



Commissioner for Children and Young People
Western Australia

**Comments on the recommendations in the
Royal Commission into Institutional Responses to Child Sexual Abuse
Final Report (2017)**

Recognising Aboriginal and Torres Strait Islander People

The Commissioner for Children and Young People WA (CCYP) acknowledges the unique contribution of Aboriginal people's culture and heritage to Western Australian society. For the purposes of this report, the term 'Aboriginal' encompasses Western Australia's diverse language groups and also recognises those of Torres Strait Islander descent. The use of the term 'Aboriginal' in this way is not intended to imply equivalence between Aboriginal and Torres Strait Islander cultures, though similarities do exist.

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Introduction

The Royal Commission into Institutional Responses to Child Sexual Abuse released their *Final Report* on 15 December 2017 with 17 volumes and 189 recommendations. Combined with the previous reports on Criminal Justice, Redress and Civil Litigation, and Working With Children Checks, there is a total of 409 recommendations for governments and organisations to review, respond to and implement.

The scale of information gathered and analysed by the Royal Commission is staggering and includes 8,013 private sessions, 1,344 personal written accounts, 57 public hearings or case studies, and 56 research papers. Over 4,000 organisations were identified during this process.¹

The private sessions included 285 children and young people under 25 years of age, half of whom were younger than 18 years at time they spoke with the Royal Commission about their experiences of sexual abuse. Children and young people continue to experience sexual abuse within organisations today, it is not a problem of the past.

The Commissioner for Children and Young People provided feedback and comment on the recommendations in the *Final Report* and the *Criminal Justice report* to the Department of Premier and Cabinet who are preparing the WA State Government's response to the reports. The table that follows summarises the comments made by the Commissioner.

The Commissioner has also noted areas of work completed and in progress by his office that are relevant to the some of the recommendations:

- Child safe organisations
- Child friendly complaints mechanisms.
- Harmful sexual behaviours in children and young people
- Institutional responses, reporting and oversight
- Advocacy and support.

In attending to the recommendations, the Commissioner strongly advocates that governments and leaders are ambitious and unflinching in their approach to accepting and implementing the recommendations, transparently acknowledging where we need to do better to protect and respond to children and young people and to resource these efforts accordingly. Changes and improvements need to consider the diverse needs of children and young people in and across our systems and agencies, resisting piecemeal responses to individual recommendations that do not focus on the service system statewide.

The Commissioner looks forward to reviewing the WA State Government's response to the *Final Report* of the Royal Commission in 2018.

¹ <https://www.childabuseroyalcommission.gov.au/final-report>

Rec No.	Recommendation	CCYP comments (including key issues and current status)
NATURE AND CAUSE RECOMMENDATIONS		
2.1	The Australian Government should conduct and publish a nationally representative prevalence study on a regular basis to establish the extent of child maltreatment in institutional and non-institutional contexts in Australia.	Supported. Long called for by researchers.
MAKING INSTITUTIONS CHILD SAFE		
6.1	The Australian Government should establish a mechanism to oversee the development and implementation of a national strategy to prevent child sexual abuse. This work should be undertaken by the proposed National Office for Child Safety (see Recommendations 6.16 and 6.17) and be included in the National Framework for Child Safety (see Recommendation 6.15).	Supported.
6.2	The national strategy to prevent child sexual abuse should encompass the following complementary initiatives:	Supported.
6.2a	Social marketing campaigns to raise general community awareness and increase knowledge of child sexual abuse, to change problematic attitudes and behaviour relating to such abuse, and to promote and direct people to related prevention initiatives, information and help-seeking services	CCYP work on Children with Harmful Sexual Behaviours (outlined under Volume 10 Recommendations) indicates a comprehensive national prevention strategy is needed and implemented by the Western Australian government is urgently needed.
6.2b	prevention education delivered through preschool, school and other community institutional settings that aims to increase children’s knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools	Prevention focus in WA is limited to protective behaviours education for children in schools, which is not monitored for quality, compliance or effectiveness. No comprehensive prevention strategies for parents and community members exist statewide.
6.2c	prevention education for parents delivered through day care, preschool, school, sport and recreational settings, and other institutional and community settings. The	

	education should aim to increase knowledge of child sexual abuse and its impacts, and build skills to help reduce the risks of child sexual abuse	
<i>6.2d</i>	online safety education for children, delivered via schools. Ministers for Education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery (see Recommendation 6.19)	
<i>6.2e</i>	online safety education for parents and other community members to better support children's safety online. Building on their current work, the Office of the eSafety Commissioner should oversee the delivery of this education nationally (see Recommendation 6.20)	
<i>6.2f</i>	prevention education for tertiary students studying university, technical and further education, and vocational education and training courses before entering child-related occupations. This should aim to increase awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours in children	
<i>6.2g</i>	information and help-seeking services to support people who are concerned they may be at risk of sexually abusing children. The design of these services should be informed by the Stop It Now! model implemented in Ireland and the United Kingdom	
<i>6.2h</i>	information and help seeking services for parents and other members of the community concerned that:	
<i>6.2h(i)</i>	an adult they know may be at risk of perpetrating child sexual abuse	
<i>6.2h(ii)</i>	a child or young person they know may be at risk of sexual abuse or harm	
<i>6.2h(iii)</i>	a child they know may be displaying harmful sexual behaviours.	
6.3	The design and implementation of these initiatives should consider:	Supported.

6.3a	aligning with and linking to national strategies for preventing violence against adults and children, and strategies for addressing other forms of child maltreatment	
6.3b	tailoring and targeting initiatives to reach, engage and provide access to all communities, including children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities	
6.3c	involving children and young people in the strategic development, design, implementation and evaluation of initiatives	Supported.
6.3d	using research and evaluation to:	
6.3d(i)	build the evidence base for using best practices to prevent child sexual abuse and harmful sexual behaviours in children	
6.3d(ii)	guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented.	
6.4	All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.	Supported. The Commissioner for Children and Young People Act 2004 requires the Commissioner to have regard for the UNCRC in administering its functions including monitoring and reviewing laws, policies, practices and services.
6.5	<p>The Child Safe Standards are:</p> <ol style="list-style-type: none"> 1. Child safety is embedded in institutional leadership, governance and culture 2. Children participate in decisions affecting them and are taken seriously 3. Families and communities are informed and involved 4. Equity is upheld and diverse needs are taken into account 5. People working with children are suitable and supported 6. Processes to respond to complaints of child sexual abuse are child focused 7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training 	Supported. The Standards align with the CCYP Child Safe Organisations Domains. Organisations working to CCYP will be addressing each of the RCIRCSA Standards. Aligns with CCYP work from 2014-18 which included liaison with the Royal Commission and review of their reports and research.

	<p>8. Physical and online environments minimise the opportunity for abuse to occur</p> <p>9. Implementation of the Child Safe Standards is continuously reviewed and improved</p> <p>10. Policies and procedures document how the institution is child safe.</p>	<p>Letter to Premier 13 February 2018 outlines CSO work undertaken by CCYP. Further information is available at www.ccyp.wa.gov.au/our-work/resources/child-safe-organisations</p> <p><i>Child Safe Organisations Australian Frameworks 2018: An Update</i> (at above link) outlines the synergy of CCYP, Royal Commission and COAG work on Child Safe Standards.</p>
6.6	<p>Institutions should be guided by the following core components when implementing the Child Safe Standards:</p>	<p>Supported as above.</p>
	<p><u>Standard 1: Child safety is embedded in institutional leadership, governance and culture</u></p> <p>a. The institution publicly commits to child safety and leaders champion a child safe culture.</p> <p>b. Child safety is a shared responsibility at all levels of the institution.</p> <p>c. Risk management strategies focus on preventing, identifying and mitigating risks to children.</p> <p>d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.</p> <p>e. Staff and volunteers understand their obligations on information sharing and recordkeeping.</p>	
	<p><u>Standard 2: Children participate in decisions affecting them and are taken seriously</u></p> <p>a. Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.</p> <p>b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.</p> <p>c. Children can access sexual abuse prevention programs and information.</p> <p>d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.</p>	

	<p><u>Standard 3: Families and communities are informed and involved</u></p> <ul style="list-style-type: none"> a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child. b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible. c. Families and communities have a say in the institution’s policies and practices. d. Families and communities are informed about the institution’s operations and governance. 	
	<p><u>Standard 4: Equity is upheld and diverse needs are taken into account</u></p> <ul style="list-style-type: none"> a. The institution actively anticipates children’s diverse circumstances and responds effectively to those with additional vulnerabilities. b. All children have access to information, support and complaints processes. c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds. 	
	<p><u>Standard 5: People working with children are suitable and supported</u></p> <ul style="list-style-type: none"> a. Recruitment, including advertising and screening, emphasises child safety. b. Relevant staff and volunteers have Working With Children Checks. c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations. d. Supervision and people management have a child safety focus. 	
	<p><u>Standard 6: Processes to respond to complaints of child sexual abuse are child focused</u></p> <ul style="list-style-type: none"> a. The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families. b. The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report. c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met. 	

	<p><u>Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</u></p> <ul style="list-style-type: none"> a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse. b. Staff and volunteers receive training on the institution’s child safe practices and child protection. c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures. 	
	<p><u>Standard 8: Physical and online environments minimise the opportunity for abuse to occur</u></p> <ul style="list-style-type: none"> a. Risks in the online and physical environments are identified and mitigated without compromising a child’s right to privacy and healthy development. b. The online environment is used in accordance with the institution’s code of conduct and relevant policies. 	
	<p><u>Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved</u></p> <ul style="list-style-type: none"> a. The institution regularly reviews and improves child safe practices. b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement. 	
	<p><u>Standard 10: Policies and procedures document how the institution is child safe</u></p> <ul style="list-style-type: none"> a. Policies and procedures address all Child Safe Standards. b. Policies and procedures are accessible and easy to understand. c. Best practice models and stakeholder consultation inform the development of policies and procedures. d. Leaders champion and model compliance with policies and procedures. e. Staff understand and implement the policies and procedures. 	

6.7	The national Child Safe Standards developed by the Royal Commission and listed at Recommendation 6.5 should be adopted as part of the new National Statement of Principles for Child Safe Organisations described by the Community Services Ministers' Meeting in November 2016. The National Statement of Principles for Child Safe Organisations should be endorsed by the Council of Australian Governments.	Supported.
6.8	State and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.	Supported.
6.9	Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:	Supported. In April 2016 CCYP launched Child Safe Organisations WA, a capacity building approach providing resources, seminars, information and support to organisations as well as strategic forums and discussions with Director Generals of government agencies about considerations and strategies required within agencies. CCYP has engaged with organisations on a voluntary basis and has not undertaken any monitoring of what has been implemented nor provided any accreditation to individual organisations. CCYP supports implementation and effective monitoring of mandatory standards. The 2005 Community and Disability Services Ministers across Australia agreed to implement the <i>Guidelines for Building the Capacity of Child-Safe Organisations</i> - ten years on the Royal Commission could not find evidence of rigorous implementation of these guidelines across Australia. Without mandatory standards that are externally monitored and enforced WA and Australia will remain unclear of the extent of any change in this area. Child Safe Standards also support many of the other Royal Commission Recommendations and provide a way for ensuring organisations have effective complaints
6.9a	accommodation and residential services for children, including overnight excursions or stays	
6.9b	activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children	
6.9c	childcare or childminding services	
6.9d	child protection services, including out-of-home care	
6.9e	activities or services where clubs and associations have a significant membership of, or involvement by, children	
6.9f	coaching or tuition services for children	
6.9g	commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions	
6.9h	services for children with disability	
6.9i	education services for children	
6.9j	health services for children	

6.9k	justice and detention services for children, including immigration detention facilities	mechanisms & education and development strategies. CCYP support the use of an independent existing body (such as CCYP, resourced to undertake the monitoring function) with the ability to delegate to and oversight sector regulators.
6.9l	transport services for children, including school crossing services.	
6.10	State and territory governments should ensure that:	Supported.
6.10a	an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body	CCYP support the use of an independent existing body (such as CCYP, resourced to undertake the monitoring function) with the ability to delegate to and oversight sector regulators. The Commissioner's legislation sets out functions of the Commissioner including to monitor the wellbeing of children and to monitor policy, practices and services affecting their wellbeing. Monitoring and enforcing child safe standards fits within the Commissioner's independent role. The Victorian Government has recently introduced child safe standards in law which are supported and monitored by the Commissioner for children and young people in Victoria. Child Safe Standards also support many of the other Royal Commission Recommendations and provide a way for ensuring organisations have effective complaints mechanisms & education and development strategies.
6.10b	the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator	
6.10c	regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards.	
6.11	Each independent state and territory oversight body should have the following additional functions:	Supported.
6.11a	provide advice and information on the Child Safe Standards to institutions and the community	The Commissioner's office has already developed and continues to deliver this work (6.11a).

<i>6.11b</i>	collect, analyse and publish data on the child safe approach in that jurisdiction	<p>The Commissioner has some data on work to date and this can easily be developed to provide more comprehensive information (6.11b).</p> <p>The Child Safe Organisations WA strategy, resources and training was developed in consultation with key stakeholders including government agencies and peak bodies (6.11c).</p> <p>The Child Safe Organisations WA seminar program meets this requirement (6.11d)</p>
<i>6.11c</i>	partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children	
<i>6.11d</i>	provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe	
<i>6.11e</i>	coordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe Standards.	
6.12	With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:	Supported.
<i>6.12a</i>	developing child safe messages in local government venues, grounds and facilities	<p>A good low-cost strategy for statewide implementation support.</p> <p>Local governments should use existing resources in each state (e.g. in WA the CCYP resources) until National Office for Child Safety produces any national resources (as in Rec 6.17)</p>
<i>6.12b</i>	assisting local institutions to access online child safe resources	
<i>6.12c</i>	providing child safety information and support to local institutions on a needs basis	
<i>6.12d</i>	supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.	
6.13	The Australian Government should require all institutions that engage in child-related work for the Australian Government, including Commonwealth agencies, to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.	Supported.
6.14	The Australian Government should be responsible for the following functions:	Supported with input from the Western Australian government.
<i>6.14a</i>	a. evaluate, publicly report on, and drive the continuous improvement of the implementation of the Child Safe Standards and their outcomes	

6.14b	b. coordinate the direct input of children and young people into the evaluation and continuous improvement of the Child Safe Standards	
6.14c	c. coordinate national capacity building and support initiatives and opportunities for collaboration between jurisdictions and institutions	
6.14d	d. develop and promote national strategies to raise awareness and drive cultural change in institutions and the community to support child safety	
6.15	The Australian Government should develop a new National Framework for Child Safety in collaboration with state and territory governments. The Framework should:	Supported with input from the Western Australian government.
6.15a	commit governments to improving the safety of all children by implementing long-term child safety initiatives, with appropriate resources, and holding them to account	
6.15b	be endorsed by the Council of Australian Governments and overseen by a joint ministerial body	
6.15c	commence after the expiration of the current National Framework for Protecting Australia's Children, no later than 2020	
6.15d	cover broader child safety issues, as well as specific initiatives to better prevent and respond to institutional child sexual abuse including initiatives recommended by the Royal Commission	
6.15e	include links to other related policy frameworks.	
6.16	The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament.	Supported with input from the Western Australian government.

6.17	The National Office for Child Safety should report to Parliament and have the following functions:	Supported with input from the Western Australian government.
6.17a	develop and lead the coordination of the proposed National Framework for Child Safety, including national coordination of the Child Safe Standards	
6.17b	collaborate with state and territory governments to lead capacity building and continuous improvement of child safe initiatives through resource development, best practice material and evaluation	
6.17c	promote the participation and empowerment of children and young people in the National Framework and child safe initiatives	
6.17d	perform the Australian Government's Child Safe Standards functions as set out at Recommendation 6.15	
6.17e	lead the community prevention initiatives as set out in Recommendation 6.2.	
6.18	The Australian Government should create a ministerial portfolio with responsibility for children's policy issues, including the National Framework for Child Safety.	Supported.
6.19	Ministers for Education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery. The curriculum should:	Supported, in conjunction with a review of other curriculum in use such as protective behaviours, respectful relationships, Safe Schools, healthy sexual development. It is important to align for consistency concepts, language and key messages about respect and safety when educating and addressing issues in person and in online contexts.
6.19a	be appropriately staged from foundation year to Year 12 and be linked with related content areas to build behavioural skills as well as technical knowledge to support a positive and safe online culture	
6.19b	involve children and young people in the design, delivery and piloting of new online safety education, and update content annually to reflect evolving technologies, online behaviours and evidence of international best practice approaches	

6.19c	be tailored and delivered in ways that allow all Australian children and young people to reach, access and engage with online safety education, including vulnerable groups that may not access or engage with the school system.	
6.20	Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national online safety education aimed at parents and other community members to better support children’s safety online. These communications should aim to:	Supported as at 6.19.
6.20a	keep the community up to date on emerging risks and opportunities for safeguarding children online	
6.20b	build community understanding of responsibilities, legalities and the ethics of children’s interactions online	
6.20c	encourage proactive responses from the community to make it ‘everybody’s business’ to intervene early, provide support or report issues when concerns for children’s safety online are raised	
6.20d	increase public awareness of how to access advice and support when online incidents occur.	
6.21	Pre-service education and in-service staff training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content. These programs should be aimed at:	Supported as at 6.19.
6.21a	tertiary students studying university, technical and further education, and vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education (see Recommendation 6.2)	
6.21b	staff and volunteers in schools and other child-related organisations could build on the existing web-based learning programs of the Office of the eSafety Commissioner.	

6.22	In partnership with the proposed National Office of Child Safety (see Recommendations 6.16 and 6.17), the Office of the eSafety Commissioner should oversee the development of an online safety framework and resources to support all schools in creating child safe online environments. This work should build on existing school-based e-safety frameworks and guidelines, drawing on Australian and international models. The school-based online safety framework and resources should be designed to:	Supported as at 6.19.
6.22a	a. support schools in developing, implementing and reviewing their online codes of conduct, policies and procedures to help create an online culture that is safe for children	
6.22b	b. guide schools in their response to specific online incidents, in coordination with other agencies. This should include guidance in complaint handling, understanding reporting requirements, supporting victims to minimise further harm, and preserving digital evidence to support criminal justice processes.	
6.23	State and territory education departments should consider introducing centralised mechanisms to support government and non-government schools when online incidents occur. This should result in appropriate levels of escalation and effective engagement with all relevant entities, such as the Office of the eSafety Commissioner, technical service providers and law enforcement. Consideration should be given to:	Supported.
6.23a	adopting the promising model of the Queensland Department of Education and Training's Cyber Safety and Reputation Management Unit, which provides advice and a centralised coordination function for schools, working in partnership with relevant entities to remove offensive online content and address other issues	
6.23b	strengthening or re-establishing multi-stakeholder forums and case-management for effective joint responses involving all relevant agencies, such as police, education, health and child protection.	
6.24	In consultation with the eSafety Commissioner, police commissioners from states and territories and the Australian Federal Police should continue to ensure national capability for coordinated, best practice responses by law enforcement agencies to online child sexual abuse. This could include through:	Supported.

6.24a	establishing regular meetings of the heads of cybersafety units in all Australian police departments to ensure a consistent capacity to respond to emerging incidents and share best practice approaches, tools and resources	
6.24b	convening regular forums and conferences to bring together law enforcement, government, the technology industry, the community sector and other relevant stakeholders to discuss emerging issues, set agendas and identify solutions to online child sexual abuse and exploitation	
6.24c	building capability across police departments, through in-service training for:	
6.24c(i)	frontline police officers to respond to public complaints relating to issues of online child sexual abuse or harmful sexual behaviours	
6.24c(ii)	police officers who liaise with young people in school and community settings.	
IMPROVING INSTITUTIONAL RESPONDING AND REPORTING		
7.1	State and territory governments that do not have a mandatory reporter guide should introduce one and require its use by mandatory reporters.	WA Mandatory Reporting Service has a guide and factsheets.
7.2	Institutions and state and territory governments should provide mandatory reporters with access to experts who can provide timely advice on child sexual abuse reporting obligations.	WA Mandatory Reporting Service has free call contact number.
7.3	State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:	The rationale of expanding Mandatory Reporting is understood given the many case studies of the Royal Commission that highlighted disclosures by children were not reported to authorities.
7.3a	out-of-home care workers (excluding foster and kinship/relative carers)	However, CCYP has concerns:
7.3b	youth justice workers	<ul style="list-style-type: none"> expanding mandated reporters by specific professional groups or specific roles may be confusing, as opposed to a generic enhancement such as: any person working with children who forms a belief of child sexual abuse should report.
7.3c	early childhood workers	
7.3d	registered psychologists and school counsellors	

7.3e

people in religious ministry.

- Mandatory Reports can overload systems.
- Mandatory Reporting systems are costly.

CCYP recommends that in prioritising recommendations the Royal Commission's Recommendations 6.1-6.18 focused on the mandatory implementation of Child Safe Standards and independent monitoring of the standards be prioritised over expansion of mandated reporter groups as Child Safe Standards are more comprehensive strategies and organisational cultural change mechanisms to promote safety and wellbeing.

Child Safe Standard 6: Outlines processes to respond to complaints of child sexual abuse are child focused and states:

- a. The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families.
- b. The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.
- c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

Standard 6 when mandated and externally reviewed (as in Rec 6.10) is a mechanism for checking that organisations are appropriately reporting to both the current Child Protection agency and meeting any current Mandatory Reporting obligations.

7.4	Laws concerning mandatory reporting to child protection authorities should not exempt persons in religious ministry from being required to report knowledge or suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.	
7.5	<p>The Australian Government and state and territory governments should ensure that legislation provides comprehensive protection for individuals who make reports in good faith about child sexual abuse in institutional contexts.</p> <p>Such individuals should be protected from civil and criminal liability and from reprisals or other detrimental action as a result of making a complaint or report, including in relation to:</p>	<p>The Commissioner notes the comments in the Special Inquiry into St Andrew's Hostel Report by the Hon Peter Blaxell (2012) referring to Professor Michael Gillooly comments and Appendix 7 of the report, in relation to reforms for defamation and protection laws, that should be further considered at this time.</p>
7.5a	mandatory and voluntary reports to child protection authorities under child protection legislation	
7.5b	notifications concerning child abuse under the Health Practitioner Regulation National Law	
7.6	State and territory governments should amend child protection legislation to provide adequate protection for individuals who make complaints or reports in good faith to any institution engaging in child-related work about:	
7.6a	child sexual abuse within that institution or	
7.6b	the response of that institution to child sexual abuse.	
	Such individuals should be protected from civil and criminal liability and from reprisals or other detrimental action as a result of making a complaint or report.	
7.7	Consistent with Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused, institutions should have a clear, accessible and child-focused complaint handling policy and procedure that sets out how the institution should respond to complaints of child sexual abuse. The complaint handling policy and procedure should cover:	<p>Supported.</p> <p>Under the CCYP Act 2004 the Commissioner has specific legislated functions to monitor the handling of complaints in relation to children and young people.</p>

7.7a	making a complaint	<p>CCYP produced the <i>Are you Listening?</i> guidelines on child focused complaints systems for organisations in 2009 and reviewed them in 2013. The Commissioner has a monitoring role of government agency complaint systems.</p> <p>Child Focused complaint systems are included in CCYP <i>Child Safe Organisations WA: Guidelines 2016</i> for all institutions. These will mandated and monitored if Rec 6.10 is accepted and implemented.</p> <p>The CCYP Guidelines also outline in terms of process the importance for children and young people of:</p> <ul style="list-style-type: none"> • Keeping the child informed of where the process is up to and the outcome • Discussing the issues of confidentiality clearly with a child or young person • Advocacy within the process for the child and young person, not just support
7.7b	responding to a complaint	
7.7c	investigating a complaint	
7.7d	providing support and assistance	
7.7e	achieving systemic improvements following a complaint.	
7.8	Consistent with Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture, institutions should have a clear code of conduct that:	<p>Fully supported.</p> <p>All government agencies who serve children and young people should implement all the Child Safe Standards and set these standards and expectations within funding contracts in agencies they contract or partner with.</p>
7.8a	outlines behaviours towards children that the institution considers unacceptable, including concerning conduct, misconduct or criminal conduct	
7.8b	includes a specific requirement to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution or to an external authority when required by law and/or the institution’s complaint handling policy	
7.8c	outlines the protections available to individuals who make complaints or reports in good faith to any institution engaging in child-related work (see Recommendation 7.6 on reporter protections).	

7.9	State and territory governments should establish nationally consistent legislative schemes (reportable conduct schemes), based on the approach adopted in New South Wales, which oblige heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees.	
7.10	Reportable conduct schemes should provide for:	<p>Any reportable conduct scheme needs to consider existing bodies in WA e.g. CCC to avoid duplication. There is merit in an independent body having oversight of all systems reporting and investigating the conduct by employees of government and nongovernment agencies and other public authorities that provide services to children to ensure:</p> <ul style="list-style-type: none"> • consideration of any gaps within or across organisations or issues that prevent reporting • review of systems for handling and responding to reportable allegations and reportable convictions • connection to the WWCC processes • capacity to monitor investigations into abuse of children • authority to respond to complaints from children and young people and/or their advocates about the process of investigation and outcomes particularly as these may involve multiple agencies and systems. <p>7.10g(v) This could be built into the Child Safe Organisations training by CCYP.</p>
7.10a	an independent oversight body	
7.10b	obligatory reporting by heads of institutions	
7.10c	a definition of reportable conduct that covers any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child	
7.10d	a definition of reportable conduct that includes the historical conduct of a current employee	
7.10e	a definition of employee that covers paid employees, volunteers and contractors	
7.10f	protection for persons who make reports in good faith	
7.10g	oversight body powers and functions that include:	
7.10g(i)	scrutinising institutional systems for preventing reportable conduct and for handling and responding to reportable allegations, or reportable convictions	
7.10g(ii)	monitoring the progress of investigations and the handling of complaints by institutions	
7.10g(iii)	conducting, on its own motion, investigations concerning any reportable conduct of which it has been notified or otherwise becomes aware	
7.10g(iv)	power to exempt any class or kind of conduct from being reportable conduct	
7.10g(v)	capacity building and practice development, through the provision of training, education and guidance to institutions	

7.10g(vi)	public reporting, including annual reporting on the operation of the scheme and trends in reports and investigations, and the power to make special reports to parliaments.	
7.11	State and territory governments should periodically review the operation of reportable conduct schemes, and in that review determine whether the schemes should cover additional institutions that exercise a high degree of responsibility for children and involve a heightened risk of child sexual abuse.	
7.12	<p>Reportable conduct schemes should cover institutions that:</p> <ul style="list-style-type: none"> • exercise a high degree of responsibility for children • engage in activities that involve a heightened risk of child sexual abuse, due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with. <p>At a minimum, these should include institutions that provide:</p>	
7.12a	accommodation and residential services for children, including:	
7.12a(i)	housing or homelessness services that provide overnight beds for children and young people	
7.12a(ii)	providers of overnight camps	
7.12b	activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children	
7.12c	childcare services, including:	
7.12c(i)	approved education and care services under the Education and Care Services National Law	
7.12c(ii)	approved occasional care services	
7.12d	child protection services and out-of-home care, including:	
7.12d(i)	child protection authorities and agencies	

<i>7.12d(ii)</i>	providers of foster care, kinship or relative care	
<i>7.12d(iii)</i>	providers of family group homes	
<i>7.12d(iv)</i>	providers of residential care	
<i>7.12e</i>	disability services and supports for children with disability, including:	
<i>7.12e(i)</i>	disability service providers under state and territory legislation	
<i>7.12e(ii)</i>	registered providers of supports under the National Disability Insurance Scheme	
<i>7.12f</i>	education services for children, including:	
<i>7.12f(i)</i>	government and non-government schools	
<i>7.12f(ii)</i>	TAFEs and other institutions registered to provide senior secondary education or training, courses for overseas students or student exchange programs	
<i>7.12g</i>	health services for children, including:	
<i>7.12g(i)</i>	government health departments and agencies, and statutory corporations	
<i>7.12g(ii)</i>	public and private hospitals	
<i>7.12g(iii)</i>	providers of mental health and drug or alcohol treatment services that have inpatient beds for children and young people	
<i>7.12h</i>	justice and detention services for children, including:	
<i>7.12h(i)</i>	youth detention centres	
<i>7.12h(ii)</i>	immigration detention facilities.	

RECORDKEEPING AND INFORMATION SHARING		
8.1	To allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse, institutions that engage in child-related work should retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred.	Supported. This could be built into the Child Safe Organisations training by CCYP.
8.2	The National Archives of Australia and state and territory public records authorities should ensure that records disposal schedules require that records relating to child sexual abuse that has occurred or is alleged to have occurred be retained for at least 45 years.	Supported.
8.3	The National Archives of Australia and state and territory public records authorities should provide guidance to government and non-government institutions on identifying records which, it is reasonable to expect, may become relevant to an actual or alleged incident of child sexual abuse; and on the retention and disposal of such records.	Supported.
8.4	All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution.	These principles are fully supported. However, the principles don't speak to more current work occurring around the principle of participation of adults and also children and young people in generating or participating in the creation of the records about them and viewing records as being owned or belonging to the person about who the record is about.
	<p><u>Principle 1:</u></p> <p>Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture. Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records are integral parts of the institution's operations and governance.</p>	
	<p><u>Principle 2:</u></p> <p>Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse. Institutions should ensure that records are created to document any identified incidents of</p>	

	<p>grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents. Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time the incidents occurred, and clearly show the author (whether individual or institutional) and the date created.</p>	
	<p><u>Principle 3:</u></p> <p>Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately. Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.</p>	
	<p><u>Principle 4:</u></p> <p>Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy. Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies. Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.</p>	
	<p><u>Principle 5:</u></p> <p>Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent. Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted. Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be</p>	

	amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.	
8.5	State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, at a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse.	Supported.
8.6	The Australian Government and state and territory governments should make nationally consistent legislative and administrative arrangements, in each jurisdiction, for a specified range of bodies (prescribed bodies) to share information related to the safety and wellbeing of children, including information relevant to child sexual abuse in institutional contexts (relevant information). These arrangements should be made to establish an information exchange scheme to operate in and across Australian jurisdictions.	Supported. This recommendation applies more broadly than child protection matters and involves other agencies. It requires further consideration to ensure current provisions are adequate in all circumstances.
8.7	In establishing the information exchange scheme, the Australian Government and state and territory governments should develop a minimum of nationally consistent provisions to:	Supported.
<i>8.7a</i>	enable direct exchange of relevant information between a range of prescribed bodies, including service providers, government and non-government agencies, law enforcement agencies, and regulatory and oversight bodies, which have responsibilities related to children's safety and wellbeing	
<i>8.7b</i>	permit prescribed bodies to provide relevant information to other prescribed bodies without a request, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts	
<i>8.7c</i>	require prescribed bodies to share relevant information on request from other prescribed bodies, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts, subject to limited exceptions	

<i>8.7d</i>	explicitly prioritise children’s safety and wellbeing and override laws that might otherwise prohibit or restrict disclosure of information to prevent, identify and respond to child sexual abuse in institutional contexts	
<i>8.7e</i>	provide safeguards and other measures for oversight and accountability to prevent unauthorised sharing and improper use of information obtained under the information exchange scheme	
<i>8.7f</i>	require prescribed bodies to provide adversely affected persons with an opportunity to respond to untested or unsubstantiated allegations, where such information is received under the information exchange scheme, prior to taking adverse action against such persons, except where to do so could place another person at risk of harm.	
8.8	The Australian Government, state and territory governments and prescribed bodies should work together to ensure that the implementation of our recommended information exchange scheme is supported with education, training and guidelines. Education, training and guidelines should promote understanding of, and confidence in, appropriate information sharing to better prevent, identify and respond to child sexual abuse in institutional contexts, including by addressing:	Supported.
<i>8.8a</i>	impediments to information sharing due to limited understanding of applicable laws	
<i>8.8b</i>	unauthorised sharing and improper use of information.	
8.9	The Council of Australian Governments (COAG) Education Council should consider the need for nationally consistent state and territory legislative requirements about the types of information recorded on teacher registers. Types of information that the council should consider, with respect to a person’s registration and employment as a teacher, include:	Supported.
<i>8.9a</i>	the person’s former names and aliases	
<i>8.9b</i>	the details of former and current employers	
<i>8.9c</i>	where relating to allegations or incidents of child sexual abuse:	

<i>8.9c(i)</i>	current and past disciplinary actions, such as conditions on, suspension of, and cancellation of registration	
<i>8.9c(ii)</i>	grounds for current and past disciplinary actions	
<i>8.9c(iii)</i>	pending investigations	
<i>8.9c(iv)</i>	findings or outcomes of investigations where allegations have been substantiated	
<i>8.9c(v)</i>	resignation or dismissal from employment.	
8.10	The COAG Education Council should consider the need for nationally consistent provisions in state and territory teacher registration laws providing that teacher registration authorities may, and/or must on request, make information on teacher registers available to:	Supported.
<i>8.10a</i>	teacher registration authorities in other states and territories	
<i>8.10b</i>	teachers' employers.	
8.11	The COAG Education Council should consider the need for nationally consistent provisions:	Supported.
<i>8.11a</i>	in state and territory teacher registration laws; or	
<i>8.11b</i>	in administrative arrangements, based on legislative authorisation for information sharing under our recommended information exchange scheme;	
	providing that teacher registration authorities may or must notify teacher registration authorities in other states and territories and teachers' employers of information they hold or receive about the following matters where they relate to allegations or incidents of child sexual abuse:	
<i>8.11a</i>	disciplinary actions, such as conditions or restrictions on, suspension of, and cancellation of registration, including with notification of grounds.	
<i>8.11b</i>	investigations into conduct, or into allegations or complaints.	

8.11c	findings or outcomes of investigations.	
8.11d	resignation or dismissal from employment.	
8.12	In considering improvements to teacher registers and information sharing by registration authorities, the COAG Education Council should also consider what safeguards are necessary to protect teachers' personal information.	Supported.
8.13	State and territory governments should ensure that policies provide for the exchange of a student's information when they move to another school, where:	Supported - such policies should also be clear about how the student and his/her parents are informed about the information being shared. The policies should also be accessible to students and parents.
8.13a	the student may pose risks to other children due to their harmful sexual behaviours or may have educational or support needs due to their experiences of child sexual abuse and	
8.13b	the new school needs this information to address the safety and wellbeing of the student or of other students at the school.	
	State and territory governments should give consideration to basing these policies on our recommended information exchange scheme (Recommendations 8.6 to 8.8).	
8.14	State and territory governments should ensure that policies for the exchange of a student's information when they move to another school:	Supported.
8.14a	provide that the principal (or other authorised information sharer) at the student's previous school is required to share information with the new school in the circumstances described in Recommendation 8.13 and	
8.14b	apply to schools in government and non-government systems.	
8.15	State and territory governments should ensure that policies about the exchange of a student's information (as in Recommendations 8.13 and 8.14) provide the following safeguards, in addition to any safeguards attached to our recommended information exchange scheme:	Supported.

8.15a	a. information provided to the new school should be proportionate to its need for that information to assist it in meeting the student’s safety and wellbeing needs, and those of other students at the school	
	b. information should be exchanged between principals, or other authorised information sharers, and disseminated to other staff members on a need-to-know basis.	
8.16	The COAG Education Council should review the Interstate Student Data Transfer Note and Protocol in the context of the implementation of our recommended information exchange scheme (Recommendations 8.6 to 8.8).	Supported.
8.17	State and territory governments should introduce legislation to establish carers registers in their respective jurisdictions, with national consistency in relation to:	Supported.
8.17a	the inclusion of the following carer types on the carers register:	Carers should also be clear about the information contained about themselves on the register and have access to policies about the register.
8.17a(i)	foster carers.	
8.17a(ii)	relative/kinship carers.	
8.17a(iii)	residential care staff.	
8.17b	the types of information which, at a minimum, should be recorded on the register; and	
8.17c	the types of information which, at a minimum, must be made available to agencies or bodies with responsibility for assessing, authorising or supervising carers, or other responsibilities related to carer suitability and safety of children in out-of-home care.	
8.18	Carers registers should be maintained by state and territory child protection agencies or bodies with regulatory or oversight responsibility for out-of-home care in that jurisdiction.	Supported. External independent oversight should monitor use of the register.
8.19	State and territory governments should consider the need for carers registers to include, at a minimum, the following information (register information) about, or	Supported.

	related to, applicant or authorised carers, and persons residing on the same property as applicant/authorised home-based carers (household members):	All carers as per 8.17 a (i) (ii) (iii) to be included on the register.
<i>8.19a</i>	lodgement or grant of applications for authorisation	
<i>8.19b</i>	status of the minimum checks set out in Recommendation 12.6 as requirements for authorisation, indicating their outcomes as either satisfactory or unsatisfactory	
<i>8.19c</i>	withdrawal or refusal of applications for authorisation in circumstances of concern (including in relation to child sexual abuse)	
<i>8.19d</i>	cancellation or surrender of authorisation in circumstances of concern (including in relation to child sexual abuse)	
<i>8.19e</i>	previous or current association with an out-of-home care agency, whether by application for authorisation, assessment, grant of authorisation, or supervision	
<i>8.19f</i>	the date of reportable conduct allegations, and their status as either current, finalised with ongoing risk-related concerns, and/or requiring contact with the reportable conduct oversight body.	
8.20	State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies to:	Supported.
<i>8.20a</i>	record register information in minimal detail	
<i>8.20b</i>	record register information as a mandatory part of carer authorisation	
<i>8.20c</i>	update register information about authorised carers.	
8.21	State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies:	Supported.
<i>8.21a</i>	before they authorise or recommend authorisation of carers, to:	
<i>8.21a(i)</i>	undertake a check for relevant register information, and	

<i>8.21a(ii)</i>	seek further relevant information from another out-of-home care agency where register information indicates applicant carers, or their household members (in the case of prospective home-based carers) have a prior or current association with that other agency	
<i>8.21b</i>	in the course of their assessment, authorisation, or supervision of carers, to:	
<i>8.21b(i)</i>	seek further relevant information from other agencies or bodies, where register information indicates they hold, or may hold, additional information relevant to carer suitability, including reportable conduct information.	
	State and territory governments should give consideration to enabling agencies to seek further information for these purposes under our recommended information exchange scheme (Recommendations 8.6 to 8.8).	
8.22	State and territory governments should consider the need for effective mechanisms to enable agencies and bodies to obtain relevant information from registers in any state or territory holding such information. Consideration should be given to legislative and administrative arrangements, and digital platforms, which will enable:	Supported.
<i>8.22a</i>	agencies responsible for assessing, authorising or supervising carers	
<i>8.22b</i>	other agencies, including jurisdictional child protection agencies and regulatory and oversight bodies, with responsibilities related to the suitability of persons to be carers and the safety of children in out-of-home care	
	to obtain relevant information from their own and other jurisdictions' registers for the purpose of exercising their responsibilities and functions.	
8.23	In considering the legislative and administrative arrangements required for carers registers in their jurisdiction, state and territory governments should consider the need for guidelines and training to promote the proper use of carers registers for the protection of children in out-of-home care. Consideration should also be given to the need for specific safeguards to prevent inappropriate use of register information.	Supported.

ADVOCACY, SUPPORT AND THERAPEUTIC TREATMENT SERVICES		
9.1	The Australian Government and state and territory governments should fund dedicated community support services for victims and survivors in each jurisdiction, to provide an integrated model of advocacy and support and counselling to children and adults who experienced childhood sexual abuse in institutional contexts. Funding and related agreements should require and enable these services to:	<p>This Recommendation is supported with some additional comments and recommendations from CCYP.</p> <ol style="list-style-type: none"> Adults and children and young people should have access to advocacy and support when they have experienced sexual abuse, either within an institution or a non-institutional setting as recommended in Recommendation 9.1. This advocacy and support needs to consider how independence is achieved at an individual case management process to ensure advocates/counsellors can navigate within and across systems in the best interests of their client without being constrained by funding arrangements or agency limitations. Independent Advocacy and Support is required for all children and young people who are vulnerable and do not have a capable adult advocating for them (not just sexual assault victims). CCYP has recommended this type of Independent Advocacy since the Blaxell Inquiry in WA. This role could be provided by CCYP but will require resourcing and legislative amendments to allow responses to individual complaints. This Independent Advocacy and Support would involve: <ol style="list-style-type: none"> individual advocacy for vulnerable children and young people independent of all service provision to address their issues, service responses, support needs systemic review of issues collated from individual advocacy cases systemic review of issues raised by other advocates serving children and young people (e.g. as in 1.)
9.1a	be trauma-informed and have an understanding of institutional child sexual abuse	
9.1b	be collaborative, available, accessible, acceptable and high quality	
9.1c	use case management and brokerage to coordinate and meet service needs	
9.1d	support and supervise peer-led support models.	
9.2	The Australian Government and state and territory governments should fund Aboriginal and Torres Strait Islander healing approaches as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse. These approaches should be evaluated in accordance with culturally appropriate methodologies, to contribute to evidence of best practice.	
9.3	The Australian Government and state and territory governments should fund support services for people with disability who have experienced sexual abuse in childhood as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse.	

		d. systemic advocacy based on analysis of issues, and progressing improvements across government and non-government agencies to improve systemic and agency responses for vulnerable children state-wide.
9.4	The Australian Government should establish and fund a legal advice and referral service for victims and survivors of institutional child sexual abuse. The service should provide advice about accessing, amending and annotating records from institutions, and options for initiating police, civil litigation or redress processes as required. Support should include advice, referrals to other legal services for representation and general assistance for people to navigate the legal service system. Funding and related agreements should require and enable these services to be:	Supported.
9.4a	trauma-informed and have an understanding of institutional child sexual abuse	
9.4b	collaborative, available, accessible, acceptable and high quality.	
9.5	The Australian Government should fund a national website and helpline as a gateway to accessible advice and information on childhood sexual abuse. This should provide information for victims and survivors, particularly victims and survivors of institutional child sexual abuse, the general public and practitioners about supporting children and adults who have experienced sexual abuse in childhood and available services. The gateway may be operated by an existing service with appropriate experience and should:	Supported. This helpline could also be an avenue of support and referral for people who are concerned about harmful sexual behaviours of children or adult behaviour towards children
9.5a	be trauma-informed and have an understanding of institutional child sexual abuse	
9.5b	be collaborative, available, accessible, acceptable and high quality	
9.5c	provide telephone and online information and initial support for victims and survivors, including independent legal information and information about reporting to police	
9.5d	provide assisted referrals to advocacy and support and therapeutic treatment services.	

9.6	The Australian Government and state and territory governments should address existing specialist sexual assault service gaps by increasing funding for adult and child sexual assault services in each jurisdiction, to provide advocacy and support and specialist therapeutic treatment for victims and survivors, particularly victims and survivors of institutional child sexual abuse. Funding agreements should require and enable services to:	Supported. Work conducted by CCYP mapping of services in WA for children and young people who have experienced sexual abuse or who have harmful sexual behaviours indicates current services in WA are inadequate to meet demands, specific populations groups and struggle to meet <i>a, b, c</i> and <i>d</i> in this recommendation.
9.6a	be trauma-informed and have an understanding of institutional child sexual abuse	
9.6b	be collaborative, available, accessible, acceptable and high quality	
9.6c	use collaborative community development approaches	
9.6d	provide staff with supervision and professional development.	
9.7	Primary Health Networks, within their role to commission joined up local primary care services, should support sexual assault services to work collaboratively with key services such as disability-specific services, Aboriginal and Torres Strait Islander services, culturally and linguistically diverse services, youth justice, aged care and child and youth services to better meet the needs of victims and survivors.	Supported.
9.8	The Australian Government and state and territory government agencies responsible for the delivery of human services should ensure relevant policy frameworks and strategies recognise the needs of victims and survivors and the benefits of implementing trauma informed approaches.	Supported. Policy frameworks and strategies should include minimum standards or expectations of what will be in place for an agency to be considered 'trauma informed'.
9.9	The Australian Government, in conjunction with state and territory governments, should establish and fund a national centre to raise awareness and understanding of the impacts of child sexual abuse, support help-seeking and guide best practice advocacy and support and therapeutic treatment. The national centre's functions should be to:	Supported. The activities and outcomes of the work of a National Centre are important to achieve and one centre will create consistency and reduce duplication of effort. Whilst the National Office of Child Safety focuses on prevention and education 6.2, there may be synergies and cost savings in have the National Centre for Impact of
9.9a	raise community awareness and promote destigmatising messages about the impacts of child sexual abuse	

<i>9.9b</i>	increase practitioners' knowledge and competence in responding to child and adult victims and survivors by translating knowledge about the impacts of child sexual abuse and the evidence on effective responses into practice and policy. This should include activities to:	Sexual Abuse within the same office or reporting to this office.
<i>9.9b(i)</i>	identify, translate and promote research in easily available and accessible formats for advocacy and support and therapeutic treatment practitioners	
<i>9.9b(ii)</i>	produce national training materials and best practice clinical resources	
<i>9.9b(iii)</i>	partner with training organisations to conduct training and workforce development programs	
<i>9.9b(iv)</i>	influence national tertiary curricula to incorporate child sexual abuse and trauma-informed care	
<i>9.9b(v)</i>	inform government policy making	
<i>9.9c</i>	lead the development of better service models and interventions through coordinating a national research agenda and conducting high-quality program evaluation.	
	The national centre should partner with survivors in all its work, valuing their knowledge and experience.	Children and young people not specifically mentioned here but should also be able to contribute.
CHILDREN WITH HARMFUL SEXUAL BEHAVIOURS		
10.1	The Australian Government and state and territory governments should ensure the issue of children's harmful sexual behaviours is included in the national strategy to prevent child sexual abuse that we have recommended (see Recommendations 6.1 to 6.3). Harmful sexual behaviours by children should be addressed through each of the following:	All recommendations in this Volume are fully supported. CCYP is currently undertaking work in this area and it is apparent in WA that:
<i>10.1a</i>	primary prevention strategies to educate family, community members, carers and professionals (including mandatory reporters) about preventing harmful sexual behaviours	<ul style="list-style-type: none"> • there is no common definition, language or framework for understanding and responding to HSB across agencies • language often includes labelling of children with HSB as abusers or offenders

<i>10.1b</i>	secondary prevention strategies to ensure early intervention when harmful sexual behaviours are developing	<ul style="list-style-type: none"> • the data available within agencies about children with HSB is generally poor and there is no common data set across agencies to inform how many children have HSB and what may be required in terms of service location and type • agency representatives were unaware of other agencies services, protocols or guidelines • responses within agencies were of variable quality e.g. some had well developed approaches for children with behaviours reported as causing harm, but less developed approaches for early identification and response to concerning behaviours • the level of training of personnel was variable across agencies and within agencies and in some agencies was minimal • responses often occurred within a crisis context although two agencies articulated clear early assessment and intervention strategies • the quantity, quality and effectiveness of services available statewide is not clear • the only statewide prevention strategy is education of children through the school curriculum. Quality control and monitoring of this is not in place • there is no readily identifiable educational strategies for parents or community members statewide • the majority of funded services and government responses are within the child protection system that primarily facilitates the reporting of child-at-risk concerns • the current service system is being supplemented by a large number of private practitioners who are providing services privately or with government funding
<i>10.1c</i>	tertiary intervention strategies to address harmful sexual behaviours.	
10.2	The Australian Government and state and territory governments should ensure timely expert assessment is available for individual children with problematic and harmful sexual behaviours, so they receive appropriate responses, including therapeutic interventions, which match their particular circumstances.	
10.3	The Australian Government and state and territory governments should adequately fund therapeutic interventions to meet the needs of all children with harmful sexual behaviours. These should be delivered through a network of specialist and generalist therapeutic services. Specialist services should also be adequately resourced to provide expert support to generalist services.	
10.4	State and territory governments should ensure that there are clear referral pathways for children with harmful sexual behaviours to access expert assessment and therapeutic intervention, regardless of whether the child is engaging voluntarily, on the advice of an institution or through their involvement with the child protection or criminal justice systems.	
10.5	Therapeutic intervention for children with harmful sexual behaviours should be based on the following principles:	
<i>10.5a</i>	a contextual and systemic approach should be used	
<i>10.5b</i>	family and carers should be involved	
<i>10.5c</i>	safety should be established	
<i>10.5d</i>	there should be accountability and responsibility for the harmful sexual behaviours	
<i>10.5e</i>	there should be a focus on behaviour change	
<i>10.5f</i>	developmentally and cognitively appropriate interventions should be used	

<i>10.5g</i>	the care provided should be trauma-informed	<ul style="list-style-type: none"> private practitioners are often contracted by agencies where services do not exist or the level of expertise does not exist for an individual child's situation there are no specialist services for children with HSB in Western Australia. Services are provided by general child sexual abuse services service providers identified as key issues for the service system: insufficient service availability; inadequate service funding; increasing acuity and complexity of client presentation; how services work with each other; and workforces and development issues. <p>These therapeutic principles in 10.5 are supported and could be reflected in service agreements and the CSATS service standards.</p> <p>The work of the Commissioner in this area and Recommendations for WA are available at www.cyp.wa.gov.au/our-work/harmful-sexual-behaviours/</p>
<i>10.5h</i>	therapeutic services and interventions should be culturally safe	
<i>10.5i</i>	therapeutic interventions should be accessible to all children with harmful sexual behaviours.	
10.6	The Australian Government and state and territory governments should ensure that all services funded to provide therapeutic intervention for children with harmful sexual behaviours provide professional training and clinical supervision for their staff.	
10.7	The Australian Government and state and territory governments should fund and support evaluation of services providing therapeutic interventions for problematic and harmful sexual behaviours by children.	
CONTEMPORARY OUT-OF-HOME CARE		
12.1	The Australian Government and state and territory governments should develop nationally agreed key terms and definitions in relation to child sexual abuse for the purpose of data collection and reporting by the Australian Institute of Health and Welfare (AIHW) and the Productivity Commission.	Supported.
12.2	The Australian Government and state and territory governments should prioritise enhancements to the Child Protection National Minimum Data Set to include:	Supported.
<i>12.2a</i>	data identifying children with disability, children from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander children	
<i>12.2b</i>	the number of children who were the subject of a substantiated report of sexual abuse while in out-of-home care	

12.2c	the demographics of those children	
12.2d	the type of out-of-home care placement in which the abuse occurred	
12.2e	information about when the abuse occurred	
12.2f	information about who perpetrated the abuse, including their age and their relationship to the victim, if known.	
12.3	State and territory governments should agree on reporting definitions and data requirements to enable reporting in the Report on government services on outcome indicators for 'improved health and wellbeing of the child', 'safe return home' and 'permanent care'.	Supported.
12.4	Each state and territory government should revise existing mandatory accreditation schemes to:	<p>No mandatory accreditation schemes exist in WA. Consistent with the CCYP report <i>Oversight of services for children and young people in Western Australia</i> published in November 2017 (available at www.ccyp.wa.gov.au/our-work/resources/wellbeing/).</p> <p>Recommendation 1 states That a robust, comprehensive system of independent oversight for all children and young people in out-of-home care be established. This should include:</p> <ul style="list-style-type: none"> • access to an independent advocate to support children and young people to raise concerns about their care • monitoring of the application of policy and practice • monitoring of the outcomes for children and young people in care. <p>This includes children and young people in all types of out of home care: family care, foster care, residential care.</p> <p>An accreditation scheme, with independent oversight of government and non-government providers may be an</p>
12.4a	incorporate compliance with the Child Safe Standards identified by the Royal Commission	
12.4b	extend accreditation requirements to both government and non-government out-of-home care service providers.	
12.5	In each state and territory, an existing statutory body or office that is independent of the relevant child protection agency and out-of-home care service providers, for example a children's guardian, should have responsibility for:	
12.5a	receiving, assessing and processing applications for accreditation of out-of-home care service providers	
12.5b	conducting audits of accredited out-of-home care service providers to ensure ongoing compliance with accreditation standards and conditions.	

		effective mechanism for addressing these issues and the ones outlined by the Royal Commission.
12.6	In addition to a National Police Check, Working With Children Check and referee checks, authorisation of all foster and kinship/relative carers and all residential care staff should include:	Supported.
12.6a	community services checks of the prospective carer and any adult household members of home-based carers	
12.6b	documented risk management plans to address any risks identified through community services checks	
12.6c	at least annual review of risk management plans as part of carer reviews and more frequently as required.	
12.7	All out-of-home care service providers should conduct annual reviews of authorised carers that include interviews with all children in the placement with the carer under review, in the absence of the carer.	Supported.
12.8	Each state and territory government should adopt a model of assessment appropriately tailored for kinship/relative care. This type of assessment should be designed to:	Supported, particularly that the assessment and support of kinship carers is equal to foster carers.
12.8a	better identify the strengths as well as the support and training needs of kinship/relative carers	
12.8b	ensure holistic approaches to supporting placements that are culturally safe	
12.8c	include appropriately resourced support plans.	
12.9	All state and territory governments should collaborate in the development of a sexual abuse prevention education strategy, including online safety, for children in out-of-home care that includes:	Supported, should be led by the National Child Safety office recommended in 6 - addressing the needs of more vulnerable children (e.g. those in out-of-home care, detention, with disability etc.)
12.9a	input from children in out-of-home care and care-leavers	

12.9b	comprehensive, age-appropriate and culture-appropriate education about sexuality and healthy relationships that is tailored to the needs of children in out-of-home care	
12.9c	resources tailored for children in care, for foster and kinship/relative carers, for residential care staff and for caseworkers	
12.9d	resources that can be adapted to the individual needs of children with disability and their carers.	
12.10	State and territory governments, in collaboration with out-of-home care service providers and peak bodies, should develop resources to assist service providers to:	Supported. CCYP consultation and report with children and young people in October 2016 <i>Speaking Out About Raising Concerns in Care</i> highlights these issues (available at www.ccyp.wa.gov.au/our-work/resources/child-protection).
12.10a	provide appropriate support and mechanisms for children in out-of-home care to communicate, either verbally or through behaviour, their views, concerns and complaints	
12.10b	provide appropriate training and support to carers and caseworkers to ensure they hear and respond to children in out-of-home care, including ensuring children are involved in decisions about their lives	
12.10c	regularly consult with the children in their care as part of continuous improvement processes.	
12.11	State and territory governments and out-of-home care service providers should ensure that training for foster and relative/kinship carers, residential care staff and child protection workers includes an understanding of trauma and abuse, the impact on children and the principles of trauma-informed care to assist them to meet the needs of children in out-of-home care, including children with harmful sexual behaviours.	Supported, particularly that training of kinship carers is equal to foster carers.
12.12	When placing a child in out-of-home care, state and territory governments and out-of-home care service providers should take the following measures to support children with harmful sexual behaviours:	Supported, see previous comments on work of CCYP on Harmful Sexual Behaviours. Whilst some of these areas may be addressed in the metropolitan area, the level of

<i>12.12a</i>	undertake professional assessments of the child with harmful sexual behaviours, including identifying their needs and appropriate supports and interventions to ensure their safety.	support and services for children with these behaviours statewide in out-of-home care requires review and enhancement.
<i>12.12b</i>	establish case management and a package of support services.	
<i>12.12c</i>	undertake careful placement matching that includes:	
<i>12.12c(i)</i>	providing sufficient relevant information to the potential carer/s and residential care staff to ensure they are equipped to support the child, and additional training as necessary.	
<i>12.12c(ii)</i>	rigorously assessing potential threats to the safety of other children, including the child's siblings, in the placement.	
12.13	State and territory governments and out-of-home care service providers should provide advice, guidelines and ongoing professional development for all foster and kinship/relative carers and residential care staff about preventing and responding to the harmful sexual behaviours of some children in out-of-home care.	Supported.
12.14	All state and territory governments should develop and implement coordinated and multi-disciplinary strategies to protect children in residential care by:	Supported.
<i>12.14a</i>	identifying and disrupting activities that indicate risk of sexual exploitation	
<i>12.14b</i>	supporting agencies to engage with children in ways that encourage them to assist in the investigation and prosecution of sexual exploitation offences.	
12.15	Child protection departments in all states and territories should adopt a nationally consistent definition for child sexual exploitation to enable the collection and reporting of data on sexual exploitation of children in out-of-home care as a form of child sexual abuse.	Supported.
12.16	All institutions that provide out-of-home care should develop strategies that increase the likelihood of safe and stable placements for children in care. Such strategies should include:	Supported.

<i>12.16a</i>	improved processes for 'matching' children with carers and other children in a placement, including in residential care	
<i>12.16b</i>	the provision of necessary information to carers about a child, prior to and during their placement, to enable carers to properly support the child	
<i>12.16c</i>	support and training for carers to deal with the different developmental needs of children as well as managing difficult situations and challenging behaviour.	
12.17	Each state and territory government should ensure that:	
<i>12.17a</i>	the financial support and training provided to kinship/relative carers is equivalent to that provided to foster carers to that provided to foster carers	Supported.
<i>12.17b</i>	the need for any additional supports are identified during kinship/relative carer assessments and are funded	Supported.
<i>12.17c</i>	additional casework support is provided to maintain birth family relationships.	Supported.
12.18	The key focus of residential care for children should be based on an intensive therapeutic model of care framework designed to meet the complex needs of children with histories of abuse and trauma.	Supported.
12.19	All residential care staff should be provided with regular training and professional supervision by appropriately qualified clinicians.	Supported.
12.20	Each state and territory government, in consultation with appropriate Aboriginal and Torres Strait Islander organisations and community representatives, should develop and implement plans to:	Supported.
<i>12.20a</i>	fully implement the Aboriginal and Torres Strait Islander Child Placement Principle	
<i>12.20b</i>	improve community and child protection sector understanding of the intent and scope of the principle	

<i>12.20c</i>	develop outcome measures that allow quantification and reporting on the extent of the full application of the principle, and evaluation of its impact on child safety and the reunification of Aboriginal and Torres Strait Islander children with their families	
<i>12.20d</i>	invest in community capacity building as a recognised part of kinship care, in addition to supporting individual carers, in recognition of the role of Aboriginal and Torres Strait Islander communities in bringing up children.	
12.21	Each state and territory government should ensure:	Supported.
<i>12.21a</i>	the adequate assessment of all children with disability entering out-of-home care	
<i>12.21b</i>	the availability and provision of therapeutic support	
<i>12.21c</i>	support for disability-related needs	
<i>12.21d</i>	the development and implementation of care plans that identify specific risk-management and safety strategies for individual children, including the identification of trusted and safe adults in the child's life.	
12.22	State and territory governments should ensure that the supports provided to assist all care-leavers to safely and successfully transition to independent living include:	Supported. CCYP has previously advocated for improvement in leaving care planning and actions, including access to services from other government agencies (e.g. therapeutic services or mental health services).
<i>12.22a</i>	strategies to assist care-leavers who disclose that they were sexually abused while in out-of-home care to access general post-care supports	
<i>12.22b</i>	the development of targeted supports to address the specific needs of sexual abuse survivors, such as help in accessing therapeutic treatment to deal with impacts of abuse, and for these supports to be accessible until at least the age of 25.	

SCHOOLS		
13.1	All schools should implement the Child Safe Standards identified by the Royal Commission.	Supported. Links to support and comments by CCYP on recommendations in Volume 6 Making institutions safer. Independent Oversight needs to be established and external to Education
13.2	State and territory independent oversight authorities responsible for implementing the Child Safe Standards (see Recommendation 6.10) should delegate to school registration authorities the responsibility for monitoring and enforcing the Child Safe Standards in government and non-government schools.	
13.3	School registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.	
13.4	The Australian Government and state and territory governments should ensure that needs-based funding arrangements for Aboriginal and Torres Strait Islander boarding students are sufficient for schools and hostels to create child safe environments.	
13.5	Boarding hostels for children and young people should implement the Child Safe Standards identified by the Royal Commission. State and territory independent oversight authorities should monitor and enforce the Child Safe Standards in these institutions.	
13.6	Consistent with the Child Safe Standards, complaint handling policies for schools (see Recommendation 7.7) should include effective policies and procedures for managing complaints about children with harmful sexual behaviours.	
13.7	State and territory governments should provide nationally consistent and easily accessible guidance to teachers and principals on preventing and responding to child sexual abuse in all government and non-government schools.	
13.8	The Council of Australian Governments (COAG) should consider strengthening teacher registration requirements to better protect children from sexual abuse in schools. In	

	particular, COAG should review minimum national requirements for assessing the suitability of teachers and conducting disciplinary investigations.	
SPORTS, RECREATION, ARTS, CULTURE, COMMUNITY AND HOBBY GROUPS		
14.1	All sport and recreation institutions, including arts, culture, community and hobby groups, that engage with or provide services to children should implement the Child Safe Standards identified by the Royal Commission.	Supported. Links to support and comments by CCYP on recommendations in Volume 6 Making institutions safer.
14.2	The National Office for Child Safety should establish a child safety advisory committee for the sport and recreation sector with membership from government and non-government peak bodies to advise the national office on sector-specific child safety issues.	
14.3	The education and information website known as Play by the Rules should be expanded and funded to develop resources – in partnership with the National Office for Child Safety – that are relevant to the broader sport and recreation sector.	
14.4	The independent state and territory oversight bodies that implement the Child Safe Standards should establish a free email subscription function for the sport and recreation sector so that all providers of these services to children can subscribe to receive relevant child safe information and links to resources.	
CONTEMPORARY DETENTION ENVIRONMENTS		
15.1	All institutions engaged in child-related work, including detention institutions and those involving detention and detention-like practices, should implement the Child Safe Standards identified by the Royal Commission.	Supported. Links to support and comments by CCYP on recommendations in Volume 6 Making institutions safer and Volume 9 Advocacy, support and therapeutic treatment services.

15.2	Given the Australian Government’s commitment to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the National Preventive Mechanism(s) should be provided with the expertise to consider and make recommendations relating to preventing and responding to child sexual abuse as part of regularly examining the treatment of persons deprived of their liberty in places of detention.	Supported.
15.3	Youth justice agencies in each state and territory should review the building and design features of youth detention to identify and address elements that may place children at risk. This should include consideration of how to most effectively use technology, such as closed-circuit television (CCTV) cameras and body-worn cameras, to capture interactions between children and between staff and children without unduly infringing children’s privacy.	Supported.
15.4	As part of efforts to mitigate risks of child sexual abuse in the physical environment of youth detention, state and territory governments should review legislation, policy and procedures to ensure:	Supported for all detention centres, immigration, juvenile justice, police custody, secure care
15.4a	appropriate and safe placements of children in youth detention, including a risk assessment process before placement decisions that identifies if a child may be vulnerable to child sexual abuse or if a child is displaying harmful sexual behaviours	Consistent with the CCYP report <i>Oversight of services for children and young people in Western Australia</i> published in November 2017 (available at www.ccyp.wa.gov.au/our-work/resources/wellbeing).
15.4b	children are not placed in adult prisons	Recommendation 4 That a system of comprehensive independent oversight of the detention of children and young people in police custody be introduced in WA.
15.4c	frameworks take into account the importance of children having access to trusted adults, including family, friends and community, in the prevention and disclosure of child sexual abuse and provide for maximum contact between children and trusted adults through visitation, and use of the telephone and audio-visual technology	Recommendation 5 That a robust, comprehensive system of oversight for all children and young people in the youth justice system be established. This should include:
15.4d	best practice processes are in place for strip searches and other authorised physical contact between staff and children, including sufficient safeguards to protect children such as:	

<i>15.4d(i)</i>	adequate communication between staff and the child before, during and after a search is conducted or other physical contact occurs	<ul style="list-style-type: none"> • access to an independent advocate to support children and young people to raise concerns about their treatment and support • monitoring of the application of policy and practice • monitoring of the outcomes for children and young people under the care and supervision of the youth justice system.
<i>15.4d(ii)</i>	clear protocols detailing when such practices are permitted and how they should be performed. The key elements of these protocols should be provided to children in an accessible format	
<i>15.4d(iii)</i>	staff training that highlights the potential for strip searching to re-traumatise children who have been sexually abused and how the misuse of search powers can lead to sexual humiliation or abuse.	
	State and territory governments should consider implementing strategies for detecting contraband, such as risk assessments or body scanners, to minimise the need for strip searching children.	
15.5	State and territory governments should consider further strategies that provide for the cultural safety of Aboriginal and Torres Strait Islander children in youth detention including:	Supported.
<i>15.5a</i>	recruiting and developing Aboriginal and Torres Strait Islander staff to work at all levels of the youth justice system, including in key roles in complaint handling systems	
<i>15.5b</i>	providing access to interpreters, particularly with respect to induction and education programs, and accessing internal and external complaint handling systems	
<i>15.5c</i>	ensuring that all youth detention facilities have culturally appropriate policies and procedures that facilitate connection with family, community and culture, and reflect an understanding of, and respect for, cultural practices in different clan groups	Supported.
<i>15.5d</i>	employing, training and professionally developing culturally competent staff who understand the particular needs and experiences of Aboriginal and Torres Strait Islander children, including the specific barriers that Aboriginal and Torres Strait Islander children face in disclosing sexual abuse.	
15.6	All staff should receive appropriate training on the needs and experiences of children with disability, mental health problems, and alcohol or other drug problems, and	Supported.

	children from culturally and linguistically diverse backgrounds that highlights the barriers these children may face in disclosing sexual abuse.	
15.7	State and territory governments should improve access to therapeutic treatment for survivors of child sexual abuse who are in youth detention, including by assessing their advocacy, support and therapeutic treatment needs and referring them to appropriate services, and ensure they are linked to ongoing treatment when they leave detention.	Supported.
15.8	State and territory governments should ensure that all staff in youth detention are provided with training and ongoing professional development in trauma-informed care to assist them to meet the needs of children in youth detention, including children at risk of sexual abuse and children with harmful sexual behaviours.	Supported.
15.9	State and territory governments should review the current internal and external complaint handling systems concerning youth detention to ensure they are capable of effectively dealing with complaints of child sexual abuse, including so that:	Supported as at 15.4.
15.9a	children can easily access child-appropriate information about internal complaint processes and external oversight bodies that may receive or refer children's complaints, such as visitor's schemes, ombudsmen, inspectors of custodial services, and children's commissioners or guardians	
15.9b	children have confidential and unrestricted access to external oversight bodies	
15.9c	staff involved in managing complaints both internally and externally include Aboriginal and Torres Strait Islander peoples and professionals qualified to provide trauma-informed care	
15.9d	complaint handling systems are accessible for children with literacy difficulties or who speak English as a second language	
15.9e	children are regularly consulted about the effectiveness of complaint handling systems and systems are continually improved.	
15.10	State and territory governments should ensure they have an independent oversight body with the appropriate visitation, complaint handling and reporting powers, to	See CCYP report <i>Oversight of services for children and young people in Western Australia</i> published in November

	provide oversight of youth detention. This could include an appropriately funded and independent Inspector of Custodial Services or similar body. New and existing bodies should have expertise in child-trauma, and the prevention and identification of child sexual abuse.	2017 (available at www.cyp.wa.gov.au/our-work/resources/wellbeing). The report outlines current bodies and functions in WA as well as gaps.
15.11	The Department of Immigration and Border Protection should publicly report within 12 months on how it has implemented the Child Protection Panel's recommendations.	Supported.
15.12a	The Australian Government should establish a mechanism to regularly audit the implementation of the Child Safe Standards in immigration detention by staff, contractors and agents of the Department of Immigration and Border Protection. The outcomes of each audit should be publicly reported.	Supported.
15.12b	The Department of Immigration and Border Protection should contractually require its service providers to comply with the Child Safe Standards identified by the Royal Commission, as applied to immigration detention.	Supported.
15.13	The Department of Immigration and Border Protection should identify the scope and nature of the need for support services for victims in immigration detention. The Department of Immigration and Border Protection should ensure that appropriate therapeutic and other specialist and support services are funded to meet the identified needs of victims in immigration detention and ensure they are linked to ongoing treatment when they leave detention.	Supported.
15.14	The Department of Immigration and Border Protection should designate appropriately qualified child safety officers for each place in which children are detained. These officers should assist and build the capacity of staff and service providers at the local level to implement the Child Safe Standards.	Supported.
15.15	The Department of Immigration and Border Protection should implement an independent visitors program in immigration detention.	Supported.

RELIGIOUS INSTITUTIONS		
16.1	The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.	
16.2	The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers:	
<i>16.2a</i>	members of professional standards bodies	
<i>16.2b</i>	members of diocesan councils (otherwise known as bishop-in-council or standing committee of synod)	
<i>16.2c</i>	members of the Standing Committee of the General Synod	
<i>16.2d</i>	chancellors and legal advisers for dioceses.	
16.3	The Anglican Church of Australia should amend Being together and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.	
16.4	The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.	
16.5	The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel):	
<i>16.5a</i>	undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety	
<i>16.5b</i>	undertake mandatory professional/pastoral supervision	

<i>16.5c</i>	undergo regular performance appraisals.	
16.6	The bishop of each Catholic Church diocese in Australia should ensure that parish priests are not the employers of principals and teachers in Catholic schools.	
16.7	The Australian Catholic Bishops Conference should conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of Catholic health, community services and education agencies.	
16.8	In the interests of child safety and improved institutional responses to child sexual abuse, the Australian Catholic Bishops Conference should request the Holy See to:	
<i>16.8a</i>	publish criteria for the selection of bishops, including relating to the promotion of child safety	
<i>16.8b</i>	establish a transparent process for appointing bishops which includes the direct participation of lay people.	
16.9	The Australian Catholic Bishops Conference should request the Holy See to amend the 1983 Code of Canon Law to create a new canon or series of canons specifically relating to child sexual abuse, as follows:	
<i>16.9a</i>	All delicts relating to child sexual abuse should be articulated as canonical crimes against the child, not as moral failings or as breaches of the 'special obligation' of clerics and religious to observe celibacy.	
<i>16.9b</i>	All delicts relating to child sexual abuse should apply to any person holding a 'dignity, office or responsibility in the Church' regardless of whether they are ordained or not ordained.	
<i>16.9c</i>	In relation to the acquisition, possession, or distribution of pornographic images, the delict (currently contained in Article 6 §2 1° of the revised 2010 norms attached to the	

	motu proprio Sacramentorum sanctitatis tutela) should be amended to refer to minors under the age of 18, not minors under the age of 14.	
16.10	The Australian Catholic Bishops Conference should request the Holy See to amend canon law so that the pontifical secret does not apply to any aspect of allegations or canonical disciplinary processes relating to child sexual abuse.	
16.11	The Australian Catholic Bishops Conference should request the Holy See to amend canon law to ensure that the 'pastoral approach' is not an essential precondition to the commencement of canonical action relating to child sexual abuse.	
16.12	The Australian Catholic Bishops Conference should request the Holy See to amend canon law to remove the time limit (prescription) for commencement of canonical actions relating to child sexual abuse. This amendment should apply retrospectively.	
16.13	The Australian Catholic Bishops Conference should request the Holy See to amend the 'imputability' test in canon law so that a diagnosis of paedophilia is not relevant to the prosecution of or penalty for a canonical offence relating to child sexual abuse.	
16.14	The Australian Catholic Bishops Conference should request the Holy See to amend canon law to give effect to Recommendations 16.55 and 16.56.	
16.15	The Australian Catholic Bishops Conference and Catholic Religious Australia, in consultation with the Holy See, should consider establishing an Australian tribunal for trying canonical disciplinary cases against clergy, whose decisions could be appealed to the Apostolic Signatura in the usual way.	
16.16	The Australian Catholic Bishops Conference should request the Holy See to introduce measures to ensure that Vatican Congregations and canonical appeal courts always publish decisions in disciplinary matters relating to child sexual abuse, and provide written reasons for their decisions. Publication should occur in a timely manner. In some cases it may be appropriate to suppress information that might lead to the identification of a victim.	

16.17	The Australian Catholic Bishops Conference should request the Holy See to amend canon law to remove the requirement to destroy documents relating to canonical criminal cases in matters of morals, where the accused cleric has died or ten years have elapsed from the condemnatory sentence. In order to allow for delayed disclosure of abuse by victims and to take account of the limitation periods for civil actions for child sexual abuse, the minimum requirement for retention of records in the secret archives should be at least 45 years.	
16.18	The Australian Catholic Bishops Conference should request the Holy See to consider introducing voluntary celibacy for diocesan clergy.	
16.19	All Catholic religious institutes in Australia, in consultation with their international leadership and the Holy See as required, should implement measures to address the risks of harm to children and the potential psychological and sexual dysfunction associated with a celibate rule of religious life. This should include consideration of whether and how existing models of religious life could be modified to facilitate alternative forms of association, shorter terms of celibate commitment, and/or voluntary celibacy (where that is consistent with the form of association that has been chosen).	
16.20	In order to promote healthy lives for those who choose to be celibate, the Australian Catholic Bishops Conference and all Catholic religious institutes in Australia should further develop, regularly evaluate and continually improve, their processes for selecting, screening and training of candidates for the clergy and religious life, and their processes of ongoing formation, support and supervision of clergy and religious.	
16.21	The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a national protocol for screening candidates before and during seminary or religious formation, as well as before ordination or the profession of religious vows.	
16.22	The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a mechanism to ensure that diocesan bishops and religious superiors draw upon broad-ranging professional advice in their decision-making, including from staff	

	from seminaries or houses of formation, psychologists, senior clergy and religious, and lay people, in relation to the admission of individuals to:	
<i>16.22a</i>	seminaries and houses of religious formation	
<i>16.22b</i>	ordination and/or profession of vows.	
16.23	In relation to guideline documents for the formation of priests and religious:	
<i>16.23a</i>	The Australian Catholic Bishops Conference should review and revise the Ratio nationalis institutionis sacerdotalis: Programme for priestly formation (current version December 2015), and all other guideline documents relating to the formation of priests, permanent deacons, and those in pastoral ministry, to explicitly address the issue of child sexual abuse by clergy and best practice in relation to its prevention.	
<i>16.23b</i>	All Catholic religious institutes in Australia should review and revise their particular norms and guideline documents relating to the formation of priests, religious brothers, and religious sisters, to explicitly address the issue of child sexual abuse and best practice in relation to its prevention.	
16.24	The Australian Catholic Bishops Conference and Catholic Religious Australia should conduct a national review of current models of initial formation to ensure that they promote pastoral effectiveness, (including in relation to child safety and pastoral responses to victims and survivors) and protect against the development of clericalist attitudes.	
16.25	The Australian Catholic Bishops Conference and Catholic Religious Australia should develop and each diocese and religious institute should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, provincials, clergy, religious, and lay personnel):	
<i>16.25a</i>	undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry, and child safety	
<i>16.25b</i>	undertake mandatory professional/pastoral supervision	

16.25c	undergo regular performance appraisals.	
16.26	The Australian Catholic Bishops Conference should consult with the Holy See, and make public any advice received, in order to clarify whether:	
16.26a	information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession	
16.26b	if a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities.	
16.27	The Jehovah's Witness organisation should abandon its application of the two-witness rule in cases involving complaints of child sexual abuse.	
16.28	The Jehovah's Witness organisation should revise its policies so that women are involved in processes related to investigating and determining allegations of child sexual abuse.	
16.29	The Jehovah's Witness organisation should no longer require its members to shun those who disassociate from the organisation in cases where the reason for disassociation is related to a person being a victim of child sexual abuse.	
16.30	All Jewish institutions in Australia should ensure that their complaint handling policies explicitly state that the halachic concepts of mesirah, moser and loshon horo do not apply to the communication and reporting of allegations of child sexual abuse to police and other civil authorities.	
16.31	All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.	
16.32	Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.	

16.33	Religious organisations should drive a consistent approach to the implementation of the Royal Commission’s 10 Child Safe Standards in each of their affiliated institutions.	
16.34	Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission’s 10 Child Safe Standards in each of their affiliated institutions.	Supported.
16.35	Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission’s 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.	Supported.
16.36	Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post-appointment, including in relation to the promotion of child safety.	
16.37	Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.	
16.38	Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.	
16.39	Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.	
16.40	Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist	

	in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.	
16.41	Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.	
16.42	Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.	
16.43	Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that:	
<i>16.43a</i>	equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards	
<i>16.43b</i>	educates candidates on:	
<i>16.43b(i)</i>	professional responsibility and boundaries, ethics in ministry and child safety	
<i>16.43b(ii)</i>	policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies	
<i>16.43b(iii)</i>	how to work with children, including childhood development	
<i>16.43b(iv)</i>	identifying and understanding the nature, indicators and impacts of child sexual abuse.	
16.44	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.	

16.45	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.	
16.46	Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.	
16.47	Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety.	
16.48	Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.	
16.49	Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.	
16.50	Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include:	
16.50a	what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom	
16.50b	identifying inappropriate behaviour which may be a precursor to abuse, including grooming	

16.50c	recognising physical and behavioural indicators of child sexual abuse	
16.50d	that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour.	
16.51	All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.	
16.52	All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.	
16.53	The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> .	
16.54	Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.	
16.55	Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> , or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.	
16.56	Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:	
16.56a	in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious	

16.56b	in the case of Anglican clergy, be deposed from holy orders	
16.56c	in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn	
16.56d	in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and/or vows, be dismissed, deposed or otherwise effectively have their religious status removed.	
16.57	Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:	
16.57a	assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community	
16.57b	take appropriate steps to manage that risk.	
16.58	Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.	
BEYOND THE ROYAL COMMISSION		
17.1	The Australian Government and state and territory governments should each issue a formal response to this Final Report within six months of it being tabled, indicating whether our recommendations are accepted, accepted in principle, rejected or subject to further consideration.	Supported. Timeframes for implementation of recommendations should also be specified.
17.2	The Australian Government and state and territory governments should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations made in this Final Report and its earlier Working With Children Checks, Redress and civil litigation and Criminal justice reports, through five consecutive annual reports tabled before their respective parliaments.	Supported.

17.3	<p>Major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission’s recommendations to the National Office for Child Safety through five consecutive annual reports. The National Office for Child Safety should make these reports publicly available.</p> <p>At a minimum, the institutions reporting should include those that were the subject of the Royal Commission’s institutional review hearings held from 5 December 2016 to 10 March 2017.</p>	<p>Supported.</p> <p>Could be monitored as part of the National Standards implementation and monitoring process in Volume 6.</p>
17.4	<p>The Australian Government should initiate a review to be conducted 10 years after the tabling of this Final Report. This review should:</p>	<p>Supported.</p>
<i>17.4a</i>	<p>establish the extent to which the Royal Commission’s recommendations have been implemented 10 years after the tabling of the Final Report</p>	
<i>17.4b</i>	<p>examine the extent to which the measures taken in response to the Royal Commission have been effective in preventing child sexual abuse, improving the responses of institutions to child sexual abuse and ensuring that victims and survivors of child sexual abuse obtain justice, treatment and support</p>	
<i>17.4c</i>	<p>advise on what further steps should be taken by governments and institutions to ensure continuing improvement in policy and service delivery in relation to child sexual abuse in institutional contexts.</p>	
17.5	<p>The Australian Government should host and maintain the Royal Commission website for the duration of the national redress scheme for victims and survivors of institutional child sexual abuse.</p>	
17.6	<p>A national memorial should be commissioned by the Australian Government for victims and survivors of child sexual abuse in institutional contexts. Victims and survivors should be consulted on the memorial design and it should be located in Canberra.</p>	