

# Victorian Government Annual Report 2022

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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## **Acknowledgement to victim survivors**

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Institutional child sexual abuse has caused enormous harm to many Victorians – to the victim survivors of child abuse, and to their families and friends. The Victorian Government thanks them for their strength and courage in telling their stories so past abuse and harm are not repeated.

The Victorian Government has committed to deliver a formal apology to Victorians who experienced child sexual abuse while in institutional settings. The Victorian Government acknowledges the trauma of abuse and neglect suffered by victim survivors of child sexual abuse.

## Introduction

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This report is the fifth and final 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 reflects the government's continued work to prevent and respond to child sexual abuse. The government is acting so that past harms are not repeated. The government is also committed to ensuring that victims and survivors are supported, and that they are treated with the dignity they deserve.

The Victorian Government welcomed the release of the Royal Commission's Final Report in December 2017 and [published its response](#) to all the recommendations on 11 July 2018. The Victorian Government has previously published four Annual Reports regarding these recommendations:

- [first Annual Report](#) was published on 6 March 2019
- [second Annual Report](#) was published on 18 December 2019
- [third Annual Report](#) was published on 21 December 2020, and
- [fourth Annual Report](#) was published on 11 February 2022.

In keeping with the Royal Commission's recommendations, the Victorian Government has now published five reports on its progress in implementing recommendations of the Royal Commission from 2018 to 2022.

### Overview of reforms in Victoria

The Victorian Government was well placed to respond to the Royal Commission's recommendations which followed reforms to implement recommendations of the Victorian Parliamentary Inquiry *Betrayal of trust: inquiry into the handling of child abuse by religious and other non-government organisations* ([Betrayal of Trust inquiry](#)). This landmark inquiry shone a light on the appalling abuse of children by adults who were entrusted into their care and the devastating consequences that followed from abuse. The findings and recommendations, handed down by the inquiry in 2013, fell under three broad themes: prevention, response and access to justice. The findings of the inquiry have continued to inform the reforms adopted by Victoria in response to the Royal Commission.

The Victorian Government has enacted transformational reform in how the state prevents and responds to child sexual abuse. Fundamental to this reform work is making clear the moral and legal obligations all Victorians have to prevent and respond to child sexual abuse. This has informed all elements of criminal, civil, regulatory and other reform work done to respond to the Royal Commission and has been applied across the community, from professionals to volunteers, government and non-government organisations.

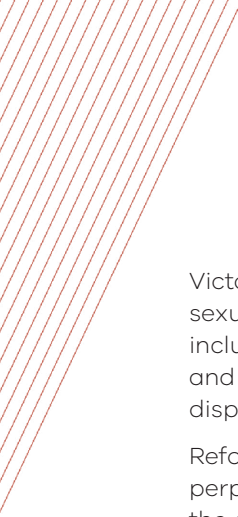
Victoria now shares information with other jurisdictions, across government and between non-government organisations to screen workers and volunteers working with children, exchange best practice skills and advice in child safety and support non-government organisations to uphold their obligations to protect children from sexual abuse.

In 2021, the government updated its Child Safe Standards to create 11 new standards, including a national first standard on Aboriginal cultural safety. The Child Safe Standards require organisations involving children and young people to implement policies, procedures, and practices that keep children and young people in their care safe. These standards apply to an estimated 50,000 organisations across Victoria.

The Victorian Institute of Teaching now has greater powers to request and disclose information from relevant authorities about registered teachers in order to carry out its regulatory functions, including to promote the safety and wellbeing of a child or group of children. Victoria's Reportable Conduct Scheme has also been expanded to capture more education settings including early childhood and kindergarten, overnight camps and after-hours care.

The Victorian curriculum now includes education on consent, relationships and sexuality at primary and secondary school levels. This education helps to model healthy interpersonal relationships and can be a safeguard against sexual abuse. The government has also funded local organisations and specialist services to deliver community-based consent education.

Victoria continues to provide access to evidence-based and effective therapeutic treatments for victim survivors of child sexual abuse. The



Victorian Government has expanded specialist sexual assault services for victim survivors, including an expanded Sexual Assault Crisis Line, and interventions for children and young people displaying sexually harmful behaviours.

Reforms to criminal laws have improved perpetrator accountability and changed how the courts and judicial officers support victim survivors and witnesses through the criminal justice process. These reforms included new criminal offences aimed at better protecting children from known offenders and creating a legal obligation to report suspected incidents of child sexual abuse to police.

Substantial investment has been made into the closed circuit and audio-visual links and equipment used in Victoria's courts. Staff in the Supreme, County and Magistrates' Courts of Victoria have been trained to use new equipment that will better accommodate the needs of victim survivors and witnesses taking part in criminal proceedings, including outreach so evidence can be given from someone's home.

Victoria has also successfully implemented an Intermediary Program as recommended by the Royal Commission. Intermediaries are skilled communication specialists who facilitate communication with adults with cognitive disability, and children and young people. The Intermediary Program assists police, lawyers and the judiciary to plan their questioning so that victim survivors can understand, participate, feel more confident, and provide better quality evidence. The Intermediary Program continues to operate within the designated geographic scope and client eligibility set at commencement. This program was recently co-located with Victoria's Child Witness Service.

The government has also implemented a suite of civil reforms to remove barriers to access justice in seeking compensation and redress. This includes closing an unfair legal loophole which prevented victim survivors from suing some organisations due to the legal status of the organisation. Amendments made through the *Legal Identity of Defendants (Organisational Child Abuse) Act 2018* require organisations, in the event they are sued for historic abuse to nominate a legal entity to act as a proper defendant in any proceedings and incur any relevant liability arising from child abuse. Victoria

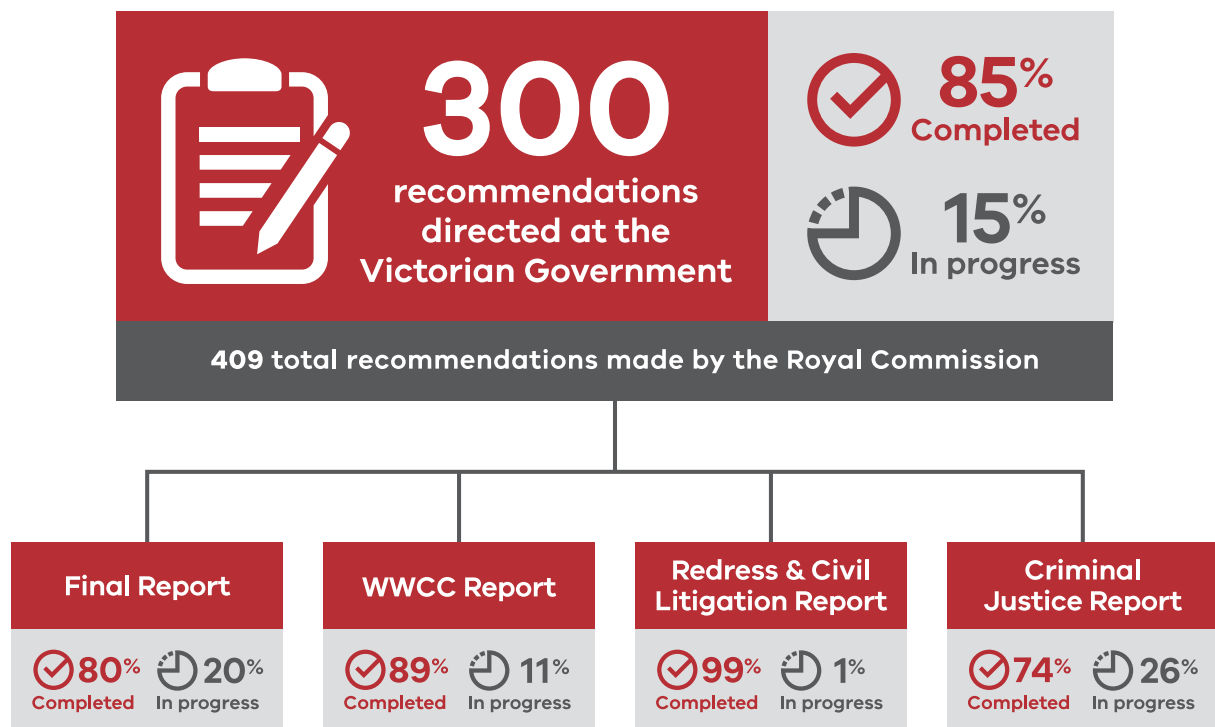
has also implemented reforms that allow a court to set aside a prior judgement or settlement in respect of damages for child abuse, if it is appropriate, allowing victim survivors access to more reasonable compensation than they had previously been awarded or settled for.

Victoria was also one of the first states, along with New South Wales, to participate in the [National Redress Scheme for people who have experienced institutional child sexual abuse](#). The Scheme provides support to victim survivors via a monetary payment, access to psychological counselling and/or a direct personal response, such as an apology from the responsible institution (or institutions) for people who choose this. The government has also announced the [establishment of a redress scheme](#) for Victorians who experienced physical, psychological and emotional abuse or neglect while placed in institutional care prior to 1990. The new scheme is intended to build on supports available through the National Redress Scheme.

The Victorian Government is committed to continue working closely with the other states and territories and the National Office for Child Safety to implement national initiatives. Collaborative work to implement outstanding recommendations will continue, including through the action plans of the Australian Government-led National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 ([National Strategy](#)). More information on national initiatives can be found in the sections on 'Making institutions child safe (Volume 6)' and 'Recordkeeping and information sharing (Volume 8)' of this report and in the [Australian Government's Annual Progress Report 2022](#).

The Royal Commission made 409 recommendations across four reports, approximately 300 were directed to Victoria and other jurisdictions. By the end of 2022, the Victorian Government has acquitted 85 per cent of its recommendations (see Figure 1 for further detail). Work continues on the remaining recommendations. Some of these relate to national initiatives, for example, under the National Strategy, and others relate to complex and ongoing work that in some instances has been impacted by COVID-19.

Figure 1. Implementation status of Royal Commission recommendations as at 31 December 2022



### Activity from reporting period and planned work

This report describes the actions that the Victorian Government has taken to prevent and respond to child sexual abuse during the reporting period of December 2021 to December 2022. It also describes work that the Victorian Government is committed to progressing, and work that is planned to build on these reforms.

The Victorian Government continues to be a leader in implementing Royal Commission recommendations through several key reforms in 2022. Notably, Victoria’s new Child Safe Standards came into effect on 1 July 2022, building on the reforms implemented as part of the Betrayal of Trust inquiry and maintaining Victoria’s place at the forefront of protecting children.

In September 2022, Victoria passed the *Justice Legislation Amendment (Sexual Offences and Other Matters) Act 2022*. This Act introduced an affirmative consent model and strengthened

protections available for child complainants in criminal proceedings involving sexual offences, as recommended by the Victorian Law Reform Commission.

In October 2022, the Victorian Government enacted the *Monitoring of Places of Detention by the United Nations Subcommittee on Prevention of Torture (OPCAT) Act 2022* in anticipation of the United Nations Sub-committee for the Prevention of Torture’s visit to Australia.

The Victorian Government continues to work with the Australian and state and territory governments to progress 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 2022](#).

# Final Report of the Royal Commission (2017)



**105** recommendations directed at the Victorian Government



**80%** Completed



**20%** In progress

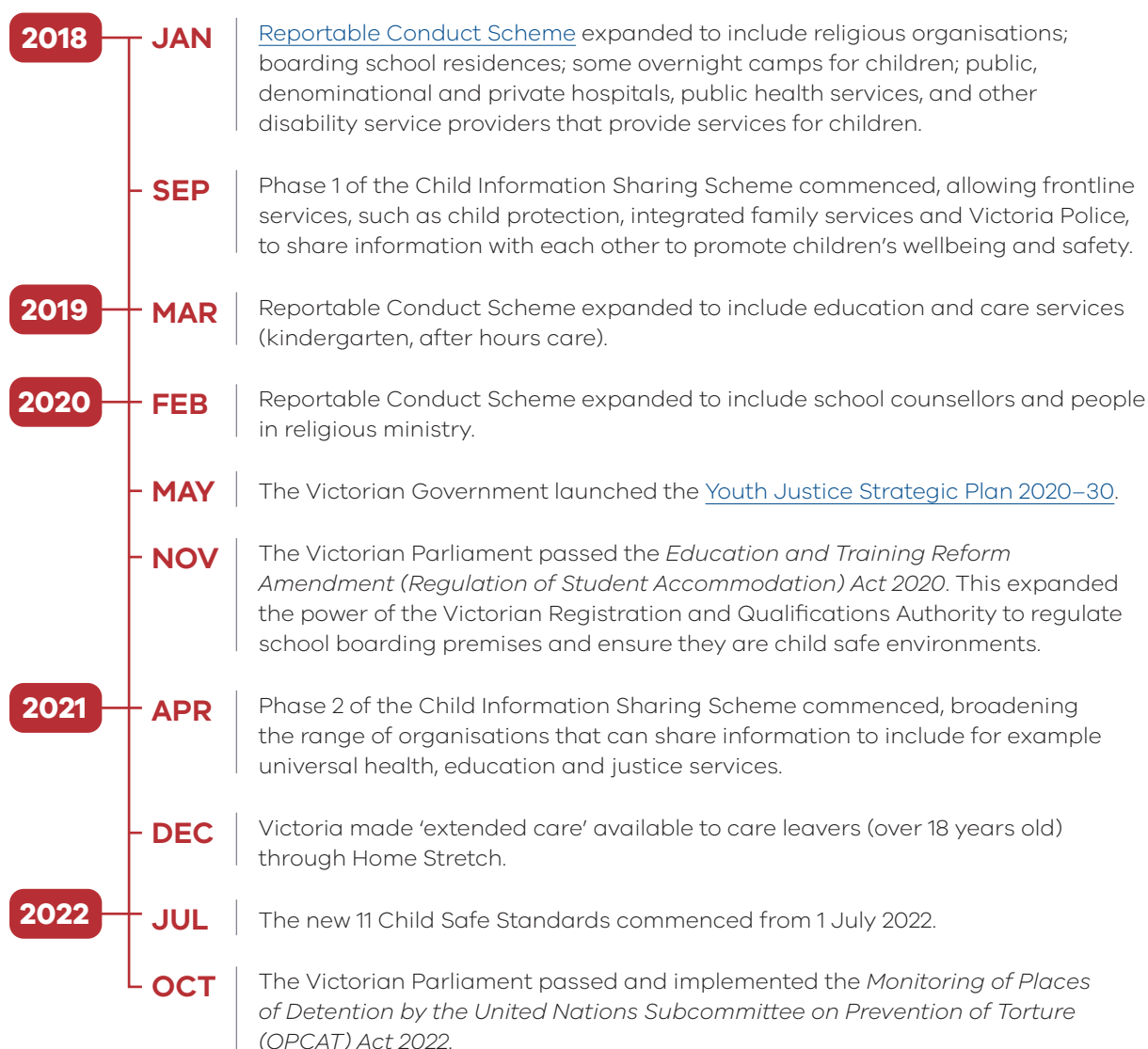
**189** total recommendations made by the Royal Commission

The Final Report sets out the Royal Commission findings and recommendations to better prevent and respond to child sexual abuse in institutions, in 17 volumes.

The Victorian Government is working to embed long-term changes in both institutions and the

community that safeguard the rights of children, ensure the promotion of their safety in all areas, and allow them to participate in decisions that affect their lives. Figure 2 outlines some of the key reforms undertaken in response to recommendations from the Final Report since 2017.

*Figure 2. Timeline of key reforms and activities relevant to the Final Report*





## Making institutions child safe (Volume 6)



**15** recommendations directed  
at the Victorian Government



**14** Completed



**1** In progress

**24 total recommendations made by the Royal Commission**

In this volume, the Royal Commission made recommendations for improving institutional safety for children through a national child sexual abuse prevention strategy and proposed child safe standards that organisations must take to protect children.

The Victorian Government has worked closely with other governments to progress recommendations that require national cooperation and has been a national leader in developing minimum standards for organisations that work with children to create child-safe environments.

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

The Royal Commission recommended a national strategy be established to prevent child sexual abuse, overseen by the National Office for Child Safety. To implement this recommendation, Victoria, together with other states and territories, worked closely with the Australian Government to develop the [National Strategy](#).

The National Strategy focuses on five themes. These are:

- awareness raising, education and building child safe cultures
- supporting and empowering victims and survivors
- enhancing national approaches to children with harmful sexual behaviours
- offender prevention and intervention, and
- improving the evidence base.

The first two plans coming out of the National Strategy are the First National Action Plan and the First Commonwealth Action Plan, both of which will run for four years from 2021–2024.

The Victorian Government has representatives in the eight officer-level working groups that lead the day-to-day implementation activities to progress measures under the First National Action Plan. These working groups are:

1. Children with Harmful Sexual Behaviours
2. Operation Griffin
3. Research, Evaluation and Data
4. Victim Support and Workforce Development
5. Adult Prevention and Secondary Victim Response (co-chaired by Victoria)
6. Child Safe Organisations
7. Education and Awareness Raising, and
8. Information Sharing.

The National Strategy Advisory Group has been established and will be a key group for engaging with non-government stakeholders and reflecting the views and experiences of priority groups in the design, implementation, and evaluation of National Strategy measures. The [Advisory Group](#) consists of 20 members who are academics, advocates and representatives of non-governmental organisations like the Daniel Morcombe Foundation, the Centre for Excellence in Child and Family Welfare, SNAICC – National Voice for our Children (the national non-government peak body for Aboriginal and Torres Strait Islander children). The Advisory Group is also supported by two specialist advisers - the National Children’s Commissioner and a representative from the National Centre for Action on Child Sexual Abuse.

National Strategy priority groups include:

- victims and survivors of child sexual abuse and their advocates
- children and young people and their support networks
- Aboriginal and Torres Strait Islander peoples
- culturally and linguistically diverse communities
- people with disability
- LGBTIQ+ people, and
- people in regional and remote communities.

The Victorian Government is committed to continue working closely with the other states

and territories and the National Office for Child Safety to implement the National Strategy. More information on the National Strategy can be found in the [Australian Government's Annual Progress Report 2022](#).

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

*Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031 (National Framework)* was released in December 2021 following endorsement by Community Services Ministers and the Aboriginal and Torres Strait Islander Leadership Group (Leadership Group).

The National Framework sets out governments' 10-year strategy to improve the lives of children, young people and families experiencing disadvantage or vulnerability. It includes the following focus areas:

- a national approach to early intervention and targeted support for children and families experiencing vulnerability or disadvantage
- addressing the over-representation of Aboriginal and Torres Strait Islander children in child protection systems
- improving information sharing, data development and analysis, and
- strengthening the child and family sector and workforce capability.

The Victorian Government has collaborated with the Australian Government, other states and territories, the Leadership Group and non-government organisations on the development of the National Framework's first two Action Plans – a [First Action Plan](#) and an [Aboriginal and Torres Strait Islander First Action Plan](#).

The Action Plans were endorsed by Community Services Ministers and the Leadership Group in late 2022, and released on 31 January 2023.

The National Framework aligns, and will interact, with other national initiatives to support systemic change for Australian children, young people, and families, including the:

- [National Plan to End Violence against Women and Children 2022 - 2032](#)
- [National Agreement on Closing the Gap](#)
- [National Strategy to Prevent and Respond to Child Sexual Abuse](#), and
- [National Aboriginal and Torres Strait Islander Early Childhood Strategy](#).

It also aligns with Victoria's commitment to advance Aboriginal self-determination outlined in strategic plans, including:

- [Wirkara Kulpa: Aboriginal Youth Justice strategy](#)
- [Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement and Strategic Action Plan](#)
- [Korin Korin Balit-Djak: Aboriginal health, wellbeing and safety strategic plan 2017 – 2027](#), and
- [Roadmap for Reform: strong families, safe children](#).

The vision outlined in these plans is being implemented through a range of reform initiatives designed to provide holistic, early supports for children and their families, and reduce engagement with criminal justice and child protection services.

The Victorian Government is committed to continue working collaboratively with the Australian Government, other states and territories, the Leadership Group and non-government organisations on this important national initiative. More information on the National Framework can be found in the [Australian Government's Annual Progress Report 2022](#).

## National Office for Child Safety

In May 2022, Victoria, along with all other states and territories, collaborated with the [National Office for Child Safety](#) (NOCS) to develop resources to support organisations to create safe environments for children and young people. This includes organisations identifying their child safety risks and understanding how to monitor and reduce these risks.

The Victorian Government is also represented on several cross-jurisdictional groups under the National Strategy that support information sharing between states and territories. More information on NOCS can be found in the [Australian Government's Annual Progress Report 2022](#).

## Child Safe Standards

In response to the Royal Commission, Victoria committed to review its Child Safe Standards (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 a stand-alone focus on Aboriginal cultural safety. On 1 July 2021, Victoria

introduced the [11 new Child Safe Standards](#). The new Standards came into effect on [1 July 2022](#).

The new Standards now set out minimum requirements and outline the actions organisations must take to keep children and young people safe from abuse. They provide more clarity for organisations and are more consistent with standards in the rest of Australia. Further information on the Standards and associated rollout can be found in the section on 'Schools (Volume 13)' of this report.

To help organisations understand the new Standards, the Commission for Children and Young People (CCYP) developed a [suite of new resources](#). New resources include information sheets, a short guide to the Standards, an updated Guide for creating a Child Safe Organisation and a range of tools and templates.

The CCYP has engaged widely on the new framework via education forums and communities of practice. In addition to the development of guidance and support on the new Standards, the CCYP also ran a media, social media and advertising campaign to raise awareness in the community, and among the more than 50,000 organisations required to comply.

In June 2021, the Victorian Parliament passed new laws to strengthen the regulatory framework for the Standards. The new laws came into effect on 1 January 2023. The CCYP has facilitated 11 Child Safe Standards Implementation Reform Working Group meetings between December 2021 and December 2022. This Working Group consists of both regulators under the current framework and regulators that will administer the Standards post 1 January 2023, including the CCYP, government departments and Wage Inspectorate Victoria.

The Working Group prepared for 1 January 2023 by developing policies, materials and proposed approaches to co-regulation, information sharing, transitional arrangements, and communications to stakeholders.

### Operation Griffin

Operation Griffin is a national coordination group acting as the primary source of advice to the Serious Organised Crime Coordination Committee on all matters relating to child protection. Convening four times a year, this group includes representation from all Australian state and territory police agencies, as well as from the Australian Centre to Counter Child Exploitation, the Australian Federal Police,

AUSTRAC, the Australian Border Force, the Australian Criminal Intelligence Commission and New Zealand Police.

At these meetings, agencies share information about emerging trends and technological advances with the objective of identifying and investigating the exploitation and abuse of children nationally and internationally.

Victoria Police is a key stakeholder to Operation Griffin and its Joint Anti-Child Exploitation Taskforce maintains the role of Chair for this national group. Operation Griffin is supported by several working level groups, of which Victoria Police chairs the Victim Identification Sub Working Group.

To ensure frontline officers continue to have the capability to identify and respond to signs of Child Sexual Exploitation (CSE), Victoria Police released a CSE Disruption e-learning package in July 2022. The course is available to all Victoria Police employees but is mandatory for the following work streams:

- frontline members
- Protective Services Officers
- transit members
- Sexual Crimes Squad
- Sexual Offences Child Investigation Teams (SOCITs),
- Youth Portfolio Holders
- Youth Resource Officers, and
- Proactive Policing Units.

The e-learning package supports the following learning outcomes:

- enhance police understanding of CSE and how to detect and disrupt the activities
- ensure consistency of practice regarding detection and disruption of CSE
- improve data collection of CSE related activities through increased reporting, and
- encourage collaboration between agencies.

Victoria Police will continue to participate in Operation Griffin and contribute to this group by identifying opportunities to improve the identification and management of online child sexual abuse.

More information on Operation Griffin can be found in the [Australian Government's Annual Progress Report 2022](#).

## Improving institutional responding and reporting (Volume 7)



**12** recommendations directed at the Victorian Government



**8** Completed



**4** In progress

12 total recommendations made by the Royal Commission

In this volume, the Royal Commission examined institutional responses to complaints of child sexual abuse, how they report these matters to external government authorities, and the need for independent oversight of reporting and complaint handling by institutions.

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

### Guidance for mandatory reporters

The Victorian Government currently has a significant suite of resources available online to support Victoria's mandatory reporters. This includes tailored factsheets and answers to frequently asked questions. These resources are available via the [Department of Families, Fairness and Housing website](#).

Further, the government has developed a community education pack that includes a presentation and facilitator's guide to support and educate reporter groups on their obligations. This is available via the electronic [Child Protection Manual](#).

### Alternative online reporting pathway for sexual offences

In the 2022—23 State Budget, the Victorian Government provided funding to design an alternative online reporting pathway for sexual offences. This funding aims to address high levels of underreporting and provide victim survivors with greater choice. The design will consider the recommendation relating to an online pathway to report sexual offences made in the Victorian Law Reform Commission report on [Improving the Justice System Responses to Sexual Offences](#), published in November 2021.

In the coming twelve months, consultation and research will be undertaken on the design of the pathway, including consideration of risks, challenges and safety for children and young people who may choose to access an online pathway (when operational) and reports that relate to child sexual abuse offences.

### Reportable Conduct Scheme

The [statutory review of Victoria's Reportable Conduct Scheme](#) is currently underway. The review will address the scope of entities required to comply with the Scheme, as well as the overall operation of the Scheme. The government will prepare a report for the Minister for Child Protection and Family Services and intends to table it in Parliament by July 2023.

### The Orange Door network

[The Orange Door network](#) is a free service for adults, children and young people who are experiencing or have experienced family violence, or who need assistance with the care and wellbeing of children and young people. Sexual assault, including child sexual assault, often occurs in the context of family violence. The Orange Door network provides access to immediate and longer-term support ranging from crisis support to case management and counselling.

In the 2021—22 State Budget, the Department of Justice and Community Safety received \$2 million over four years to trial and embed legal services within The Orange Door network. This funding will deliver a pilot program which intends to provide more holistic support to clients and strengthens referral pathways between participating legal services and The Orange Door network, in a culturally safe environment.

## Recordkeeping and information sharing (Volume 8)



**22** recommendations directed  
at the Victorian Government



**22** Completed



**0** In progress

**23 total recommendations made by the Royal Commission**

In this volume, the Royal Commission examined the records, recordkeeping and information sharing of institutions that care for or provide services to children and made recommendations to improve these to better identify, prevent and respond to incidents and risks of sexual abuse.

The Victorian Government is working to improve records and record keeping practices of institutions that care for or provide services to children. The government is committed to improving information sharing between key agencies and institutions with responsibility for children's wellbeing and safety, and between relevant professions, which is vital to achieve these outcomes.

### The Child Information Sharing Scheme

The [Child Information Sharing Scheme](#) (CISS) enables proactive information sharing about any person between prescribed organisations and services, and requires organisations to respond to information requests for the purpose of promoting a child's wellbeing or safety.

Since April 2021, 15,455 leaders and professionals from schools and centre-based education and care services have completed their training. The Victorian Department of Education has used a range of stakeholder engagement strategies to promote training across sectors, along with communications, attendance at forums, networks, and other events, including collaboration with CISS grant recipients to promote training and capability improvement across the sector.

The whole of Victorian Government enquiry line has taken 3,534 calls since commencing operations, and the enquiry mailbox has received 8,400 email enquiries. There are currently 8,136 prescribed organisations and services listed across all workforces.

The [Family Violence Information Sharing Scheme](#) can also be used by institutions to support the safety of, and manage risk to, a child victim survivor of sexual abuse.

### Central Information Point

The Victorian Government has established the [Central Information Point](#) (CIP), which provides information from key government agencies about a perpetrator or alleged perpetrator of family violence into a consolidated report to support frontline practitioners to assess and manage family violence risk.

The Department of Families, Fairness and Housing operates the CIP in partnership with Victoria Police, the Magistrates' Court of Victoria, and Corrections Victoria. The CIP is currently available to The Orange Door network, state-wide Risk Assessment and Management Panels, [Safe Steps](#), and the [Men's Referral Service](#).

The CIP operates under the same legislation as the Family Violence Information Sharing Scheme and can share information about a perpetrator of family violence including pattern and history of behaviour towards children, related offences and criminal history.

The Victorian Government allocated \$12.9 million in 2021—22 and \$28.4 million over two years in 2022—23 for the CIP.

### Child Link

Information sharing under CISS is also facilitated by [Child Link](#). Child Link is a digital tool that displays factual information about every child in Victoria by combining information from existing source systems to create a single entry of aggregated information for every child.

Child Link became operational on 31 December 2021 and was piloted across 2022. It is being implemented in phases throughout 2023

after considering user feedback and a review of the pilot year. Child Link is currently available to selected authorised professionals including maternal child health nurses, school principals, key school staff and child protection practitioners.

Additional information relating to CISS commencing in Victoria and Child Link can be found in the [Victorian Government 2021 Annual Report](#) in the section on '[Recordkeeping and information sharing \(Volume 8\)](#)'.

### Improved recordkeeping within schools

Following the new Child Safe Standards coming into effect from 1 July 2022, all government and non-government schools in Victoria are now required to meet the same minimum record retention requirements for student health, safety and wellbeing records. These standards are set out in relevant [Record Retention and Disposal Authorities](#) released by the Public Record Office Victoria. These meet or exceed the minimum record retention requirements recommended by the Royal Commission.

### Development of a national scheme for child information sharing

The Royal Commission highlighted that to identify, prevent and respond to incidents and risks of child abuse, information needs to be shared between:

- organisations with responsibilities for children's safety and wellbeing, and
- relevant professionals who work with children such as teachers, medical practitioners and law enforcement officers.

Victoria co-leads, with the National Office for Child Safety, the development of a national scheme for the exchange of child safety and wellbeing information, as recommended by the Royal Commission. Governments are progressing this work under the First National Action Plan for the [National Strategy](#). The work will be done under 'Measure 3: Enhance national arrangements for sharing child safety and wellbeing information'. This measure will cover a range of projects seeking to improve information sharing.

More information on this national scheme can be found in the [Australian Government's Annual Progress Report 2022](#).

### Social services regulatory reform

In September 2021, the *Social Services Regulation Act 2021* was passed giving effect to a [comprehensive new regulatory framework for social services providers](#), including out-of-home care service providers. More information on this reform can be found in the section on 'Contemporary out-of-home care (Volume 12)' of this report.

When the new framework commences it will require all social service providers to be registered and to comply with a new set of Social Services Standards. The aim of the new standards is to ensure safe service delivery and protect the human rights of service users. In addition, the new regulatory framework will introduce a Worker and Carer Exclusion Scheme and a database of disqualified workers. This will replace the current register of out-of-home carers. The Worker and Carer Exclusion Scheme intends to replicate and enhance the scope of the existing Carers Register.

The new regulatory approach will improve the way social services are regulated, support safer social service delivery, and provide better protection for service users from harm, neglect, and abuse.

Improvements will include:

- better information sharing between regulatory and other bodies
- regulation of social service providers through a registration scheme and compliance with service standards, and
- a Worker and Carer Exclusion Scheme to enable monitoring of high-risk workers and carers to maintain the highest protections for our most vulnerable service users.

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



**6** recommendations directed  
at the Victorian Government



**2** Completed



**4** In progress

**9 total recommendations made by the Royal Commission**

In this volume, the Royal Commission identified the needs of victim survivors, including having access to advocacy, support and treatment and made recommendations for improving service systems to better respond to these needs.

The Victorian Government continues to deliver integrated and evidence-based advocacy, support and therapeutic treatment services to meet the needs of victims and survivors of child sexual abuse, no matter the context of abuse. Work continues to improve how sexual assault service systems respond to the specific needs of individual victims and survivors, including the Aboriginal community.

Work to develop a Victorian Government strategy to prevent and address sexual violence, abuse, and harm continues, including considering recommendations made in the Victorian Law Reform Commission's (VLRC) report on [Improving the Justice System Response to Sexual Offences](#). The Victorian Government has committed to continue working closely with victim survivors, specialist and community sector services, government departments and agencies, law enforcement, and the courts to ensure that reforms are effective and sustainable, and that lived experience remains at the centre of this work. While the VLRC report did not focus specifically on the experiences of children and young people in the justice system, the strategy will include a focus on the needs of children and young people as a priority cohort.

In 2022—23, treatment service funding was supplemented by a [\\$33.4 million investment over four years](#), which enables sexual assault and harmful sexual behaviour treatment services to meet increased demand. The investment also provides for additional brokerage funding, technology upgrades for the sexual assault crisis line, the operation of the peak body Sexual Assault Services Victoria, and community education to prevent sexual violence.

Victoria's state-wide sexual assault support services (SASS) provide high-quality, trauma-informed support, counselling and advocacy to victims and survivors of sexual assault, including victims and survivors of institutional child sexual abuse. SASS are available across Victoria and collaborate with other relevant services to support victims and survivors if necessary. For example, SASS may collaborate with:

- specialist family violence services
- legal services, and
- schools (if the victim or survivor is a child).

The Victorian Government also funds [Open Place](#) (operated by Relationships Australia Victoria) and [Care Leavers Australasia Network](#) (CLAN) to provide state-wide support, advocacy, and counselling services for pre-1990 care-leavers, also known as the 'Forgotten Australians'. These services are available to people who, as children, were placed into institutional care prior to 1990, including child migrants and members of the Stolen Generation. Services also include records searches, family reunions and brokerage.

The government is working with Victorian Aboriginal Community Controlled Health Organisations (VACCHOs) to trial five Aboriginal sexual assault healing services. The trial will take place over two years, from 2022—2024, and is intended to provide culturally appropriate services for victim survivors of child sexual abuse (including in institutional settings) and sexual assault. These trial services are informed by the [Nargneit Birrang – Aboriginal holistic healing framework for family violence](#).

Family Safety Victoria is also partnering with the VACCHOs to document the service models, support evaluation, build an evidence base and identify measures of success which will inform the design of future service delivery.

In 2022, the Victorian Government funded inclusion and equity roles within the sexual

assault services peak body, Sexual Assault Services Victoria, to build the capacity of sexual assault services to respond to people with disability. This includes support to develop Disability Action Plans.

The Victorian Government continues to fund the South Eastern Centre Against Sexual Assault to deliver [Making Rights Reality](#), an enhanced support and advocacy program for survivors of sexual assault (including institutional child sexual abuse) who have a cognitive impairment or communication difficulty.

The government continues its efforts to identify and update policy frameworks or strategies as part of its commitment to adopting a trauma-informed approach in the delivery of its health and human services.

### **Family Violence Multi-Agency Risk Assessment and Management Framework**

As part of the implementation of the Family Violence Multi-Agency Risk Assessment Management Framework (MARAM), the Victorian Government is training professionals across health, child and family services, education, justice and specialist family violence services to assess and manage risk in a trauma-informed way.

In 2021–22, the Victorian Government released the perpetrator-focused [MARAM Practice Guides](#). It is also developing child-focused MARAM Practice Guides. These will provide a trauma-informed and age and developmental stage appropriate way to support children experiencing violence or using behaviours of concern at home and in dating relationships.

### **Strong carers, stronger children**

[Strong carers, stronger children](#) is Victoria's strategic framework to guide and inform the direction of home-based care to improve the caring experience of Victoria's kinship, foster and permanent carers and to support them to provide nurturing and therapeutic care. The 12-month Action Plan 2021–22 includes six goals and a range of actions to prepare and support carers in their role.

### **SAFER**

In November 2021, the Victorian Government launched a new risk assessment framework for child protection practitioners in Victoria called

the [SAFER children framework](#) (SAFER). SAFER brings together new and existing aspects of child protection practice and focuses on a guided professional judgement model of risk assessment and practice in Victoria.

SAFER was co-designed by the Office of Professional Practice and child protection practitioners across Victoria. At the centre of the framework are [five practice activities of risk assessment](#), including:

1. S – Seek, share, sort and store information and evidence
2. A – Analyse information and evidence to determine the risk assessment
3. F – Formulate a case plan
4. E – Enact the case plan
5. R – Review the risk assessment.

These activities reflect contemporary thinking and practice to support child protection practitioners in identifying, assessing, and managing risks to children.

The MARAM-aligned SAFER framework was also designed to improve the quality of risk assessments and the articulation of those assessments within the child protection program, with children and their families, and other professionals.

To support the overall SAFER risk assessment, the MARAM assessment was built into the Client Relationship Information System which is used by child protection practitioners. This supports greater visibility of intersecting risk and a consistent response to family violence risk, including through increased information sharing and collaboration between services.

The Victorian Government will continue to embed SAFER in practice across the child protection workforce in 2022–23. This includes changes to better align SAFER with MARAM, such as including the new perpetrator-focused guidance.

A new [Framework for trauma-informed practice](#) for child and family services was published and distributed in February 2023 to the child and family services sector and family violence services. This framework will support delivery of trauma-informed practice in child and family services, including family violence services, working with children and young people, individuals and families. The framework can also be used to inform practice across all health and human services.



## National Centre for Action on Child Sexual Abuse

The National Centre for Action on Child Sexual Abuse ([National Centre](#)) was launched in October 2021 and its functions include:

- commissioning research
- designing and delivering training to improve responses to victims and survivors of child sexual abuse, and prevent it from occurring in the first place
- evaluating interventions and therapeutic programs, and
- raising community awareness.

The National Centre is consulting with the Victorian Government, along with other jurisdictions, in the development of its first five-year strategy (2023—2027) and establishment of survivor-led colleges which will give voice to the experiences of survivors of all ages, life stages and communities and inform the work of the National Centre. More information on the National Centre can also be found in the [Australian Government's Annual Progress Report 2022](#).

## Children with harmful sexual behaviours (Volume 10)



**7** recommendations directed  
at the Victorian Government



**5** Completed



**2** In progress

**7 total recommendations made by the Royal Commission**

In this volume, the Royal Commission considered the complex issues surrounding harmful sexual behaviours in children and made recommendations to better recognise, prevent and appropriately respond to such behaviours.

The Victorian Government has trauma-informed and child-centric initiatives in place that aim to prevent harmful sexual behaviours from occurring, to provide early intervention services should these behaviours emerge and to intervene appropriately if they do occur.

The Victorian Government continues to provide guidance to schools on harmful sexual behaviours via the [PROTECT website](#). The guidance is for all Victorian school staff on actions to take if they suspect or witness student sexual offending.

The Victorian Government is working closely with the National Office for Child Safety to progress action items under Priority Theme 3 of the National Strategy – ‘Enhancing national approaches to children with harmful sexual behaviours’. This includes establishing national standards for responding to, supporting and safeguarding children with harmful sexual behaviours, and increasing workforce capability to respond appropriately. Throughout 2022, Victoria has contributed to the development of these national standards and a clinical framework for addressing harmful sexual behaviours as part of the National Strategy.

### CEASE Standards of Practice

The *CEASE Standards of Practice for Problem Sexual Behaviours and Sexually Abusive Behaviour Treatment Programs* (CEASE Standards of Practice) are a set of common standards to guide workers in organisations providing treatment for children and young people with problematic sexual behaviour and sexually abusive behaviours to enable informed, inclusive, and accessible service delivery. The CEASE Standards of Practice were developed by CEASE, the Victorian peak body representing Victorian Government-funded organisations providing treatment services for children and young people with problematic sexual behaviour and sexually abusive behaviours.

[Sexually Abusive Behaviours Treatment Services](#) practitioners are informed by the CEASE Standards of Practice, which are in broad alignment with Royal Commission recommendations. Sexual Assault Services Victoria has commenced reviewing the CEASE Standards of Practice, and as part of this review, will consider how they can more closely align with Royal Commission recommendations.

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



**22** recommendations directed  
at the Victorian Government

 **14** Completed

 **8** In progress

**22 total recommendations made by the Royal Commission**

In this volume, the Royal Commission examined child sexual abuse in out-of-home care and made recommendations to prevent it and to provide effective responses if it does occur.

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.

The review of the Victorian Community Services Client Incident Management System is currently underway. The Victorian Government acknowledges the importance of ensuring incident systems provide sufficient data on risks to client harm and will consider what data is collected about those who perpetrate sexual abuse as part of the review.

The enhancements made to the Child Protection National Minimum Data Set on a national level meant that Victoria and all other Australian jurisdictions provided data for the inaugural national [Safety of children in care 2020–21](#) report, which was published on 10 December 2021. The first report provides baseline data for ongoing monitoring and reporting and will be provided on an ongoing basis. This report aims to bring together the available data across the country to strengthen the evidence to build a more coherent picture of abuse in care in Australia. This information will help to inform government policies and practice and will assist in the planning and delivery of prevention and intervention programs.

Victoria and other Australian jurisdictions have developed contextual material for inclusion in the Productivity Commission's Report on Government Services 2023, summarising how jurisdictions currently measure the health and wellbeing of children in care locally. This is a placeholder until a national approach to this indicator is developed.

### Regulation of social services

All organisations providing services to children in Victoria, including government and non-government out-of-home care service providers, must comply with Victoria's Child Safe Standards. This is monitored and enforced separately from the existing accreditation process.

As discussed in the section on 'Recordkeeping and information sharing (Volume 8)', on 1 July 2024, a [comprehensive new regulatory scheme](#) for social service providers will commence, including for out-of-home care providers.

All out-of-home care providers will be required to register and comply with the new Social Services Standards. An independent Social Services Regulator, appointed in mid-2023, will be responsible for monitoring and enforcing compliance with the new Social Services Standards and the Child Safe Standards across government and non-government out-of-home care service providers.

This approach acknowledges the interrelated nature of government delivered child protection services, externally delivered child and family services, and other related social services.

Between January 2022 and August 2023, regulations will be developed which will complete the legal basis within which the new regulator will operate. The regulator will have a suite of regulatory powers that will strengthen oversight of child protection and out-of-home care service providers. This includes a registration process that will assess the capability and suitability of service providers to deliver social services including out-of-home care.

### Sexual Abuse Prevention Education Strategy for children in out-of-home care

The [Healthy Eating, Active Living Matters \(HEALing Matters\)](#) program is a Victorian Government funded online training package and resource repository for care services workers and home-based carers. The program was developed by Monash University, in consultation with young people.

Using a trauma-informed philosophy and building on general models of therapeutic care, the training package supports staff and carers to provide care that promotes the health, wellbeing and life skills of young people in their care, including young people with a disability. This includes training modules on sexual health and respectful relationships and gender and sexual diversity, recognising that

every young person has the right to healthy sexual relationships and positive sex education. The program is available state-wide to support carers and young people in Victoria.

The [Power to Kids: Respecting Sexual Safety Program](#), continues to be delivered by Mackillop Family Services. The program is being made available state-wide to all care types through a grant from Westpac.

## Safe and Stable Placements for Children in Care

Work has commenced to review the [Placement Coordination and Placement Planning Framework](#) including developing guidance on placement principles, placement matching and strengthening the voice of the child in decision making.

Since its launch in April 2017, Carer KaFÉ has delivered a range of information, training, and supports to ensure statutory kinship carers and accredited foster carers are well-informed and

adequately prepared to support the children they care for. In 2021, Carer KaFÉ was expanded to include permanent carers through the [Strong carers, stronger children: Carer Strategy](#), Victoria's strategy to transform kinship, foster and permanent carers' experience.

In April 2022, the Department of Families, Fairness and Housing concluded a review to assess the effectiveness of Carer KaFÉ in achieving its objective of providing an evidence-informed learning system for empowering and supporting carers to provide safe, stable, quality care. The aim of the review was to ensure that all home-based carers (including kinship, foster and permanent carers) have access to training that is tailored to their needs.

Work is currently underway to implement the recommendations of the review to ensure Carer KaFÉ continues to provide relevant and timely training to empower and support carers to provide safe, stable, quality and culturally connected care.

## Case Study 1: Carer KaFÉ: Being Heard training sessions – August 2022

A series of Carer KaFÉ training sessions – *Being Heard: Communication in the Care System* – were facilitated by Berry Street across Victoria in August 2022. The sessions arose from carers identifying the need to be better able to advocate for children and young people in their care.

Below is a case study exploring the impact of training for carers, and children (including children with harmful sexual behaviours) in their care. An interview was completed with two carers who attended the training session. Note that pseudonyms\* have been used below.

### Interview 1: Statutory Kinship Carer – Deb\* from Melbourne

Deb attended the training session, motivated by her strong desire to increase her skills and knowledge to support Mia\*, a young person in her care:

*"I actively attend lots of training as you learn different things which can help the young one who has come to live with me as she has higher needs from what has happened to her".*

Mia had witnessed sexual abuse of older siblings, which had a significant impact on her, manifesting in her demeanour and behaviours. Deb had no prior experience with dealing with behaviours of overt sexual play and sexual self-soothing. She commented:

*"It's hard to know what to do but I know I needed specialist help as you can't just talk to anyone about this stuff, so it was good to hear about what sort of supports are out there to access and also what other carers have done."*

When asked how the training session had helped her and the young person, Deb stated

she felt more confident to seek and advocate for medical assessments that Mia needed. Despite the COVID-impacted waitlist, Deb said she was able to organise regular specialist visits for Mia - a great outcome, as indicated by Deb's comment below:

*"Once we got our appointments happening this was a huge help as I was able to understand more about what was behind her behaviour, we were able to talk about it and use some of the strategies given to us and this led to a happier household."*

Deb was clear about this step only being a part of the journey and Mia was still having trouble settling into school and forming friendships, as her behaviours would make her seem "different" to other kids. Deb also noted the importance of early intervention with kids in care which is why she is so enthusiastic about attending sessions that allow her to grow her knowledge to support Mia's needs.

## Interview 2: Accredited Carer – David\* from Mildura

David attended the training session to learn more about how he could support a teenage boy, who had experienced sexual abuse, and was newly placed in his care.

*“He had been floating around different places and really didn’t have anyone who was looking out for his best interests as I think some felt it was an uphill battle with him as he came across as angry.”*

David had been involved in community cricket for over 40 years. He felt he had a good connection with young people and found sport a positive way to interact. He got the young person involved around the cricket club and felt this helped build his self-worth and trust, ultimately reducing instances of angry outbursts.

David acknowledged he was not sure about how to get medical help to support the emotional needs of the ‘young lad’. The agency encouraged him to attend this training session to build his capability to respond as a carer.

When asked how the training session had helped him and the young person, David said he learned new things after hearing from the presenters. He said listening to other carers was important, as they spoke about their own experiences and strategies, which he then adapted in his practice.

A year and a half on, David feels it has been a good outcome as the ‘young lad’ has now moved on to independent, but supported living as an 18 year old, but still comes around to visit him at his home or at cricket.

## Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement

The [Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement](#) and accompanying Strategic Action Plan (2021–24) seeks to prioritise efforts to reduce the over-representation of Aboriginal children and young people in child protection and care services.

Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) continues as a priority action for the Victorian Government. Legislative amendments to embed all five aspects of the ATSICPP in the *Children Youth and Families Act 2005* were introduced to the Victorian Parliament as part of the *Children, Youth and Families Amendment (Child Protection) Bill 2021*. These changes will need to be considered by Parliament in the future.

Additional information relating to the ATSICPP can be found in the section on [‘Contemporary out-of-home care \(Volume 12\)’](#) of the [Victorian Government 2021 Annual Report](#).

## Young people transitioning from care

Young people transitioning from care and receiving support from Better Futures and Home Stretch have access to flexible funding to assist them with accessing specialist counselling services, including sexual assault counselling. Flexible funding can be used for public and private counselling services, as young people may face the challenge of long waiting lists.

In 2022–23, the Victorian Government funded the Brotherhood of St Laurence to undertake induction training for providers of Better Futures, including the facilitation of Communities of Practice. The government will update the training modules to include information that builds providers’ capability to support this cohort of young people. This will include inviting subject matter experts to speak at future Community of Practice forums.



The Victorian Government will consult with the sector and key stakeholders to inform specialist practice advice that will be finalised by mid-2023.

Practice advice on [Better Futures](#) and [Home Stretch](#) is available on the Victorian Government website and other accessible platforms.

## Schools (Volume 13)



**7** recommendations directed  
at the Victorian Government

 **6** Completed  
 **1** In progress

**8 total recommendations made by the Royal Commission**

In this volume, the Royal Commission examined institutional responses to child sexual abuse in government and non-government schools, the nature and adequacy of these responses and highlighted the contributing factors to child sexual abuse in schools. The Royal Commission made recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

The Victorian Government continues to implement historic reforms and initiatives to prevent sexual abuse from occurring within Victorian schools. These include reforms that enable the enforcement of Child Safe Standards (Standards) in Victorian schools and boarding schools.

### New Child Safe Standards

Victoria's new Standards and [Ministerial Order 1359 – Implementing the Child Safe Standards](#) – managing the risk of child abuse in schools and school boarding premises – began on 1 July 2022. Victoria's Standards are aligned with the National Principles for Child Safe Organisations, which were informed by the findings of the Royal Commission. Victoria's Standards also include an additional standard on Aboriginal cultural safety.

The Standards now include new requirements to keep students in schools safe, covering:

- the involvement of families and students in child safety efforts
- schools' focus on safety for Aboriginal students
- better management of the risk of child abuse in online environments, and
- governance, systems and processes to keep students safe.

### Implementation of the new Standards in schools

Victorian schools are building on their existing child safety strategies, policies and practices to strengthen their culture of child safety and protect children from abuse.

The Victorian Government developed Ministerial Order 1359 which acts as a framework to prepare schools to implement the Standards in schools, and also [published guidance, policies and templates](#) to support schools to meet the new Standards.

School leadership teams and child safety champions were also provided with a Child Safe Standards Action List. The list outlines what a school needs to do to implement the new Standards. Schools began updating local policies, procedures and practices in Term 2, 2022 and started training staff and volunteers in Term 3, 2022.

The Victorian Government's child safety website for schools, [PROTECT](#), includes implementation guidance that describes each Standard, why it is important and example actions schools can take to implement the new Standards. It also includes regulatory guidance that provides minimum standards advice and examples of common non-compliance.

In order to develop Ministerial Order 1359 and accompanying resources, the Victorian Government consulted widely with education stakeholders, including regulators, peak bodies, education unions, principal associations, Aboriginal education organisations and other government departments and statutory authorities.

To assist schools to implement the new Standards, the Victorian Government has:

- delivered online briefings to over 1,200 school staff from all sectors
- provided practical workshops to help government schools update their policies to achieve compliance with the new Standards, and
- published training presentations on the PROTECT website in June 2022 for schools to use to train school councils, school staff and volunteers to meet the Ministerial Order 1359 training requirements.

The response to the new guidance, training, policies and templates from education providers has been positive and the government continues to monitor implementation.

### Implementation of the new Standards in boarding school premises

Due to the unique conditions of boarding school premises, the Victorian Government has developed a number of supporting materials and guidance to assist with the implementation and compliance with the new Standards in boarding schools. These include:

- [Ministerial Order 1359](#) — *Implementing the Child Safe Standards – managing the risk of child abuse in schools and school boarding premises*
- Child Safety action lists for [government](#) and [non-government](#) schools
- [Child Safety and Wellbeing Policy templates and guidance](#)
- [Child Safety Code of Conduct template and guidance](#)
- [Child Safe Standards Risk Register template and guidance](#)
- [Guidance for Child Safety Champions](#).

The [Policy and Advisory Library](#) for Victorian Government schools has also been reviewed and updated to align with the new Standards, including policies on [Child Safe Standards](#), [Protecting Children: Reporting and other Legal Obligations](#), and [Working With Children and other Suitability Checks for Volunteers](#). Along with practical workshops to support government school staff to update child safety related policies, the government has provided more than 1,200 online briefs to school staff across all sectors and have made training presentations and implementation guidance for each Standard available on PROTECT.

### Assessment of compliance with the new Standards

All Victorian Government schools are reviewed every four years to assess compliance with the minimum standards for school registration, which include the Child Safe Standards.

The Victorian Department of Education works closely with Victorian Government schools to address any areas of non-compliance identified in reviews. The department also undertakes targeted reviews of schools' compliance with the Standards on referral from the Victorian Registration and Qualifications Authority or where the department has identified potential non-compliance with the Standards.

The Catholic Education Commission Victoria assesses compliance in the Catholic school sector, and the Victorian Registration and Qualifications Authority assesses independent schools against the Standards.

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



**2** recommendations directed at the Victorian Government



**2** Completed



**0** In progress

**4 total recommendations made by the Royal Commission**

In this volume, the Royal Commission considered child sexual abuse in sport and recreational contexts and made recommendations to enhance child safety by improving the institutional responses to child sexual abuse in such environments.

Victoria's sport, recreation, and arts sectors, at all levels, play an important role in detecting and preventing child abuse. The Victorian Government continues to work together with these sectors to improve child safety and to achieve cultural changes within the community that better protect the safety of children.

### Partnership with Vicsport

To support organisations to comply with the Child Safe Standards (Standards), the Victorian Government continues its partnership with [Vicsport](#), the peak body for community sport in Victoria, along with state sporting associations and state sport and active recreation bodies. This includes developing an extensive suite of resources to assist sport and active recreation organisations to proactively implement child safe policies and procedures.

In 2022, the Victorian Government provided further funding to Vicsport to deliver additional initiatives to support the implementation of the new Standards:

- development and promotion of 11 short videos to explain each Standard and how they relate to sport
- development and promotion of 11 online training modules for staff and volunteers
- development and promotion of 11 supporting fact sheets to enhance key messaging from the video series (in addition to an existing library of Vicsport child safeguarding supporting documentation)
- delivery of an annual industry forum to reinforce the importance of child safeguarding in sport

- ongoing delivery of interactive sessions to discuss topical issues regarding the Standards with those working in safeguarding children in sport, and
- delivery of child safe leadership training for board members and executive personnel to assist with extending the messages of child safety.

Vicsport runs a One-on-One Support Help Desk to provide assistance and advice to sporting clubs, leagues, associations and governing bodies regarding cultural change, policy development, change management and communications to address the Standards.

All sport and active recreation organisations receiving funding from the Victorian Government must comply with the Standards and provide an updated version of their child safe policy that meets the new Standards. These organisations, when providing services to children, must also be incorporated with an appropriate level of insurance that provides indemnity for liability for child abuse to comply with the *Victorian Funding Guideline for Services to Children*.

The Victorian Government continues its financial and operational support for the free national online [Play by the Rules](#) platform. The platform remains a key support and education mechanism for state and community level sporting organisations regarding child safety. Victoria saw 8,970 completions of online training modules via the Play by the Rules platform in the 2021—22 financial year.

The Victorian Government also continues to fund training delivered to Member Protection Information Officers, who play an important role in community and sporting organisations. They provide information and guidance on complaints procedures and are the first point of call for enquiries, concerns or complaints about abuse,



harassment or other inappropriate behaviours. Funding provided ensures club and sport representatives that wish to volunteer in this role can undertake training without an associated fee.

### **Together More Active**

[Together More Active](#) is a key Victorian Government program that provides support for Victorian sport and active recreation governing bodies to increase participation and enhance sector capability. Funding is available 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 promoting and embedding the Standards within their organisation.

In 2021—22, 71 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.

### **Fair Play Code**

The Victorian Government's Fair Play Code is a code of conduct for sport and recreation in Victoria and outlines the standards of behaviour expected of everyone involved in sport and recreation. In 2022, the Victorian Government invested in a refresh of the Fair Play Code to ensure that individuals, clubs, leagues, associations and governing bodies understand their expectations around safe, welcoming and inclusive sporting environments.

## Contemporary detention environments (Volume 15)



**10** recommendations directed at the Victorian Government



**9** Completed



**1** In progress

**15 total recommendations made by the Royal Commission**

In this volume, the Royal Commission made recommendations to prevent child sexual abuse from occurring in detention environments and, where it does occur, to help ensure effective responses. The Royal Commission focused on youth custody and immigration detention, recognising that children are generally safer in community settings than in closed environments.

Youth Justice custody in Victoria aims to provide a secure environment for the custody and rehabilitation of children and young people convicted or accused of committing a criminal offence. The Victorian Government is committed to ensuring the safety of children and young people in Youth Justice custody and continues its work to prevent all forms of child abuse from taking place in these environments and ensure effective responses if it does.

### **United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**

Australia signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 21 December 2017. The Victorian Government supports the principles of the OPCAT and has a strong oversight regime to ensure people in places of detention are protected.

The Victorian Government has passed the *Monitoring of Places of Detention by the United Nations Subcommittee on Prevention of Torture (OPCAT) Act 2022*. This Act enables visits by the United Nations to places of primary detention, which are part of the OPCAT obligations. The Act passed in the Victorian Parliament on 20 September 2022 and came into operation on 11 October 2022.

### **Cherry Creek Youth Justice Centre**

The Victorian Government has made a capital investment of \$420 million to build a new [Youth Justice Precinct at Cherry Creek](#), near Werribee, with a capacity of 140 rooms. In addition, \$357 million has been invested to commission and operationalise the facility.

Cherry Creek will accommodate 15 to 17 year old males who have been sentenced or are on long term remand. The facility achieved practical completion in August 2022 and will begin accommodating young people in 2023 when 56 rooms and eight mental health beds are scheduled to open. Cherry Creek is a flagship Youth Justice facility, purpose-built to focus on rehabilitation, reduce reoffending and ensuring staff can provide more targeted support to help address the complex needs of individual young people.

Key design features of Cherry Creek include smaller accommodation units, a dedicated health centre and two mental health units, purpose-built buildings to deliver programs and education and vocational training, and a multifaith and cultural centre.

### **Strengthening of Parkville and Malmsbury Youth Justice centres**

Significant investments have been made to strengthen Youth Justice's custodial infrastructure. The Victorian Government has invested \$58 million for strengthening existing Youth Justice precincts to improve safety.

Works have been completed to strengthen multiple accommodation units at Parkville Youth Justice Precinct and Malmsbury Youth Justice Precinct, such as removing glass across the sites where possible and replacing with polycarbonate and installing secure fencing to a range of areas. Further works at Parkville are anticipated to be undertaken by June 2023.

### Increased training for Youth Justice custodial staff

The government delivers training to custodial staff to increase capability to meet the support needs of young people in custody (see Figure 3 for further detail). This includes staff developing the skills to identify and respond to young people's experience of trauma in an appropriate and safe manner. Custodial staff have also continued to receive training to meet the needs of young people from diverse backgrounds and with cognitive impairments.

### Youth Justice custodial therapeutic support for young people

The Victorian Government has contracted three service providers to provide primary health, mental health, rehabilitation and Youth Offending Programs services for young people engaged in the youth justice custodial system. The Youth Offending Programs service providers also deliver services to young people involved under community Youth Justice supervision.

Primary health and primary mental health services are accessible to all young people in custody and include medical, allied health, pharmacy, pathology, and referrals to specialist services. The primary health service also conducts initial mental health assessments and develops risk management plans in relation to suicide and self-harm risk for young people in custody.

Specialist mental health services, including psychiatry, psychology, neuropsychology and occupational therapy. These services are available for all young people in custody.

The Youth Offending Programs service includes alcohol and drug programs and brief

psychosocial programs aimed at developing skills in areas such as managing emotions and communication; these programs are available for all young people in custody. The Youth Offending Programs service also includes programs aimed at addressing young people's offending behaviours, based on a comprehensive assessment of treatment needs. This includes the Youth Offending Program, Male Adolescent Program for Positive Sexuality (MAPPS), for young people who have engaged in sexual offending. Services to support therapeutic and behavioural responses to promote positive behaviour change for young people who engage in inappropriate sexualised behaviour in custody are also provided.

These services are not designed to directly target the symptoms or experiences of survivors of child sexual abuse, but meet the individual physical and mental health needs for each young person in custody. Depending on the service provider, support may be provided to survivors of child sexual abuse as part of a broader holistic care plan for a young person, however it is unlikely that this would be the core purpose. Referrals to other agencies like Gatehouse and Australian Childhood Foundation, as well as private therapists, are available when these needs are identified for a young person, whether they are in custody or in the community. Additionally, young people in custody who disclose being a survivor of sexual abuse are referred to the primary health and primary mental health service for review by a mental health professional following the disclosure, with further recommendations made dependent on the young person's needs. While these services do not specifically provide therapeutic treatment to survivors of child sexual abuse, they are an effective means of support.

**Figure 3. Completed training packages by Youth Justice custodial staff**

Course Title	No. of current staff completed	Percentage of staff completed
Mandatory Reporting	393	90%
Sexual Development, Exploitation and Trauma	298	68%
Trauma Informed Practice	299	69%
Substance Abuse	314	72%
Introduction to Cultural Awareness	293	67%
Disability Awareness Training	300	69%
Introduction to Mental Health	302	69%

In the 2021—22 financial year, the following services were provided to young people across youth justice community and custody:

- Caraniche provided a service (assessment and/or treatment) to 523 unique clients over 9,054 scheduled sessions in custody and community,
- Correct Care Australasia provided a service (primary health, mental health, diagnostic and clinical services) to 511 unique clients over 28,840 sessions in custody, and

- Orygen provided a service (assessment and/or treatment) to 292 unique clients over 4,456 sessions in custody.

Note that these figures represent the total number of occasions of service over the 2021—22 financial year and are not specific to interventions related to trauma or child sexual abuse. In particular, the primary health data incorporates all clinical interventions, for example dental care or physiotherapy.

## Case Study 2: Youth Justice response to sexual abuse disclosure

An Aboriginal young person was remanded into Parkville Youth Justice Precinct. Prior to their admission, they disclosed to their community Youth Justice Case Manager that they had been sexually abused when they were five years old. This young person was initially reluctant to discuss their trauma, however after regular supportive engagement and relationship building with custodial staff and the Aboriginal Liaison Officers, the young person began to feel safe. To support their wellbeing in custody the young person was provided with an Aboriginal Cultural Pack, which included a possum skin, a weighted blanket and art equipment to use whilst in their bedroom to help self-soothe.

The custodial primary health service supported the young person's health needs and referred them to Centre Against Sexual Assault (CASA) to commence treatment. The young person engaged regularly with CASA to work through their trauma and CASA supported the care team in developing the young person's community re-integration plan. The young person continues to receive counselling support in the community from CASA, along with case management and offence specific treatment, which is managed by community Youth Justice.

### Youth Justice custodial complaints handling system

The complaints system was established in consultation with children and young people in custody. Children and young people in custody have free and unrestricted access to the Victorian Ombudsman and the Commission for Children and Young People (CCYP) via the Arunta telephone system, should they wish to make a complaint. A direct line to CCYP was introduced in 2022, which is in addition to onsite visits from the CCYP's [Independent Visitor Program](#), which has been in operation for ten years.

Complaints can be made in person with custodial unit staff, in person with Independent Visitors and on the phone to the Victorian Ombudsman and CCYP. A further safe avenue to receive and respond to sexual assault disclosures is through the health screening process on entry into custodial centres.

All children and young people are seen by a nurse, which occurs within 12 hours of admission for Aboriginal young people and 24 hours for non-

Aboriginal young people. A comprehensive health assessment from a medical practitioner also occurs within 72 hours of admission.

### Cultural safety for Aboriginal children and young people in Youth Justice centres

[Wirkara Kulpa](#) (pronounced WEER-ghara GHOU-*par*), Victoria's first Aboriginal Youth Justice Strategy, sets out the government's approach to address the overrepresentation of Aboriginal children and young people in the justice system. Over the life of the strategy, the Victorian Government in partnership with the Aboriginal community will deliver significant reforms, initiatives, and programs to reduce the overrepresentation of Aboriginal children and young people in the justice system with a focus on cultural safety, strengthening Aboriginal children and young people's cultural identity and connection to family, community and Country.

Wirkara Kulpa [was launched on 17 February 2022](#), followed by a special youth friendly launch on 2 June 2022 to provide Aboriginal children and

young people with information about the strategy in a visual and easily readable [child and youth friendly format](#).

Aboriginal self-determination is the foundational principle that has shaped the development of Wirkara Kulpa. Its development has been led by the Aboriginal Justice Caucus, under Burra Lotjpa Dunguludja ([The Aboriginal Justice Agreement Phase 4, AJA 4](#)).

Wirkara Kulpa's vision is that Aboriginal children and young people are not in the youth justice system because they are strong in their culture, connected to families and communities, and living healthy, safe, resilient, thriving and culturally rich lives.

It sets out five key priorities or domains where outcomes for children and young people need to be achieved over the next 10 years:

1. Empowering young people, families and community to uphold change.
2. Protecting cultural rights and increasing connection to family, community and culture.
3. Diverting young people and reducing overrepresentation.
4. Working towards an Aboriginal-led justice response.
5. Creating a fair and equitable system for Aboriginal children and young people.

A set of goals expressed in the voice of Aboriginal children and young people will guide the development and implementation of all actions outlined in Wirkara Kulpa (see Figure 4 for further detail). The goals are informed by what Aboriginal children and young people have said they want and need for the youth justice system to be safe and effective.

**Figure 4. Wirkara Kulpa goals expressed in the voice of Aboriginal children and young people**



A suite of custodial specific Wirikara Kulpa actions have been implemented which will ensure Aboriginal children and young people are safe, their cultural rights are upheld and protected, and they can maintain and strengthen connections to family, community and Country. These include:

- Aboriginal Liaison Officers in Parkville and Malmsbury youth justice precincts to advocate and respond to the cultural needs of Aboriginal children and young people
- promotion and protection of Aboriginal children and young people’s cultural rights, for example, through access to cultural leave so Aboriginal young people can meet their cultural responsibilities and obligations
- cultural programs and services that strengthen connection to culture, family and community including Elders visits, yarning circles, cultural activities and celebrations of significant events such as NAIDOC
- pro-active support to strengthen Aboriginal young people’s family connections through family visits (both through video links and face to face)
- dedicated cultural spaces in youth justice custodial precincts

- dedicated Aboriginal Disability Advisor working across Malmsbury and Parkville youth justice precincts
- Victorian Aboriginal Child Care Agency-led [Youth Through Care program](#) to support Aboriginal children and young people transition from custody and help settle back in the community, and
- more training for youth justice staff to deliver a culturally safe and responsive youth justice custodial service.

In line with the recommendations from Wirikara Kulpa and the Royal Commission into Victoria’s Mental Health System, the Victorian Department of Justice and Community Safety is coordinating the development of a Youth Social and Emotional Wellbeing Strategy, in partnership with the Aboriginal community, which will further enhance the cultural safety of services in custody for Aboriginal children and young people.

Wirikara Kulpa also addresses 56 recommendations from the CCYP’s 2021 [Our youth, our way](#) inquiry into the over-representation of Aboriginal children and young people in Victoria’s youth justice system.

## Beyond the Royal Commission (Volume 17)



**2** recommendations directed at the Victorian Government



**2** Completed



**0** In progress

**6 total recommendations made by the Royal Commission**

In this volume, the Royal Commission describes the impact and legacy of the Royal Commission, as well as the importance of monitoring and reporting on the implementation of its recommendations.

In keeping with the Royal Commission’s recommendations, the Victorian Government [published its response](#) to all of the Royal

Commission’s recommendations on 11 July 2018. In addition, the Victorian Government has also published five Annual Reports on its progress in implementing recommendations of the Royal Commission from 2018 to 2022. These documents can be accessed on the [Victorian Government website](#).

## Working with Children Checks Report (2015)



# 35

recommendations  
directed at the  
Victorian Government



89% Completed



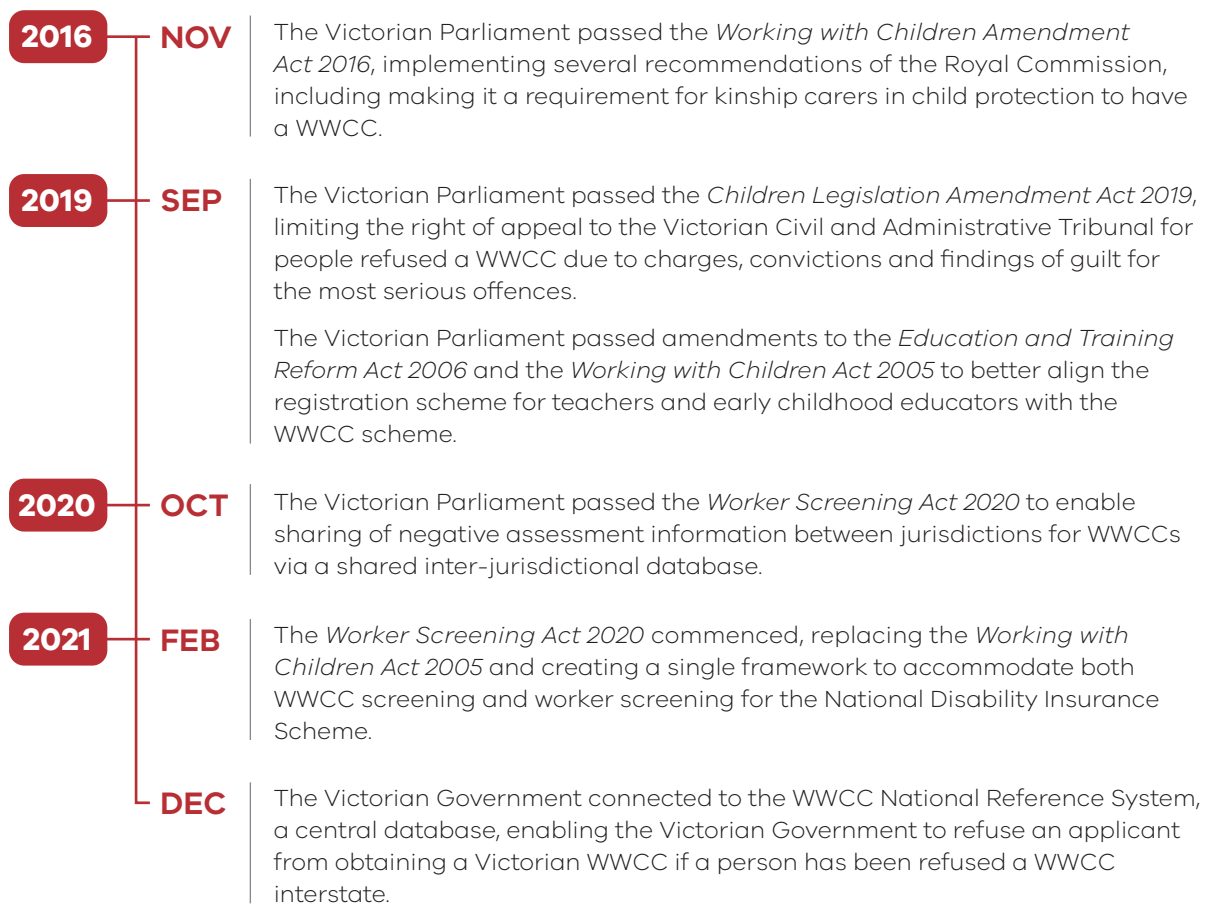
11% In progress


**36 total recommendations made by the Royal Commission**

Each Australian jurisdiction has its own scheme for conducting background checks for people seeking to engage in child-related work. In this Report, the Royal Commission found that these schemes, commonly known as Working with Children Checks (WWCCs), were inconsistent, complex, and duplicative. It also identified that there was a lack of integration of the schemes,

and there was inadequate information sharing and monitoring of WWCC cardholders. The Royal Commission therefore made recommendations to strengthen the WWCC regime in Australia. The following timeline highlights some key initiatives implemented by the Victorian Government to strengthen the WWCC scheme in Victoria.

*Figure 5. Timeline of key reforms and activities relevant to the WWCC Report (2015)*





The Victorian Government continues to strengthen the protection children receive through WWCCs, including reviewing the legislative requirements of the *Worker Screening Act 2020*.

Many of the recommendations in the Royal Commission's WWCC Report relate to the implementation of National Standards for WWCCs. The Victorian Government continues to work with the Australian Government and other jurisdictions regarding the implementation of the National Standards. In 2021, the National Cabinet endorsed a national workplan to reduce the burden of overlapping regulation, including an agreement to explore avenues to improve and promote national consistency of WWCCs. This work is occurring under the governance of the [National Strategy](#).

In 2022, IT system changes enabled Victoria to interact fully with the National Reference System. The National Reference System enables states and territories to share information regarding individuals who are refused a WWCC and now makes it possible for worker screening units to share information about matters that previously would not have been shared through ongoing monitoring. Throughout 2022, Victoria collaborated with interstate worker screening units regarding WWCC applicants and holders who have received exclusions. This initiative aligns with recommendations in the Royal Commission's WWCCs Report.

More information on the National Standards for WWCCs and the National Reference System can be found in the [Australian Government's Annual Progress Report 2022](#).



## Redress and Civil Litigation Report (2015)

84
recommendations  
directed at the  
Victorian Government

99% Completed

1% In progress

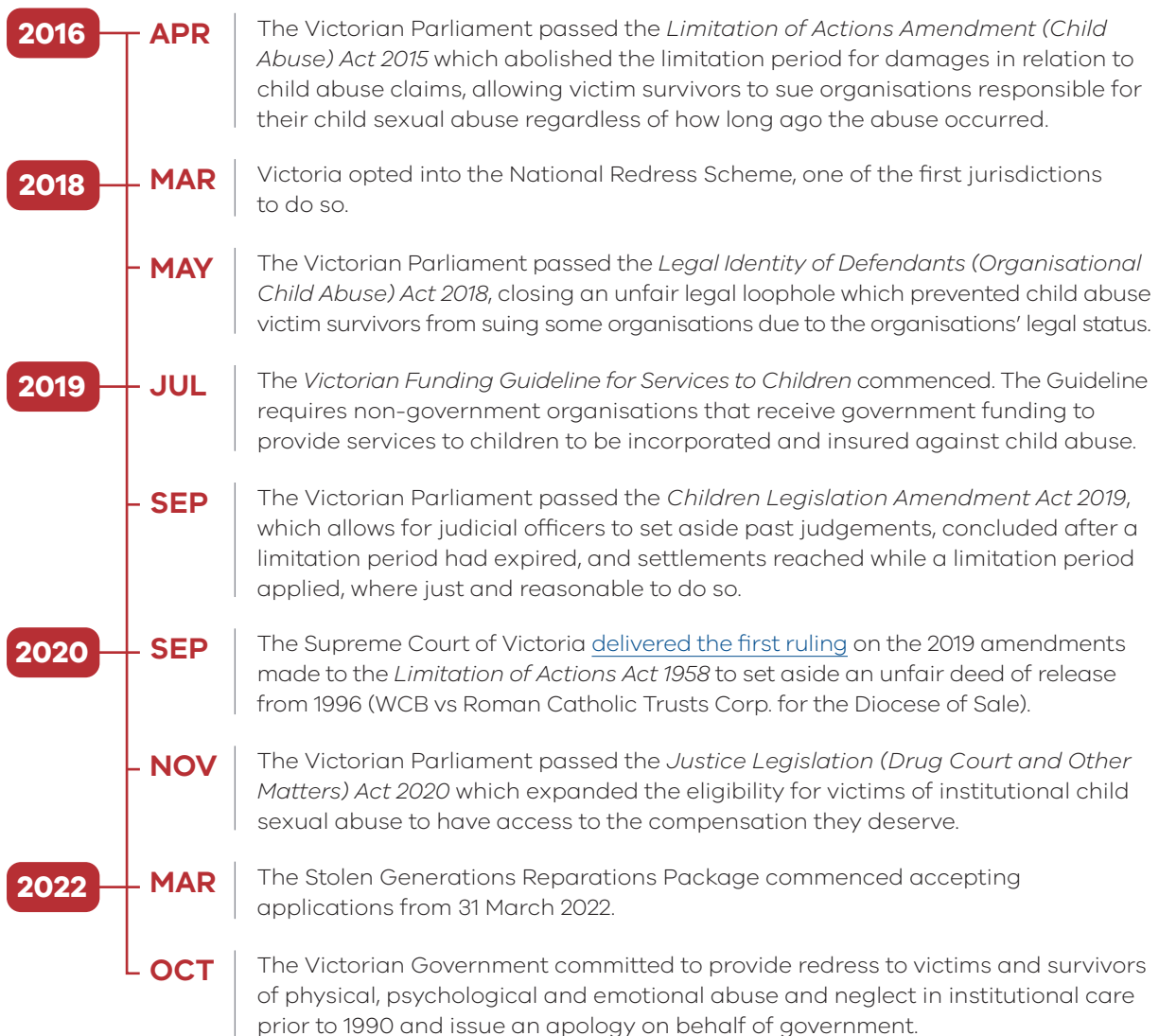
99 total recommendations made by the Royal Commission

In order to address or alleviate the impact of institutional child sexual abuse, and to ensure justice for victim survivors, the Royal Commission identified the need to provide avenues for victim survivors to obtain effective redress by institutions. In this Report, the Royal Commission found that civil litigation systems and redress processes were insufficient. The Royal Commission made recommendations to improve redress, including

establishing a National Redress Scheme, and reforms to civil litigation processes.

In recognition of the findings of the Royal Commission and other inquiries like the Betrayal of Trust, the Victorian Government acknowledges the life-long impact and harm caused, and has been working to ensure effective redress for victims and survivors who experienced institutional child abuse (see Figure 6 for further detail).

Figure 6. Timeline of key reforms and activities relevant to the Redress and Civil Litigation Report (2015)



## Redress



**69** recommendations directed at the Victorian Government



**68** Completed



**1** In progress

**84 total recommendations made by the Royal Commission**

### National Redress Scheme for Institutional Child Sexual Abuse

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 been a participant since its commencement on 1 July 2018.

The Scheme is operated by the Australian Government and is governed by a framework for determining applicants' eligibility for redress, and identifying which institution (or institutions) is responsible for making a payment. Applicants may receive access to counselling and psychological care services, a redress payment (up to \$150,000), and a direct person/al 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 providing redress to a person if a Victorian Government institution is found reasonably likely to be responsible for a person's abuse. Governments may also act as the funder of last resort for institutions that are defunct or do not have the financial capacity to fully participate in the Scheme.

Counselling and psychological care services are provided to all applicants residing in Victoria who accept an offer of redress under the Scheme. An eligible person is offered a choice of service provider, preferred location, and a range of delivery options. Specific services accommodate culturally appropriate counselling for Aboriginal and Torres Strait Islander people, and consider the needs of applicants related to disability, gender, sexuality and language.

### Victoria's participation in the National Redress Scheme

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

On 23 June 2021, the Australian Government released the [final report of the second year review of the National Redress Scheme](#) (Review). The Review made 38 recommendations aimed at improving the operation of the Scheme.

Several recommendations have been implemented, including introducing advance payments for applicants who are older or terminally ill, removing the need for a statutory declaration in the application form streamlining the process for victim survivors, and expanding the funder of last resort provisions to provide more victim survivors with access to redress.

Victoria continues to work with the Australian Government and other jurisdictions to implement agreed recommendations from the Review.

In the meantime, the Victorian Government continues to process and respond to applications for redress and associated Requests for Information. As at 31 December 2022, approximately 1,227 offers of redress have been made and 1,104 offers have been accepted.

Between 1 December 2021 and 31 December 2022, the Victorian Government provided 651 responses to Requests for Information and delivered 15 direct personal responses.

As of 31 December 2022, 149 people were actively accessing counselling and psychological care services.

## Stolen Generations Reparations Package

Applications for the landmark \$155 million [Stolen Generations Reparations Package](#) (Package) opened on 31 March 2022 and will remain open for applications until 31 March 2027. The establishment of the Package is testament to the strength and resilience of Stolen Generations and their families, who have long fought for justice.

Stolen Generations can apply for the following financial and restorative reparations:

- a lump sum payment of \$100,000
- a personal apology from the Victorian Government
- supported access to healing programs such as re-connection to Country and language programs
- an opportunity to record and share their story and experience
- access to trauma-informed counselling, and
- access to records held by the Victorian Government about their removal.

Applicants who are terminally or critically-ill are prioritised and may qualify for an advance payment of \$20,000. Support services are available to assist applicants throughout the reparations process.

A Funeral Fund, administered by Connecting Home Limited, was established to provide support to the families of Stolen Generations who have passed away since 1 January 2021, with up to \$10,000 to cover the costs of a funeral, headstone or plaque and/or repatriation. The processing of applications commenced in June 2022.

The Stolen Generations Advisory Committee was established to ensure government delivers a culturally strong package. Members have deep

ties into communities across Victoria. Their advice to the Victorian Government calls on both their lived experience of Stolen Generation policies and their professional backgrounds. Their leadership will help make sure the process continues to be community-led.

The Stolen Generations Reparations Steering Committee provided their [Final Report](#) to government in July 2021 with a total of 56 recommendations. All recommendations made to government relating to Package design in part one of the Final Report were accepted. The Victorian Government is currently considering its response to Part Two of the Final Report, relating to enhanced service provision and outcomes for members of the Stolen Generations and their descendants.

## Victorian Care Leavers redress scheme co-design

The Victorian Government will establish a redress scheme, provide support, and deliver a formal apology to Victorians who experienced child abuse and neglect while in institutional care before 1990. The impacts of the neglect and abuse experienced by these children – also known as Forgotten Australians – continues to this day with many experiencing poverty, homelessness and mental illness as a result of trauma.

The Victorian Government committed \$2.9 million in the 2022-23 financial year to co-design the scheme, which is intended to include urgent hardship payments of up to \$10,000 for care leavers in exceptional circumstances. The scheme is currently envisioned to cover the period prior to 1990, when an estimated 90,000 children were placed in institutional care in Victoria. The new scheme is intended to build on supports available through the National Redress Scheme.

## Civil Litigation



**15** recommendations directed  
at the Victorian Government



**15** Completed



**0** In progress

**15 total recommendations made by the Royal Commission**

The Victorian Government has introduced a suite of reforms to remove barriers faced by child abuse victim survivors seeking compensation from organisations associated with their abuse. All recommendations relating to civil litigation contained in this report have been implemented. These ground-breaking reforms work to make civil litigation a more effective means of providing justice for victims and survivors.

### Case Study 3: Supreme Court of Victoria rules family of deceased choirboy can sue Catholic Church

[RWQ v The Catholic Archdiocese of Melbourne & Ors \[2022\] VSC 483](#)

On 6 March 2018, the Victorian Government introduced the [Legal Identity of Defendants \(Organisational Child Abuse\) Act 2018](#) (the Act) into parliament. The reform prevented unincorporated organisations from relying upon a legal technicality – known as the ‘Ellis defence’ – to avoid being sued. The Ellis defence resulted from a 2007 New South Wales Court of Appeal decision that found unincorporated organisations using trusts to conduct their activities did not legally exist and could not be sued in their own right.

The Supreme Court of Victoria dealt with the question of whether a secondary victim (a family member of a deceased alleged victim) could claim for nervous shock under the Act. On 24 August 2022, the judge dismissed a claim by the Catholic Church that it was not liable to pay compensation to the father of a choirboy who alleged he had been sexually abused by Cardinal George Pell. Upon considering the purpose of the Act, Justice McDonald said the Act was ‘not confined to claims founded on or arising from child abuse’ of the person who was making the claim.

The Supreme Court found that the words ‘[a claim] founded on or arising from child abuse’ were used repeatedly throughout the Act, pointing strongly to the conclusion that the application of the Act to non-government organisations (NGOs) was not confined to claims by primary victims of child abuse, including a claim for nervous shock by a plaintiff (person bringing the claim to court) whose claim is founded on or arises from alleged child abuse of the plaintiff’s child.

The Supreme Court referred to the Act’s [second reading speech](#) to support the finding that the words ‘child abuse plaintiffs’ in the Act refers to survivors claiming compensation for child abuse:

*“The bill forms part of the government’s response to these problems for survivors outlined by Betrayal of Trust and the Royal Commission. It will ensure that survivors of institutional child abuse can pursue compensation, and solve the problem in the existing common law that child abuse plaintiffs are, in many instances, unable to identify an organisational defendant to sue in respect of unincorporated NGOs that control trusts to conduct their activities.*

*... Any claim founded on or arising from child abuse can be brought in reliance on the provisions of the bill, including negligence, vicarious liability, or direct liability, regardless of when the abuse occurred.”*

This decision is another significant Victorian court case that helps ensure victims of historic institutional sexual abuse and their families have access to justice and compensation.

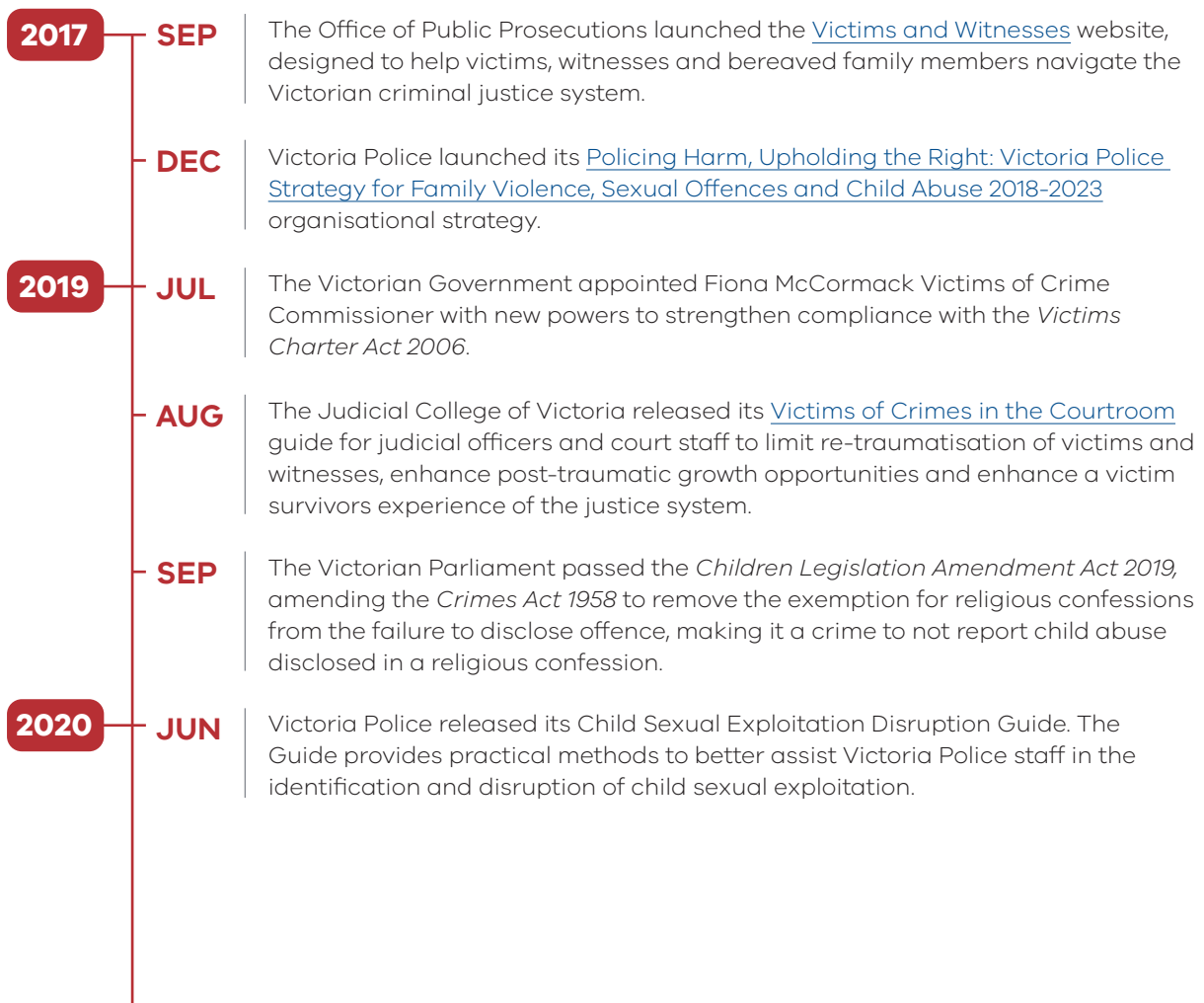
## Criminal Justice Report (2017)



The Royal Commission identified the need to reform the criminal justice system to support victims of crime and strengthen laws to better protect children from abuse. The recommendations in this Report address a broad range of issues, including the reporting, investigation and prosecution of child sexual abuse offences, and criminal and evidence law.

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 sex abuse (see Figure 7 for further detail). The government recognises the importance of providing support to victim 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.

Figure 7. Timeline of key reforms and activities relevant to the Criminal Justice Report (2017)



2021

MAY

After a successful pilot phase, the Victorian Government funded the Intermediary Program ongoing (at its current geographic scope and client eligibility, designated to certain courts and regions). Intermediaries provide support for 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.

SEP

The Victorian Parliament passed the *Judicial Proceedings Reports Amendment Act 2021*, which removed an existing prohibition on publishing likely to identify a deceased person as a victim of sexual offending. It also allows family and other members close to the victim to apply for a victim privacy order.

2022

SEP

The Victorian Parliament passed the *Justice Legislation Amendment (Sexual Offences and Other Matters) Act 2022*. This Act introduced an affirmative consent model and strengthened protections available for child complainants in criminal proceedings involving sexual offences as recommended by the Victorian Law Reform Commission.

## Prosecution reforms

### Reforms and initiatives to improve prosecution engagement with victims

The Office of Public Prosecutions Victoria (OPP) recently launched its new website, with an 18-part video series, designed to enable victim survivors, witnesses and the broader community to better understand the prosecution process. The OPP will be rolling out more victims training to its staff in the coming months. The modules within the 2022 Victims Training Program included 'Grief and Bereavement' and 'Understanding Child Development and the Impact on Giving Evidence'.

The OPP has developed a framework for the conduct of an annual internal audit of prosecution and higher court appeal files worked on during each financial year.

The results of the 2021—2022 audit, published in the OPP's 2021-22 annual report, are as follows:

- 97.91 per cent compliance with organisational policies on decision making, and
- 91.47 per cent compliance with victim consultation.

The OPP will use these audit results to inform internal training, communication and systems to improve compliance. As part of its Digital Transformation Project, the OPP is working towards a future state where it can, as far as possible, audit this information automatically.

The OPP is also supporting witnesses through the court process via its multidisciplinary team.

## Case Study 4: Multi-disciplinary team embedded in the Office of Public Prosecutions

Please note that pseudonyms\* have been used below.

The OPP's multi-disciplinary team supported a young woman, \*Kate, who was a victim survivor of child sexual assault, perpetrated by her step-father's friend. Kate wrote to Eleanor:

*"I always knew that gaining enough proof for a historic case would be more than challenging. I cannot put into words my appreciation for everything the OPP and Victoria Police have done to support me and carry this case all the way through to the County Court..."*

Kate had grappled with her mental health, debilitating anxiety and uncertainty about reporting the abuse as her disclosure at the time of the offending was not believed. While acknowledging Kate's strength in finding her voice and speaking her truth, the solicitor, police informant and social worker, \*Eleanor, supporting her with her case were aware of the need to manage Kate's expectations as to the outcome of the prosecution, noting the challenges in prosecuting this historical matter.

Eleanor encouraged Kate to identify other ways in which she could feel a sense of justice and peace was achieved regardless of whether there was a conviction.

Eleanor supported Kate to give her evidence in the courtroom. The criminal matter resulted in an acquittal of all charges. However, the multi-disciplinary team met with the Kate in person to deliver the news. Whilst disappointed, Kate was accepting of the result. Below is an excerpt of what she wrote to Eleanor to express her gratitude:

*"From my perspective, what happened to me has been validated. Victoria Police and the OPP believed in me, and that means more to me than the verdict. I found strength through this process and feel that over the past 3 years I have grown as a person."*

## Protections for witnesses giving evidence

### New co-located premises for the Child Witness Service and the Intermediary Program

The Child Witness Service provides specialist support to children, young people and their families to prepare them to participate as a witness throughout the criminal trial process. This support can include:

- assessing a child witness's needs and identifying strategies to best support their experience with the criminal justice system
- familiarising child witnesses and their families with the criminal justice process
- preparing child witnesses for the role of being a witness by explaining what to expect while giving evidence and possible outcomes
- providing debriefing services and referral to specialist counselling or support services, such as the [Victims of Crime Helpline](#), the [Victims Assistance Program](#), [Centres Against Sexual Assault](#) or [The Orange Door and family services](#)
- assisting child witnesses to prepare a Victim Impact Statement.

Intermediaries are skilled communication specialists who facilitate communication with adults with cognitive disability, and children and young people. The Intermediary Program assists police, lawyers and the judiciary to plan their questioning so that victim survivors can understand, participate, feel more confident, and provide better quality evidence.

Both the Intermediary Program and the Child Witness Service continue to experience high demand. In the 2021—22 financial year:

- the Intermediary Program received 525 requests for assistance (332 at police stage for visual and audio recording of evidence and 193 at court stage), and
- the Child Witness Service supported 1,266 clients (new and continuing clients).

These two services are also being improved through greater use of technology and new, co-located premises that have been purpose built to meet the needs of service users.

This new co-located premises for the Child Witness Services and the Intermediary Program opened in March 2023. The premises houses eight new remote witness rooms, in addition to breakout spaces for conferences, for families

and for staff. The new premises is COVID-19 safe, meets [Rainbow Tick](#) and child safety standards, and is designed to be culturally safe for Aboriginal peoples. Bringing these two services together for the first time will also support practice improvements and a more seamless experience for victim survivors.

### Supporting remote hearings

The 2021–22 State Budget provided \$40.9 million to expand the Online Magistrates' Court state-wide. It also included \$34.8 million for extra resources in Victoria's courts to reduce backlogs, which included funding to continue the Children's Court's online case management pilot and expand online and remote-hearing services. These investments support the implementation of Royal Commission recommendations, which are

intended to provide better protections for child witnesses or victim survivors in prosecutions.

Court Services Victoria has enabled courts and tribunals to continue hearing matters online through upgrades of audio-visual link technology in courtrooms accompanied by voice conferencing applications. During 2021–22, court technology systems supported over 140,000 matters being heard virtually or in a hybrid setting, and the courtroom video conference systems connected over 64,000 calls.

The government will continue to work with Court Services Victoria and the courts and tribunals to ensure that audio-visual link technology and remote-hearing services continue to meet the needs of child witnesses and victim survivors in prosecutions.

## Case Study 5: Virtual Court Support Program

A mother and her two daughters were scheduled to give evidence in a sexual offence matter that involved offending against the two girls. The matter was listed in a regional Magistrates' Court that housed a Remote Witness Room. Due to the risk of seeing the accused person (the alleged perpetrator), the court allowed them to give evidence from an alternate regional location.

Initial court preparation was to be held online, however the family advised of technical difficulties with their personal laptop. The Child Witness Service sent a tablet funded through the Virtual Court Support Program to the family home to facilitate a virtual introduction with the Child Witness Officer (CWO) and to help the girls and their mother prepare for court. Following this, a legal conference was held where the Police Prosecutor was in one regional location, the Police Informant in another regional location and the CWO in Melbourne.

Being able to conduct the court preparation and the legal conference virtually helped minimise the additional stress families often experience in managing the logistics of travelling to court. In this case, with the use of the tablet, the CWO was also able to observe how the girls responded to questions in both sessions, assess whether they could understand what was being discussed, what contributed most to them becoming overwhelmed or distressed, and ultimately determine what their support needs might be before and during court proceedings.

## Reforms to criminal law

### Implementing sexual offence recommendations made by the Victorian Law Reform Commission that align with Royal Commission recommendations

In September 2022, the *Justice Legislation Amendment (Sexual Offences and Other Matters) Act 2022* (Act) received royal assent. The Act is the first stage of law reforms in response to the Victorian Law Reform Commission's 2021 report on [Improving the Justice System Response to](#)

[Sexual Offences](#). The Act also contains reforms to implement recommendations from the Victorian Law Reform Commission's 2020 [report on Committals](#).

To strengthen protections available for child complainants in criminal proceedings involving sexual offences, the Act clarifies that a committal hearing cannot be held in any proceeding in which a sexual offence complainant was a child or person with a cognitive impairment at the time the proceeding commenced.



The Act makes a number of reforms to improve the effectiveness of sexual offence laws in Victoria, including by:

- strengthening the criminal justice response to image-based sexual abuse by:
  - making key image-based sexual offences indictable triable summarily (so that they can be heard in either the County Court or the Magistrates' or Children's Courts) and increasing their maximum penalty to three years' imprisonment
  - requiring the Director of Public Prosecutions to give their consent before a prosecution of a person under the age of 16 years can commence ensuring that children are only prosecuted for this type of offending in appropriate cases, and
  - updating these offences to better protect gender diverse victims and apply to 'deepfake porn'
- promoting certainty in prosecutions by clarifying how a sexual offence should be charged if the offence was significantly reformed during the period of the alleged offending. This addresses a particular problem when the prosecution is unable to pinpoint the exact time of the alleged conduct, which is a common issue in these cases, particularly for historical sexual offending against children
- introducing a clear and flexible process to guide when judges should give directions to juries to address misconceptions about sexual violence, and introducing new jury directions to address misconceptions, such as regarding the types of relationships in which sexual offending can occur, and
- requiring judges to explain the phrase 'proof beyond reasonable doubt' to a jury in all criminal trials and allowing an explanation of the phrase to be included in a general jury guide, which can be given to jurors in a trial.

The Act also includes reforms to better protect and support victim survivors of sexual offending by:

- requiring magistrates to provide reasons for granting leave to cross-examine a witness at a committal hearing, to ensure that leave is only granted where appropriate

- expanding the use of ground rules hearings (which are used to discuss the questioning of witnesses and agree to a set of rules that legal practitioners must follow) by making them compulsory for all complainants in sexual offence matters, and
- strengthening procedural protections regarding the disclosure and use of a sexual offence complainant's confidential communications in criminal proceedings, including by:
  - extending those protections to health information
  - giving the complainant a clear right to appear in applications to access their confidential communications or health information
  - ensuring the complainant is aware of such applications, their right to appear and that they may wish to consider obtaining legal advice, and
  - allowing the complainant to provide a confidential statement, describing the harm they are likely to suffer if the application is granted.

The Act also includes [reforms to introduce an affirmative consent model](#), which will mean a person must say or do something to confirm the other person (or persons) consents to the sexual act for their belief in consent to be reasonable (where consent is an element of the offence). This is intended to put greater focus on the actions of the accused rather than just on the actions of the victim survivor. The reforms also make clear that 'stealthing', the non-consensual removal, non-use or tampering with a condom is a crime.

To support the community's understanding of the affirmative consent reforms, the 2022–23 State Budget allocated \$4 million over two years to work with local organisations and specialist services to deliver community-based consent education.

Twelve community projects have been funded across Victoria to engage and educate young people aged 12 to 25 years old about affirmative consent and different forms of sexual violence. The program complements the [Respectful Relationships](#) initiative in schools.

## Improving the offence of persistent sexual abuse of a child under the age of 16

The Royal Commission recognised several challenges in prosecuting repeated child sexual abuse. For instance, it was noted that child victim survivors subjected to repeated sexual abuse in similar circumstances are often unlikely to be able to distinguish occasions of abuse. To overcome these challenges and allow for effective charging and successful prosecutions, the Royal Commission proposed a detailed model offence that makes the action or conduct of maintaining an unlawful sexual relationship, rather than individual occasions of sexual abuse, be the main physical element of the offence.

The Victorian Government is currently considering these Royal Commission recommendations to strengthen and simplify the existing offence of 'persistent sexual abuse of a child under 16', so that it can be used effectively to hold perpetrators accountable.

## Admissibility of tendency and coincidence evidence

The Royal Commission made several recommendations relating to the admissibility of tendency and coincidence evidence. Tendency and coincidence evidence can link different complainants, allowing their cases to be heard together and bolstering their credibility.

In response to the Royal Commission's recommendations, a draft Model Bill was developed by a Council of Attorneys-General working group, which included Victoria, in consultation with judicial, legal and other stakeholders across Australian jurisdictions. The Model Bill includes reforms to enable the greater admissibility of tendency and coincidence evidence in child sexual offence prosecutions, with the aim of increasing the number of successful prosecutions. In November 2019, the Council of Attorneys-General approved this draft Model Bill.

In March 2022, the Victorian Attorney-General advised parliament that the government would await the findings of a statutory review into how the Model Bill's reforms have been operating in New South Wales before further progressing work to implement the reforms in Victoria. A report on the outcome of that review was tabled in the New South Wales parliament on 30 September 2022. The Victorian Government will use the review's findings to inform Victoria's policy development and implementation of the Model Bill.

## Improving professional responses

### Improving self-reporting for current and former prisoners

In line with Royal Commission recommendations, Victoria Police and Corrections Victoria have developed a poster for display in Victoria's prisons, which informs prisoners how they can confidentially report instances of child sexual abuse to the Police Sex Crimes Squad (SANO Taskforce). Corrections Victoria also assists prisoners to report historic and/or current sexual assault through a staff-initiated call with a support service, or by organising for the support service to contact the prisoner.

### Judicial education

The Judicial College of Victoria (College) provides education programs and resources to assist judicial officers to understand the impacts of trauma, including child sexual abuse, and the legal issues arising in child sexual abuse matters.

In 2022, the College continued to maintain the following relevant publications and resources:

- [Criminal Charge Book](#)
- [Victorian Sentencing Manual](#)
- [Uniform Evidence Manual](#), and
- the [Victims of Crime in the Courtroom: A Guide for Judicial Officers](#) resource.

This material predominantly covers legal and procedural issues in child sexual assault trials, including evidence law, jury directions, sentencing and supporting vulnerable witnesses.

The College also delivered an associated education program called 'Child abuse materials: Managing the impact'. In July 2022, it launched a dedicated webpage with comprehensive resources for judicial officers on [Victims and Witnesses](#).

The College was funded to continue educating judicial staff, [as part of the Intermediary Program funded in the 2021–22 Victorian State Budget](#).

This supports judicial officers working with child witnesses and witnesses with cognitive impairment in relevant criminal matters, which often involve sexual offending.

## Closing

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The Victorian Government acknowledges the impact and harm to victim survivors of child abuse, and to their families and friends.

This is the government's fifth and final Annual Report, which describes the actions that the Victorian Government has taken to prevent and respond to child sexual abuse during the reporting period of December 2021 to December 2022. The government has now implemented the Royal Commission's recommendation to publish five successive annual reports on its progress in implementing recommendations of the Royal Commission from 2018 to 2022.

This report also affirms the government's ongoing commitment to respond to and prevent child sexual abuse with reform activities continuing beyond 2022. The historic apology to all victims of institutional child sexual abuse will be an important step in acknowledging the experience, resilience, and bravery of victim survivors in Victoria.

This report also describes action that is planned and underway to continue, strengthen and expand on reforms to date. The government will continue to build on these important reforms well beyond 2022.

The Victorian Government will continue working closely with the Australian and state and territory governments to progress recommendations that require national action. The government remains committed to national initiatives such as the National Strategy.

There will be more to do until all children are safe and protected from abuse. The Victorian Government is committed to make sure that the drive for change that the Royal Commission started is not lost.

