

# Royal Commission into Institutional Responses to Child Sexual Abuse

## Recommendation update - December 2018

The Royal Commission into Institutional Responses to Child Sexual Abuse delivered a total of 409 recommendations across 4 reports. Of these recommendations, 256 are for the Government of South Australia to action.

Release date	Report title	Total number of recommendations	Government of South Australia recommendations
December 2017	Final Report	189	104
August 2017	Criminal Justice Report	85	83
September 2015	Redress and Civil Litigation Report	99	35
July 2015	Working With Children Checks Report	36	34
<b>TOTAL</b>		<b>409</b>	<b>256</b>

Below is an update on the Government of South Australia's progress implementing the Royal Commission's recommendations (current December 2018). The complete annual report can be found on the Department for Child Protection's website: [www.childprotection.sa.gov.au](http://www.childprotection.sa.gov.au).

Abbreviations and acronyms used in this update:

- AGD - Attorney-General's Department
  - ODPP - Office of the Director of Public Prosecutions
  - CAA - Courts Administration Authority
- SAPOL - South Australia Police
- Child Protection - Department for Child Protection
- Education - Department for Education
- Health - SA Health
- Human Services - Department of Human Services
- Premier and Cabinet - Department of the Premier and Cabinet
- WWCC – working with children checks

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Final Report	6.04	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.	Education	Accepted in principle	Planning	The National Statement of Principles for Child Safe Organisations will be submitted to the Council of Australian Governments (COAG) for endorsement in late 2018. The National Principles can be integrated into South Australia's existing regulatory and policy framework for child safe environments. The Government of South Australia is considering what additional guidance and materials are required to support South Australian organisations to understand and implement the principles, with a particular focus on smaller organisations and sole traders.
Final Report	6.05	The Child Safe Standards are: <ol style="list-style-type: none"> <li>1. Child safety is embedded in institutional leadership, governance and culture</li> <li>2. Children participate in decisions affecting them and are taken seriously</li> <li>3. Families and communities are informed and involved</li> <li>4. Equity is upheld and diverse needs are taken into account</li> <li>5. People working with children are suitable and supported</li> <li>6. Processes to respond to complaints of child sexual abuse are child focused</li> </ol>	Education	Accepted in principle	Planning	See response to Recommendation 6.4. It is noted that the draft National Principles for Child Safe Organisations reflect, but are not identical to, the Child Safe Standards outlined in this recommendation.

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		<p>7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</p> <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>				
Final Report	6.06	<p>Institutions should be guided by the following core components when implementing the Child Safe Standards:</p> <p>Standard 1: Child safety is embedded in institutional leadership, governance and culture</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>	Education	Accepted in principle	Planning	See response to Recommendation 6.4 and Recommendation 6.5.

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		<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>Standard 2: Children participate in decisions affecting them and are taken seriously</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>Standard 3: Families and communities are informed</p>				

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		<p>and involved</p> <ul style="list-style-type: none"> <li>a) Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.</li> <li>b) The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.</li> <li>c) Families and communities have a say in the institution's policies and practices.</li> <li>d) Families and communities are informed about the institution's operations and governance.</li> </ul> <p>Standard 4: Equity is upheld and diverse needs are taken into account</p> <ul style="list-style-type: none"> <li>a) The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities.</li> <li>b) All children have access to information, support and complaints processes.</li> <li>c) The institution pays particular attention to the needs of</li> </ul>				

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		<p>Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.</p> <p>Standard 5: People working with children are suitable and supported</p> <ul style="list-style-type: none"> <li>a) Recruitment, including advertising and screening, emphasises child safety.</li> <li>b) Relevant staff and volunteers have Working With Children Checks.</li> <li>c) All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.</li> <li>d) Supervision and people management have a child safety focus.</li> </ul> <p>Standard 6: Processes to respond to complaints of child sexual abuse are child focused</p> <ul style="list-style-type: none"> <li>a) The institution has a child-focused complaint handling system that is understood by children, staff,</li> </ul>				

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		<p>volunteers and families.</p> <p>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.</p> <p>c) Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.</p> <p>Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</p> <p>a) Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.</p> <p>b) Staff and volunteers receive training on the institution's child safe practices and child protection.</p> <p>c) Relevant staff and volunteers are supported to develop practical skills in protecting children and</p>				

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		<p>responding to disclosures.</p> <p>Standard 8: Physical and online environments minimise the opportunity for abuse to occur</p> <ul style="list-style-type: none"> <li>a) Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development.</li> <li>b) The online environment is used in accordance with the institution's code of conduct and relevant policies.</li> </ul> <p>Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved</p> <ul style="list-style-type: none"> <li>a) The institution regularly reviews and improves child safe practices.</li> <li>b) The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.</li> </ul> <p>Standard 10: Policies and procedures document how the institution is child safe</p> <ul style="list-style-type: none"> <li>a) Policies and procedures address</li> </ul>				

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		<p>all Child Safe Standards.</p> <p>b) Policies and procedures are accessible and easy to understand.</p> <p>c) Best practice models and stakeholder consultation inform the development of policies and procedures.</p> <p>d) Leaders champion and model compliance with policies and procedures.</p> <p>e) Staff understand and implement the policies and procedures.</p>				
Final Report	6.07	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.	Child Protection	Accepted	Implementing	South Australia endorses the Child Safe Standards and the National Principles for Child Safe Organisations. These principles have been developed by the National Children's Commissioner, with guidance and oversight by ministers responsible for child protection across all jurisdictions, including South Australia. COAG will consider these principles in late 2018. If endorsed, the national principles can be integrated into South Australia's existing regulatory and policy framework for child safe environments.
Final Report	6.08	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	Education	Accepted in principle	Implementing	The <i>Children and Young People (Safety) Act 2017 (SA)</i> came into full effect on 22 October 2018. It requires all state authorities, organisations and people undertaking child-related work to ensure their environments are safe for children and young people. The definition of child-

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		6.5				related work is set out in the Child Safety (Prohibited Person) Act 2016 (SA) (not yet commenced) and is consistent with Recommendation 6.9.
Final Report	6.09	<p>Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:</p> <ul style="list-style-type: none"> <li>a) accommodation and residential services for children, including overnight excursions or stays</li> <li>b) activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children</li> <li>c) childcare or child-minding services</li> <li>d) child protection services, including out-of-home care</li> <li>e) activities or services where clubs and associations have a significant membership of, or involvement by, children</li> <li>f) coaching or tuition services for children</li> <li>g) commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent</li> </ul>	Education	Accepted in principle	Implementing	See response to Recommendation 6.8. The definition of child-related work set out in the Child Safety (Prohibited Persons) Act 2016 (SA) (not yet commenced) is consistent with this recommendation.

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		<ul style="list-style-type: none"> <li>or beauty competitions</li> <li>h) services for children with disability</li> <li>i) education services for children</li> <li>j) health services for children</li> <li>k) justice and detention services for children, including immigration detention facilities</li> <li>l) transport services for children, including school crossing services.</li> </ul>				
Final Report	6.10	<p>State and territory governments should ensure that:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) 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</li> <li>c) regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where</li> </ul>	Education	For further consideration	Planning	<p>The Government of South Australia is actively considering recommendations relating to an independent oversight body responsible for monitoring and enforcing the Child Safe Standards. This includes reviewing the scope and functions of its Child Safe Environments Program and investigating whether any existing independent bodies could undertake the oversight and monitoring described.</p> <p>The Government supports a responsive and risk-based approach to monitoring compliance with the Child Safe Standards.</p>

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		possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards.				
Final Report	6.11	<p>Each independent state and territory oversight body should have the following additional functions:</p> <ul style="list-style-type: none"> <li>a) provide advice and information on the Child Safe Standards to institutions and the community</li> <li>b) collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the proposed National Office for Child Safety</li> <li>c) partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children</li> <li>d) provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe</li> <li>e) coordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe</li> </ul>	Education	For further consideration	Planning	As noted in Recommendation 6.10, the Government of South Australia is actively considering recommendations relating to an independent oversight body. A number of the functions outlined in this recommendation are currently fulfilled by the Child Safe Environments Program.

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		Standards.				
Final Report	6.15	<p>The Australian Government should develop a new National Framework for Child Safety in collaboration with state and territory governments. The Framework should:</p> <ul style="list-style-type: none"> <li>a) commit governments to improving the safety of all children by implementing long-term child safety initiatives, with appropriate resources, and holding them to account</li> <li>b) be endorsed by the Council of Australian Governments and overseen by a joint ministerial body</li> <li>c) commence after the expiration of the current National Framework for Protecting Australia's Children, no later than 2020</li> <li>d) 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</li> <li>e) include links to other related policy frameworks.</li> </ul>	Child Protection	Accepted in principle	Implementing	<p>In line with recommendations from the Royal Commission, the Government of South Australia is committed to collaborating with other jurisdictions to progress a new National Framework on Child Safety. The new framework will focus on prevention, education, evaluation and cultural change.</p> <p>South Australia is supporting a public health approach in the new national framework. This provides a wider scope for children's safety beyond responses to institutional child sexual abuse, helping to address the root causes of child abuse and neglect and promote prevention and early intervention approaches.</p> <p>Important drivers for the success of the framework include a close partnership across governments and the non-government sector and meaningful engagement and collaboration with Aboriginal families, communities and organisations.</p>

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Final Report	6.19	<p>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:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) 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</li> <li>c) 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</li> </ul>	Education	For further consideration	Planning	The Government of South Australia supports a national approach to online safety education in schools. It will continue to engage with the Australian Government and other states and territories on this recommendation through the Council of Australian Governments (COAG) Education Council.

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		access or engage with the school system.				
Final Report	6.21	<p>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:</p> <ul style="list-style-type: none"> <li>a) 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)</li> <li>b) staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner.</li> </ul>	Education	For further consideration	Planning	The Government of South Australia is engaging with the Australian Government and other states and territories on this recommendation through the Council of Australian Governments (COAG) Education Council. It is also considering how it can integrate Office of the eSafety Commissioner content on creating safe online environments into its existing training programs and resources.
Final Report	6.23	State and territory education departments should consider introducing centralised mechanisms to support government and non-government schools when online	Education	For further consideration	Planning	The Government of South Australia is considering how it can best support non-government schools to manage online incidents in line with the recommendation, including the applicability and transferability of the

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		<p>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:</p> <p>a) 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</p> <p>b) 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.</p>				Queensland model to South Australia.
Final Report	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	SAPOL	Accepted	Complete	<p>SAPOL has a number of initiatives in place that support recommendation 6.24:</p> <ul style="list-style-type: none"> <li>• Membership of the National Cybercrime Joint Management Group.</li> <li>• The Child Protection Working Group, under the</li> </ul>

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		<p>law enforcement agencies to online child sexual abuse. This could include through:</p> <ul style="list-style-type: none"> <li>a) establishing regular meetings of the heads of cyber safety units in all Australian police departments to ensure a consistent capacity to respond to emerging incidents and share best practice approaches, tools and resources</li> <li>b) convening regular forums and conferences to bring together law enforcement, government, the technology industry, the community sector and other relevant</li> <li>c) stakeholders to discuss emerging issues, set agendas and identify solutions to online child sexual abuse and exploitation</li> <li>d) building capability across police departments, through in-service training for: <ul style="list-style-type: none"> <li>i) frontline police officers to respond to public complaints relating to issues of online child sexual abuse or harmful sexual behaviours</li> <li>ii) police officers who liaise with young people in school and community settings.</li> </ul> </li> </ul>				<p>national Serious Organised Crime Coordination Committee. This forum also oversees the Joint Anti Child Exploitation Team (JACET) model in each jurisdiction.</p> <ul style="list-style-type: none"> <li>• SAPOL has developed an Online Covert Investigations (Child Exploitation) Course, which was first conducted in November 2017.</li> <li>• SAPOL's State Community Engagement Section has been working in partnership with the Australian Federal Police to deliver the "ThinkUKnow" sessions to a large number of community groups in South Australia for the past four years.</li> <li>• Sexual offence training is provided to SAPOL recruits at the Academy, and a filming and sexting online training package is also available to officers.</li> </ul> <p>Further to these initiatives, SAPOL has a Memorandum of Understanding (MOU) with the eSafety Commissioner which outlines the process for the exchange of information. Referrals from the eSafety Commissioner are received by SAPOL on the Australian Cybercrime Online Reporting Network. SAPOL's Public Protection Branch commenced operation on 18 October 2018 which provides coordination of SAPOL policy and training in regard to matters of child protection, including online child sexual abuse.</p>

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Final Report	7.01	State and territory governments that do not have a mandatory reporter guide should introduce one and require its use by mandatory reporters.	Child Protection	Accepted in principle	Complete	The Department for Child Protection's Mandatory Reporting Guide was updated in August 2018 and training has been delivered to staff in government and non-government agencies. The guide helps mandatory notifiers understand the threshold for reporting concerns to the Department for Child Protection through the Child Abuse Report Line.
Final Report	7.02	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.	Child Protection	Accepted	Complete	Staff at the Child Abuse Report Line (CARL) and in the Crisis Response Unit are trained in the Structured Decision Making Response Priority Tool, which supports the assessment and prioritisation of allegations of sexual abuse. When a caller rings to make a notification, professionally trained CARL staff can provide expert advice on child sex abuse reporting obligations.
Final Report	7.03	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: <ul style="list-style-type: none"> <li>a) out-of-home care workers (excluding foster and kinship/relative carers)</li> <li>b) youth justice workers</li> <li>c) early childhood workers</li> <li>d) registered psychologists and</li> </ul>	Child Protection	Accepted	Complete	Section 30 of the new Children and Young People (Safety) Act 2017 came into effect on 22 October 2018 and includes the recommended groups in the list of mandatory notifiers.

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		school counsellors e) people in religious ministry.				
Final Report	7.04	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.	Child Protection	Accepted	Complete	Section 30 of the new <i>Children and Young People (Safety) Act 2017</i> came into effect on 22 October 2018 and requires that ministers of religion are subject to mandatory reporting requirements, even if they receive relevant information through a religious confession.
Final Report	7.05	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. 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: <ul style="list-style-type: none"> <li>a) mandatory and voluntary reports to child protection authorities under child protection legislation</li> <li>b) notifications concerning child abuse under the Health Practitioner Regulation National Law.</li> </ul>	Child Protection	a) For further consideration b) Accepted in principle	Implementing	a) South Australia has a range of legislative protections that may apply to people who make reports in good faith about child sexual abuse in an institutional context. They include: <ul style="list-style-type: none"> <li>• section 5 of the <i>Whistleblowers Protection Act 1993</i>, which provides immunity from civil or criminal liability for a person disclosing public interest information, including a disclosure about sexual abuse</li> <li>• section 166 (4) of the new <i>Children and Young People (Safety) Act 2017</i>, which protects people who act in line with the Act</li> <li>• the <i>Health and Community Services Complaints Act 2004</i>, which protects people from civil action when they make a complaint under the Act and makes it an offence to retaliate against the person.</li> </ul>

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						<p>b) The Council of Australian Governments (COAG) Health Council is responsible for changes to the Health Practitioner Regulation National Law. A Legislative Review Committee, consisting of jurisdictional officers, has indicated that, should all jurisdictions support the changes recommended by the Royal Commission, work will start to identify amendments for the approval of the COAG Health Council.</p>
Final Report	7.06	<p>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:</p> <p>a) child sexual abuse within that institution or</p> <p>b) the response of that institution to child sexual abuse.</p>	Child Protection	For further consideration	For further consideration	<p>The Minister for Child Protection is committed to reviewing the <i>Children and Young People (Safety) Act 2017</i> 12 months following its commencement in October 2018.</p> <p>The Government of South Australia will consider whether future changes should be made to the act to better allow internal complaints to be made to institutions.</p>
Final Report	7.07	<p>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>	Education	Accepted in principle	Implementing	<p>The Child Safe Environments Program requires all organisations engaged in child-related work to establish a complaint handling process consistent with guidance provided. The Government of South Australia is considering whether its existing requirements can be strengthened with reference to this recommendation.</p>

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		<ul style="list-style-type: none"> <li>a) making a complaint</li> <li>b) responding to a complaint</li> <li>c) investigating a complaint</li> <li>d) providing support and assistance</li> <li>e) achieving systemic improvements following a complaint.</li> </ul>				
Final Report	7.08	<p>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> <ul style="list-style-type: none"> <li>a) outlines behaviours towards children that the institution considers unacceptable, including concerning conduct, misconduct or criminal conduct</li> <li>b) 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</li> <li>c) outlines the protections available to individuals who make complaints or reports in good faith to any institution engaging in</li> </ul>	Education	Accepted in principle	Planning	The Child Safe Environments Program requires all organisations engaging in child-related work to establish a code of conduct that sets out professional boundaries, ethical behaviour and unacceptable behaviour. The Government of South Australia is considering whether its existing requirements can be strengthened with reference to this recommendation.

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		child-related work (see Recommendation 7.6 on reporter protections).				
Final Report	7.09	State and territory governments should establish nationally consistent legislative schemes (reportable conduct schemes), based on the approach adopted in New South Wales, which obliges heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees.	AGD	For further consideration	Not yet commenced	Various mechanisms already exist in South Australia to enable government bodies or statutory officers to oversee aspects of child protection matters, including that of employees working with children. These were tested and strengthened following South Australia's child protection system for children at risk of harm being investigated during the state's Child Protection Systems Royal Commission, which concluded in 2016.  Recommendation 7.9 requires further consideration by the Government of South Australia.
Final Report	7.10	Reportable conduct schemes should provide for: <ul style="list-style-type: none"> <li>i) an independent oversight body</li> <li>ii) obligatory reporting by heads of institutions</li> <li>iii) a definition of reportable conduct that covers any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child</li> <li>iv) a definition of reportable conduct that includes the historical conduct of a current employee</li> <li>v) a definition of employee that covers paid employees,</li> </ul>	AGD	For further consideration	Not yet commenced	See response to Recommendation 7.9.

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		<p>volunteers and contractors</p> <p>vi) protection for persons who make reports in good faith</p> <p>vii) oversight body powers and functions that include:</p> <p>i) scrutinising institutional systems for preventing reportable conduct and for handling and responding to reportable allegations, or reportable convictions</p> <p>ii) monitoring the progress of investigations and the handling of complaints by institutions</p> <p>iii) conducting, on its own motion, investigations concerning any reportable conduct of which it has been notified or otherwise becomes aware</p> <p>iv) power to exempt any class or kind of conduct from being reportable conduct capacity building and practice development, through the provision of training, education and guidance to institutions</p> <p>v) public reporting, including</p>				

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		annual reporting on the operation of the scheme and trends in reports and investigations, and the power to make special reports to parliaments.				
Final Report	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 heightened risk of child sexual abuse.	AGD	For further consideration	Not yet commenced	See response to Recommendation 7.9.
Final Report	7.12	<p>Reportable conduct schemes should cover institutions that:</p> <ul style="list-style-type: none"> <li>• exercise a high degree of responsibility for children</li> <li>• 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.</li> </ul> <p>At a minimum, these should include institutions that provide:</p> <ul style="list-style-type: none"> <li>i) accommodation and residential</li> </ul>	AGD	For further consideration	Not yet commenced	See response to Recommendation 7.9.

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		<p>services for children, including:</p> <ul style="list-style-type: none"> <li>i) housing or homelessness services that provide overnight beds for children and young people</li> <li>ii) providers of overnight camps</li> <li>ii) activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children</li> <li>iii) childcare services, including: <ul style="list-style-type: none"> <li>i) approved education and care services under the Education and Care Services National Law</li> <li>ii) approved occasional care services</li> </ul> </li> <li>iv) child protection services and out-of-home care, including: <ul style="list-style-type: none"> <li>i) child protection authorities and agencies</li> <li>ii) providers of foster care, kinship or relative care</li> <li>iii) providers of family group homes</li> <li>iv) providers of residential care</li> </ul> </li> </ul>				

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		<ul style="list-style-type: none"> <li>v) disability services and supports for children with disability, including:               <ul style="list-style-type: none"> <li>i) disability service providers under state and territory legislation</li> <li>ii) registered providers of supports under the National Disability Insurance Scheme</li> </ul> </li> <li>vi) education services for children, including:               <ul style="list-style-type: none"> <li>i) government and non-government schools</li> <li>ii) TAFEs and other institutions registered to provide senior secondary education or training courses for overseas students or student exchange programs</li> </ul> </li> <li>vii) health services for children, including:               <ul style="list-style-type: none"> <li>i) government health departments and agencies, and statutory corporations</li> <li>ii) public and private hospitals</li> <li>iii) providers of mental health and drug or alcohol treatment</li> </ul> </li> </ul>				

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>services that have inpatient beds for children and young people</p> <p>viii) justice and detention services for children, including:</p> <p>i) youth detention centres</p> <p>ii) immigration detention facilities.</p>				
Final Report	8.01	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.	AGD	Accepted in principle	Implementing	In August 2018, the State Records Council approved an interim determination that prevents the destruction of government records that may relate to child sexual abuse that has occurred or is alleged to have occurred. This interim determination will be superseded in 2019 when State Records makes adjustments to disposal schedules for State and Local Government. These changes will see records relating to child sexual abuse or alleged child sexual abuse for at least 45 years.
Final Report	8.02	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.	AGD	Accepted in principle	Implementing	In August 2018 the State Records Council approved an interim determination that prevents the destruction of government records that may relate to child sexual abuse that has occurred or is alleged to have occurred. This interim determination will be superseded in 2019 when State Records makes adjustments to disposal schedules for State and Local Government. These changes will see records relating to child sexual abuse or alleged child sexual abuse retained for at least 45 years.
Final	8.03	The National Archives of Australia and state and territory public records	AGD	Accepted	Planning	State Records is drafting guidance directed to State and Local Government agencies (but which will be available

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Report		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.				to non-government institutions in South Australia) which will advise on the practical measures organisations can take to ensure their recordkeeping processes are appropriate. This will include highlighting the key recordkeeping principles (recommendation 8.4) and identification of records which may be of relevance (recommendation 8.3). This guidance will be shared with national colleagues as a basis for national guidance being developed by a sub-committee of the Council of Australasian Archives and Records Authorities.
Final Report	8.04	<p>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.</p> <p>Principle 1:</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.</p> <p>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</p>	AGD	Accepted	Planning	The principles (recommendation 8.4) are embedded in South Australian legislation and policy governing information, recordkeeping and archival management. Guidance is being created by State Records which will highlight these principles and associated practices. State Records will continue to provide assistance on records and archival practices, including access to records in the State's archive collection.

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		<p>which the creation and management of accurate records are integral parts of the institution's operations and governance.</p> <p>Principle 2:</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 grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.</p> <p>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>Principle 3:</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.</p>				

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		<p>Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.</p> <p>Principle 4:</p> <p>Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.</p> <p>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.</p> <p>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>Principle 5:</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</p>				

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		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 amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.				
Final Report	8.05	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.	Education	For further consideration	Planning	The Government of South Australia is planning consultation with the sector regarding this recommendation.
Final Report	8.06	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.	Premier & Cabinet	Accepted in principle	Complete	The <i>Public Sector (Data Sharing) Act 2016</i> provides for agencies to share identifiable data 'in connection with the wellbeing, welfare or protection of a child or children or other vulnerable person'. This legislation also provides for the sharing of information with non-government organisations providing services to or on behalf of the government and sharing with other jurisdictions including the Commonwealth. The Information Sharing Guidelines provide a process for information sharing that promotes earlier and more effective service coordination in response to risks to the safety and wellbeing of children and young people.
Final	8.07	In establishing the information exchange	Premier &	Accepted in	Planning	See response to recommendation 8.6.

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Report		<p>scheme, the Australian Government and state and territory governments should develop a minimum of nationally consistent provisions to:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) 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</li> <li>c) 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</li> <li>d) explicitly prioritise children's safety and wellbeing and override</li> </ul>	Cabinet	principle		South Australia is working with the Australian Government on the Data Sharing and Release Act.

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		<p>laws that might otherwise prohibit or restrict disclosure of information to prevent, identify and respond to child sexual abuse in institutional contexts</p> <p>e) provide safeguards and other measures for oversight and accountability to prevent unauthorised sharing and improper use of information obtained under the information exchange scheme 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.</p>				
Final Report	8.08	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	Premier & Cabinet	Accepted in principle	Planning	See response to recommendation 8.6. South Australia will coordinate with the Australian Government and other jurisdictions to implement the schemes and provide input based on our experience with the Public Sector (Data Sharing) Act and the Information Sharing Guidelines.

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		<p>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:</p> <ul style="list-style-type: none"> <li>a) impediments to information sharing due to limited understanding of applicable laws</li> <li>b) unauthorised sharing and improper use of information.</li> </ul>				
Final Report	8.09	<p>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:</p> <ul style="list-style-type: none"> <li>a) the person's former names and aliases</li> <li>b) the details of former and current employers</li> <li>c) where relating to allegations or incidents of child sexual abuse: <ul style="list-style-type: none"> <li>i) current and past disciplinary actions, such as conditions on, suspension of, and</li> </ul> </li> </ul>	Education	For further consideration	Planning	<p>Recommendations relating to teacher registration were taken into account by the National Review of Teacher Registration. Its report, <i>One Teaching Profession: Teacher Registration in Australia</i>, released in September 2018, made 3 recommendations in relation to improving teacher registers and information sharing in order to strengthen child safety. The Council of Australian Governments (COAG) Education Council has noted the Review's report and will consider implementation plans for recommendations late in 2018. The Government of South Australia will continue to engage with states and territories on the recommendations through the COAG Education Council.</p>

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		<ul style="list-style-type: none"> <li>cancellation of registration</li> <li>ii) grounds for current and past disciplinary actions</li> <li>iii) pending investigations</li> <li>iv) findings or outcomes of investigations where allegations have been substantiated</li> <li>v) resignation or dismissal from employment.</li> </ul>				
Final Report	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: a. teacher registration authorities in other states and territories b. teachers' employers.	Education	For further consideration	Planning	See response to Recommendation 8.9.
Final Report	8.11	The COAG Education Council should consider the need for nationally consistent provisions: <ul style="list-style-type: none"> <li>a) in state and territory teacher registration laws or</li> <li>b) in administrative arrangements, based on legislative authorisation for information sharing under our recommended</li> </ul>	Education	For further consideration	Planning	See response to Recommendation 8.9.

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>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:</p> <ul style="list-style-type: none"> <li>a) disciplinary actions, such as conditions or restrictions on, suspension of, and cancellation of registration, including with notification of grounds</li> <li>b) investigations into conduct, or into allegations or complaints</li> <li>c) findings or outcomes of investigations</li> <li>d) resignation or dismissal from employment.</li> </ul>				
Final Report	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	Education	For further consideration	Planning	See response to Recommendation 8.9.
Final	8.13	State and territory governments should	Education	Accepted in	Implementing	The Government of South Australia is seeking to

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Report		<p>ensure that policies provide for the exchange of a student's information when they move to another school, where:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) the new school needs this information to address the safety and wellbeing of the student or of other students at the school.</li> </ul> <p>State and territory governments should give consideration to basing these policies on our recommended information exchange scheme (Recommendations 8.6 to 8.8).</p>		principle		<p>improve information gathering and sharing to support the education, health, safety, welfare or wellbeing of children.</p> <p>The Education and Children's Services Bill 2018, currently before Parliament, includes new provisions relating to information gathering and sharing about children.</p> <p>The Bill will permit schools, preschools, children's services and other relevant authorities to share prescribed information that would assist the performance of official functions relating to the education, health, safety, welfare or wellbeing of a child; or to manage any risk to children that may arise as an employer or provider of services.</p> <p>Where a child is transferring between schools, the Bill provides for the principal of the school in which the child is to be enrolled to request information from the child's previous school about the child's academic progress, and any support the child might need to be successful in their education at the new school.</p> <p>The Bill will also require families to provide particular information about their children upon enrolment, and the Chief Executive of the Department for Education can request further information or documents from them.</p>
Final Report	8.14	<p>State and territory governments should ensure that policies for the exchange of a student's information when they move to another school:</p> <ul style="list-style-type: none"> <li>a) provide that the principal (or other authorised information sharer) at</li> </ul>	Education	Accepted in principle	Implementing	See response to Recommendation 8.13. Relevant provisions in the Education and Children's Services Bill 2018 apply to both government and non-government schools.

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		<p>the student's previous school is required to share information with the new school in the circumstances described in Recommendation 8.13 and</p> <p>b) apply to schools in government and non-government systems.</p>				
Final Report	8.15	<p>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:</p> <p>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</p> <p>b) information should be exchanged between principals, or other authorised information sharers, and disseminated to other staff members on a need-to-know basis.</p>	Education	Accepted in principle	Implementing	<p>Current practice in South Australia is consistent with this recommendation. South Australia's Information Sharing Guidelines for promoting the safety and wellbeing of children, young people and families provide a process for government and non-government agencies to share information. The 'Information Privacy Principles Instruction' guides public sector agencies on the collection, use, storage and disclosure of personal information.</p> <p>It is noted that the Education and Children's Services Bill 2018, discussed in the Government's response to Recommendation 8.13, includes provisions to ensure that the personal information of children is kept confidential and handled appropriately.</p>
Final	8.16	The COAG Education Council should review the Interstate Student Data	Education	For further	Planning	The Government of South Australia is engaging with other states and territories on this and other

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Report		Transfer Note and Protocol in the context of the implementation of our recommended information exchange scheme (Recommendations 8.6 to 8.8).		consideration		recommendations relating to information sharing about students through the Council of Australian Governments (COAG) Education Council.
Final Report	8.17	<p>State and territory governments should introduce legislation to establish carers registers in their respective jurisdictions, with national consistency in relation to:</p> <p>a) the inclusion of the following carer types on the carers register:</p> <p>i) foster carers</p> <p>ii) relative/kinship carers</p> <p>iii) residential care staff</p> <p>b) the types of information which, at a minimum, should be recorded on the register</p> <p>c) 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.</p>	Child Protection	For further consideration	For further consideration	<p>The Department for Child Protection Carer Approval and Review Unit is responsible for approving and reviewing carers, and maintaining information about approved carers on the case management system.</p> <p>The <i>Children and Young People (Safety) Act 2017</i> enables categories of approved carers to be established consistent with the recommendation. The following categories have been established:</p> <ul style="list-style-type: none"> <li>• foster carers</li> <li>• kinship carers</li> <li>• specific child only carers</li> <li>• family day care (guardianship) carers</li> <li>• agency carers</li> </ul> <p>The <i>Children and Young People (Safety) Act 2017</i> enables the department, responsible for approving carers and for maintaining regulatory oversight of approved carers, to determine information and documents to be submitted with an application for approval, including screening checks.</p>
Final Report	8.18	Carers registers should be maintained by state and territory child protection agencies or bodies with regulatory or	Child Protection	For further consideration	For further consideration	See response to Recommendation 8.17.

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		oversight responsibility for out-of-home care in that jurisdiction.				
Final Report	8.19	<p>State and territory governments should consider the need for carers registers to include, at a minimum, the following information (register information) about, or related to, applicant or authorised carers, and persons residing on the same property as applicant/authorised home-based carers (household members):</p> <ul style="list-style-type: none"> <li>a) lodgement or grant of applications for authorisation</li> <li>b) status of the minimum checks set out in Recommendation 12.6 as requirements for authorisation, indicating their outcomes as either satisfactory or unsatisfactory</li> <li>c) withdrawal or refusal of applications for authorisation in circumstances of concern (including in relation to child sexual abuse)</li> <li>d) cancellation or surrender of authorisation in circumstances of concern (including in relation to child sexual abuse)</li> <li>e) previous or current association with an out-of-home care agency,</li> </ul>	Child Protection	For further consideration	For further consideration	See response to Recommendation 8.17.

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		<p>whether by application for authorisation, assessment, grant of authorisation, or supervision</p> <p>f) 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.</p>				
Final Report	8.20	<p>State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies to:</p> <p>a) record register information in minimal detail</p> <p>b) record register information as a mandatory part of carer authorisation</p> <p>c) update register information about authorised carers.</p>	Child Protection	For further consideration	For further consideration	See response to Recommendation 8.17.
Final Report	8.21	<p>State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies:</p> <p>a) before they authorise or recommend authorisation of</p>	Child Protection	For further consideration	For further consideration	See response to Recommendation 8.17.

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>carers, to:</p> <ul style="list-style-type: none"> <li>i) undertake a check for relevant register information, and</li> <li>ii) 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</li> </ul> <p>b) in the course of their assessment, authorisation, or supervision of carers, to:</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>State and territory governments should give consideration to enabling agencies to seek further information for these purposes under our recommended</p>				

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		information exchange scheme (Recommendations 8.6 to 8.8).				
Final Report	8.22	<p>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:</p> <ul style="list-style-type: none"> <li>a) agencies responsible for assessing, authorising or supervising carers;</li> <li>b) 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</li> </ul>	Child Protection	For further consideration	For further consideration	See response to Recommendation 8.17.
Final Report	8.23	In considering the legislative and administrative arrangements required for carers registers in their jurisdiction, state and territory governments should consider	Child Protection	For further consideration	For further consideration	See response to Recommendation 8.17.

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		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.				
Final Report	9.01	<p>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> <ul style="list-style-type: none"> <li>a) be trauma-informed and have an understanding of institutional child sexual abuse</li> <li>b) be collaborative, available, accessible, acceptable and high quality</li> <li>c) use case management and brokerage to coordinate and meet service needs</li> <li>d) support and supervise peer-led support models.</li> </ul>	AGD	Accepted in principle	Planning	<p>The Government of South Australia acknowledges the importance of programs and services for victims and survivors of institutional child sexual abuse.</p> <p>The Attorney-General's Department, in consultation with the Commissioner for Victim's Rights, is considering the most appropriate way to meet these recommendations and support victims and survivors.</p>

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Final Report	9.02	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.	AGD	Accepted in principle	Planning	<p>The Government of South Australia recognises the importance of culturally appropriate programs and services for Aboriginal and Torres Strait Islander victims and survivors of institutional child sexual abuse.</p> <p>The Attorney-General's Department, in consultation with the Commissioner for Victim's Rights, is considering the most appropriate way to meet these recommendations and support victims and survivors.</p>
Final Report	9.03	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.	AGD	Accepted in principle	Planning	<p>The Government of South Australia recognises the importance of dedicated support services for victims and survivors with a disability.</p> <p>The Attorney-General's Department, in consultation with the Commissioner for Victim's Rights, is considering the most appropriate way to meet these recommendations and support victims and survivors.</p>
Final Report	9.06	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	Health	For further consideration	Planning	<p>Yarrow Place is South Australia's rape and sexual assault service. Yarrow Place provides a 24 hour forensic / medical service and clinical services to people 16 years and over who have experienced a rape or sexual assault and their significant others. Yarrow Place provides education; training and sector development.</p> <p>SA Health Child Protection Service (CPS) units provide services out of the Women's and Children's Hospital, the Lyell McEwin Hospital and the Flinders Medical Centre. The CPS units conduct forensic medical assessments in</p>

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		<p>agreements should require and enable services to:</p> <ul style="list-style-type: none"> <li>a) be trauma-informed and have an understanding of institutional child sexual abuse</li> <li>b) be collaborative, available, accessible, acceptable and high quality</li> <li>c) use collaborative community development approaches</li> <li>d) provide staff with supervision and professional development.</li> </ul>				<p>relation to suspicious and/or unexplained injury of children/young people under the age of 18; forensic medical assessments in relation to allegations of sexual abuse of children/young people under 16; forensic psychosocial assessments of children under the age of 7 to assess situations where there have been allegations of physical/sexual abuse.</p> <p>Yarrow Place and the CPS units provide high quality services supported by robust systems of clinical accountability, within trauma informed approaches through supervision within and across disciplines, provided by experienced and approved practitioners; professional training; learning and development.</p> <p>Yarrow Place Rape and Sexual Assault Service and SA Health CPS units provide sexual assault services in accordance with the current service level agreements between each Local Health Network and the Department for Health and Wellbeing.</p>
Final Report	9.08	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.	Health	Accepted in principle	Not yet commenced	While SA Health's current policy frameworks align with this recommendation, all relevant strategies and policies will be reviewed to ensure that they recognise the needs of victims and survivors and support trauma-informed approaches.
Final Report	9.09	The Australian Government, in conjunction with state and territory governments, should establish and fund a national centre to raise awareness and	Health	For further consideration	For further consideration	<p>The Government of South Australia will engage with other states and territories around this recommendation at the national level.</p> <p>Yarrow Place Rape and Sexual Assault Services as a</p>

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		<p>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:</p> <ul style="list-style-type: none"> <li>a) raise community awareness and promote destigmatising messages about the impacts of child sexual abuse</li> <li>b) 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: <ul style="list-style-type: none"> <li>i) identify, translate and promote research in easily available and accessible formats for advocacy and support and therapeutic treatment practitioners</li> <li>ii) produce national training materials and best practice clinical resources</li> <li>iii) partner with training organisations to conduct training and workforce development programs</li> </ul> </li> </ul>				<p>member of the National Association of Services Against Sexual Violence follows the National Standards of Practice for Services Against Sexual Violence. The National Standards are reviewed regularly Yarrow Place participates in the review of the National Standards of Practice for Services Against Sexual Violence with the aim of bringing the Standards into line with current evidence and practice. The National review includes consultation with sexual assault services and other key stakeholders in all states and territories.</p> <p>The primary aim of the National Standards for Practice is to define and describe an expected quality of service provision for the sexual assault sector across Australia. They are based on and are referenced to worldwide best practice.</p>

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		<p>iv) influence national tertiary curricula to incorporate child sexual abuse and trauma-informed care</p> <p>v) inform government policy making</p> <p>c) lead the development of better service models and interventions through coordinating a national research agenda and conducting high-quality program evaluation.</p> <p>The national centre should partner with survivors in all its work, valuing their knowledge and experience.</p>				
Final Report	10.01	<p>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 (see recommendations 6.1 to 6.3).</p> <p>Harmful sexual behaviours should be addressed through each of the following:</p> <p>a) primary prevention strategies to educate family, community members, carers and professionals (including mandatory reporters) about preventing harmful sexual behaviours</p>	Health	Accepted in principle	Not yet commenced	SA Health will participate in the development of a national strategy for the prevention of child sexual abuse which will include children's harmful sexual behaviours.

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		<p>b) secondary prevention strategies to ensure early intervention when harmful sexual behaviours are developing</p> <p>c) tertiary intervention strategies to address harmful sexual behaviours.</p>				
Final Report	10.02	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.	Health	Accepted	Complete	<p>SA Health Child and Adolescent Mental Health Services (CAMHS) and the SA Health Child Protection Service (CPS) Units provide specialist services through the CAMHS Adolescent Sexual Assault Prevention Program (ASAPP) and the Women's and Children's Health Network (WCHN) Sexualised Behaviour Treatment service to ensure timely expert assessment; therapeutic interventions and clear established referral pathways are available for individual children with problematic and harmful sexual behaviours, to ensure they receive appropriate individual responses.</p> <p>CAMHS also provides priority clinical assessment and therapeutic services on the APY Lands for the identified clinical issues of self-harming and suicidal behaviours, sexualised behaviour, sexual assault; the impact of trauma and abuse; parenting; substance abuse.</p> <p>The WCHN CPS Sexualised Behaviour Treatment service provides therapy to children 2-12 years of age and their families or carers where the major concern is problematic sexual behaviour and where recent sexual abuse has not been confirmed.</p>
Final	10.03	The Australian Government and state and territory governments should adequately	Health	For further	For further	The Government of South Australia will consider this recommendation further in relation to ongoing resource

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Report		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.		consideration	consideration	implications.
Final Report	10.04	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.	Health	Accepted	Complete	<p>SA Health continues to work with the Department for Child Protection, the Youth Justice system, Disability Services SA and SAPOL in addressing the needs of children with problematic and harmful sexual behaviour so they receive appropriate responses.</p> <p>Child and Adolescent Mental Health Service (CAMHS) Adolescent Sexual Assault Prevention Program (ASAPP) is a child protection/ crime prevention strategy for preventing child sexual abuse in the community.</p> <p>ASAPP accepts referrals of adolescents who have sexually abused or offended. Attendance may be voluntary or mandated by court or statutory authority or as part of a formal undertaking in a Family Conference.</p> <p>Women's and Children's Health Network (WCHN) Child Protection Service (CPS) unit Sexualised Behaviour Treatment service provides expert assessment and therapeutic services to children 2-12 years of age and their families or carers where the major concern is problematic sexual behaviour and where recent sexual abuse has not been confirmed.</p> <p>SA Health Child and Adolescent Mental Health Services (CAMHS) and the SA Health Child Protection Service</p>

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						(CPS) Units provide specialist services through the CAMHS Adolescent Sexual Assault Prevention Program (ASAPP) and the Women's and Children's health Network (WCHN) Sexualised Behaviour Treatment service to ensure timely expert assessment; therapeutic interventions and clear established referral pathways are available for individual children with problematic and harmful sexual behaviours, to ensure they receive appropriate individual responses.
Final Report	10.05	<p>Therapeutic intervention for children with harmful sexual behaviours should be based on the following principles:</p> <ul style="list-style-type: none"> <li>a) a contextual and systemic approach should be used</li> <li>b) family and carers should be involved</li> <li>c) safety should be established</li> <li>d) there should be accountability and responsibility for the harmful sexual behaviours</li> <li>e) there should be a focus on behaviour change</li> <li>f) developmentally and cognitively appropriate interventions should be used</li> <li>g) the care provided should be trauma-informed</li> <li>h) therapeutic services and</li> </ul>	Health	Accepted	Implementing	The current services provided by SA Health align with this recommendation, and are informed by these principles. All policies will be reviewed to ensure that they are compliant with these principles.

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		<p>interventions should be culturally safe</p> <p>i) therapeutic interventions should be accessible to all children with harmful sexual behaviours.</p>				
Final Report	10.06	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.	Health	Accepted	Complete	<p>The Women's and Children's Health Network (WCHN), Child Protection Service (CPS) unit's Sexualised Behaviour Treatment service and Child and Adolescent Mental Health Service's (CAMHS) Adolescent Sexual Assault Prevention Program (ASAPP) and services to the APY Lands services provide robust systems of clinical accountability, within trauma informed approaches through supervision within and across disciplines, provided by experienced and approved practitioners. Formal multidisciplinary case reviews are undertaken to assess care plans, formulations, address risk, and progress quality assurance.</p> <p>These services are provided with professional training in the provision of therapeutic interventions for children with harmful sexual behaviours.</p>
Final Report	10.07	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.	Health	For further consideration	Planning	In Response to the South Australian Child Protection Systems Royal Commission the Government of South Australia established the Early Intervention Research Directorate. The directorate is undertaking the evaluation of services across the child protection system including those providing therapeutic interventions. This work of the directorate which has not yet been published is relevant to this recommendation.
Final	12.01	The Australian Government and state and	Child	Accepted in	Planning	The Government of South Australia will work with other

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Report		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.	Protection	principle		<p>jurisdictions to achieve nationally agreed key terms and definitions in relation to child sexual abuse through relevant agencies and portfolios.</p> <p>Governments will work together to agree research priorities and timeframes, noting the complexity and importance of establishing nationally agreed terms and definitions to provide a basis for further national research.</p>
Final Report	12.02	<p>The Australian Government and state and territory governments should prioritise enhancements to the Child Protection National Minimum Data Set to include:</p> <ul style="list-style-type: none"> <li>a) data identifying children with disability, children from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander children</li> <li>b) the number of children who were the subject of a substantiated report of sexual abuse while in out-of-home care</li> <li>c) the demographics of those children</li> <li>d) the type of out-of-home care placement in which the abuse occurred</li> <li>e) information about when the abuse occurred</li> <li>f) information about who</li> </ul>	Child Protection	Accepted in principle	Implementing	<p>All governments across Australia have committed to prioritising enhancements to data collection and reporting. This will improve national reporting on children in out-of-home care, including:</p> <ul style="list-style-type: none"> <li>• better identifying children with a disability to ensure they and their carers have access to appropriate support and services</li> <li>• improving data about Aboriginal children to inform initiatives to reduce the overrepresentation of Aboriginal children and families involved in the child protection system and to allocate resources to support connection to culture, community and country</li> <li>• reporting the number of children who were subject to a substantiated report of sexual abuse while in out-of-home care, including the demographics of those children, to inform future policy.</li> </ul> <p>Each state and territory will release this data to be published in the Child Protection Australia 2019-2020 report, which will then be published on an annual basis.</p>

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		perpetrated the abuse, including their age and their relationship to the victim, if known.				Following these data enhancements, jurisdictions will work to improve the identification of children from culturally and linguistically diverse backgrounds.
Final Report	12.03	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'.	Child Protection	Accepted in principle	Planning	The Government of South Australia will work with other jurisdictions to agree on reporting definitions and data requirements through relevant agencies and portfolios.
Final Report	12.04	Each state and territory government should revise existing mandatory accreditation schemes to: <ul style="list-style-type: none"> <li>a) incorporate compliance with the Child Safe Standards identified by the Royal Commission</li> <li>b) extend accreditation requirements to both government and non-government out-of-home care service providers.</li> </ul>	Child Protection	Accepted in principle	Complete	The new <i>Children and Young People (Safety) Act 2017</i> came into full effect on 22 October 2018, and strengthens South Australia's licensing scheme for residential facilities, and incorporates child safe environments.  While the scheme does not apply to residential care facilities delivered directly by the Department for Child Protection (DCP), all DCP residential facilities must comply with child safe requirements under the new <i>Children and Young People (Safety) Act 2017</i> .  These requirements align with the Child Safe Standards outlined by the Royal Commission.
Final Report	12.05	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: <ul style="list-style-type: none"> <li>a) receiving, assessing and</li> </ul>	Child Protection	Not accepted	Not accepted	South Australia's current out-of-home care licensing regime is managed by the Department for Child Protection (DCP).  Under the <i>Children and Young People (Oversight and Advocacy Bodies) Act 2016</i> , the Guardian for Children and Young People and several other bodies advocate

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		<p>processing applications for accreditation of out-of-home care service providers</p> <p>b) conducting audits of accredited out-of-home care service providers to ensure ongoing compliance with accreditation standards and conditions.</p>				on behalf of children in out-of-home care and provide a level of oversight, including monitoring of residential care and conducting visits to residential care facilities.
Final Report	12.06	<p>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:</p> <p>a) community services checks of the prospective carer and any adult household members of home-based carers</p> <p>b) documented risk management plans to address any risks identified through community services checks</p> <p>c) at least annual review of risk management plans as part of carer reviews and more frequently as required.</p>	Child Protection	Accepted in principle	Complete	A range of screening, assessments and training are provided to help ensure carers are authorised and appropriate to look after children. All adult members of the carer's household must undergo a working with children check to provide care in their own home. In instances where a child is placed into temporary care, usually in an emergency or under urgent circumstances, the placement is limited to three months while the department progresses a more permanent arrangement. Temporary carers must undergo a police records check and care concern check. To be eligible to continue caring for the child or young person, a working with children check must be completed.
Final Report	12.07	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	Child Protection	Accepted in principle	Implementing	The Department for Child Protection Carer Approval and Review Unit is responsible for approving and reviewing carers, and maintaining information about approved carers, including on the case management system. The

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		carer under review, in the absence of the carer.				<p>unit works closely with the department's contracted non-government organisations, placement services and kinship care regarding carer reviews and assessments.</p> <p>The Department is considering ways to strengthen the voice of the child and continue to improve the carer authorisation processes. This includes the current use of Viewpoint, a self-interviewing tool used by children and young people in care to provide feedback about their experiences which can be accessed on laptops, or smartphones and tablets. The ongoing use of Viewpoint as an innovative technological solution is continually evaluated and improved, to ensure it is useful, accessible and utilised by case workers to its full potential.</p>
Final Report	12.08	<p>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:</p> <ul style="list-style-type: none"> <li>a) better identify the strengths as well as the support and training needs of kinship/relative carers</li> <li>b) ensure holistic approaches to supporting placements that are culturally safe</li> <li>c) include appropriately resourced support plans.</li> </ul>	Child Protection	Accepted in principle	Planning	<p>The Department for Child Protection is currently expanding its use of the Winangay Foster Carer Assessment tool following a trial in a number of remote areas, including Coober Pedy, Ceduna and the APY Lands.</p> <p>The Winangay Tool is a carer assessment tool purpose developed for collaborative work with kinship carers and is culturally appropriate for use with Aboriginal carers and workers.</p>
Final Report	12.09	All state and territory governments should collaborate in the development of a sexual	Child Protection	Accepted in principle	Implementing	The Government of South Australia has a range of programs that provide age appropriate education to

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		<p>abuse prevention education strategy, including online safety, for children in out-of-home care that includes:</p> <ul style="list-style-type: none"> <li>a) input from children in out-of-home care and care-leavers</li> <li>b) 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</li> <li>c) resources tailored for children in care, for foster and kinship/relative carers, for residential care staff and for caseworkers</li> <li>d) resources that can be adapted to the individual needs of children with disability and their carers.</li> </ul>				<p>children and young people. The 'Keeping Safe: Child Protection Curriculum' has been offered in schools since 2008, teaching children to recognise and report abuse, including sexual abuse. In addition, context specific programs and resources are offered in out-of-home care settings.</p> <p>South Australia will contribute its learnings and resources to state and territory governments who may be developing similar programs.</p>
Final Report	12.10	<p>State and territory governments, in collaboration with out-of-home care service providers and peak bodies, should develop resources to assist service providers to</p> <ul style="list-style-type: none"> <li>a) provide appropriate support and mechanisms for children in out-of-home care to communicate, either verbally or through behaviour, their views, concerns and</li> </ul>	Child Protection	Accepted in principle	Implementing	<p>The Department for Child Protection provides Viewpoint, an online survey that enables children in out-of-home care to document their views, concerns and complaints. In addition, the Guardian for Children and Young People provides and advocates for children and young people in out-of-home care.</p> <p>Children's participation in decision-making processes and the expression of their views are further strengthened in the new <i>Children and Young Person (Safety) Act 2017</i>.</p>

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		<p>complaints</p> <p>b) 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</p> <p>c) regularly consult with the children in their care as part of continuous improvement processes.</p>				<p>A Carer Recruitment and Retention Taskforce has been established to review content and delivery of training available to foster carers. Specifically, the taskforce will consider the training available to carers on how to deal with different developmental needs of children and managing challenging behaviour.</p> <p>This will also include understanding the nature and impacts of trauma and abuse and the principles of trauma-informed care, including helping children with harmful sexual behaviours.</p>
Final Report	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	Child Protection	Accepted in principle	Implementing	<p>All foster carers (other than kinship carers) and residential care staff undertake mandatory training on trauma and abuse, the impact on children and young people and trauma-informed care. Carers cannot be registered and facilities cannot be licensed without this training.</p> <p>The recently established Carer Recruitment and Retention Taskforce is reviewing the content and delivery of the training available to foster carers. The taskforce will have a particular focus on the following:</p> <ul style="list-style-type: none"> <li>• training available to carers on how to deal with different developmental needs of children and managing challenging behaviour</li> <li>• training that helps carers understand the nature and impacts of trauma and abuse</li> <li>• training in the principles of trauma-informed care, including helping children with harmful sexual behaviours.</li> </ul>

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Final Report	12.12	<p>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:</p> <ul style="list-style-type: none"> <li>a) undertake professional assessments of the child with harmful sexual behaviours, including identifying their needs and appropriate supports and interventions to ensure their safety</li> <li>b) establish case management and a package of support services</li> <li>c) undertake careful placement matching that includes: <ul style="list-style-type: none"> <li>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</li> <li>ii) rigorously assessing potential threats to the safety of other children, including the child's siblings, in the placement.</li> </ul> </li> </ul>	Child Protection	Accepted in principle	Implementing	<p>The new <i>Children and Young Person (Safety) Act 2017</i> recognises the critical role carers play and has improved the ways in which carers may contribute to decisions about the health, safety and wellbeing of children in their care. Carers are entitled to participate in regular care team meetings, attend annual reviews, and share their views around contact arrangements between a child and their family.</p> <p>The new <i>Children and Young Person (Safety) Act 2017</i> also introduces a requirement for carers to be provided with sufficient information about a child, prior to and during their placement, to enable the carer to best meet the needs of the child.</p>
Final Report	12.13	State and territory governments and out-of-home care service providers should	Child Protection	Accepted in principle	Implementing	The Government of South Australia accepts the intent of this recommendation, and will continue to implement

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		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.				<p>measures to support out-of-home care staff to prevent and respond to harmful sexual behaviours.</p> <p>The Department for Child Protection ensures that initial and ongoing advice, support and training is provided to foster carers and staff in residential care settings. Foster carers and residential care staff complete compulsory abuse and trauma training, including specialised training on protective behaviours and responding to a child or young person who has been sexually abused.</p> <p>In addition, residential care provider contracts require staff to undertake training on trauma-informed practice. See response to recommendation 12.11 also.</p>
Final Report	12.14	<p>All state and territory governments should develop and implement coordinated and multi-disciplinary strategies to protect children in residential care by:</p> <ul style="list-style-type: none"> <li>a) identifying and disrupting activities that indicate risk of sexual exploitation</li> <li>b) supporting agencies to engage with children in ways that encourage them to assist in the investigation and prosecution of sexual exploitation offences.</li> </ul>	Child Protection	Accepted	Implementing	<p>The Government of South Australia is committed to providing appropriate care to children and young people in residential care. A range of work and strategies are already in place that address this recommendation, including the rollout of an electronic logging system (E-log) to record observations of children which is easily searchable.</p> <p>A further strategy is the secure implementation of the Safeguarding Practice Guide communication with South Australia Police through Local Liaison Group meetings to share information regarding children and young people with high-risk behaviour.</p>
Final Report	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	Child Protection	Accepted	Planning	The Government of South Australia will work with other jurisdictions to adopt a nationally consistent definition for child sexual exploitation through relevant agencies and portfolios.

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		children in out-of-home care as a form of child sexual abuse.				
Final Report	12.16	<p>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:</p> <ul style="list-style-type: none"> <li>a) improved processes for 'matching' children with carers and other children in a placement, including in residential care</li> <li>b) the provision of necessary information to carers about a child, prior to and during their placement, to enable carers to properly support the child</li> <li>c) support and training for carers to deal with the different developmental needs of children as well as managing difficult situations and challenging behaviour.</li> </ul>	Child Protection	Accepted in principle	Implementing	<p>The Department for Child Protection (DCP) is taking steps to improve its processes for matching children with carers, as recommended in part a.</p> <p>The new <i>Children and Young Person (Safety) Act 2017</i> supports part b of this recommendation by requiring that carers are provided with sufficient information about a child, prior to and during their placement, to enable the carer to properly support the child.</p> <p>DCP will continue to work to ensure carers are well informed, trained and supported to respond to the different developmental needs of children placed with them and manage difficult situations and challenging behaviour, including through its contracts with non-government out-of-home care providers. (See also responses to Recommendations 12.11 to 12.13 and 12.19.)</p>
Final Report	12.17	<p>Each state and territory government should ensure that:</p> <ul style="list-style-type: none"> <li>a) the financial support and training provided to kinship/relative carers is equivalent to that provided to foster carers</li> <li>b) the need for any additional</li> </ul>	Child Protection	<ul style="list-style-type: none"> <li>a) Accepted</li> <li>b) Accepted</li> <li>c) For further consideration</li> </ul>	<ul style="list-style-type: none"> <li>a) Completed</li> <li>b) Completed</li> <li>c) For further consideration</li> </ul>	Financial support provided by the Department for Child Protection (DCP) to kinship carers is already equivalent to the general foster care rates, and this will continue in line with this recommendation. DCP has implemented a new Kinship Care Assessment Tool that ensures that any requirements for additional supports are identified during the assessment process.

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		<p>supports are identified during kinship/relative carer assessments and are funded</p> <p>c) additional casework support is provided to maintain birth family relationships.</p>				<p>The new <i>Children and Young People (Safety) Act 2017</i> recognises the safety of children and young people as the paramount consideration and identifies other priorities as children's needs to be heard and have their views considered, for love and attachment, for self-esteem, and to achieve their full potential.</p> <p>It also recognises that it is desirable that children and young people should maintain connection with biological family, but not at the expense of the child's safety or other identified needs.</p>
Final Report	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.	Child Protection	Accepted in principle	Implementing	<p>The Department for Child Protection (DCP) is committed to providing appropriate care to children and young people in residential care.</p> <p>DCP is currently commissioning a framework for the delivery of therapeutic residential care across government and non-government services.</p>
Final Report	12.19	All residential care staff should be provided with regular training and professional supervision by appropriately qualified clinicians.	Child Protection	Accepted	Complete	<p>The Department for Child Protection (DCP) has established a clinical team to provide practice support and advice to residential care staff.</p> <p>New residential care staff are required to complete a 6 week induction training program run by the RTO and then to complete a Certificate IV in Child, Youth and Family Intervention within 12 months of starting date. Additional training requirements in leadership and management are established for senior staff.</p> <p>A comprehensive Safeguarding Practice Guide is being developed for residential care staff. A Registered Training Organisation (RTO) provides a training package for residential care staff to complement the practice</p>

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						guide. A new DCP supervision procedure requires all staff to receive regular supervision and a Performance Development Plan to be developed and reviewed at least annually.
Final Report	12.20	<p>Each state and territory government, in consultation with appropriate Aboriginal and Torres Strait Islander organisations and community representatives, should develop and implement plans to:</p> <ul style="list-style-type: none"> <li>a) fully implement the Aboriginal and Torres Strait Islander Child Placement Principle</li> <li>b) improve community and child protection sector understanding of the intent and scope of the principle</li> <li>c) 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</li> <li>d) invest in community capacity building as a recognised part of kinship care, in addition to supporting individual carers, in</li> </ul>	Child Protection	Accepted in principle	Implementing	<p>The Government of South Australia is committed to fully implementing the 'Aboriginal and Torres Strait Islander Child Placement Principle', with the placement element of the Principle enshrined in section 12 of the new <i>Children and Young Person (Safety) Act 2017</i>.</p> <p>DCP is developing a road map to fully implement the Aboriginal and Torres Strait Islander Child Placement Principle in South Australia. This road map will be consulted on with appropriate Aboriginal organisations and community members.</p> <p>It will also consider efforts already underway, including the Winangay assessment tool for family-based carers which was adopted by DCP in 2017 and implemented in the Far North and Far West region. This tool employs a culturally appropriate strengths-based approach when assessing carers and is also currently being used by Aboriginal Family Support Services in relevant funded service provision.</p>

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		recognition of the role of Aboriginal and Torres Strait Islander communities in bringing up children.				
Final Report	12.21	<p>Each state and territory government should ensure:</p> <ul style="list-style-type: none"> <li>a) the adequate assessment of all children with disability entering out-of-home care</li> <li>b) the availability and provision of therapeutic support</li> <li>c) support for disability-related needs</li> <li>d) 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.</li> </ul>	Child Protection	Accepted in principle	Implementing	<p>The Department for Child Protection (DCP) is dedicated to providing appropriate care to children under guardianship with disability. The Government of South Australia accepted 8 recommendations from the Child Protection Systems Royal Commission (SA) relating to disability and the National Disability Insurance Scheme (NDIS).</p> <p>These focus on:</p> <ul style="list-style-type: none"> <li>• improving staff knowledge of disability and disability services</li> <li>• meeting the disability needs of children including through the NDIS</li> <li>• improving the capacity of the case management system to provide better data on children with disability and disability-appropriate placement needs.</li> </ul> <p>In July 2018, South Australia entered Full Scheme. DCP has been working both nationally and locally to ensure children in care have appropriate NDIS plans which are implemented and integrated with DCP supports aimed at achieving best outcomes.</p>
Final Report	12.22	State and territory governments should ensure that the supports provided to assist all care-leavers to safely and successfully transition to independent	Child Protection	Accepted in principle	Implementing	The Government of South Australia is committed to supporting care-leavers to safely and successfully transition from care.

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		<p>living include:</p> <p>a) strategies to assist care-leavers who disclose that they were sexually abused while in out-of-home care to access general post-care supports</p> <p>b) 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.</p>				<p>The new <i>Children and Young People (Safety) Act 2017</i> requires DCP to offer such assistance to all eligible care leavers up to and including age 25 as might be appropriate to make the transition from care as easy as reasonably practicable.</p> <p>This includes assistance such as in accessing legal advice and health services, and counselling and support services. This will apply to all eligible care leavers including those who have experienced sexual abuse while in out-of-home care. From 1 January 2019, payments will be available to foster and kinship carers until the young person in their care reaches 21 years of age.</p> <p>In addition, the Department for Child Protection (DCP) already funds Relationships Australia (SA) to provide post-care services to support eligible care leavers up to and including the age of 25:</p> <ul style="list-style-type: none"> <li>• to expand post-care financial support and financial counselling services</li> <li>• to expand and more clearly identify the range of priority government services that will be made readily accessible to care leavers</li> <li>• for DCP to develop a new service model for supporting young people to transition from care.</li> </ul>
Final Report	13.01	All schools should implement the Child Safe Standards identified by the Royal Commission	Education	Accepted in principle	Planning	See response to Recommendation 6.4. If the National Principles are integrated into South Australia's existing regulatory and policy framework for child safe environments, schools will be required to implement them.

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Final Report	13.02	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.	Education	For further consideration	Planning	The Government of South Australia is considering this recommendation in the context of Recommendation 6.10.
Final Report	13.03	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.	Education	For further consideration	Planning	See response to Recommendation 13.2.
Final Report	13.04	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.	Education	Accepted	Planning	The Government of South Australia is engaging with the Australian Government and state and territory government on this recommendation through the Council of Australian Governments (COAG) Education Council.
Final Report	13.05	1) Boarding hostels for children and young people should implement the Child Safe Standards identified by the Royal Commission.	Education	a) Accepted in principle b) For further consideration	Planning	See response to Recommendation 6.4 and Recommendation 6.10.

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		2) State and territory independent oversight authorities should monitor and enforce the Child Safe Standards in these institutions.				
Final Report	13.06	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.	Education	Accepted in principle	Complete	The guideline entitled Responding to problem sexual behaviour in children and young people helps all South Australian public, Catholic and independent schools manage concerns about children with harmful sexual behaviour. This guideline reflects the process for reporting concerns about children displaying harmful sexual behaviours. Complaints about departmental service delivery and responses are managed through the department's complaints processes.
Final Report	13.07	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.	Education	Accepted in principle	Planning	The guidelines entitled Responding to problem sexual behaviour in children and young people and Managing allegations of sexual misconduct provide state-consistent and easily accessible guidance for teachers and principals on preventing and responding to child sexual abuse in schools. The Government of South Australia will engage with other states and territories around this recommendation, particularly on achieving national consistency.
Final Report	13.08	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	Education	Accepted in principle	Planning	See response to Recommendation 8.9.  The Government of South Australia has taken action to improve the ability of the Teachers Registration Board to deal with unprofessional conduct of teachers. It has introduced a bill into Parliament to amend the <i>Teacher Registration and Standards Act 2004</i> (SA) to enable the Teachers Registration Board to immediately suspend, or

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		conducting disciplinary investigations.				impose conditions on, the registration of a teacher charged with serious criminal offences, which will include serious offences related to the safety of children.  The legislation will remove any potential ability for a teacher to hold themselves out to be a fit and proper person to work as a teacher while they are the subject of serious criminal charges relevant to the safety of children.
Final Report	14.01	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.	Education	Accepted in principle	Planning	See response to Recommendation 6.4. If the National Principles are integrated into South Australia's existing regulatory and policy framework for child safe environments, all sport and recreation institutions will be required to implement them.
Final Report	14.04	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.	Education	Accepted in principle	Planning	The Government of South Australia is considering how it can enhance the way it provides advice, resources and information on child safe environments to organisations, including the possibility of a free subscription function.
Final Report	15.01	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.	Human Services	Accepted in principle	Implementing	As of 22 October 2018, psychometric or psychological assessment will be required by legislation for employees of training centres. New employees from that date must be assessed before being employed. Existing staff must be assessed before 22 October 2019.

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Final Report	15.03	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.	Human Services	Accepted	Implementing	The Youth Justice Division, Department of Human Services continues to implement existing guidelines and monitoring at youth justice facilities. The effectiveness of body worn cameras will be assessed at the completion of the trial. A review of CCTV coverage of areas accessed by residents will be undertaken.
Final Report	15.04	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: <ul style="list-style-type: none"> <li>a) 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</li> <li>b) children are not placed in adult prisons</li> <li>c) frameworks take into account the importance of children having access to trusted adults, including family, friends and community, in the</li> </ul>	Human Services	Accepted	Complete	No further action required. Current South Australian legislation, policies and programs are mostly consistent with this recommendation <ul style="list-style-type: none"> <li>a) Relevant assessments inform immediate referral needs, unit placement and release information.</li> <li>b) Section 63 of the <i>Young Offenders Act 1993</i> governs when young people can be moved to adult prisons. Applications can be made to the Youth Court to transfer detainees who are 17 years or older from a training centre to a prison for the remainder of their sentence. This can only occur in certain circumstances, and there are a number of considerations and steps that must be taken by youth justice staff before recommending this action and providing evidence to support an application. The Government of South Australia does not intend to change this process.</li> </ul>

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		<p>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</p> <p>d) 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:</p> <ul style="list-style-type: none"> <li>i) adequate communication between staff and the child before, during and after a search is conducted or other physical contact occurs</li> <li>ii) 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</li> <li>iii) 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</li> </ul>				<p>c) There are a number of mechanisms for current residents of the Adelaide Youth Training Centre to raise concerns or disclose alleged sexual abuse. These include:</p> <ul style="list-style-type: none"> <li>• daily interactions with youth workers and custodial workers</li> <li>• weekly catch-ups with case coordinators</li> <li>• dedicated unrecorded telephone lines to the Ombudsman South Australia and the Office of the Guardian for Children and Young People</li> <li>• ongoing access to a broad group of people, such as SA Health staff, education staff, youth workers, centre management and visitors from the Office of the Guardian for Children and Young People</li> <li>• access to the Training Centre Visitor, who visits and inspects training centres and performs an advocacy and monitoring role (formalised position since 1 December 2016)</li> <li>• ongoing access to lodge written feedback to the management team via a secure feedback box in each accommodation unit</li> <li>• Youth Advisory Committee meetings held at the training centre</li> <li>• contact with family.</li> </ul> <p>d) Training centre residents can be searched under the <i>Youth Justice Administration Act 2016</i>. Section 30 outlines the number of people who must be present at the search, their gender and the information to be recorded. In addition, the search must be carried out</p>

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		abuse. State & territory governments should consider implementing strategies for detecting contraband, such as risk assessments or body scanners, to minimise the need for strip searching children.				quickly and must consider the particular needs and circumstances of the resident. A number of search techniques can be used on Adelaide Youth Training Centre campuses including pat down searches, wand scan searches and partial unclothed searches. In all circumstances the least intrusive search must be selected to meet the required level of safety and security. All training centre operational staff are trained in approved search techniques.
Final Report	15.05	<p>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:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) providing access to interpreters, particularly with respect to induction and education programs, and accessing internal and external complaint handling systems</li> <li>c) ensuring that all youth detention facilities have culturally appropriate policies and procedures that facilitate connection with family,</li> </ul>	Human Services	Accepted in principle	Planning	<p>The Youth Justice Division, Department of Human Services is co-designing a State Plan for Youth Justice to provide vulnerable young people connected supports, programs and services with a particular focus on addressing the over-representation of Aboriginal young people in the youth justice system.</p> <p>A key theme of the plan relates to equipping staff to understand and support young people, their networks and their culture. To achieve this, actions are under development, including actions regarding the recruitment of Aboriginal staff to support young people, and prioritising staff wellbeing.</p>

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		<p>community and culture, and reflect an understanding of, and respect for, cultural practices in different clan groups</p> <p>d) 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.</p>				
Final Report	15.06	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 children from culturally and linguistically diverse backgrounds that highlights the barriers these children may face in disclosing sexual abuse.	Human Services	Accepted in principle	Implementing	<p>New employees at the Department of Human Services (DHS) must attend a one day induction program. All new operation staff at the Adelaide Youth Training Centre must complete a 7 week induction program.</p> <p>Training for all staff includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• trauma informed practice</li> <li>• cultural awareness and diversity</li> <li>• child safe environments</li> <li>• mental health and suicide awareness.</li> </ul> <p>In addition, disability awareness online training is available to all DHS staff and is a requirement for all training centre operational staff.</p>
Final	15.07	State and territory governments should improve access to therapeutic treatment	Human	Accepted	Complete	No further action required.

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Report		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.	Services			Current policies and practices in South Australia are consistent with this recommendation.  Youth Justice, a division of the Department of Human Services, uses case management to refer young people to services that meet their needs, including services for victims of child sexual abuse. Youth Justice also works in partnership with agencies and community to support engagement with services.
Final Report	15.08	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	Human Services	Accepted	Implementing	Youth Justice staff receive recurrent training, including in trauma-informed practice, to ensure consistent practice in accordance with the <i>Youth Justice Administration Act 2016</i> .  The Youth Justice Division, Department of Human Services is co-designing a State Plan for Youth Justice to provide vulnerable young people connected supports, programs and services with a particular focus on addressing the over-representation of Aboriginal young people in the youth justice system.  A key theme of the plan relates to equipping staff to understand and support young people, their networks and their culture. To achieve this Youth Justice will continue to embed ongoing trauma informed and family inclusive training and practice development to meet young people's needs.
Final Report	15.09	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,	Human Services	Accepted	Implementing	Adelaide Youth Training Centre – Kurlana Tapa (AYTC) procedures are regularly reviewed. The relevant operational procedure in relation to complaint handling mechanisms will be updated, if necessary, at the next scheduled review date in December 2018.

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		<p>including so that:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) children have confidential and unrestricted access to external oversight bodies</li> <li>c) staff involved in managing complaints both internally and externally include Aboriginal and Torres Strait Islander peoples and professionals qualified to provide trauma-informed care</li> <li>d) complaint handling systems are accessible for children with literacy difficulties or who speak English as a second language</li> <li>e) children are regularly consulted about the effectiveness of complaint handling systems and systems are continually improved.</li> </ul>				
Final	15.10	State and territory governments should ensure they have an independent	Human	Accepted	Implementing	South Australia has laws and mechanisms which are

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Report		oversight body with the appropriate visitation, complaint handling and reporting powers, to 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.	Services			consistent with this recommendation.  The Guardian for Children and Young People has been appointed as the Training Centre Visitor under the <i>Youth Justice Administration Act 2016</i> , formalising the important monitoring and advocacy role the Guardian provides for the Adelaide Youth Training Centre. As part of this role, the Guardian is developing a set of inspection standards.
Final Report	17.01	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.	AGD	Accepted	Complete	On 14 June 2018, the Government of South Australia released its Response to the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Response is available from <a href="http://www.childprotection.sa.gov.au/royal-commission">www.childprotection.sa.gov.au/royal-commission</a> .
Final Report	17.02	The Australian Government and state and territory governments should, beginning twelve 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.	Child Protection	Accepted	Implementing	The Government of South Australia agrees to report on progress in implementing the Royal Commission's recommendations from the Final Report, the Working with Children Checks, Redress and Civil Litigation and Criminal Justice reports.  These progress reports will be tabled in the Parliament of South Australia. Information will also be shared with the public with a focus on ensuring information is accessible to survivors, families, children and institutions.  The first Annual Report has been tabled in December 2018. A progress update on each of the recommendations is available on the DCP website.

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Criminal Justice Report	1	<p>In relation to child sexual abuse, including institutional child sexual abuse, the criminal justice system should be reformed to ensure that the following objectives are met:</p> <ul style="list-style-type: none"> <li>a) the criminal justice system operates in the interests of seeking justice for society, including the complainant and the accused</li> <li>b) criminal justice responses are available for victims and survivors</li> <li>c) victims and survivors are supported in seeking criminal justice responses.</li> </ul>	AGD	Accepted	Implementing	The Government of South Australia endorses these principles and will continue to work towards their achievement, including via the measures discussed in response to the recommendations of the Royal Commission, and as further described in response to individual recommendations contained in the Criminal Justice Report.
Criminal Justice Report	2	<p>Australian governments should refer to the Steering Committee for the Report on Government Services for review the issues of:</p> <ul style="list-style-type: none"> <li>a) how the reporting framework for police services in the Report on Government Services could be extended to include reporting on child sexual abuse offences</li> <li>b) whether any outcome measures that would be appropriate for police investigations of child sexual abuse offences could be</li> </ul>	SAPOL	Accepted	Not yet commenced	SAPOL currently has 1 member as the Chair of the National Police Committee for the Report on Government Services. SAPOL is waiting for advice from the Steering Committee for the Report on Government Services relating to this recommendation.

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		developed and reported on.				
Criminal Justice Report	3	<p>Each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> <li>a) recognises that a victim or survivor's initial contact with police will be important in determining their satisfaction with the entire criminal justice response and in influencing their willingness to proceed with a report and to participate in a prosecution</li> <li>b) ensures that all police who may come into contact with victims or survivors of institutional child sexual abuse are trained to: <ul style="list-style-type: none"> <li>i) have a basic understanding of complex trauma and how it can affect people who report to police, including those who may have difficulties dealing with institutions or persons in positions of authority (such as the police)</li> <li>ii) treat anyone who approaches the police to report child sexual abuse with consideration and respect, taking account of any relevant cultural safety issues</li> </ul> </li> </ul>	SAPOL	Accepted	Complete	SAPOL has addressed this recommendation through the review of relevant policies and training and the implementation of the Public Protection Branch. General Orders including 'Victims', 'Sexual Offences' and 'Interviewing Suspects and Vulnerable Witnesses', together with the Interagency Practice in Child Protection Course, provide SAPOL members with a broad understanding of the dynamics of child sexual abuse and how trauma may impact on their ability to interact with police and the judicial system in general. Recent online training on Children and Vulnerable Adults has also been implemented across SAPOL.

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		<p>c) establishes arrangements to ensure that, on initial contact from a victim or survivor, police refer victims and survivors to appropriate support services.</p>				
Criminal Justice Report	4	<p>To encourage reporting of allegations of child sexual abuse, including institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <p>a) takes steps to communicate to victims (and their families or support people where the victims are children or are particularly vulnerable) that their decision whether to participate in a police investigation will be respected – that is, victims retain the right to withdraw at any stage in the process and to decline to proceed further with police and/or any prosecution</p> <p>b) provides information on the different ways in which victims and survivors can report to police or seek advice from police on their options for reporting or not reporting abuse – this should be in a format that allows institutions and survivor advocacy and support groups and support</p>	SAPOL	Accepted	Complete	<p>SAPOL has addressed this recommendation through the review of relevant policies and training and the implementation of the Public Protection Branch. General Orders including 'Victims', 'Sexual Offences' and 'Interviewing Suspects and Vulnerable Witnesses', together with the Interagency Practice in Child Protection Course, provide SAPOL members with a broad understanding of the dynamics of child sexual abuse and how trauma may impact on their ability to interact with police and the judicial system in general.</p> <p>Recent online training on Children and Vulnerable Adults has also been implemented across SAPOL. The Communication Partner scheme through Uniting Communities provides trained independent volunteers to facilitate effective communication with people who have complex communication needs during police interviews, investigations and court proceedings.</p>

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		<p>services to provide it to victims and survivors</p> <p>c) makes available a range of channels to encourage reporting, including specialist telephone numbers and online reporting forms, and provides information about what to expect from each channel of reporting</p> <p>d) works with survivor advocacy and support groups and support services, including those working with people from culturally and linguistically diverse backgrounds and people with disability, to facilitate reporting by victims and survivors</p> <p>e) allows victims and survivors to benefit from the presence of a support person of their choice if they so wish throughout their dealings with police, provided that this will not interfere with the police investigation or risk contaminating evidence</p> <p>f) is willing to take statements from victims and survivors in circumstances where the alleged perpetrator is dead or is otherwise unlikely to be able to be tried.</p>				

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Criminal Justice Report	5	<p>To encourage reporting of allegations of child sexual abuse, including institutional child sexual abuse, among Aboriginal and Torres Strait Islander victims and survivors, each Australian government should ensure that its policing agency:</p> <p>a) takes the lead in developing good relationships with Aboriginal and Torres Strait Islander communities</p> <p>b) provides channels for reporting outside of the community (such as telephone numbers and online reporting forms).</p>	SAPOL	Accepted	Complete	<p>a) SAPOL has taken a number of steps to address this recommendation, including:</p> <ul style="list-style-type: none"> <li>• establishing regular liaison and monthly meetings with the Aboriginal Legal Rights Movement</li> <li>• actively participating in Aboriginal youth justice forums</li> <li>• implementing the SAPOL Reconciliation Action Plan (RAP) 2017-2020, which prioritises the development of meaningful relationships with Aboriginal people</li> <li>• extensive work completed towards developing a strategy for SAPOL to engage with Aboriginal People within the organisation and wider Aboriginal Community in line with RAP 'Actions' and 'Deliverables.'</li> <li>• establishing the position of Aboriginal Policy Officer, responsible for developing new initiatives to engage with Aboriginal stakeholders and communities with a focus on breaking down barriers between Police and young Aboriginal people. To do this, SAPOL actively participates in Community events (such as but not limited to): <ul style="list-style-type: none"> <li>○ Don McSweeny Lands Cup</li> <li>○ Aboriginal Power Cup</li> <li>○ NAIDOC and Reconciliation Week</li> </ul> </li> </ul>

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						<p>activities</p> <ul style="list-style-type: none"> <li>○ Award ceremonies, including being actively involved in nominating recipients within the Aboriginal community</li> <li>○ Participation in Local and National Aboriginal-focussed forums that include youth leadership forums</li> <li>○ Local Aboriginal community group meetings</li> </ul> <ul style="list-style-type: none"> <li>• establishing regular liaison with Reconciliation SA</li> <li>• supporting Aboriginal staff to connect, reconnect and engage with their communities by providing education and support</li> <li>• involving and partnering with Aboriginal support services and stakeholders regarding Aboriginal business within SAPOL and referring Aboriginal people to them where possible</li> <li>• participating in the SA Government Reconciliation Network Working Group meetings as well as SAPOL being represented on the Senior Officers Group for Aboriginal Affairs and the Chief Executive Group for Aboriginal Affairs.</li> </ul> <p>b) There are mechanisms already in place for reporting abuse to police, including the</p>

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						involvement of other supporting social groups and agencies. There is no differentiation for reporting mechanisms for Aboriginal communities. However, SAPOL has Aboriginal Community Constables employed across metropolitan, regional and remote locations across South Australia who can provide support for any Aboriginal child and their families when a report is made.
Criminal Justice Report	6	<p>To encourage prisoners and former prisoners to report allegations of child sexual abuse, including institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> <li>a) provides channels for reporting that can be used from prison and that allow reports to be made confidentially</li> <li>b) does not require former prisoners to report at a police station.</li> </ul>	SAPOL	<ul style="list-style-type: none"> <li>a) Accepted</li> <li>b) Not accepted</li> </ul>	Implementing	<ul style="list-style-type: none"> <li>a) SAPOL currently has investigators within the Police Corrections Team in the Offender Management Section of the Public Protection Branch as well as in District Criminal Investigation Branches to facilitate such reports while people are in custody when advice is received from the Department for Correctional Services.</li> <li>b) Reports for all matters either commence while in custody, or if post-custody, at a police station to facilitate the taking of statements and any other identified evidence by investigators. When a prisoner is in custody, police have the ability to investigate in a secure location within the facility or the power to remove the person pursuant to the <i>Correctional Services Act 1982</i> to investigate an offence. Police are increasing capability to take reports using audio visual links for other matters, including use in court appearances, and it is foreseen that initial reports could also use the same process if required. Initial reports post-custody are largely</li> </ul>

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						made by frontline staff members unless there are exceptional circumstances, such as complex communication needs, in which case other provisions will be made.
Criminal Justice Report	7	<p>Each Australian government should ensure that its policing agency conducts investigations of reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:</p> <ul style="list-style-type: none"> <li>a) While recognising the complexity of police rosters, staffing and transfers, police should recognise the benefit to victims and their families and survivors of continuity in police staffing and should take steps to facilitate, to the extent possible, continuity in police staffing on an investigation of a complaint</li> <li>b) Police should recognise the importance to victims and their families and survivors of police maintaining regular communication with them to keep them informed of the status of their report and any investigation unless they have asked not to be kept informed</li> <li>c) Particularly in relation to historical</li> </ul>	SAPOL	Accepted	Complete	<p>SAPOL's Public Protection Branch, Family and Domestic Violence Branch and Criminal Investigation Branches conduct investigations into reports of child sexual abuse.</p> <ul style="list-style-type: none"> <li>a) Current existing arrangements provide continuity in investigations which will be further maximised under organisational reform processes enhancing 24/7 capability.</li> <li>b) SAPOL has current existing policies covering this aspect. Victim Contact Officers and Victim Management Section members provide this service to victims along with investigating officers.</li> <li>c) SAPOL currently has training processes addressing this aspect at recruit level, and specialist levels including detectives and prosecutors, interagency courses for investigating child abuse and a Specialist Investigative Interviewing course.</li> </ul>

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		<p>allegations of institutional child sexual abuse, police who assess or provide an investigative response to allegations should be trained to:</p> <p>i) be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record</p> <p>ii) focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant.</p>				
Criminal Justice Report	8	State and territory governments should introduce legislation to implement Recommendation 20-1 of the report of the Australian Law Reform Commission and the New South Wales Law Reform Commission Family violence: A national legal response in relation to disclosing or revealing the identity of a mandatory reporter to a law enforcement agency.	Child Protection	Accepted	Implementing	<p>Existing legislation is consistent with these recommendations. Section 163 of the <i>Children and Young People (Safety) Act 2017</i> and Regulation 41 of the Children and Young People (Safety) Regulations 2017 deal with protecting the identity of a notifier and the circumstances when their identity may be disclosed. Regulation 41(a) permits the disclosure of the identity of a mandatory notifier in the course of official duties, which would include disclosure to SAPOL for the purposes of a criminal investigation.</p> <p>Consideration will be given to further clarifying these provisions in line with the recommendation.</p> <p>The Minister for Child Protection has committed to reviewing the Act 12 months after its commencement,</p>

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						which occurred on 22 October 2018.
Criminal Justice Report	9	<p>Each Australian government should ensure that its policing agency conducts investigative interviewing in relation to reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:</p> <ul style="list-style-type: none"> <li>a) all police who provide an investigative response (whether specialist or generalist) to child sexual abuse should receive at least basic training in understanding sexual offending, including the nature of child sexual abuse and institutional child sexual abuse offending</li> <li>b) all police who provide an investigative response (whether specialist or generalist) to child sexual abuse should be trained to interview the complainant in accordance with current research and learning about how memory works in order to obtain the complainant's memory of the events</li> <li>c) the importance of video recorded interviews for children and other vulnerable witnesses should be recognised, as these interviews usually form all, or most, of the</li> </ul>	SAPOL	Accepted	Implementing	<p>SAPOL supports and is largely compliant with all aspects of this recommendation at recruit and specialist levels, except for part (e).</p> <p>Recent literature disseminated from the Royal Commission into Memory Education is being absorbed into specialist training for detectives, prosecutors, and specialists (prescribed interviewer), and is available on the SAPOL intranet as a resource for all employees.</p> <p>Interviews of children and other vulnerable witnesses are undertaken by people who have completed specialist training. Refresher training is currently being developed in accordance with recommendation part (e). Children under the age of 7 years are interviewed by staff from Child Protection Services (CPS) at either the Women's and Children's Hospital or Finders Medical Centre for child abuse and neglect matters. CPS staff are qualified as prescribed interviewers and undertake training similar to SAPOL. A SAPOL sworn officer must view the interview being conducted and is responsible for verifying the written transcript. SAPOL members who are qualified as prescribed interviewers interview children over the age of 7 years.</p> <p>The vulnerable victims' legislation in South Australia provides the ability for the evaluation of interviews to be conducted.</p> <p>Regarding part (i), in 2016 South Australia introduced an intermediary scheme under the Disability Justice Plan. SAPOL has the legislative and regulatory framework, and the support of a volunteer service provisioned by</p>

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		<p>complainant's and other relevant witnesses' evidence in chief in any prosecution</p> <p>d) investigative interviewing of children and other vulnerable witnesses should be undertaken by police with specialist training. The specialist training should focus on:</p> <ul style="list-style-type: none"> <li>i) a specialist understanding of child sexual abuse, including institutional child sexual abuse, and the developmental and communication needs of children and other vulnerable witnesses</li> <li>ii) skill development in planning and conducting interviews, including use of appropriate questioning techniques</li> </ul> <p>e) specialist police should undergo refresher training on a periodical basis to ensure that their specialist understanding and skills remain up to date and accord with current research</p> <p>f) from time to time, experts should review a sample of video recorded interviews with children and other vulnerable witnesses</p>				<p>Uniting Communities, to support interviews with vulnerable witnesses.</p>

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		<p>conducted by specialist police for quality assurance and training purposes and to reinforce best-practice interviewing techniques</p> <p>g) state and territory governments should introduce legislation to remove any impediments, including in relation to privacy concerns, to the use of video recorded interviews so that the relevant police officer, his or her supervisor and any persons engaged by police in quality assurance and training can review video recorded interviews for quality assurance and training purposes. This should not authorise the use of video recorded interviews for general training in a manner that would raise privacy concerns</p> <p>h) police should continue to work towards improving the technical quality of video recorded interviews so that they are technically as effective as possible in presenting the complainant's and other witnesses' evidence in chief</p> <p>i) police should recognise the importance of interpreters,</p>				

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		<p>including for some Aboriginal and Torres Strait Islander victims, survivors and other witnesses</p> <p>j) intermediaries should be available to assist in police investigative interviews of children and other vulnerable witnesses.</p>				
Criminal Justice Report	10	<p>Each Australian government should ensure that its policing agency makes decisions in relation to whether to lay charges for child sexual abuse offences in accordance with the following principles:</p> <p>a) recognising that it is important to complainants that the correct charges be laid as early as possible so that charges are not significantly downgraded at or close to trial, police should ensure that care is taken, and that early prosecution advice is sought, where appropriate, in laying charges</p> <p>b) in making decisions about whether to charge, police should not:</p> <p>i) expect or require corroboration where the victim or survivor's account does not suggest that there should be any corroboration</p>	SAPOL	Accepted	Complete	SAPOL's Prosecution Services Branch (PSB) adjudicates with the principles outlined in the recommendation in mind. Appropriate charges should be identified and laid from the outset. As such, PSB will largely engage with the victim at the adjudication stage prior to charges being laid in court. Corroboration or lack thereof, is but one factor for PSB and Office for the Director of Public Prosecutions (ODPP) adjudicators to consider as per the DPP Guidelines, which police prosecutors also follow. It is not a determinative factor.

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		<p>available</p> <p>ii) rely on the absence of corroboration as a determinative factor in deciding not to charge, where the victim or survivor's account does not suggest that there should be any corroboration available, unless the prosecution service advises otherwise.</p>				
Criminal Justice Report	11	The Victorian Government should review the operation of section 401 of the <i>Criminal Procedure Act 2009 (Vic)</i> and consider amending the provision to restrict the awarding of costs against police if it appears that the risk of costs awards might be affecting police decisions to prosecute. The government of any other state or territory that has similar provisions should conduct a similar review and should consider similar amendments.	SAPOL	Accepted	Complete	SAPOL's Prosecution Services Branch (PSB) does not consider the issue of cost when determining to prosecute or continue to prosecute. PSB utilises the Office of the Director of Public Prosecutions (ODPP) guidelines and considers reasonable prospect of conviction and public interest.
Criminal Justice Report	12	Each Australian government should ensure that, if its policing agency does not provide a specialist response to victims and survivors reporting historical child sexual abuse, its policing agency develops and implements a document in the nature of a 'guarantee of service'	SAPOL	Accepted	Complete	The details of a Guarantee of Service style document are addressed through the review of corporate policies and provision of specialist training. SAPOL's General Orders including 'Victims', 'Sexual Offences' and 'Interviewing Suspects and Vulnerable Witnesses', together with the Interagency Practice in Child Protection Course, provide SAPOL members with a

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		<p>which sets out for the benefit of victims and survivors – and as a reminder to the police involved – what victims and survivors are entitled to expect in the police response to their report of child sexual abuse. The document should include information to the effect that victims and survivors are entitled to:</p> <ul style="list-style-type: none"> <li>i) be treated by police with consideration and respect, taking account of any relevant cultural safety issues</li> <li>ii) have their views about whether they wish to participate in the police investigation respected</li> <li>iii) be referred to appropriate support services</li> <li>iv) contact police through a support person or organisation rather than contacting police directly if they prefer</li> <li>v) have the assistance of a support person of their choice throughout their dealings with police unless this will interfere with the police investigation or risk contaminating evidence</li> <li>vi) have their statement taken by</li> </ul>				<p>broad understanding of the dynamics of child sexual abuse and how trauma may impact on their ability to interact with police and the judicial system in general.</p> <p>SAPOL has established a Public Protection Branch (PPB) and has enhanced the Family Violence Investigation Sections and Criminal Investigation Branches as a result of the new District Policing model. Historical child sexual abuse cases are investigated by these branches with the Sexual Crime Investigation Teams of the PPB undertaking the more complex matters.</p>

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		<p>police even if the alleged perpetrator is dead</p> <p>vii) be provided with the details of a nominated person within the police service for them to contact</p> <p>viii) be kept informed of the status of their report and any investigation unless they do not wish to be kept informed</p> <p>ix) have the police focus on the credibility of the complaint or allegations rather than focusing only on the credibility of the complainant, recognising that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record.</p>				
Criminal Justice Report	13	<p>Each Australian government should ensure that its policing agency responds to victims and survivors with disability, or their representatives, who report or seek to report child sexual abuse, including institutional child sexual abuse, to police in accordance with the following principles:</p> <p>a) police who have initial contact</p>	SAPOL	Accepted	Complete	<p>SAPOL supports this recommendation and is compliant with the recommendations.</p> <p>In 2016, South Australia introduced an intermediary scheme under the Disability Justice Plan. SAPOL has the legislative and regulatory framework, and the support of volunteer services provisioned by Uniting Communities, to support interviews of vulnerable witnesses as intermediaries. The legislative and regulatory frameworks also allow for the use of</p>

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		<p>with the victim or survivor should be non-judgmental and should not make any adverse assessment of the victim or survivor's credibility, reliability or ability to make a report or participate in a police investigation or prosecution because of their disability</p> <p>b) police who assess or provide an investigative response to allegations made by victims and survivors with disability should focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant, and they should not make any adverse assessment of the victim or survivor's credibility or reliability because of their disability</p> <p>c) police who conduct investigative interviewing should make all appropriate use of any available intermediary scheme, and communication supports, to ensure that the victim or survivor is able to give their best evidence in the investigative interview</p> <p>d) decisions in relation to whether to lay charges for child sexual abuse offences should take full account</p>				<p>communication assistants, communication devices, and support people.</p> <p>The interviews of such witnesses are conducted by specialists within the Victim Management Section who have undertaken the Specialist Investigative Interviewing program.</p> <p>The use of the intermediary scheme provides a service for the entirety of contact with the criminal justice system, and allows services to be provided for the vulnerable witness to give their best evidence during the prosecution processes.</p>

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		of the ability of any available intermediary scheme, and communication supports, to assist the victim or survivor to give their best evidence when required in the prosecution process.				
Criminal Justice Report	14	<p>In order to assist in the investigation of current allegations of institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> <li>a) develops and keeps under review procedures and protocols to guide police and institutions about the information and assistance police can provide to institutions where a current allegation of institutional child sexual abuse is made</li> <li>b) develops and keeps under review procedures and protocols to guide the police, other agencies, institutions and the broader community on the information and assistance police can provide to children and parents and the broader community where a current allegation of institutional child sexual abuse is made.</li> </ul>	SAPOL	Accepted	Complete	SAPOL has a policy position which directs such matters to be investigated by detectives within the Public Protection Branch (PPB). Procedures and protocols provide guidance to PPB detectives for use in investigations and referrals to other agencies (internal and external) for assistance.
Criminal Justice	15	The New South Wales Standard Operating Procedures for Employment	SAPOL	Accepted	Complete	The Independent Education Inquiry in South Australia (the Debelle Inquiry) reported in 2013 and

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Report		<p>Related Child Abuse Allegations and the Joint Investigation Response Team Local Contact Point Protocol should serve as useful precedents for other Australian governments to consider.</p>				<p>recommended procedures that should be put in place to manage allegations of sexual misconduct made against members of staff including volunteers at schools.</p> <p>As a result, the Chief Executive of the Department for Education has responsibility to correspond with all people who attend that school within certain contexts. For the purpose of determining the appropriateness of that correspondence, there is a specialist multi-agency committee that has been appointed that advises on the content of the letter to be communicated. That committee includes an advocate from the sexual assault sector, the education sector, the police and others.</p> <p>SAPOL has further developed policies and procedures relating to Child Protection, Sexual Offences and Information Access and Release. This includes principles regarding the sharing of information pursuant to the Information Privacy Principles (IPPS), Information Sharing Guidelines (ISGs) and Instruction published by the Department of the Premier and Cabinet. The IPPS apply to all Government of South Australia agencies. IPPS regulate the way agencies collect, use, store and disclose personal information.</p> <p>The Public Protection Branch is responsible for notifications to the Department for Education, Department for Child Protection, Department of Human Services and Teacher's Registration Board, and has developed processes regarding notifications to non-government agencies pursuant to IPPS and ISGs.</p> <p>Mandatory reporting requirements are legislated, ensuring reports are made regarding children who are suspected of being abused or neglected. Legislative and</p>

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						policy frameworks provide guidance regarding applications for bail where someone has been arrested in relation to child sexual offences, pursuant to the <i>Child Sex Offenders Registration Act 2006</i> .
Criminal Justice Report	16	<p>In relation to blind reporting, institutions and survivor advocacy and support groups should:</p> <ul style="list-style-type: none"> <li>a) be clear that, where the law requires reporting to police, child protection or another agency, the institution or group or its relevant staff member or official will report as required</li> <li>b) develop and adopt clear guidelines to inform staff and volunteers, victims and their families and survivors, and police, child protection and other agencies as to the approach the institution or group will take in relation to allegations, reports or disclosures it receives that it is not required by law to report to police, child protection or another agency.</li> </ul>	Education	Accepted	Planning	This recommendation is primarily applicable to institutions and survivor advocacy and support groups beyond those operated by government. The Government of South Australia is considering what appropriate guidance it might provide to institutions through its Child Safe Environments Program about reporting allegations, reports or disclosures that are not required by law to be reported to police, child protection authorities or another agency.
Criminal Justice Report	17	If a relevant institution or survivor advocacy and support group adopts a policy of reporting survivors' details to police without survivors' consent – that is, if it will not make blind reports – it should	Education	Accepted	Planning	See response to recommendation 16.

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		seek to provide information about alternative avenues for a survivor to seek support if this aspect of the institution or group's guidelines is not acceptable to the survivor.				
Criminal Justice Report	18	Institutions and survivor advocacy and support groups that adopt a policy that they will not report the survivor's details without the survivor's consent should make a blind report to police in preference to making no report at all.	Education	Accepted	Planning	See response to recommendation 16.
Criminal Justice Report	19	Regardless of an institution or survivor advocacy and support group's policy in relation to blind reporting, the institution or group should provide survivors with: <ul style="list-style-type: none"> <li>a) information to inform them about options for reporting to police</li> <li>b) support to report to police if the survivor is willing to do so.</li> </ul>	Education	Accepted	Planning	See response to recommendation 16.
Criminal Justice Report	20	Police should ensure that they review any blind reports they receive and that they are available as intelligence in relation to any current or subsequent police investigations.  If it appears that talking to the survivor might assist with a police investigation, police should contact the relevant institution or survivor advocacy and	SAPOL	Accepted	Complete	SAPOL has not adopted a policy position regarding 'blind reporting' - the practice of reporting to police information about an allegation of child sexual abuse without giving the alleged victim's name or other identifying details. However, the SAPOL policy position does provide guidance that a police report should not be raised for an incident that is not an obvious breach of the law. In the interest of child protection, SAPOL recommends third party reports on behalf of an unwilling

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		support group, and police and the institution or group should cooperate to try to find a way in which the survivor will be sufficiently supported so that they are willing to speak to police.				<p>victim rather than blind reporting. Any information received by SAPOL in the context of blind reporting can be recorded for intelligence purposes and searched.</p> <p>Employees of institutions, survivor advocacy and support groups are able to make third party reports on behalf of a victim with SAPOL, which will be investigated.</p> <p>Institutions, agencies and support groups should be mandated and aware of their obligations and requirements to report matters to the police under the law, or to child protection agencies in line with mandatory reporting obligations.</p> <p>Members of the community are able to make anonymous reports via Crime Stoppers for any offence, which will be allocated for investigation.</p>
Criminal Justice Report	21	<p>Each state and territory government should introduce legislation to amend its persistent child sexual abuse offence so that:</p> <ul style="list-style-type: none"> <li>a) the actus reus is the maintaining of an unlawful sexual relationship</li> <li>b) an unlawful sexual relationship is established by more than one unlawful sexual act</li> <li>c) the trier of fact must be satisfied beyond reasonable doubt that the unlawful sexual relationship existed but, where the trier of fact is a jury, jurors need not be</li> </ul>	AGD	Accepted	Complete	<p>Legislation implementing this recommendation was introduced into the <i>Criminal Law Consolidation Act 1935</i> via the <i>Statutes Amendment (Attorney-General's Portfolio) (No 2) Act 2017</i>, which passed Parliament in October 2017. Recommendation 21(e) was not implemented in accordance with the recommendation, but additional provisions relating to sentencing were included instead to address the impact of the High Court decision in <i>Chiro v R [2017] HCA 37</i> (which was delivered after the recommendation was made).</p>

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		<p>satisfied of the same unlawful sexual acts</p> <p>d) the offence applies retrospectively but only to sexual acts that were unlawful at the time they were committed</p> <p>e) on sentencing, regard is to be had to relevant lower statutory maximum penalties if the offence is charged with retrospective application.</p>				
Criminal Justice Report	22	The draft provision in Appendix H provides for the recommended reform. Legislation to the effect of the draft provision should be introduced.	AGD	Accepted	Complete	See response to recommendation 21.
Criminal Justice Report	23	State and territory governments (other than Victoria) should consider introducing legislation to establish legislative authority for course of conduct charges in relation to child sexual abuse offences if legislative authority may assist in using course of conduct charges.	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.
Criminal Justice Report	24	State and territory governments should consider providing for any of the two or more unlawful sexual acts that are particularised for the maintaining an unlawful sexual relationship offence to be particularised as courses of conduct.	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.

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Criminal Justice Report	25	To the extent they do not already have a broad grooming offence, each state and territory government should introduce legislation to amend its criminal legislation to adopt a broad grooming offence that captures any communication or conduct with a child undertaken with the intention of grooming the child to be involved in a sexual offence.	AGD	Accepted	Implementing	The existing South Australian provision (section 63B of the <i>Criminal Law Consolidation Act 1935</i> ), is already consistent with this recommendation. However, further consideration is being given as to whether clarification of terminology or application of the Act might be of benefit.
Criminal Justice Report	26	Each state and territory government (other than Victoria) should introduce legislation to extend its broad grooming offence to the grooming of persons other than the child.	AGD	Accepted	Complete	The existing South Australian provision (section 63B of the <i>Criminal Law Consolidation Act 1935</i> ), is already consistent with this recommendation.
Criminal Justice Report	27	State and territory governments should review any position of authority offences applying in circumstances where the victim is 16 or 17 years of age and the offender is in a position of authority (however described) in relation to the victim. If the offences require more than the existence of the relationship of authority (for example, that it be 'abused' or 'exercised'), states and territories should introduce legislation to amend the offences so that the existence of the relationship is sufficient.	AGD	Accepted	Complete	The existing South Australian provisions (contained in Part 3, Divisions 11 and 11A of the <i>Criminal Law Consolidation Act 1935</i> ) are already consistent with this recommendation.
Criminal	28	State and territory governments should	AGD	Accepted	Complete	The existing South Australian provisions (contained in

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Justice Report		<p>review any provisions allowing consent to be negated in the event of sexual contact between a victim of 16 or 17 years of age and an offender who is in a position of authority (however described) in relation to the victim.</p> <p>If the provisions require more than the existence of the relationship of authority (for example, that it be 'abused' or 'exercised'), state and territory governments should introduce legislation to amend the provisions so that the existence of the relationship is sufficient.</p>				Part 3, Divisions 11 and 11A of the <i>Criminal Law Consolidation Act 1935</i> ) are already consistent with this recommendation.
Criminal Justice Report	29	If there is a concern that one or more categories of persons in a position of authority (however described) may be too broad and may catch sexual contact which should not be criminalised when it is engaged in by such persons with children above the age of consent, state and territory governments could consider introducing legislation to establish defences such as a similar-age consent defence.	AGD	Accepted in principle	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.
Criminal Justice Report	30	State and territory governments should introduce legislation to remove any remaining limitation periods, or any remaining immunities, that apply to child sexual abuse offences, including historical child sexual abuse offences, in a manner	AGD	Accepted	Complete	This recommendation did not require any legislative amendment in South Australia, as it had already been achieved by the introduction of section 72A into the <i>Criminal Law Consolidation Act 1935</i> in 2003.

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		that does not revive any sexual offences that are no longer in keeping with community standards.				
Criminal Justice Report	32	Any person associated with an institution who knows or suspects that a child is being or has been sexually abused in an institutional context should report the abuse to police (and, if relevant, in accordance with any guidelines the institution adopts in relation to blind reporting under recommendation 16).	Education	Accepted	Complete	The Government of South Australia supports the moral and ethical duty in the circumstances described in the recommendation. The Child Safe Environments Program encourages organisations to have support in place for all people making reports of suspected abuse or neglect, not just those that have a legal obligation to do so.
Criminal Justice Report	33	Each state and territory government should introduce legislation to create a criminal offence of failure to report targeted at child sexual abuse in an institutional context as follows: <ul style="list-style-type: none"> <li>a) the failure to report offence should apply to any adult person who: <ul style="list-style-type: none"> <li>i) is an owner, manager, staff member or volunteer of a relevant institution – this includes persons in religious ministry and other officers or personnel of religious institutions</li> <li>ii) otherwise requires a Working with Children Check clearance for the purposes of their role in the institution but</li> </ul> </li> </ul>	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.

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		<p>it should not apply to individual foster carers or kinship carers</p> <p>b) the failure to report offence should apply if the person fails to report to police in circumstances where they know, suspect, or should have suspected (on the basis that a reasonable person in their circumstances would have suspected and it was criminally negligent for the person not to suspect), that an adult associated with the institution was sexually abusing or had sexually abused a child</p> <p>c) relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster and kinship care services should be included (but not individual foster carers or kinship carers). Facilities and services provided by religious institutions, and any services or functions performed by persons in religious ministry, should be</p>				

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		<p>included</p> <p>d) if the knowledge is gained or the suspicion is or should have been formed after the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:</p> <p>i) a child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years)</p> <p>ii) the person who is known to have abused a child or is or should have been suspected of abusing a child is either:</p> <ul style="list-style-type: none"> <li>• still associated with the institution</li> <li>• known or believed to be associated with another relevant institution</li> </ul> <p>iii) the knowledge gained or the suspicion that is or should have been formed relates to abuse</p>				

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		<p>that may have occurred within the previous 10 years</p> <p>e) if the knowledge is gained or the suspicion is or should have been formed before the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:</p> <p>i) a child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years) and is still associated with the institution (that is, they are still in the care, supervision or control of the institution)</p> <p>ii) the person who is known to have abused a child or is or should have been suspected of abusing a child is either:</p> <ul style="list-style-type: none"> <li>• still associated with the institution</li> <li>• known or believed to be associated with another relevant</li> </ul>				

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		institution				
Criminal Justice Report	34	<p>State and territory governments should:</p> <ul style="list-style-type: none"> <li>a) ensure that they have systems in place in relation to their mandatory reporting scheme and any reportable conduct scheme to ensure that any reports made under those schemes that may involve child sexual abuse offences are brought to the attention of police</li> <li>b) include appropriate defences in the failure to report offence to avoid duplication of reporting under mandatory reporting and any reportable conduct schemes.</li> </ul>	AGD	<ul style="list-style-type: none"> <li>a) Accepted</li> <li>b) For further consideration</li> </ul>	<ul style="list-style-type: none"> <li>a) Complete</li> <li>b) Planning</li> </ul>	<p>In relation to 2(a), this part of the recommendation is complete. The existing South Australian position is consistent with this recommendation. Current Department for Child Protection practice ensures that SAPOL is notified of reports of suspected criminal offending.</p> <p>In relation to 2(b) – see response to recommendation 33. Appropriate defences in the failure to report an offence will be considered as part of the consideration of the offence generally.</p>
Criminal Justice Report	35	<p>Each state and territory government should ensure that the legislation it introduces to create the criminal offence of failure to report recommended in recommendation 33 addresses religious confessions as follows:</p> <ul style="list-style-type: none"> <li>a) the criminal offence of failure to report should apply in relation to knowledge gained or suspicions that are or should have been formed, in whole or in part, on the basis of information disclosed in or in connection with a religious</li> </ul>	AGD	Accepted in principle	Planning	<p>See response to recommendation 33. This recommendation is being considered as part of the general recommendation to create a failure to report offence.</p> <p>It is also noted that the mandatory reporting obligations contained in the <i>Children and Young People (Safety) Act 2017</i> do not include any exemption for ministers of religion for reporting information communicated in the confessional.</p>

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		<p>confession</p> <p>b) the legislation should exclude any existing excuse, protection or privilege in relation to religious confessions to the extent necessary to achieve this objective</p> <p>c) religious confession should be defined to include a confession about the conduct of a person associated with the institution made by a person to a second person who is in religious ministry in that second person's professional capacity according to the ritual of the church or religious denomination concerned.</p>				
Criminal Justice Report	36	<p>State and territory governments should introduce legislation to create a criminal offence of failure to protect a child within a relevant institution from a substantial risk of sexual abuse by an adult associated with the institution as follows:</p> <p>a) The offence should apply where:</p> <p>i) an adult person knows that there is a substantial risk that another adult person associated with the institution will commit a sexual offence against:</p>	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.

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		<ul style="list-style-type: none"> <li>• a child under 16</li> <li>• a child of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child</li> </ul> <p>ii) the person has the power or responsibility to reduce or remove the risk</p> <p>iii) the person negligently fails to reduce or remove the risk</p> <p>b) the offence should not be able to be committed by individual foster carers or kinship carers</p> <p>c) relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster care and kinship care services should be included, but individual foster carers and kinship carers should not be included. Facilities and services provided by religious</p>				

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		<p>institutions, and any service or functions performed by persons in religious ministry, should be included</p> <p>d) state and territory governments should consider the Victorian offence in section 49C of the Crimes Act 1958 (Vic) as a useful precedent, with an extension to include children of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child</p>				
Criminal Justice Report	37	<p>All Australian Directors of Public Prosecutions, with assistance from the relevant government in relation to funding, should ensure that prosecution responses to child sexual abuse are guided by the following principles:</p> <p>a) all prosecution staff who may have professional contact with victims of institutional child sexual abuse should be trained to have a basic understanding of the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and how it can affect people who are involved in a prosecution process, including those who may have difficulties dealing with institutions</p>	AGD (ODPP)	Accepted	Complete	The Office of the Director of Public Prosecutions (ODPP) has established a specialist prosecution team to deal with child sexual abuse practices. ODPP practices are consistent with these recommendations.

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		<p>or person in positions of authority</p> <p>b) while recognising the complexity of prosecution staffing and court timetables, prosecution agencies should recognise the benefit to victims and their families and survivors of continuity in prosecution team staffing and should take steps to facilitate, to the extent possible, continuity in staffing of the prosecution team involved in a prosecution</p> <p>c) prosecution agencies should continue to recognise the importance to victims and their families and survivors of the prosecution agency maintaining regular communication with them to keep them informed of the status of the prosecution unless they have asked not to be kept informed</p> <p>d) witness assistance services should be funded and staffed to ensure that they can perform their task of keeping victims and their families and survivors informed and ensuring that they are put in contact with relevant support services, including staff trained to provide a culturally appropriate</p>				

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		<p>service for Aboriginal and Torres Strait Islander victims and survivors. Specialist services for children should also be considered</p> <p>e) particularly in relation to historical allegations of institutional child sexual abuse, prosecution staff who are involved in giving early charge advice or in prosecuting child sexual abuse matters should be trained to:</p> <p>i) be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record</p> <p>ii) focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant</p> <p>f) prosecution agencies should recognise that children with disability are at a significantly increased risk of abuse, including child sexual abuse. Prosecutors should take this increased risk into account in any decisions they make in relation to prosecuting</p>				

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		child sexual abuse offences.				
Criminal Justice Report	38	<p>Each state and territory government should facilitate the development of standard material to provide to complainants or other witnesses in child sexual abuse trials to better inform them about giving evidence.</p> <p>The development of the standard material should be led by Directors of Public Prosecutions in consultation with Witness Assistance Services, public defenders (where available), legal aid services and representatives of the courts to ensure that it:</p> <ul style="list-style-type: none"> <li>a) is likely to be of adequate assistance for complainants who are not familiar with criminal trials and giving evidence</li> <li>b) is fair to the accused as well as to the prosecution</li> <li>c) does not risk rehearsing or coaching the witness.</li> </ul>	AGD (ODPP)	Accepted	Complete	This recommendation has been met.
Criminal Justice Report	39	<p>All Australian Directors of Public Prosecutions should ensure that prosecution charging and plea decisions in prosecutions for child sexual abuse offences are guided by the following principles:</p> <ul style="list-style-type: none"> <li>a) prosecutors should recognise the</li> </ul>	AGD (ODPP)	Accepted	Complete	The practices, prosecution policies and guidelines of Office of the Director of Public Prosecutions are consistent with these recommendations.

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		<p>importance to complainants of the correct charges being laid as early as possible so that charges are not significantly downgraded or withdrawn at or close to trial. Prosecutors should provide early advice to police on appropriate charges to lay when such advice is sought</p> <p>b) regardless of whether such advice has been sought, prosecutors should confirm the appropriateness of the charges as early as possible once they are allocated the prosecution to ensure that the correct charges have been laid and to minimise the risk that charges will have to be downgraded or withdrawn closer to the trial date</p> <p>c) while recognising the benefit of securing guilty pleas, prosecution agencies should also recognise that it is important to complainants – and to the criminal justice system – that the charges for which a guilty plea is accepted reasonably reflect the true criminality of the abuse they suffered</p> <p>d) prosecutors must endeavour to</p>				

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		<p>ensure that they allow adequate time to consult the complainant and the police in relation to any proposal to downgrade or withdraw charges or to accept a negotiated plea and that the complainant is given the opportunity to obtain assistance from relevant witness assistance officers or other advocacy and support services before they give their opinion on the proposal. If the complainant is a child, prosecutors must endeavour to ensure that they give the child the opportunity to consult their carer or parents unless the child does not wish to do so.</p>				
Criminal Justice Report	40	<p>Each Australian Director of Public Prosecutions should:</p> <ul style="list-style-type: none"> <li>a) have comprehensive written policies for decision-making and consultation with victims and police</li> <li>b) publish all policies online and ensure that they are publicly available</li> <li>c) provide a right for complainants to seek written reasons for key decisions, without detracting from</li> </ul>	AGD (ODPP)	Accepted	Complete	The Office of the Director of Public Prosecutions practices and policies are consistent with these recommendations.

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		an opportunity to discuss reasons in person before written reasons are provided.				
Criminal Justice Report	41	Each Australian Director of Public Prosecutions should establish a robust and effective formalised complaints mechanism to allow victims to seek internal merits review of key decisions.	AGD (ODPP)	Accepted	Complete	This recommendation has been met.
Criminal Justice Report	42	Each Australian Director of Public Prosecutions should establish robust and effective internal audit processes to audit their compliance with policies for decision-making and consultation with victims and police.	AGD (ODPP)	Accepted	Implementing	This recommendation has been met. The audit process remains under review.
Criminal Justice Report	43	Each Australian Director of Public Prosecutions should publish the existence of their complaints mechanism and internal audit processes and data on their use and outcomes online and in their annual reports.	AGD (ODPP)	Accepted	implementing	This recommendation has been met with respect to the publication of the Office of the Director of Public Prosecution's complaints mechanism. The data on internal audit processes has not yet been published due to an ongoing review of the audit process.
Criminal Justice Report	44	In order to ensure justice for complainants and the community, the laws governing the admissibility of tendency and coincidence evidence in prosecutions for child sexual abuse offences should be reformed to facilitate greater admissibility and cross-admissibility of tendency and coincidence evidence and joint trials.	AGD	For further consideration	Planning	Recommendations 44-51 of the Criminal Justice Report have been referred to a national working group reporting to the Council of Attorneys-General (CAG). The working group is considering various reform options and will report to CAG on these in the near future.

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Criminal Justice Report	45	<p>Tendency or coincidence evidence about the defendant in a child sexual offence prosecution should be admissible:</p> <ul style="list-style-type: none"> <li>a) if the court thinks that the evidence will, either by itself or having regard to the other evidence, be 'relevant to an important evidentiary issue' in the proceeding, with each of the following kinds of evidence defined to be 'relevant to an important evidentiary issue' in a child sexual offence proceeding: <ul style="list-style-type: none"> <li>i) evidence that shows a propensity of the defendant to commit particular kinds of offences if the commission of an offence of the same or a similar kind is in issue in the proceeding</li> <li>ii) evidence that is relevant to any matter in issue in the proceeding if the matter concerns an act or state of mind of the defendant and is important in the context of the proceeding as a whole</li> </ul> </li> <li>b) unless, on the application of the defendant, the court thinks, having regard to the particular circumstances of the proceeding,</li> </ul>	AGD	For further consideration	Planning	See response to recommendation 44.

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		<p>that both:</p> <p>i) admission of the evidence is more likely than not to result in the proceeding being unfair to the defendant</p> <p>ii) if there is a jury, the giving of appropriate directions to the jury about the relevance and use of the evidence will not remove the risk.</p>				
Criminal Justice Report	46	Common law principles or rules that restrict the admission of propensity or similar fact evidence should be explicitly abolished or excluded in relation to the admissibility of tendency or coincidence evidence about the defendant in a child sexual offence prosecution.	AGD	For further consideration	Planning	See response to recommendation 44.
Criminal Justice Report	47	Issues of concoction, collusion or contamination should not affect the admissibility of tendency or coincidence evidence about the defendant in a child sexual offence prosecution. The court should determine admissibility on the assumption that the evidence will be accepted as credible and reliable, and the impact of any evidence of concoction, collusion or contamination should be left to the jury or other fact-finder.	AGD	For further consideration	Planning	See response to recommendation 44.

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Criminal Justice Report	48	Tendency or coincidence evidence about a defendant in a child sexual offence prosecution should not be required to be proved beyond reasonable doubt.	AGD	For further consideration	Planning	See response to recommendation 44.
Criminal Justice Report	49	Evidence of: <ul style="list-style-type: none"> <li>a) the defendant's prior convictions</li> <li>b) acts for which the defendant has been charged but not convicted (other than acts for which the defendant has been acquitted) should be admissible as tendency or coincidence evidence if it otherwise satisfies the test for admissibility of tendency or coincidence evidence about a defendant in a child sexual offence prosecution.</li> </ul>	AGD	For further consideration	Planning	See response to recommendation 44.
Criminal Justice Report	50	Australian governments should introduce legislation to make the reforms we recommend to the rules governing the admissibility of tendency and coincidence evidence.	AGD	For further consideration	Planning	See response to recommendation 44.
Criminal Justice Report	51	The draft provisions in Appendix N provide for the recommended reforms for Uniform Evidence Act jurisdictions. Legislation to the effect of the draft provisions should be introduced for Uniform Evidence Act jurisdictions and	AGD	For further consideration	Planning	See response to recommendation 44.

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		non-Uniform Evidence Act jurisdictions.				
Criminal Justice Report	52	<p>State and territory governments should ensure that the necessary legislative provisions and physical resources are in place to allow for the prerecording of the entirety of a witness's evidence in child sexual abuse prosecutions. This should include both:</p> <ul style="list-style-type: none"> <li>a) in summary and indictable matters, the use of a pre-recorded investigative interview as some or all of the witness's evidence in chief</li> <li>b) in matters tried on indictment, the availability of pre-trial hearings to record all of a witness's evidence, including cross-examination and re-examination, so that the evidence is taken in the absence of the jury and the witness need not participate in the trial itself.</li> </ul>	AGD (CAA)	Accepted in principle	Planning	The current South Australian provisions are largely consistent with this recommendation. However, the recommendation is broader in application than the current legislative provisions. Further consideration is being given to amendment of the legislation in line with this recommendation.
Criminal Justice Report	53	<p>Full prerecording should be made available for:</p> <ul style="list-style-type: none"> <li>a) all complainants in child sexual abuse prosecutions</li> <li>b) any other witnesses who are children or vulnerable adults</li> <li>c) any other prosecution witness that the prosecution considers</li> </ul>	AGD (CAA)	Accepted in principle	Planning	The current South Australian provisions are largely consistent with this recommendation. However, the recommendation is broader in application than the current legislative provisions. Further consideration is being given to amendment of the legislation in line with this recommendation.

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		necessary.				
Criminal Justice Report	54	Where the prerecording of cross-examination is used, it should be accompanied by ground rules hearings to maximise the benefits of such a procedure.	AGD (CAA)	Accepted	Complete	The current South Australian provisions and the relevant court rules allow for directions hearings to be held to address these issues.
Criminal Justice Report	55	State and territory governments should work with courts to improve the technical quality of closed circuit television and audio visual links and the equipment used and staff training in taking and replaying pre-recorded and remote evidence.	AGD (CAA)	Accepted	Implementing	Audio visual link equipment is available in every staffed court in South Australia, with multiple units in all larger sites. The quality is at times impacted by locations with a low band-width.
Criminal Justice Report	56	State and territory governments should introduce legislation to require the audio-visual recording of evidence given by complainants and other witnesses that the prosecution considers necessary in child sexual abuse prosecutions, whether tried on indictment or summarily, and to allow these recordings to be tendered and relied on as the relevant witness's evidence in any subsequent trial or retrial.  The legislation should apply regardless of whether the relevant witness gives evidence live in court, via closed circuit television or in a pre-recorded hearing.	AGD (CAA)	Accepted in principle	Planning	The current South Australian provisions are largely consistent with this recommendation. However, the recommendation is broader in application than the current legislative provisions. Further consideration is being given to amendment of the legislation in line with this recommendation.
Criminal Justice	57	State and territory governments should ensure that the courts are adequately resourced to provide this facility, in terms	AGD (CAA)	Accepted	Implementing	Witness suites that have the ability to record either directly or with centrally coordinated assistance are currently available in 7 metropolitan and 6 country court

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Report		of both the initial recording and its use in any subsequent trial or retrial.				locations. The Government of South Australia will continue to consider improvements to facilities and services within the courts to enhance prerecording of evidence as part of funded infrastructure developments. Audio visual link equipment continues to be expanded and provided from within existing budget allocations.
Criminal Justice Report	58	If it is not practical to record evidence given live in court in a way that is suitable for use in any subsequent trial or retrial, prosecution guidelines should require that the fact that a witness may be required to give evidence again in the event of a retrial be discussed with witnesses when they make any choice as to whether to give evidence via pre-recording, closed circuit television or in person.	AGD (ODPP)	Accepted	Implementing	The practice of the Office of the Director of Public Prosecutions is consistent with this recommendation. A formal policy/guideline is in the process of being finalised.
Criminal Justice Report	59	State and territory governments should establish intermediary schemes similar to the Registered Intermediary Scheme in England and Wales which are available to any prosecution witness with a communication difficulty in a child sexual abuse prosecution. Governments should ensure that the scheme: <ul style="list-style-type: none"> <li>a) requires intermediaries to have relevant professional qualifications to assist in communicating with vulnerable witnesses</li> <li>b) provides intermediaries with</li> </ul>	AGD	Accepted	Complete	The current South Australian provisions provide for communication partners to assist vulnerable witnesses is consistent with this recommendation.

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		<p>training on their role and in understanding that their duty is to assist the court to communicate with the witness and to be impartial</p> <p>c) makes intermediaries available at both the police interview stage and trial stage</p> <p>d) enables intermediaries to provide recommendations to police and the court on how best to communicate with the witness and to intervene in an interview or examination where they observe a communication breakdown.</p>				
Criminal Justice Report	60	State and territory governments should work with their courts administration to ensure that ground rules hearings are able to be held – and are in fact held – in child sexual abuse prosecutions to discuss the questioning of prosecution witnesses with specific communication needs, whether the questioning is to take place via a pre-recorded hearing or during the trial. This should be essential where a witness intermediary scheme is in place and should allow, at a minimum, a report from an intermediary to be considered.	AGD (CAA)	Accepted	Complete	The current South Australian provisions within the <i>Evidence Act 1929</i> and the relevant court rules allow for directions hearings to be held to address these issues.
Criminal Justice	61	following special measures should be available in child sexual abuse	AGD (CAA)	Accepted	Complete	The current South Australian provisions contained in sections 13 and 13A of the <i>Evidence Act 1929</i> are

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Report		<p>prosecutions for complainants, vulnerable witnesses and other prosecution witnesses where the prosecution considers it necessary:</p> <ul style="list-style-type: none"> <li>a) giving evidence via closed circuit television or audio visual link so that the witness is able to give evidence from a room away from the courtroom</li> <li>b) allowing the witness to be supported when giving evidence, whether in the courtroom or remotely, including, for example, through the presence of a support person or a support animal or by otherwise creating a more child-friendly environment</li> <li>c) if the witness is giving evidence in court, using screens, partitions or one-way glass so that the witness cannot see the accused while giving evidence</li> <li>d) clearing the public gallery of a courtroom during the witness's evidence</li> <li>e) the judge and counsel removing their wigs and gowns.</li> </ul>				consistent with this recommendation.
Criminal Justice	62	State and territory governments should introduce legislation to allow a child's competency to give evidence in child	AGD (CAA)	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.

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Report		<p>sexual abuse prosecutions to be tested as follows:</p> <ul style="list-style-type: none"> <li>a) where there is any doubt about a child's competence to give evidence, a judge should establish the child's ability to understand basic questions asked of them by asking simple, non-theoretical questions – for example, about their age, school, family et cetera</li> <li>b) where it does not appear that the child can give sworn evidence,</li> <li>c) the judge should simply ask the witness for a promise to tell the truth and allow the examination of the witness to proceed.</li> </ul>				
Criminal Justice Report	63	State and territory governments should provide adequate interpreting services such that any witness in a child sexual abuse prosecution who needs an interpreter is entitled to an interpreter who has sufficient expertise in their primary language, including sign language, to provide an accurate and impartial translation.	AGD (CAA)	Accepted	Complete	The courts are able to ensure that witnesses are provided with an interpreter where required.
Criminal Justice Report	64	State and territory governments should consider or reconsider the desirability of partial codification of judicial directions now that Victoria has established a	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.

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		precedent from which other jurisdictions could develop their own reforms.				
Criminal Justice Report	65	<p>Each state and territory government should review its legislation and introduce any amending legislation necessary to ensure that it has the following provisions in relation to judicial directions and warnings:</p> <ul style="list-style-type: none"> <li>a) delay and credibility: Legislation should provide that: <ul style="list-style-type: none"> <li>i) there is no requirement for a direction or warning that delay affects the complainant's credibility</li> <li>ii) the judge must not direct, warn or suggest to the jury that delay affects the complainant's credibility unless the direction, warning or suggestion is requested by the accused and is warranted on the evidence in the particular circumstances of the trial</li> <li>iii) in giving any direction, warning or comment, the judge must not use expressions such as 'dangerous or unsafe to convict' or 'scrutinise with</li> </ul> </li> </ul>	AGD	Accepted	Complete	The current South Australian provisions contained in the <i>Evidence Act 1929</i> are consistent with these recommendations.

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		<p>great care'</p> <p>b) delay and forensic disadvantage: Legislation should provide that:</p> <p>i) there is no requirement for a direction or warning as to forensic disadvantage to the accused</p> <p>ii) the judge must not direct, warn or suggest to the jury that delay has caused forensic disadvantage to the accused unless the direction, warning or suggestion is requested by the accused and there is evidence that the accused has suffered significant forensic disadvantage</p> <p>iii) the mere fact of delay is not sufficient to establish forensic disadvantage</p> <p>iv) in giving any direction, warning or comment, the judge should inform the jury of the nature of the forensic disadvantage suffered by the accused v. in giving any direction, warning or comment, the judge must not use expressions such as 'dangerous or unsafe to</p>				

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		<p>convict' or 'scrutinise with great care'</p> <p>c) uncorroborated evidence: Legislation should provide that the judge must not direct, warn or suggest to the jury that it is 'dangerous or unsafe to convict' on the uncorroborated evidence of the complainant or that the uncorroborated evidence of the complainant should be 'scrutinised with great care'</p> <p>d) children's evidence: Legislation should provide that:</p> <p>i) the judge must not direct, warn or suggest to the jury that children as a class are unreliable witnesses</p> <p>ii) the judge must not direct, warn or suggest to the jury that it would be 'dangerous or unsafe to convict' on the uncorroborated evidence of a child or that the uncorroborated evidence of a child should be 'scrutinised with great care'</p> <p>iii) the judge must not give a direction or warning about, or comment on, the reliability of a child's evidence solely on</p>				

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		account of the age of the child.				
Criminal Justice Report	66	The New South Wales Government, the Queensland Government and the government of any other state or territory in which Markuleski directions are required should consider introducing legislation to abolish any requirement for such directions.	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.
Criminal Justice Report	67	State and territory governments should support and encourage the judiciary, public prosecutors, public defenders, legal aid and the private Bar to implement regular training and education programs for the judiciary and legal profession in relation to understanding child sexual abuse and current social science research in relation to child sexual abuse.	AGD (ODPP & CAA)	Accepted	Complete	The Attorney-General's Department's Disability Justice Symposium and Continuing Professional Development program "CPD Central" (now finalised) have provided relevant training and education programs for the profession in relation to vulnerable witnesses within the criminal justice system. The Government of South Australia will continue to explore the ability to support similar initiatives in the future.
Criminal Justice Report	68	Relevant Australian governments should ensure that bodies such as: <ul style="list-style-type: none"> <li>a) the Australasian Institute of Judicial Administration</li> <li>b) the National Judicial College of Australia</li> <li>c) the Judicial Commission of New South Wales</li> <li>d) the Judicial College of Victoria are</li> </ul>	AGD (CAA)	Accepted	Complete	The Government of South Australia, through the Courts Administration Authority, provides funding to the National Judicial College each year.

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		adequately funded to provide leadership in making relevant information and training available in the most effective forms to the judiciary and, where relevant, the broader legal profession so that they understand and keep up to date with current social science research that is relevant to understanding child sexual abuse.				
Criminal Justice Report	69	In any state or territory where provisions such as those in sections 79(2) and 108C of the Uniform Evidence Act or their equivalent are not available, the relevant government should introduce legislation to allow for expert evidence in relation to the development and behaviour of children generally and the development and behaviour of children who have been victims of child sexual abuse offences.	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.
Criminal Justice Report	70	Each state and territory government should lead a process to consult the prosecution, defence, judiciary and academics with relevant expertise in relation to judicial directions containing educative information about children and the impact of child sexual abuse, with a view to settling standard directions and introducing legislation as soon as possible to authorise and require the directions to	AGD (CAA)	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.

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		<p>be given.</p> <p>The National Child Sexual Assault Reform Committee's recommended mandatory judicial directions and the Victorian Government's proposed directions on inconsistencies in the complainant's account should be the starting point for the consultation process, subject to the removal of the limitation in the third direction recommended by the National Child Sexual Assault Reform Committee in relation to children's responses to sexual abuse so that it can apply regardless of the complainant's age at trial.</p>				
Criminal Justice Report	71	In advance of any more general codification of judicial directions, each state and territory government should work with the judiciary to identify whether any legislation is required to permit trial judges to assist juries by giving relevant directions earlier in the trial or to otherwise assist juries by providing them with more information about the issues in the trial. If legislation is required, state and territory governments should introduce the necessary legislation.	AGD (CAA)	Accepted	Complete	The current South Australian position is consistent with this recommendation. There is no impediment to judges giving directions to a jury about relevant matters at any time.
Criminal Justice Report	72	Each state and territory government should work with its courts, prosecution, legal aid and policing agencies to ensure	AGD (CAA)	Accepted in principle	Implementing	The current South Australian position is consistent with this recommendation, in that all participants in the criminal justice system constantly work to reduce delays.

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		<p>that delays are reduced and kept to a minimum in prosecutions for child sexual abuse offences, including through measures to encourage:</p> <ul style="list-style-type: none"> <li>a) the early allocation of prosecutors and defence counsel</li> <li>b) the Crown – including subsequently allocated Crown prosecutors – to be bound by early prosecution decisions</li> <li>c) appropriate early guilty pleas</li> <li>d) case management and the determination of preliminary issues before trial.</li> </ul>				The Office of the Director of Public Prosecutions has established a Vulnerable Witness Team to minimise changes in solicitors and changes in prosecution decisions. The Government of South Australia is currently reviewing the legislation relating to sentencing reductions to ensure the best interests of justice are achieved in the process of encouraging appropriate early guilty pleas. Recent legislative reform has been directed towards earlier determination of preliminary issues before trial.
Criminal Justice Report	73	In those states and territories that have a qualified privilege in relation to sexual assault communications, the relevant state or territory government should work with its courts, prosecution and legal aid agencies to implement any necessary procedural or case management reforms to ensure that complainants are effectively able to claim the privilege without risking delaying the trial.	AGD (ODPP & CAA)	Accepted	Complete	The current South Australian position is consistent with this recommendation.
Criminal Justice Report	75	State and territory governments should introduce legislation to require sentencing courts, when setting a sentence in relation to child sexual abuse offences involving	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.

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		multiple discrete episodes of offending and/or where there are multiple victims, to indicate the sentence that would have been imposed for each offence had separate sentences been imposed.				
Criminal Justice Report	76	State and territory governments should introduce legislation to provide that sentences for child sexual abuse offences should be set in accordance with the sentencing standards at the time of sentencing instead of at the time of the offending, but the sentence must be limited to the maximum sentence available for the offence at the date when the offence was committed.	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.
Criminal Justice Report	77	State and territory governments, in consultation with their respective Directors of Public Prosecutions, should improve the information provided to victims and survivors of child sexual abuse offences to: <ul style="list-style-type: none"> <li>a) give them a better understanding of the role of the victim impact statement in the sentencing process</li> <li>b) better prepare them for making a victim impact statement, including in relation to understanding the sort of content that may result in objection being</li> </ul>	AGD (ODPP)	Accepted	Implementing	This recommendation has been largely implemented already, and in so far as it applies to the practices of the Office of the Director of Public Prosecutions, it has been met. The Government of South Australia will continue to ensure that other agencies involved in providing information to victims and survivors of child sexual abuse offences are similarly implementing this recommendation.

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		taken to the statement or parts of it.				
Criminal Justice Report	78	State and territory governments should ensure that, as far as reasonably practicable, special measures to assist victims of child sexual abuse offences to give evidence in prosecutions are available for victims when they give a victim impact statement, if they wish to use them.	AGD (ODPP)	Accepted	Complete	The current South Australian position is consistent with this recommendation.
Criminal Justice Report	79	State and territory governments should introduce legislation, where necessary, to expand the Director of Public Prosecution's right to bring an interlocutory appeal in prosecutions involving child sexual abuse offences so that the appeal right: <ul style="list-style-type: none"> <li>a) applies to pre-trial judgments or orders and decisions or rulings on the admissibility of evidence, but only if the decision or ruling eliminates or substantially weakens the prosecution's case</li> <li>b) is not subject to a requirement for leave</li> <li>c) extends to 'no case' rulings at trial.</li> </ul>	AGD (ODPP)	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.
Criminal Justice	80	State and territory governments should work with their appellate court and the	AGD	For further	Planning	This recommendation is related to recommendation 79

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Report		Director of Public Prosecutions to ensure that the court is sufficiently well resourced to hear and determine interlocutory appeals in prosecutions involving child sexual abuse offences in a timely manner.	(ODPP)	consideration		and will be considered together as appropriate.
Criminal Justice Report	81	Directors of Public Prosecutions should amend their prosecution guidelines, where necessary, in relation to the decision as to whether there should be a retrial following a successful conviction appeal in child sexual abuse prosecutions. The guidelines should require that the prosecution consult the complainant and relevant police officer before the Director of Public Prosecutions decides whether to retry a matter.	AGD (ODPP)	Accepted	Complete	This recommendation is consistent with existing Office of the Director of Public Prosecution practices, policies and guidelines.
Criminal Justice Report	82	State and territory governments should ensure that a relevant government agency, such as the Office of the Director of Public Prosecutions, is monitoring the number, type and success rate of appeals in child sexual abuse prosecutions and the issues raised to: <ul style="list-style-type: none"> <li>a) identify areas of the law in need of reform</li> <li>b) ensure any reforms – including reforms arising from the Royal Commission’s recommendations in relation to criminal justice, if implemented – are working as</li> </ul>	AGD (ODPP)	Accepted	Complete	The practice of the Office of the Director of Public Prosecutions is consistent with this recommendation.

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		intended.				
Criminal Justice Report	83	State and territory governments (other than the Northern Territory) should give further consideration to whether the abolition of the presumption that a male under the age of 14 years is incapable of having sexual intercourse should be given retrospective effect and whether any immunity which has arisen as a result of the operation of the presumption should be abolished. State and territory governments (other than the Northern Territory) should introduce any legislation they consider necessary as a result of this consideration.	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.
Criminal Justice Report	84	State and territory governments should review their legislation – and if necessary introduce amending legislation – to ensure that complainants in child sexual abuse prosecutions do not have to give evidence on any additional occasion in circumstances where the accused, or one of two or more co-accused, is a juvenile at the time of prosecution or was a juvenile at the time of the offence.	AGD	For further consideration	Planning	This recommendation is under consideration along with other recommendations for legislative amendment.
Criminal Justice Report	85	State and territory governments should keep the interaction of: <ul style="list-style-type: none"> <li>a) their legislation relevant to regulatory responses to</li> </ul>	AGD	Accepted	Implementing	Implementation of the recommendation will be ongoing. The Government of South Australia will continue to monitor opportunities for law reform to enhance the operation and interaction of its own legislation and that of other jurisdictions, and will continue to actively

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		<p>institutional child sexual abuse</p> <p>b) their crimes legislation and the crimes legislation of all other Australian jurisdictions, particularly in relation to child sexual abuse offences and sex offender registration under regular review to ensure that their regulatory responses work together effectively with their relevant crimes legislation and the relevant crimes legislation of all other Australian jurisdictions in the interests of responding effectively to institutional child sexual abuse.</p>				participate in inter-governmental working groups to achieve that aim.
Redress & Civil Litigation Report	3	Funders or providers of existing support services should maintain their current resourcing for existing support services, without reducing or diverting resources in response to the Royal Commission's recommendations on redress and civil litigation.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil	5	Institutions should offer and provide a direct personal response to survivors in	AGD	Accepted in principle	Implementing	The Australian Government has led the development of the National Redress Scheme which officially

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Litigation Report		<p>accordance with the following principles:</p> <ul style="list-style-type: none"> <li>a) Re-engagement between a survivor and an institution should only occur if, and to the extent that, a survivor desires it.</li> <li>b) Institutions should make clear what they are willing to offer and provide by way of direct personal response to survivors of institutional child sexual abuse. Institutions should ensure that they are able to provide the direct personal response they offer to survivors.</li> <li>c) At a minimum, all institutions should offer and provide on request by a survivor: <ul style="list-style-type: none"> <li>i) an apology from the institution</li> <li>ii) the opportunity to meet with a senior institutional representative and receive an acknowledgement of the abuse and its impact on them</li> <li>iii) an assurance or undertaking from the institution that it has taken, or will take, steps to protect against further abuse of children in that institution.</li> </ul> </li> <li>d) In offering direct personal responses, institutions should try</li> </ul>				<p>commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>

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		<p>to be responsive to survivors' needs.</p> <p>e) Institutions that already offer a broader range of direct personal responses to survivors and others should consider continuing to offer those forms of direct personal response.</p> <p>f) Direct personal responses should be delivered by people who have received some training about the nature and impact of child sexual abuse and the needs of survivors, including cultural awareness and sensitivity training where relevant.</p> <p>g) Institutions should welcome feedback from survivors about the direct personal response they offer and provide.</p>				
Redress & Civil Litigation Report	6	Those who operate a redress scheme should offer to facilitate the provision of a written apology, a written acknowledgement and/or a written assurance of steps taken to protect against further abuse for survivors who seek these forms of direct personal response but who do not wish to have any further contact with the institution	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations.</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
						South Australia is now implementing the Scheme.
Redress & Civil Litigation Report	7	Those who operate a redress scheme should facilitate the provision of these forms of direct personal response by conveying survivors' requests for these forms of direct personal response to the relevant institution.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	8	Institutions should accept a survivor's choice of intermediary or representative to engage with the institution on behalf of the survivor, or with the survivor as a support person, in seeking or obtaining a direct personal response.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	9	<p>Counselling and psychological care should be supported through redress in accordance with the following principles:</p> <p>a) Counselling and psychological</p>	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>care should be available throughout a survivor's life.</p> <p>b) Counselling and psychological care should be available on an episodic basis.</p> <p>c) Survivors should be allowed flexibility and choice in relation to counselling and psychological care.</p> <p>d) There should be no fixed limits on the counselling and psychological care provided to a survivor.</p> <p>e) Without limiting survivor choice, counselling and psychological care should be provided by practitioners with appropriate capabilities to work with clients with complex trauma.</p> <p>f) Treating practitioners should be required to conduct ongoing assessment and review to ensure treatment is necessary and effective. If those who fund counselling and psychological care through redress have concerns about services provided by a particular practitioner, they should negotiate a process of external review with that practitioner and the survivor. Any process of assessment and</p>				<p>which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>review should be designed to ensure it causes no harm to the survivor.</p> <p>g) Counselling and psychological care should be provided to a survivor's family members if necessary for the survivor's treatment</p>				
Redress & Civil Litigation Report	11	<p>Those who administer support for counselling and psychological care through redress should ensure that counselling and psychological care are supported through redress in accordance with the following principles:</p> <p>a) Counselling and psychological care provided through redress should supplement, and not compete with, existing services.</p> <p>b) Redress should provide funding for counselling and psychological care services and should not itself provide counselling and psychological care services.</p> <p>c) Redress should fund counselling and psychological care as needed by survivors rather than providing a lump sum payment to survivors for their future counselling and psychological care needs.</p>	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Redress & Civil Litigation Report	23	Survivors who have received monetary payments in the past – whether under other redress schemes, statutory victims of crime schemes, through civil litigation or otherwise – should be eligible to be assessed for a monetary payment under redress.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	36	The Australian Government and state and territory governments should provide 'funder of last resort' funding for the redress scheme or schemes so that the governments will meet any shortfall in funding for the scheme or schemes.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	37	Regardless of whether there is a single national redress scheme or separate state and territory redress schemes, the Australian Government and each state or territory government should negotiate and agree their respective shares of or	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		contributions to 'funder of last resort' funding in respect of applications alleging abuse in the relevant state or territory				<p>recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	38	The Australian Government (if it announces that it is willing to establish a single national redress scheme) or state and territory governments should determine how best to raise the required funding for the redress scheme or schemes, including government funding and funding from non-government institutions.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	76	<p>Institutions should seek to achieve independence in institutional redress processes by taking the following steps:</p> <p>a) Institutions should provide information on the application process, including online, so that survivors do not need to approach the institution if there is an independent person with whom they can make their claim.</p>	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations.</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>b) If feasible, the process of receiving and determining claims should be administered independently of the institution to minimise the risk of any appearance that the institution can influence the process or decisions.</p> <p>c) Institutions should ensure that anyone they engage to handle or determine redress claims is appropriately trained in understanding child sexual abuse and its impacts and in any relevant cultural awareness issues.</p> <p>d) Institutions should ensure that any processes or interactions with survivors are respectful and empathetic, including by taking into account the factors discussed in Chapter 5 concerning meetings and meeting environments.</p> <p>e) Processes and interactions should not be legalistic. Any legal, medical and other relevant input should be obtained for the purposes of decision making.</p>				South Australia is now implementing the Scheme.
Redress & Civil Litigation	77	Institutions should ensure that the required independence is set out clearly in writing between the institution and any	AGD	Accepted in principle	Implementing	The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Report		person or body the institution engages as part of its redress process.				<p>has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	78	<p>If a survivor alleges abuse in more than one institution, the institution to which the survivor applies for redress should adopt the following process:</p> <ul style="list-style-type: none"> <li>a) With the survivor's consent, the institution's redress process should approach the other named institutions to seek cooperation on the claim.</li> <li>b) If the survivor consents and the relevant institutions agree, one institutional process should assess the survivor's claim in accordance with the recommended redress elements and processes (with any necessary modifications because of the absence of a government-run scheme) and allocate contributions between the institutions.</li> </ul>	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>

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		c) If any institution no longer exists and has no successor, its share should be met by the other institution or institutions.				
Redress & Civil Litigation Report	79	Institutions should adopt the elements of redress and the general principles for providing redress recommended in Chapter 4.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	80	Institutions should undertake, through their redress processes, to meet survivors' needs for counselling and psychological care. A survivor's need for counselling and psychological care should be assessed independently of the institution.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Redress & Civil Litigation Report	81	Institutions should adopt the purpose of monetary payments recommended in Chapter 7 and be guided by the recommended matrix for assessing monetary payments.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	82	In implementing any interim arrangements for institutions to offer and provide redress, institutions should take account of our discussion of the applicability of the redress scheme processes recommended in Chapter 11.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	83	Institutions should ensure no deeds of release are required under interim arrangements for institutions to offer and provide redress.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
						<p>recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	84	If the Australian Government or state and territory governments accept our recommendations and announce that they are working to establish a single national redress scheme or separate state and territory redress schemes, institutions may wish to offer smaller interim or emergency payments as an alternative to offering institutional redress processes as interim arrangements.	AGD	Accepted in principle	Implementing	<p>The Australian Government has led the development of the National Redress Scheme which officially commenced on 1 July 2018. The Australian Government has lead responsibility for the design of the Scheme which broadly responds to the Royal Commission recommendations.</p> <p>The South Australian Government announced its intention to participate in the Scheme on 28 May 2018; which reflects that the South Australian Government <i>accepts in principle</i> the broad concept of the National Redress Scheme as articulated in the recommendations. South Australia is now implementing the Scheme.</p>
Redress & Civil Litigation Report	85	State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.	AGD	Accepted	Complete	New laws ( <i>Limitations of Actions (Child Abuse) Amendment Act 2018</i> ) passed State Parliament in September 2018; this allows people who have experienced child abuse to seek compensation and access to justice regardless of how long ago their abuse occurred.
Redress & Civil	86	State and territory governments should ensure that the limitation period is	AGD	Accepted	Complete	The Limitations of Actions (Child Abuse) Amendment Act 2018 (passed September 2018) removes this time

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Litigation Report		removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.				limit and has retrospective effect.
Redress & Civil Litigation Report	87	State and territory governments should expressly preserve the relevant courts' existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period.	AGD	Accepted	Complete	The <i>Limitations of Actions (Child Abuse) Amendment Act 2018 (passed September 2018)</i> expressly preserves the courts' existing jurisdiction and powers (including the power to permanently stay proceedings if the lapse of time means a fair trial is not possible).
Redress & Civil Litigation Report	88	State and territory governments should implement these recommendations to remove limitation periods as soon as possible, even if that requires that they be implemented before our recommendations in relation to the duty of institutions and identifying a proper defendant are implemented.	AGD	Accepted	Complete	New laws (Limitations of Actions (Child Abuse) Amendment Act 2018) passed State Parliament in September 2018.
Redress & Civil Litigation Report	89	State and territory governments should introduce legislation to impose a non-delegable duty on certain institutions for institutional child sexual abuse despite it being the deliberate criminal act of a person associated with the institution.	AGD	For further consideration	Not yet commenced	The Government of South Australia is giving further consideration to this recommendation in consultation with key agencies including the Department for Child Protection and the Department of Education.
Redress & Civil Litigation Report	90	The non-delegable duty should apply to institutions that operate the following facilities or provide the following services and be owed to children who are in the care, supervision or control of the institution in relation to the relevant facility	AGD	For further consideration	Not yet commenced	The Government of South Australia is giving further consideration to this recommendation in consultation with key agencies including the Department for Child Protection and the Department of Education.

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>or service:</p> <ul style="list-style-type: none"> <li>a) residential facilities for children, including residential out-of-home care facilities and juvenile detention centres but not including foster care or kinship care</li> <li>b) day and boarding schools and early childhood education and care services, including long day care, family day care, outside school hours services and preschool programs</li> <li>c) disability services for children</li> <li>d) health services for children</li> <li>e) any other facility operated for profit which provides services for children that involve the facility having the care, supervision or control of children for a period of time but not including foster care or kinship care</li> <li>f) any facilities or services operated or provided by religious organisations, including activities or services provided by religious leaders, officers or personnel of religious organisations but not including foster care or kinship care.</li> </ul>				

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Redress & Civil Litigation Report	91	Irrespective of whether state and territory parliaments legislate to impose a non-delegable duty upon institutions, state and territory governments should introduce legislation to make institutions liable for institutional child sexual abuse by persons associated with the institution unless the institution proves it took reasonable steps to prevent the abuse. The 'reverse onus' should be imposed on all institutions, including those institutions in respect of which we do not recommend a non-delegable duty be imposed.	AGD	Accepted in principle	Planning	The Government of South Australia accepts the intent of this recommendation, noting that legislative reform is required.
Redress & Civil Litigation Report	92	For the purposes of both the non-delegable duty and the imposition of liability with a reverse onus of proof, the persons associated with the institution should include the institution's officers, office holders, employees, agents, volunteers and contractors. For religious organisations, persons associated with the institution also include religious leaders, officers and personnel of the religious organisation.	AGD	Accepted in principle	Planning	The Government of South Australia accepts the intent of this recommendation, noting that legislative reform is required.
Redress & Civil Litigation Report	93	State and territory governments should ensure that the non-delegable duty and the imposition of liability with a reverse onus of proof apply prospectively and not retrospectively.	AGD	Accepted in principle	Planning	The Government of South Australia accepts the intent of this recommendation, noting that legislative reform is required.

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Redress & Civil Litigation Report	94	<p>State and territory governments should introduce legislation to provide that, where a survivor wishes to commence proceedings for damages in respect of institutional child sexual abuse where the institution is alleged to be an institution with which a property trust is associated, then unless the institution nominates a proper defendant to sue that has sufficient assets to meet any liability arising from the proceedings:</p> <ul style="list-style-type: none"> <li>a) the property trust is a proper defendant to the litigation</li> <li>b) any liability of the institution with which the property trust is associated that arises from the proceedings can be met from the assets of the trust.</li> </ul>	AGD	Accepted in principle	Planning	The Government of South Australia accepts the intent of this recommendation, noting that consideration of legislative reform is required.
Redress & Civil Litigation Report	95	The Australian Government and state and territory governments should consider whether there are any unincorporated bodies that they fund directly or indirectly to provide children's services. If there are, they should consider requiring them to maintain insurance that covers their liability in respect of institutional child sexual abuse claims.	AGD	For further consideration	Planning	This recommendation requires further consideration by the Government of South Australia, including consultation with relevant Government agencies.
Redress & Civil Litigation	96	Government and non-government institutions that receive, or expect to receive, civil claims for institutional child	AGD	Accepted in principle	Complete	The South Australia Government Model Litigant Guidelines already in place meet this recommendation.

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
Report		sexual abuse should adopt guidelines for responding to claims for compensation concerning allegations of child sexual abuse.				No further action is required.
Redress & Civil Litigation Report	97	The guidelines should be designed to minimise potential re-traumatisation of claimants and to avoid unnecessarily adversarial responses to claims.	AGD	Accepted in principle	Complete	The South Australia Government Model Litigant Guidelines already in place meet this recommendation. No further action is required.
Redress & Civil Litigation Report	98	The guidelines should include an obligation on the institution to provide assistance to claimants and their legal representatives in identifying the proper defendant to a claim if the proper defendant is not identified or is incorrectly identified.	AGD	Accepted in principle	Complete	The South Australia Government Model Litigant Guidelines already in place meet this recommendation. No further action is required.
Redress & Civil Litigation Report	99	Government and non-government institutions should publish the guidelines they adopt or otherwise make them available to claimants and their legal representatives.	AGD	Accepted in principle	Complete	The South Australia Government Model Litigant Guidelines already in place meet this recommendation. No further action is required.
WWCC Report	1	State and territory governments should: <ul style="list-style-type: none"> <li>a) within 12 months of the publication of this report, amend their working with children check laws to implement the standards identified in this report</li> <li>b) once the standards are implemented, obtain agreement</li> </ul>	Human Services	Accepted	Implementing	The Australian Government is leading this Recommendation.  Recommendations in relation to national standards have been progressed through the development of National Standards for Working with Children Checks.  South Australia has worked with the Commonwealth Department for Home Affairs (the Commonwealth), states and territories to contribute to the development of

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>from the Council of Australian Governments, or a relevant ministerial council, before deviating from or altering the standards in this report, adopting changes across all jurisdictions</p> <p>c) within 18 months from the publication of this report, amend their working with children check laws to enable clearances from other jurisdictions to be recognised and accepted.</p>				the National Standards, which aim to provide a minimum benchmark for WWCCs nationally and aim to ensure an increased level of protection to children through the screening processes.
WWCC Report	2	The South Australian Government should, within 12 months of the publication of this report, replace its criminal history assessments with a working with children check scheme that incorporates the standards set out in this report.	Human Services	Accepted	Implementing	<p>South Australia has implemented this recommendation through the enactment of the <i>Child Safety (Prohibited Persons) Act 2016</i>.</p> <p>The Act was assented to on 10 November 2016 and a commencement date is to be set. The South Australian Attorney-General's department is drafting regulations that will support the Act.</p>
WWCC Report	4	<p>The Commonwealth, state and territory governments should, within 12 months of the publication of this report:</p> <p>a) agree on a set of standards or guidelines to enhance the accurate and timely recording of information by state and territory police into CrimTrac's system</p> <p>b) review the information they have agreed to exchange under the</p>	Human Services	Accepted	Implementing	<p>Recommendations in relation to national standards have been progressed through the development of National Standards for Working with Children Checks.</p> <p>South Australia has worked with the Commonwealth Department for Home Affairs (the Commonwealth), states and territories to contribute to the development of the National Standards, which aim to provide a minimum benchmark for WWCCs nationally and aim to ensure an increased level of protection to children through the screening processes.</p>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>National Exchange of Criminal History Information for People Working with Children, and establish a set of definitions for the key terms used to describe the different types of criminal history records so they are consistent across the jurisdictions (these key terms include pending charges, non-conviction charges and information about the circumstances of an offence)</p> <p>c) take immediate action to record into CrimTrac's system historical criminal records that are in paper form or on microfilm and which are not currently identified by CrimTrac's initial database search</p> <p>d) once these historical criminal history records are entered into CrimTrac's system by all jurisdictions, check all working with children check cardholders against them through the expanded continuous monitoring process.</p>				The Commonwealth is progressing these National Standards through Community Services Ministers and the Council of Attorneys-General.
WWCC Report	5	State and territory governments should amend their working with children check laws to incorporate a consistent and simplified definition of child-related work, in line with the recommendations below.	Human Services	Accepted	Implementing	The SA Parliament has passed the <i>Child Safety (Prohibited Persons) Act 2016</i> to govern working with children's checks (WWCCs) in SA as a result of the Commonwealth Royal Commission and the SA Royal Commission. As regulations are to be finalised following

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						public consultation, the Act has not yet commenced and so WWCC screening powers are still currently contained in the <i>Children's Protection Act 1993</i> .  The Act captures the recommendations related to the definition of child-related work supported by the South Australian Royal Commission.
WWCC Report	6	State and territory governments should amend their working with children check laws to provide that work must involve contact between an adult and one or more children to qualify as child-related work.	Human Services	Accepted	Implementing	The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> contains these provisions.
WWCC Report	7	State and territory governments should: a) amend their working with children check laws to provide that the phrase 'contact with children' refers to physical contact, face-to-face contact, oral communication, written communication or electronic communication b) through the Council of Australian Governments, or a relevant ministerial council, agree on standard definitions for each kind of contact and amend their working with children check laws to incorporate those definitions.	Human Services	a) Accepted b) Not accepted	Planning	a) The Child Safety (Prohibited Persons) Regulations have not yet been finalised but the consultation draft contained this wording or similar. b) The proposed National Standards identify child-related work as work that involves physical contact, face-to-face contact, oral communication, written communication or electronic communication with one or more child. Standard definitions for each kind of contact have not been included in the proposed National Standards as this was not supported by the jurisdictions.
WWCC Report	8	State and territory governments should: a) amend their working with children	Human Services	a) Accepted b) Not	Implementing	a) The wording used in the uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> results in

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>check laws to provide that contact with children must be a usual part of, and more than incidental to, the child-related work</p> <p>b) through the Council of Australian Governments, or a relevant ministerial council, agree on standard definitions for the phrases 'usual part of work' and 'more than incidental to the work', and amend their working with children check laws to incorporate those definitions.</p>		accepted		<p>a similar outcome.</p> <p>b) Standard definitions for the phrases 'usual part of work' and 'more than incidental to the work' have not been included in the proposed National Standards as this was not supported by the jurisdictions.</p>
WWCC Report	9	State and territory governments should amend their working with children check laws to specify that it is irrelevant whether the contact with children is supervised or unsupervised.	Human Services	Accepted	Implementing	The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> specifies any person in a prescribed position undertaking child related work must obtain a WWCC regardless of whether supervised or not.
WWCC Report	10	State and territory governments should amend their working with children check laws to provide that a person is engaged in child-related work if they are engaged in the work in any capacity and whether or not for reward.	Human Services	Accepted	Implementing	The wording used in the uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> results in a similar outcome but does not include the exact wording.
WWCC Report	11	State and territory governments should amend their working with children check laws to provide that work that is undertaken under an arrangement for a personal or domestic purpose is not child-related, even if it would otherwise be so	Human Services	Accepted	Implementing	The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> includes this wording.

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		considered.				
WWCC Report	12	<p>State and territory governments should amend their working with children check laws to:</p> <ul style="list-style-type: none"> <li>a) define the following as child-related work: <ul style="list-style-type: none"> <li>i) accommodation and residential services for children, including overnight excursions or stays</li> <li>ii) activities or services provided by religious leaders, officers or personnel of religious organisations</li> <li>iii) childcare or minding services</li> <li>iv) child protection services, including out-of-home care</li> <li>v) clubs and associations with a significant membership of, or involvement by, children</li> <li>vi) coaching or tuition services for children</li> <li>vii) commercial services for children, including entertainment or party services, gym or play</li> </ul> </li> </ul>	Human Services	<ul style="list-style-type: none"> <li>a) Accepted</li> <li>b) Accepted</li> <li>c) Not accepted</li> </ul>	Implementing	<ul style="list-style-type: none"> <li>a) The wording used in the uncommenced Child Safety (Prohibited Persons) Act 2016 results in similar outcomes but does not always include the exact wording.</li> <li>b) The Child Safety (Prohibited Persons) Regulations have not yet been finalised but the consultation draft contained this requirement.</li> <li>c) No other services or activities are included in the uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i>; however, there is an ability to expand in the regulations.</li> </ul>

Report	No.	Recommendation	Lead Agency	Response	Status	Comments
		<p>facilities, photography services, and talent or beauty competitions</p> <p>viii) disability services for children</p> <p>ix) education services for children</p> <p>x) health services for children</p> <p>xi) justice and detention services for children, including immigration detention facilities where children are regularly detained</p> <p>xii) transport services for children, including school crossing services</p> <p>xiii) other work or roles that involve contact with children that is a usual part of, and more than incidental to, the work or roles.</p> <p>b) require working with children checks for adults residing in the homes of authorised carers of children</p> <p>c) remove all other remaining categories of work or roles.</p>				

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WWCC Report	13	State and territory governments, through the Council of Australian Governments, or a relevant ministerial council, should agree on standard definitions for each category of child-related work and amend their working with children check laws to incorporate those definitions.	Human Services	Accepted	Implementing	<p>The proposed National Standards have identified agreed categories of child-related work and included the ability for jurisdictions to expand these categories in their legislation.</p> <p>The categories specified in the uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> and its consultation regulations include more than those agreed for the proposed National Standards but do not currently include 'work at an educational facility for children including administration and maintenance services' and 'mentoring or counselling services for children'.</p>
WWCC Report	14	<p>State and territory governments should amend their working with children checks laws to:</p> <p>a) exempt:</p> <p>i) children under 18 years of age, regardless of their employment status</p> <p>ii) employers and supervisors of children in a workplace, unless the work is child-related</p> <p>iii) people who engage in child-related work for seven days or fewer in a calendar year, except in respect of overnight excursions or stays</p> <p>iv) people who engage in child-</p>	Human Services	<p>a) Accepted</p> <p>b) Not accepted</p> <p>c) Accepted</p>	Implementing	<p>a) i: In line with recommendation 6, the proposed National Standards require jurisdictions to screen adults, and allow but not require jurisdictions to screen children. The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> does not exempt children from being required to obtain a WWCC which complies with the proposed National Standards.</p> <p>ii-v: These exemptions are reflected in the proposed National Standards and are included in the uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i>.</p> <p>vi: This exemption was included in the consultation regulations under the <i>Child Safety (Prohibited Persons) Act 2016</i>. The regulations are being finalised. The SA Royal Commission asked the state government to consider whether screening of parents or guardians who</p>

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		<p>related work in the same capacity as the child</p> <p>v) police officers, including members of the Australian Federal Police</p> <p>vi) parents or guardians who volunteer for services or activities that are usually provided to their children, in respect of that activity, except in respect of:</p> <ul style="list-style-type: none"> <li>• overnight excursions or stays</li> <li>• providing services to children with disabilities, where the services involve close, personal contact with those children</li> </ul> <p>b) remove all other exemptions and exclusions</p> <p>c) prohibit people who have been denied a working with children check, and subsequently not granted one, from relying on any exemption.</p>				<p>participate in services that involve close personal contact with any children, not just those with disabilities, would be appropriate.</p> <p>b) Not implemented. The proposed National Standards allow for persons to be exempt if allowed under a jurisdiction's legislation. The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> allows for the definition of excluded person to be expanded in its regulations. Whilst the only exemption included in the consultation regulations was vi, there is an ability to expand exemptions with any expansion being allowed under the proposed National Standards.</p> <p>The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> goes further as it precludes persons from being granted exemptions from screening requirements, and from being considered excluded persons, if they are or have ever been a prohibited person making any subsequent granting of a WWCC irrelevant. This approach is in line with the SA Royal Commission which recommended that exemptions should be precluded for those refused a WWCC.</p>
WWCC Report	15	State and territory governments, through the Council of Australian Governments, or	Human Services	Accepted	Implementing	The proposed National Standards agree on standard definitions for the exemption categories listed in

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		a relevant ministerial council, should agree on standard definitions for each exemption category and amend their working with children check laws to incorporate those definitions.				<p>recommendation 15.</p> <p>The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> implements most of these exemptions with its regulations likely to implement the parental exemption if there are no changes to the consultation regulations.</p> <p>The Standards are progressing through Community Services Ministers (via the Children and Families Secretaries forum) and the Council of Attorneys-General (CAG).</p>
WWCC Report	16	<p>State and territory governments should amend their working with children check laws to incorporate a consistent and simplified list of offences, including:</p> <ul style="list-style-type: none"> <li>a) engaging in child-related work without holding, or having applied for, a working with children check</li> <li>b) engaging a person in child-related work without them holding, or having applied for, a working with children check</li> <li>c) providing false or misleading information in connection with a working with children check application</li> <li>d) applicants and/or working with children check cardholders failing to notify screening agencies of relevant changes in circumstances</li> </ul>	Human Services	Accepted	Implementing	The uncommenced Child Safety (Prohibited Persons) Act 2016 contains relevant offences.

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		e) unauthorised disclosure of information gathered during the course of a working with children check.				
WWCC Report	17	<p>State and territory governments should amend their working with children check laws to include a standard definition of criminal history, for working with children check purposes, comprised of:</p> <ul style="list-style-type: none"> <li>a) convictions, whether or not spent</li> <li>b) findings of guilt that did not result in a conviction being recorded</li> <li>c) charges, regardless of status or outcome, including: <ul style="list-style-type: none"> <li>i) pending charges – that is, charges laid but not finalised</li> <li>ii) charges disposed of by a court, or otherwise, other than by way of conviction (for example, withdrawn, set aside or dismissed)</li> <li>iii) charges that led to acquittals or convictions that were quashed or otherwise overturned on appeal for all offences, irrespective of whether or not they concern the person’s history as an adult or a child and/or</li> </ul> </li> </ul>	Human Services	Accepted	Implementing	<p>The proposed National Standards include a definition of criminal history information.</p> <p>The term ‘criminal history’ is not used in this context in the uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> nor defined but section 8 has a similar effect.</p>

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		relate to offences outside Australia.				
WWCC Report	18	State and territory governments should amend their working with children check laws to require police services to provide screening agencies with records that meet the definition of criminal history records for working with children check purposes and any other available information relating to the circumstances of such offences.	Human Services	Accepted	Implementing	COAG's 2013 Intergovernmental Agreement on National Exchange of Criminal History Information for People Working with Children (ECHIPWC) facilitates the exchange of criminal history information via the Australian Criminal Intelligence Commission. This was varied in 2018 to reflect that Victoria was now providing non-conviction charges, which had been an inconsistency across jurisdictions previously.  The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> requires details specified in the regulations regarding prescribed offences to be provided by the SA Commissioner of Police to the Screening Unit (central assessment unit).
WWCC Report	19	State and territory governments should amend their working with children check laws to: <ul style="list-style-type: none"> <li>a) require that relevant disciplinary and/or misconduct information is checked for all working with children check applicants</li> <li>b) include a standard definition of disciplinary and/or misconduct information that encompasses disciplinary action and/or findings of misconduct where the conduct was against, or involved, a child, irrespective of whether this information arises from reportable</li> </ul>	Human Services	<ul style="list-style-type: none"> <li>a) Accepted</li> <li>b) Accepted</li> <li>c) Accepted in principle</li> </ul>	Implementing	<ul style="list-style-type: none"> <li>a) Included in the uncommenced Child Safety (Prohibited Persons) Act 2016.</li> <li>b) The proposed National Standards require that all relevant findings of misconduct must be assessed when an applicant has a relevant finding of misconduct including a finding of misconduct by a registration or licencing body (including teachers and health practitioner bodies) where the conduct involved physical or sexual misconduct that involved or occurred in the presence of a child.</li> <li>c) The uncommenced Child Safety (Prohibited Persons) Act 2016 identifies this information as assessable information but does not include a mechanism for requiring relevant bodies to</li> </ul>

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		<p>conduct schemes or other systems or bodies responsible for disciplinary or misconduct proceedings</p> <p>c) require the bodies responsible for the relevant disciplinary and/or misconduct information to notify their respective screening agencies of relevant disciplinary and/or misconduct information that meets the definition.</p>				provide this information to the Screening Unit.
WWCC Report	20	<p>State and territory governments should amend their working with children check laws to respond to records in the same way, specifically that:</p> <p>a) the absence of any relevant criminal history, disciplinary or misconduct information in an applicant's history leads to an automatic grant of a working with children check</p> <p>b) any conviction and/or pending charge in an applicant's criminal history for the following categories of offence leads to an automatic working with children checks refusal, provided the applicant was at least 18 years old at the time of the offence:</p> <p>i) murder of a child</p>	Human Services	<p>a) Not accepted</p> <p>b) Accepted</p> <p>c) Accepted</p>	Implementing	<p>a) The proposed National Standards widens this and additionally includes issues identified through self-disclosure and any other information deemed relevant by the screening agency. The regulations and guidelines under the uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i>, which have not yet been finalised, will identify the assessment process.</p> <p>b) The proposed National Standards identify categories of offences which will not be issued with a WWCC and offences which will not be issued with a WWCC unless there are exceptional circumstances. They also require states and territories to work towards identifying specific offences for each of the categories. The categories of offences identified by the Royal Commission are represented in the definition of prescribed offences under the uncommenced amended <i>Child Safety (Prohibited Persons) Act 2016</i>.</p>

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		<ul style="list-style-type: none"> <li>ii) manslaughter of a child</li> <li>iii) indecent or sexual assault of a child</li> <li>iv) child pornography–related offences</li> <li>v) incest where the victim was a child</li> <li>vi) abduction or kidnapping of a child</li> <li>vii) animal-related sexual offences.</li> </ul> <p>c) all other relevant criminal, disciplinary or misconduct information should trigger an assessment of the person’s suitability for a working with children check (consistent with the risk assessment factors set out below).</p>				<p>c) The proposed National Standards identify that all other relevant criminal history (including juvenile records), disciplinary or misconduct information, or any other information considered relevant by the screening agency should trigger an assessment. The regulations and guidelines under the uncommenced Child Safety (Prohibited Persons) Act 2016, which have not yet been finalised, will identify the assessment process.</p>
WWCC Report	21	<p>State and territory governments should amend their working with children check laws to specify that relevant criminal records for the purposes of recommendation 20(c) include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>a) juvenile records and/or non-conviction charges for the offence categories specified in</li> </ul>	Human Services	Accepted	Implementing	The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> and its regulations and guidelines will meet this recommendation.

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		<p>recommendation 20(b)</p> <p>b) sexual offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b)</p> <p>c) violent offences, including assaults, arson and other fire-related offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b)</p> <p>d) child welfare offences</p> <p>e) offences involving cruelty to animals</p> <p>f) drug offences.</p>				
WWCC Report	23	<p>State and territory governments should amend their working with children check laws to specify that the criteria for assessing risks to children include:</p> <p>a) the nature, gravity and circumstances of the offence and/or misconduct, and how this is relevant to children or child-related work</p> <p>b) the length of time that has passed since the offence and/or</p>	Human Services	Accepted	Implementing	The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> requires guidelines to be published. The Screening Unit will be responsible for drafting the guidelines which will incorporate this recommendation.

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		<p>misconduct occurred</p> <p>c) the age of the child</p> <p>d) the age difference between the person and the child</p> <p>e) the person's criminal and/or disciplinary history, including whether there is a pattern of concerning conduct</p> <p>f) all other relevant circumstances in respect of their history and the impact on their suitability to be engaged in child-related work.</p>				
WWCC Report	24	State and territory governments should amend their working with children check laws to expressly provide that, in weighing up the risk assessment criteria, the paramount consideration must always be the best interests of children, having regard to their safety and protection.	Human Services	Accepted	Implementing	The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> meets this requirement.
WWCC Report	25	<p>State and territory governments should amend their working with children check laws to permit working with children check applicants to begin child-related work before the outcome of their application is determined, provided the safeguards listed below are introduced.</p> <p>Applicants</p> <p>a) applicants must submit a working</p>	Human Services	Not accepted	Not yet commenced	The Child Protection Systems Royal Commission (SA) did not agree with this recommendation and therefore this recommendation is not being implemented.

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		<p>with children check application to the appropriate screening agency before beginning child-related work and not withdraw the application while engaging in child-related work</p> <p>b) applicants must provide a working with children check application receipt to their employers before beginning child-related work</p> <p>Other safeguards</p> <p>c) employers must cite application receipts, record application numbers and verify applications with the relevant screening agency</p> <p>d) there must be capacity to impose interim bars on applicants where records are identified that may indicate a risk and require further assessment.</p>				
WWCC Report	26	State and territory governments that do not have an online working with children check processing system should establish one.	Human Services	Accepted	Complete	Online Screening commenced in SA in June 2015.
WWCC Report	27	State and territory governments should process working with children check applications within five working days, and	Human Services	For further consideration	Planning	The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> requires guidelines to be published which are to include benchmarks for periods within which certain

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		no longer than 21 working days for more complex cases.				<p>applications for working with children checks are to be processed by the Screening Unit.</p> <p>The Child Protection Systems Royal Commission (SA) recommended that 'in all but most exceptional circumstances, the administration team should process applications within seven days and the assessment team should process applications within 28 days'.</p>
WWCC Report	28	<p>All state and territory governments should amend their working with children check laws to specify that:</p> <ul style="list-style-type: none"> <li>a) working with children check decisions are based on the circumstances of the individual and are detached from the employer the person is seeking to work for, or the role or organisation the person is seeking to work in</li> <li>b) the outcome of a working with children check is either that a clearance is issued or it is not; there should be no conditional or different types of clearances</li> <li>c) volunteers and employees are issued with the same type of clearance.</li> </ul>	Human Services	Accepted	Complete	South Australia's current working with children checks (child-related employment clearances) issued under the <i>Children's Protection Act 1993</i> meet these requirements.
WWCC Report	29	All state and territory governments should ensure that any person the subject of an adverse working with children check	Human Services	Accepted	Implementing	The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> implements this recommendation.

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		<p>decision can appeal to a body independent of the working with children check screening agency, but within the same jurisdiction, for a review of the decision, except persons who have been convicted of one of the following categories of offences:</p> <ul style="list-style-type: none"> <li>• murder of a child</li> <li>• indecent or sexual assault of a child</li> <li>• child pornography-related offences</li> <li>• incest where the victim was a child and               <ol style="list-style-type: none"> <li>a) received a sentence of full time custody for the conviction, such persons being permanently excluded from an appeal or</li> <li>b) by virtue of that conviction, the person is subject to an order that imposes any control on the person's conduct or movement, or excludes the person from working with children, such persons being excluded from an appeal for the duration of that order.</li> </ol> </li> </ul> <p>Notwithstanding the above any person may bring an appeal in which they allege</p>				

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		that offences have been mistakenly recorded as applying to that person.				
WWCC Report	30	Subject to the implementation of the standards set out in this report, all state and territory governments should amend their working with children check laws to enable working with children checks from other jurisdictions to be recognised and accepted.	Human Services	For further consideration	Planning	<p>The national inter-jurisdictional WWCC working group, led by the Commonwealth, is collaborating to on the design of a WWCC National Reference System which will facilitate the exchange of negative WWCCs.</p> <p>The uncommenced <i>Child Safety (Prohibited Persons) Act 2016</i> also prohibits a person who is prohibited from working with children under a law of the Commonwealth, a State or a Territory.</p> <p>The recognition of positive WWCCs from other jurisdictions is still to be considered.</p>
WWCC Report	31	<p>Subject to the commencement of continuous monitoring of national criminal history records, state and territory governments should amend their working with children check laws to specify that:</p> <ul style="list-style-type: none"> <li>a) working with children check s are valid for five years</li> <li>b) employers and working with children check cardholders engaged in child-related work must inform the screening agency when a person commences or ceases being engaged in specific child-related work</li> <li>c) screening agencies are required to notify a person's employer of any change in the person's</li> </ul>	Human Services	<ul style="list-style-type: none"> <li>a) Accepted</li> <li>b) Accepted in principle</li> <li>c) Accepted</li> </ul>	Implementing	<p>Recommendation partially implemented as part of <i>Child Safety (Prohibited Persons) Act 2016</i>.</p> <p>The <i>Child Safety (Prohibited Persons) Act 2016</i> does not require employers to inform the Screening Unit when a person ceases being engaged in specific child-related work.</p>

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		working with children check status.				
WWCC Report	32	All state and territory governments should grant screening agencies, or another suitable regulatory body, the statutory power to monitor compliance with working with children check laws.	Human Services	Accepted	Implementing	The <i>Child Safety (Prohibited Persons) Act 2016</i> does not contain specific powers to monitor compliance. However, as it does contain offences there is an implied power to monitor compliance.
WWCC Report	33	All state and territory governments should ensure their working with children checks laws include powers to compel the production of relevant information for the purposes of compliance monitoring.	Human Services	Accepted	Implementing	The <i>Child Safety (Prohibited Persons) Act 2016</i> does not include specific powers to compel the production of relevant information for the purposes of compliance monitoring.  It does contain a power that permits the Registrar to require information from other persons, which provides the Registrar the power to require a person to provide information only on another specified person.
WWCC Report	34	The Commonwealth, state and territory governments should:  a) through the Council of Australian Governments, or a relevant ministerial council, adopt the standards and set a timeframe within which all jurisdictions must report back to the Council of Australian Governments, or a relevant ministerial council, on implementation  b) establish a process whereby changes to the standards or to state and territory schemes need	Human Services	Accepted	Implementing	The Australian Government is leading this Recommendation.  Recommendations in relation to national standards have been progressed through the development of National Standards for Working with Children Checks.  South Australia has worked with the Commonwealth Department for Home Affairs (the Commonwealth), states and territories to contribute to the development of the National Standards, which aim to provide a minimum benchmark for WWCCs nationally and aim to ensure an increased level of protection to children through the screening processes.

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		to be agreed to by the Council of Australian Governments, or a relevant ministerial council, and must be adopted across all jurisdictions.				
WWCC Report	35	The Commonwealth, state and territory governments should provide an annual report to the Council of Australian Governments, or a relevant ministerial council, for three years following the publication of this report, to be tabled in the parliaments of all nine jurisdictions, detailing their progress in implementing the recommendations in this report and achieving a nationally consistent approach to working with children checks.	Child Protection	Accepted	Implementing	See response to recommendation 17.2
WWCC Report	36	The Council of Australian Governments, or a relevant ministerial council, should ensure a review is made after three years of the publication of this report, of the state and territory governments' progress in achieving consistency across the working with children checks schemes, with a view to assessing whether they have implemented the Royal Commission's recommendations.	Human Services	Accepted	Implementing	The Australian Government is leading this Recommendation.