

Implementation of
recommendations arising from
previous inquiries of relevance to
the Royal Commission into
Institutional Responses to Child
Sexual Abuse

Final Report

Parenting Research Centre

Commissioned by the Royal Commission into
Institutional Responses to Child Sexual Abuse



Parenting Research Centre
raising children well

This document is the final report for the project titled 'Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse'.

Established in 1997, the **Parenting Research Centre** (PRC) is Australia's only national, independent non-profit research, development and implementation specialist organisation with an exclusive focus on parenting and families. The PRC is dedicated to gathering scientific knowledge of effective parenting and developing practical programs to help all parents raise happy, healthy children. The PRC's work focuses on supporting the efforts of practitioners, managers, organisations and governments to effectively and sustainably adopt and implement evidence-informed practices and programs.

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This project was commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse. The findings in this report were based on data received between September 2013 and February 2014. It is acknowledged that governments may have taken further action since these dates to implement recommendations.

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Royal Commission
into Institutional Responses
to Child Sexual Abuse

Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme eight.

The research program means the Royal Commission can:

- Obtain relevant background information
- Fill key evidence gaps
- Explore what is known and what works
- Develop recommendations that are informed by evidence and can be implemented, and respond to contemporary issues.

For more information on this program, please visit www.childabuseroyalcommission.gov.au/research

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Acronyms

AISQ: Association of Independent Schools Queensland

ALRC: Australian Law Reform Commission

ANCOR: Australian National Child Offender Register

APY: Anangu Pitjantjatjara Yankunytjatjara (SA)

CCS Act: *Children and Community Services Act 2004* (WA)

CCSS: Client and Community Services System

CCTV: Closed-circuit television

COAG: Council of Australian Governments

CPC Act: *Care and Protection of Children Act 2007* (NT)

CYP Act: *Children, Young Persons and Their Families Act 1997* (Tas)

DHS: Department of Human Services

DI(G): Department of Defence

DoCS: Department of Community Services (former name of Community Services NSW)

JIRT: Joint Investigation Response Teams (NSW)

KiDS: Key Information and Directory System (NSW)

NGOs: Non-government organisations

NSWLRC: New South Wales Law Reform Commission

NTER: Northern Territory National Emergency Response

OOHC: Out-of-home care

QPS: Queensland Police Service

SAPOL: South Australia Police

SART: Sexual Assault Response Teams (Vic)

SCLJ: Standing Council on Law and Justice

SMART: Specific, Measureable, Attainable, Relevant and Time-bound

SNAICC: Secretariat of National Aboriginal and Islander Child Care

UN: United Nations

VLRC: Victorian Law Reform Commission

WAS: Witness Assistance Service

List of inquiries from which recommendations were selected

ACT: The rights, interests and well-being of children and young people, Report Number 3, Standing Committee on Community Services and Social Equity, August 2003

ACT: The Territory as Parent, Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management, 14 May 2004

ACT: The Territory's Children, Ensuring safety and quality care for children and young people, Report on the Audit and Case Review, Gwenn Murray, July 2004

Commonwealth: Bringing them home, National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997

Commonwealth: ALRC Report 84: Seen and heard: priority for children in the legal process, 1997

Commonwealth: Management response to allegations of paedophile activity within the Foreign Affairs portfolio: report to the Public Service Commissioner, Pamela O'Neil, May 1997

Commonwealth: Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998

Commonwealth: Lost Innocents: Righting the Record – Report on child migration (2001)

Commonwealth: Inquiry into Immigration Detention Procedures (Flood Inquiry), 2001

Commonwealth: Complaint by a young person (under the age of 18) of an incident involving unacceptable behaviour at a Navy training establishment in mid-1996 (2004)

Commonwealth: Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)

Commonwealth: Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)

Commonwealth: Protecting Vulnerable Children – A National Challenge, second report of the inquiry into children in institutional or out-of-home care (2005)

Commonwealth: Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission

Commonwealth: Lost Innocents and Forgotten Australians Revisited (2009)

Commonwealth: ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)

Commonwealth: 2011 Immigration detention at Villawood. Summary of observations from visit to immigration detention facilities at Villawood (Australian Human Rights Commission)

Commonwealth: Report on the Review into the Treatment of Woman in the Australian Defence Force Academy - Phase 1, October 2011, Australian Human Rights Commission

Commonwealth: Report of the Review of allegations of sexual and other abuse in Defence - Facing the problems of the past: Volume 1 – General findings and recommendations, Rumble; McKean & Pearce, October 2011 (prepared for the Department of Defence)

Commonwealth: Disability Care and Support: Productivity Commission Inquiry Report Volume 1, No. 54, 31 July 2011, Australian Government Productivity Commission

Commonwealth: Report on the Review into the Treatment of Woman in the Australian Defence Force: **Phase 2** Report – 2012, Australian Human Rights Commission

NSW: The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)

NSW: NSW Ombudsman – Handling of Child Abuse Allegations Against Employees (May, 2000)

NSW: Review of the Child Protection Register Report under s25(1) of the Child Protection (Offenders Registration) Act 2000 (CP Register Review) (2005)

NSW: NSW Joint Investigative Response Team (JIRT) Review, November 2006 (NSW Health; NSW Police & NSW Department of Community Services)

NSW: Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)

NSW: NSW Ombudsman (December 2010) Improving probity standards for funded organisations

NSW: NSW Ombudsman Report – The need to better support children and young people in statutory care who have been victims of violent crime (June, 2010)

NSW: NSW Ombudsman Report – Responding to Child Sexual Assault in Aboriginal Communities (2012)

NSW: Prevention of abuse and safeguarding mechanisms in Ageing Disability and Home Care (21 January 2013)

NT: Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)

NT: Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)

NT: Growing them strong, together: promoting the safety and wellbeing of the Northern Territory's Children (2010)

NT: A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)

NT: Department of Justice (2011) Report: Review of Vulnerable Witness Legislation

Qld: Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations.

Qld: Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)

Qld: Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)

Qld: Inquiry into Abuse of Children in Foster Care – Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)

Qld: Queensland Child Protection of Inquiry – Taking Responsibility: A Roadmap for Queensland Child Protection – June 2013, Queensland Child Protection of Inquiry

SA: Review of Child Protection in South Australia (Layton review) (2002)

SA: Report of the Joint Committee on Immunity from Prosecution for Certain Sexual Offences: Second Session, Fiftieth Parliament 2002–2003, Parliament of South Australia (28 May 2003, Hon. G.E. Gago, Chairperson) (2003)

SA: Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)

SA: Children on Anangu Pitjantjatjara Yankunytjatjara (APA) lands Commission of Inquiry (Mullighan Inquiry) (2008)

Tas: Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)

Tas: Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) (2004)

Tas: Who is listening to the children now: the Commissioner for Children’s response to recommendations 8 and 9 of the Tasmanian Ombudsman’s report/Commissioner for Children 2006.

Tas: Report on Child Protection Services in Tasmania (Jacob-Fanning Report) (2006)

Tas: Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)

Tas: Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)

Vic: Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)

Vic: Victorian Auditors General’s Office (VAGO) (1996). Protecting Victoria’s Children: The Role of the Department of Human Services (special Report 43)

Vic: Victorian Law Reform Commission: Sexual Offences Final Report (2004)

Vic: Ombudsman Victoria: Improving responses to allegations involving sexual assault (2006)

Vic: Ombudsman Victoria: Own Motion Investigation into the Department of Human Services Child Protection Program (2009)

Vic: Ombudsman Victoria: Whistleblowers Protection Act 2001: Investigation into the failure of agencies to manage registered sex offenders (2011)

Vic: Sexual Assault Reform Strategy: Final Evaluation Report, prepared for Department of Justice, January 2011

Vic: Victorian Law Reform Commission (2011) Sex offenders registration – Final Report

Vic: Protecting Victoria’s Vulnerable Children Inquiry (Cummins inquiry) (2012)

WA: Western Australia Case Review Board, The Duty of Care Inquiry, An Examination of the Case Decisions in Relation to Two Children Placed Under the Control of the Department, 1993

WA: Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002

WA: Dr Marie Harries and Associate Professor Mike Clare, Mandatory Reporting of Child Abuse: Evidence and Options, Report for the Western Australian Child Protection Council, Discipline of Social Work & Social Policy, University of Western Australia, 2002

WA: Gwen Murray, A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April 2004 to 12 September 2005

WA: Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, Ombudsman Western Australia (2006)

WA: Review of the Department of Community Development (Ford Review) (2007)

WA: Community Development and Justice Standing Committee, Inquiry into the Prosecution of Assaults and Sexual Offences, Report No.6 in the 37th Parliament, 2008

WA: The Hon Peter Blaxell, St Andrew’s Hostel Katanning: How the System and Society Failed Our Children, A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse (2012)

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Executive summary

Scope and purpose of this report

The Royal Commission into Institutional Responses to Child Sexual Abuse is required to inquire into where systems have failed to protect children, and how to improve laws, policies and practices to prevent and improve responses to child sexual abuse in institutions.

The Letters Patent direct the Royal Commission to avoid unnecessary duplication and consider the adequacy of changed law, policy, practices and systems over time. The Parenting Research Centre (PRC) was commissioned to evaluate the extent to which 288 recommendations from 67 inquiries selected by the Royal Commission had been implemented, and the possible factors that determined, contributed to, or were barriers to successful implementation.

The research aimed to answer three questions:

- To what extent were previous inquiry recommendations, nominated by the Royal Commission, implemented?
- What were the factors that determined or contributed to, or were barriers to, the successful implementation of recommendations?
- Was there any relationship between these factors?

The project had three components: a scoping review of the methods of previous implementation evaluations, methodology design and the research itself. An exploration of the impact, or effectiveness, of the implementation of recommendations was beyond the scope of this project.

Scoping review

To design the methodology for this project, the Project Team undertook a systematic scoping review of existing published implementation evaluations. The aim of the scoping review was to identify the methods used in previous evaluations of the implementation of recommendations arising from inquiries or commissions. A summary of the findings is in Chapter 2: [Design of methodology](#). The scoping review is in Attachment A.

Methodology

The research was conducted using a mixed-methods design consisting of:

- an audit of reports and documentation provided by governments to determine the extent of the implementation of the recommendations under review
- verification of whether legislation was introduced or amended in accordance with those recommendations

- a survey of current public servants to explore the facilitators of and barriers to the implementation of recommendations in general
- interviews with key stakeholders to elicit detailed information and opinions on the factors that may affect the implementation of recommendations in general.

Data collection and analysis methods are described in Chapter 3: [Methodology](#). An overview of the methods used to answer the research questions is provided in [Table 5](#).

Major findings

The extent to which recommendations were implemented

The Project Team developed a four-point rating scale describing the extent to which recommendations were implemented (implemented in full, partially implemented, not implemented, undetermined). Evidence used to obtain these ratings was derived from government reports and legislation. The key findings were as follows:

- The majority of recommendations were rated as implemented either in full (48%) or partially (16%). Twenty-one percent were rated as not implemented, and the implementation status of 14% could not be determined.¹
- In relation to the recommendations rated as not implemented, the implementation of 39% was in progress or under consideration.
- Recommendations from earlier inquiries were more likely to be rated as implemented in full than those from more recent inquiries. Governments commonly reported that recommendations from more recent inquiries were under consideration or in progress.

An assessment of the *type* of recommendation (as categorised by the Royal Commission) found that recommendations with the highest proportion rated as implemented in full related to systems. Recommendations relating to legislation were most likely to be rated as partially or not implemented. In relation to the *subject* of the recommendation (also categorised by the Royal Commission), recommendations with the highest proportion rated as implemented in full related to employment screening. Recommendations relating to training in child protection had the greatest proportion rated as not implemented.

A summary of the implementation ratings for each jurisdiction is provided in [Table 6](#).

Governments reported a range of reasons for the partial implementation or non-implementation of recommendations. A summary of the themes arising from government responses is in [Section](#)

¹ Percentages are rounded.

[4.6](#). The most common reasons were:

- **Policy concerns about the recommendation.** Specific issues included:
 - concerns about the potential impact of the recommendation on other government priority areas, on children and families, or on resource allocation
 - concerns that recommendations were not evidence-based
 - a perceived adequacy of existing arrangements, including existing court powers and legislation, and existing services; there were concerns that implementation could lead to a duplication of existing functions or policies
 - a preference for an alternative approach to address the intention of the recommendation.

- **Recommendations were beyond the government’s jurisdiction.** This particularly applied to the Commonwealth Government, and related not only to recommendations that targeted other jurisdictions but also non-government and religious organisations.

- **Implementation was in progress or under consideration.** This particularly applied to recommendations from more recent inquiries. One reason for this was the attempt to correlate recommendations from other recent and ongoing inquiries. In some cases, individual recommendations were being implemented as part of a package of reforms.

- **Recommendations were no longer relevant.** This included recommendations being made redundant by other reforms, and technological advances superseding recommended approaches.

- **Resource and capacity issues.** Insufficient or short-term funding was an issue, as was high staff turnover.

Factors that contributed to, or were barriers to the implementation of recommendations

The following findings were derived from a survey of 44 current public servants and in-depth interviews with 43 key stakeholders.

The major factors seen to contribute to implementation were:

- **Establishing processes and structures to facilitate implementation.** Some of these could be addressed during the drafting of recommendations. These included governance and coordination mechanisms ranging from whole-of-government strategies to project teams. Implementation planning with timeframes and responsibilities was also important.

- **Strong leadership and stakeholder engagement.** These were considered critical to successful implementation. The risk of a loss of momentum due to a change in leadership should be addressed by broadening leadership and championship to more than one individual.
- **An accountability framework and monitoring process.** These should be built in to recommended reforms. Monitoring needs to be transparent, independent and sustainable.

The major factors seen as barriers to implementation were:

- **Practical constraints.** These included budgetary constraints, a lack of human resources, existing workloads and time constraints.
- **Organisational culture.** This was seen as having a powerful influence on reform, including resistance to change, lack of collaboration and a struggle to maintain a child focus.
- **Structural constraints.** National reform can be affected by cross-jurisdictional differences and the length of time taken to pass national laws. Effecting change across non-government organisations with no centralised authority was also seen as a barrier to implementation.
- **Narrow or prescriptive recommendations.** These, and others focusing on activity rather than outcome, can unintentionally fail to address the real drivers of a problem and bring about systemic change. Over-regulation can foster a culture of compliance rather than change.

The main strategies inquiry bodies can use to address the barriers to implementation include:

- consult with stakeholders before recommendations are handed down, and articulate the 'vision' of the reforms to gain support
- develop recommendations that focus on outcomes and are evidence-based, realistic, feasible and tailored to different jurisdictions and agencies
- take resourcing implications into account.

Governments and agencies can also establish strategies such as ensuring strong leadership, and centrally coordinating and monitoring implementation.

Relationships between the factors that affected implementation

The findings from across data sets indicate a number of relationships and interconnections

between factors. Stakeholder engagement is critical both for the formulation of acceptable reform and to ensure a commitment to implementing that reform. Clarity of vision can translate into community and political will, but needs to be communicated by the media. Effective interagency work depends on cooperative working partnerships, but may break down without shared data systems and adequate communication channels. An external oversight body may be necessary for the effective monitoring and evaluation of implementation, ensuring accountability.

A summary of the factors that contribute, or are barriers to, implementation is presented in [Table 1](#). These were drawn from across three data sets: government responses, a survey and interviews.

Table 1 Summary of findings across the three data sets

Factors that contribute to successful implementation	Factors that are barriers to implementation
<ul style="list-style-type: none"> • Clarity of vision • High-level leadership • Engagement with media • Early and ongoing consultation with stakeholders • Alignment between the intent of the inquiry, the spirit of the recommendations and the implementation process • A holistic approach to drafting recommendations • Recommendations drafted with specificity and flexibility • Recommendations that are outcome-focused and achievable • Evidence-based recommendations • Mindfulness of capacity issues • Jurisdictional collaboration • Agency collaboration and coordination • Government oversight bodies • Staged implementation • Tracking and evaluation of implementation 	<ul style="list-style-type: none"> • Policy concerns • Difficulty implementing whole-of-government recommendations • An inability to implement reforms across or outside jurisdictions • Challenges in implementing multiple reforms • Conflicting legislation • Organisational culture • Resource limitations • Political resistance to long-term/preventative/early intervention strategies

PART 1: SCOPE AND METHODOLOGY

1. INTRODUCTION AND AIMS

1.1 Introduction

This report details findings of the research: Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse.

1.2 Background

In January 2013, the Governor-General of the Commonwealth of Australia, appointed a six-member Royal Commission to investigate institutional responses to child sexual abuse. The Royal Commission is to inquire into various matters set out in the Letters Patent concerning how institutions with a responsibility for children have engaged and responded to allegations and instances of child sexual abuse. This includes investigating where systems have failed to protect children, and recommending how to improve laws, policies and practices to prevent and improve responses to child sexual abuse in institutions.

The Letters Patent directs the Royal Commission to avoid unnecessary duplication and consider the adequacy of changed law, policy, practices and systems over time. Central to these aspects is consideration of findings and recommendations of previous inquiries and the subsequent implementation of these recommendations.

The Parenting Research Centre (PRC) was commissioned to examine the extent to which 288 recommendations from 67 inquiries selected by the Royal Commission had been implemented, and the possible factors that determined or contributed to their successful implementation. It sought to contribute to the Royal Commission into Institutional Responses to Child Sexual Abuse Terms of Reference (I):

“... the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses ...”

The project had three components. The first involved conducting a scoping review to investigate the methods and processes used in evaluating the implementation of recommendations from previous inquiries and commissions (see Attachment A). The second was the design of a methodology informed by the findings from the scoping review, and in line with the project timeline, resources and scope. The final component was conducting the research itself using the methodology developed in the second stage of the project.

1.3 Aims of the research

The overall aim of the research was to assess the extent to which 288 recommendations from 67 previous inquiries had been implemented and identify factors that determined or contributed to successful implementation. The research aimed to answer three questions:

- To what extent were previous inquiry recommendations, nominated by the Royal Commission, implemented?
- What were the factors that determined or contributed to, or were barriers to, the successful implementation of recommendations?
- Was there any relationship between these factors?

An exploration of the impact, outcomes and effectiveness of the implementation of recommendations was beyond the scope of this research, as was an assessment of the relevance of the recommendations to the findings they sought to address.

1.4 Structure of this report

This report is divided into three parts.

PART 1 Scope and methodology

Section 1 provides an overview of this project and its objectives.

Section 2 outlines how the methodology was designed.

Section 3 presents the research methodology and its limitations.

PART 2 Extent of implementation

Section 4 reports the results in relation to the research question: *To what extent were previous inquiry recommendations, nominated by the Royal Commission, implemented?* The Project Team developed a four-point rating scale describing the extent to which recommendations were implemented, ranging from 'not implemented' to 'implemented in full'. Evidence used to obtain these ratings was derived from government reports and legislation.

PART 3 Facilitators of and barriers to implementation

Section 5 reports the results of a government survey in relation to the research question: *What were the factors that determined or contributed to, or were barriers to, the successful implementation of recommendations?*

Section 6 reports the results of interviews with key stakeholders involved in, or connected to, the implementation of recommendations. The results were in relation to the research question: *What*

were the factors that determined or contributed to, or were barriers to, the successful implementation of recommendations?

Section 7 discusses the implications of the results overall. It outlines factors that facilitated or were barriers to the successful implementation of recommendations. It reports results in relation to the research question: *Was there any relationship between these factors?*

2. DESIGN OF METHODOLOGY

To inform the design of the methodology for evaluating the implementation of recommendations, the Project Team conducted a systematic scoping review to investigate the methods and processes used by previous implementation evaluations. See Attachment A for the scoping review.

2.1 Scoping review

Scoping reviews are increasingly popular approaches for exploratory projects that systematically and rapidly map the literature available on a specific topic or methodology (Levac, Colquhoun & O'Brien 2010). They entail the systematic selection, collection and summarisation of published work in a broad thematic area. The Project Team followed a methodological framework for undertaking scoping reviews developed by Arksey and O'Malley (2005).

Standard systematic scoping review procedures were followed. The Project Team identified studies and reports that were relevant to the research questions, which guided searches for sources. Data from these sources were then extracted and plotted based on a data-charting form. Results from the extraction were summarised and reported. A thematic construction provided an overview of the breadth of the literature and was complemented by a thematic analysis, tables and charts. These steps are detailed in the scoping review in Attachment A. The scoping review was submitted to the Royal Commission in October 2013.

2.2 Scoping review findings

Searches of electronic bibliographic databases and selected websites identified 764 possible papers. Based on a range of inclusion and exclusion criteria, 17 of those were eligible for inclusion. Of those 17, all but two related to Australian inquiries and commissions.

All of the relevant evaluations ($n=17$) used multiple methods and multiple informant groups to measure implementation. The most commonly used methods were invitations for written submissions ($n=9$), document/policy reviews ($n=8$) and discussions/consultations ($n=8$). All of the evaluations relied on information supplied by government departments, nine sought information from non-government service providers, and six evaluations drew on informants from specific communities or groups.

Drawing on these methodologies, the current project used a mixed-method approach with multiple informant groups (see Chapter 3: [Methodology](#)). The Project Team also drew on the substantive findings of the scoping review to design the survey and interview questions.

The Project Team prepared a report outlining the proposed methodology that was informed by the findings from the scoping review; was in line with the project timeline, resources and scope; and followed consultation with the Royal Commission's Team Leader Research.

3. METHODOLOGY

3.1 Introduction

This chapter outlines the methods used in this research. This section identifies how the research questions, outlined in Section 1.3 [Aims of the research](#), were addressed by each component of the mixed methodology.

The mixed-method approach included:

- an audit of documentation provided by governments to determine the extent of implementation – employing quantitative analysis
- verification of whether legislation was introduced or amended in accordance with the recommendations – in order to contribute to the quantitative data
- a survey of key government stakeholders to explore the facilitators of and barriers to implementation of recommendations in general – using a qualitative assessment
- interviews with key stakeholders and acknowledged experts to elicit detailed information and opinions on the context of an inquiry and factors that may have affected implementation of recommendations – through qualitative analysis.

3.2 Selection of recommendations

The Royal Commission selected 334 recommendations of interest. Senior staff at the Royal Commission selected recommendations that were considered important to the Royal Commission at the time. This selection process occurred prior to the Project Team's engagement with the Commission. The Project Team was unable to obtain a more detailed rationale for recommendation selection.

The Project Team was instructed to assess 287 of the selected recommendations, and not to include 32 recommendations from the *Royal Commission 2012–2013: Report of Independent Education Inquiry*, Bruce M. DeBelle (June 2013) due to its recent completion. This was also the case for 15 recommendations from the 2013 Victorian inquiry *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations*. An additional recommendation from the Victorian Law Reform Commission's *Sex offenders registration, Final Report (2011)* was also assessed when the Victorian government provided information about its implementation. The total number of recommendations assessed was 288.

3.3 Ethics and record management

The methodology for this project was approved by the Royal Commission into Institutional Responses to Child Sexual Abuse in September 2013. The approach to the conduct of the project changed over time, affected the approach to ethical considerations. Initially, the PRC was contracted to develop and test (in the state of Victoria) a methodology for assessing the implementation of recommendations

from previous Australian inquiries of interest to the Royal Commission. It was understood that the PRC would conduct this work in collaboration with, and on behalf of, the Royal Commission. The project was conceptualised as a desktop analysis and consultation with key stakeholders, not as a research study. It was envisaged that the project would result in a report for internal purposes and that it would not be externally communicated. Project decision-making rested with the Royal Commission. It was therefore determined that review by a Human Research Ethics Committee (HREC) was not warranted. In designing the methodology, the PRC Project Team was mindful of ethical research practices and took utmost care to minimise any risks to the participants. Steps were taken to ensure that the identities of participants in interviews were kept anonymous in the reporting of results, and the preparation of the report remained protected and confidential. Participants were informed of the project's purpose, its scope and its readership. Participation by interviewees and survey respondents was voluntary. Participants did not include minors or vulnerable persons.

Over the course of the project, the Royal Commission changed the nature of its management role, which resulted in the PRC finalising the project and reporting findings autonomously. The Royal Commission indicated that given the methodological rigour and novelty of the project findings, the project merited external publication. If this approach had been established from the outset, the project would have been subject to HREC review. In order that ethical issues were addressed and the report could be published by the Royal Commission, interviewees were given the opportunity to read relevant quotations used and withdraw any comments that they felt would put them at risk.

In relation to record management, confidential jurisdictional responses to Royal Commission Notices to Produce, including data requests, were placed by the Royal Commission in a password-protected account on a secure, password-protected server hosted by the Royal Commission. The Project Team received notification of their arrival via email. Confidential responses, anonymous survey results and identifiable interview transcripts were stored in electronic formats (text and audio documents) on a secure, password-protected server. Database access was password-protected. Hard copies of the anonymous survey were stored in a secure compactus on the premises of the PRC. Files will be retained securely for five years after the completion of the research.

3.4 Data collection

A combination of qualitative and quantitative data collection methods was used to answer the research questions. These are described below.

3.4.1 Requests for government information

All communication with public servants in relation to the implementation of the specific recommendations under review was conducted by the Royal Commission, with information then forwarded to the Project Team.

In 2013, the Royal Commission requested that the Commonwealth and all state and territory governments provide information about the implementation status of the recommendations under

review, including documentary evidence of implementation. Information about the purpose and scope of the inquiry was provided but explicit consent to participate was not sought since information was obtained under the powers of the Royal Commission to issue a Notice to Produce. The questions presented to governments by the Royal Commission were as follows:

1. Whether the recommendation has been implemented (see Limitations Section 3.7.5 [Inconsistent methods of determining implementation](#)).
2. If the recommendation has been implemented in full:
 - a. what changes have been made as a result; and
 - b. provide any evaluation or assessment done as to the effect of the changes made.
3. If the recommendation has been implemented in part:
 - a. which part of the recommendation was implemented;
 - b. what changes have been made as a result;
 - c. provide any evaluation or assessment done as to the effect of the changes made.
4. If the recommendation has not been implemented either in full or part, the reasons for that decision.

Documentary evidence authorised by senior public servants was received from each state and territory and the Commonwealth Government, and then provided to the Project Team. Where the information supplied was insufficient, further requests for data were made to the relevant government using the same protocol.

3.4.2 Government survey

A survey of key government stakeholders investigated the opinions of senior officials about the factors that facilitate or hinder the implementation of recommendations. The Project Team's original methodology proposal to the Royal Commission included a survey of senior staff from government agencies relevant to the recommendations under review. The purpose was to clarify the governments' responses to previous relevant inquiries, thus informing the assessment of the extent to which recommendations had been implemented, and to seek government representatives' insights into the facilitators of, and barriers to, implementation. The Project Team was instructed to focus the survey on exploring the facilitators of, and barriers to, the implementation of recommendations in general, rather than tailoring questions specifically to those recommendations under review.

The survey targeted current public servants who had previously overseen the implementation of recommendations from inquiries or commissions, or were overseeing implementation at the time of completing the survey. Snowball sampling was used to recruit participants. The Royal Commission sent the survey to its jurisdictional contacts, with information about the purpose of the survey, how information provided would be used and eligibility criteria. Those contacts were asked to forward the

survey to relevant eligible informants. It is not known how many public servants were invited to complete the survey.

The survey consisted of two closed-ended questions, using a five-point rating scale, about the significance of factors that facilitate or hinder the implementation of recommendations. The factors were based on common barriers and facilitators identified in previous evaluations that were synthesised in the scoping review. Two open-ended questions were also asked about unintended consequences of inquiries and commissions, and how they could be addressed. The only demographic data collected was the informant's jurisdiction. See Appendix 1 for the full survey.

The number of completed surveys was 44, received in January and February 2014. Table 2 provides a breakdown of the number of responses for each government jurisdiction. The number of surveys received was based on the voluntary participation of the respondents. All jurisdictions were contacted in relation to filling out the survey and the response rate was contingent on the staff in the individual jurisdiction, without any control on the part of the Project Team.

Table 2 Survey response by jurisdiction

Jurisdiction	Number of surveys received
Western Australia	10
Victoria	10
New South Wales	5
Queensland	5
South Australia	5
Commonwealth	4
Tasmania	3
Australian Capital Territory	2

3.4.3 In-depth interviews with key stakeholders

Interviews were conducted with 44 key stakeholders across all Australian jurisdictions, except for Tasmania.² Of these, 43 interviews were used. One was not incorporated because the interviewee did not directly address the questions. The purpose of the interviews was to elicit detailed information and opinions on the context of an inquiry, resources available, and economic, political and service systems issues, as well as other factors that may have affected the implementation of recommendations. This information was elicited through broad discussion rather than specific questioning, with the aim of gaining an overview of opinions about a specific topic that may not be able to be expressed in response to specific questions.

A stakeholder mapping tool was developed to identify potential participants (see Appendix 2). The stakeholders had experience in one or more of the following: inquiry process/formulation of recommendations (inquirer); the implementation of recommendations (implementer); monitoring or reviewing recommendations (reviewer); or commenting on recommendations/ implementation from the standpoint of an academic or expert in the field (commentator). Attempts were made to achieve a balance of these roles among interviewees.

The stakeholder mapping process ensured that the pool of participants spanned government jurisdictions as well as a range of roles in the implementation process. Stakeholders were invited, in writing, by an authorised representative of the Royal Commission, to participate in the research (see Appendix 3 for the interview information sent to potential participants). The Project Team sought interviews with a number of current (at the time) senior government department representatives. However, none were forthcoming.

Snowball sampling was used to recruit participants. That is, initial informants were asked during interview to nominate other potential participants with acknowledged expertise in the field. Final inclusion of participants was based on individual expertise, participant distribution across jurisdictions, their role in implementation and their availability to participate in an interview.

Data collection through interviews took place between October 2013 and February 2014. Table 3 provides an overview of interviewees across each role as some individuals had a number of roles.

² At the request of the Royal Commission, stakeholders from Tasmania were invited to participate in this component of the study. However the two interviewees identified were unable to participate.

Table 3 Stakeholders' jurisdictional representation and role in implementation

	ROLE				
	Inquirer	Implementer	Reviewer	Commentator	Total
ACT	1	–	1	–	2
Commonwealth	3	2	3	1	9
NT	1	1	1	–	3
NSW	3	2	3	1	9
Qld	1	3	2	1	7
SA	–	1	1	–	2
Tas	–	–	–	–	0
Vic	1	2	2	3	8
WA	1	1	1	–	3
Total	11	12	14	6	43

Interviews were semi-structured and took place over 60–90 minutes. An interview guide was developed to address political and systemic factors that have been shown to affect the implementation of recommendations. It was based on an existing validated interview tool, the *USAID Health Policy Initiative for examining the implementation of policy* (Bhuyan, Jorgensen & Sharma 2010) and was informed by the findings of the project scoping review. The guide is included in Appendix 4. The interviews were conducted by members of the Project Team and by a researcher from the Royal Commission, either by phone or face to face, as preferred by the participant. Interviews were recorded (with participants' informed, and written and verbal consent) and transcribed for analysis (see Appendix 5 for the participant consent form).

3.5 Data analysis

A data-driven inductive approach was used for four of the five methods involved in the content analysis. Data from the survey, document audit, pre-existing data analysis and legislation verification were analysed with a view to identify patterns and associations in the data. The thematic analysis of the interview data was not solely data-driven but was informed by research on factors impacting implementation (which structured the interview).

Data in the form of text from the survey, document audit, pre-existing data analysis and legislation verification were analysed using descriptive statistics. Data were tabulated and frequencies calculated to enable clear presentation of results and a systematic process of comparison and contrast, including all available variables and perspectives. Evidence of any patterns in associations between variables was examined, and similarities and differences between perspectives were analysed to form a picture of implementation events and influences. Relationships between the implementation status of recommendations, the type and subject of recommendations, the inquiry they stemmed from and the conditions potentially influencing implementation were examined. Findings about material and individual factors, as well as the recommendation-level, organisation-level and system-level factors that may influence implementation, were derived from the patterns in associations between variables.

Results from the above methods were tabulated and frequencies calculated, where appropriate, to facilitate systematic comparison of data. The findings contribute to a numerically descriptive and narrative picture of the implementation of recommendations.

3.5.1 Audit of documents provided by governments

Governments' official responses to the Royal Commission together with supporting documentation were provided; including internal policies and procedures, interagency agreements and guidelines, codes of practice, letters and interdepartmental memoranda, ministerial briefings and published reports.

The Project Team reviewed all documents provided by governments to identify and analyse evidence of implementation relevant to the scope of the recommendations under review. Documents were reviewed in the context of the recommendation for which they were provided as evidence. Inclusion criteria for the audit process required a direct relationship between the evidence provided and the explicit terms of the recommendation. Documents providing evidence directly relevant to the explicit terms of each recommendation were audited and data extracted for analysis. Formal requests for further information were made to all jurisdictions on matters where the material provided was deemed insufficient to verify implementation status. These requests and the responses from governments were coordinated through the Royal Commission.

3.5.2 Data coding

Information from the documents submitted by governments was extracted and coded by individual members of the Project Team using a data extraction form (see Appendix 6). This information included the extent to which the recommended government portfolios or positions were involved in the implementation; the extent to which actions that were included and excluded in the recommendation were undertaken; and when the action was performed, and any reasons provided for delayed, partial or non-implementation. The Project Team was trained to appraise the reliability of the supporting documentation and the governments' perceived degree of implementation (see the reliability criteria in Appendix 7). Members of the Project Team were trained to a minimum of 80% agreement in assessing data before independently coding the data.

3.5.3 Ratings of implementation

The Project Team developed a four-point rating scale describing the extent to which recommendations were implemented, including 'implemented in full', 'partially implemented', 'not implemented' or 'undetermined'. Evidence used to obtain these ratings was derived from the document audit (see Appendix 8 for the document audit method) and verification of legislation. Where verification of legislation was used in addition to the document audit, data were combined to provide an overall implementation rating. Table 4 outlines how each category was defined.

Table 4 Implementation rating criteria

Implemented in full	The recommendation was implemented in a way consistent with directions
Partially implemented	The recommendation was implemented in a significantly modified or incomplete way
Not implemented	Documentary evidence indicates that the recommendation was not implemented; including recommendations currently under consideration
Undetermined	Unclear or insufficient relevant evidence was provided

Following the interim report (December 2013) and feedback from the Royal Commission, one change was made to these rating criteria. Recommendations reported by government as being currently under consideration were originally given an 'undetermined' rating. For this final report, those recommendations have been categorised as 'not implemented'.

3.5.4 Legislation verification

Of the 288 identified recommendations, more than 70 proposed that legislation be reviewed, amended or created. The purpose of legislation verification was to ascertain whether the legislation met the intention of the recommendation, and/or to consider the legislation in the context of the governmental response in relation to the implementation of the recommendation.

Two individuals with legal credentials conducted the legislation verification (see Appendix 9 for a blank legislation verification form). The data extracted related to included and excluded legislation content. The legislative aspect of the recommendation was given an implementation rating using the standardised rating criteria set out above. This was then combined with the document audit to produce an overall categorisation of implementation.

3.5.5 Analysis of survey data

A total of 44 survey responses were received, of which 43 were on paper and one was conducted via

telephone. Data from the survey were analysed using descriptive statistics. Data were tabulated and frequencies calculated to enable a clear presentation of results and to facilitate a systematic process of comparison and contrast, including all available variables and perspectives. Evidence of any patterns in associations between variables was investigated, and similarities and differences between perspectives were triangulated to form a picture of implementation events and influences.

3.5.6 Qualitative analysis of key stakeholder interviews

Data in the form of text from the interviews was analysed by identifying themes in the transcripts, deconstructing the content and coding the text. Themes were outlined in the interview questions, which were structured around the aims and context of the inquiry, factors influencing the implementation of recommendations, leadership and stakeholder involvement, and monitoring and evaluation (see Appendix 4 on the interview guide). A preliminary scan of a sample of interview transcripts explored repeated concepts and phrases, which helped to refine the themes. A draft coding frame was then developed as a means of organising the deconstructed text for interpretation. In-depth reading of a sample of transcripts from Victoria and New South Wales ($n=7$) and feedback from all team members allowed for further development of the coding frame. Twenty-nine data fields across seven themes were identified in the final version.

Transcripts were coded electronically using the qualitative data analysis software package, NVivo. Given the interconnected nature of the issues under discussion, sections of text were often given more than one code, including at both the parent node and the child node. In addition, sections of text may be attributed to particular nodes during the bedding down of the coding table, which may have been subsequently modified. Given the degree of overlap of some codes, the computer software assisted in uncovering patterns in the data and relationships between factors influencing implementation. Data entry in NVivo provided a third opportunity for checking the integrity of the coding.

Coding was conducted independently by two members of the Project Team on 33 per cent of all transcripts ($n=14$) to ensure accurate, consistent and comprehensive coding. Any discrepancies arising from the manual coding were discussed and resolved by consensus between the researchers. These discussions informed and refined the coding process. The remainder of the transcripts ($n=29$) were coded by one team member and all analysis was reviewed by the principal interviewer, providing an overall reliability check.

3.6 Summary of data collection and analysis methods in addressing research questions

To answer the question *To what extent were previous inquiry recommendations, nominated by the Royal Commission, implemented?*, a member of the Project Team would make a determination of the implementation rating based on evidence derived from the document audit and legislation verification. These procedures minimised uncertainty and maximised consistency between decision-makers. Initial determinations were recorded in a table. In cases where the first analyst could not

reach a clear conclusion, a second analyst would verify the finding. Where the second analyst agreed with the rating based on a review of the data and method, its status would be confirmed in the findings. Where the second analyst had doubts or concerns over the assigned rating, this would trigger further analysis of the data by both the first and second analyst. Both analysts would reach a shared conclusion on the process and method applied in order to establish a mutually agreeable implementation rating.

A qualitative analysis of the governments' written responses and stakeholder interviews was used to determine the factors underpinning implementation ratings (and the relationships among these factors). Table 5 summarises methods used to answer the research questions.

Table 5 Methods used to answer the research questions

Research question	Data collection method	Data analysis
To what extent were previous inquiry recommendations, nominated by the Royal Commission, implemented?	Governments' written responses to the Royal Commission's request for information. Documentation submitted by governments in support of written responses.	Document audit
	Relevant legislation or sections of legislation.	Legislation verification
What were the factors that determined or contributed, or were barriers to, the successful implementation of recommendations?	Governments' written responses to the Royal Commission's requests for information.	Document audit
	Survey of current senior executives of government agencies who had current or prior responsibility for overseeing the implementation of recommendations from inquiries or commissions.	Quantitative and qualitative analysis
	Interviews with expert informants identified as having an in-depth professional knowledge of one or more inquiries and/or commissions.	Qualitative analysis
Was there any relationship between these factors?	Governments' written responses to the Royal Commission's request for information.	Document audit
	Interviews with expert informants identified as having an in-depth professional knowledge of one or more inquiries and/or commissions.	Qualitative analysis

3.7 Limitations to the methodology

There were a number of limitations to this research, which are detailed below.

3.7.1 Selection of recommendations for review

The Royal Commission selected a number of individual recommendations for assessment. The selection of individual recommendations removed them from the overall context of the inquiry and from any relationship they may have had with 'neighbouring' recommendations. This may have made it more challenging for governments to respond to the Royal Commission's questions about implementation. It also provided a limited picture of the extent of implementation of recommendations and the factors that may have affected implementation.

3.7.2 Variable nature of recommendations

The recommendations themselves differed considerably in how they had been written. There were marked variations in length, complexity or clarity, scope, number of internal sections and amount of detail. This presented a challenge in assessing implementation across all recommendations as consistently as possible. Where there were a number of sections, it was more difficult for governments to provide requisite information to demonstrate full implementation. By contrast, findings of full implementation could be more easily established for recommendations with one part.

3.7.3 Limited data sources: focus on information supplied by government departments

In order to evaluate the implementation status of each recommendation under review, this project relied on the responses and supporting documentation received from governments. Due to the project timeframe, the methodology did not allow for the sourcing of additional information from a broader range of bodies connected to the implementation of recommendations, such as relevant regulatory bodies or non-profit organisations. Broader sources would have provided additional viewpoints and may also have provided some clarification where the governmental response was unclear. In addition, administrative data were sought from governments, such as the size of staff in out-of-home care facilities, which was not supplied in the main. This may have deepened an understanding of the extent to which services were implemented.

A literature review was not undertaken in relation to the substantive aspects of this research. While there was a scoping review to inform the methodology, it was outside the scope of this project to compare this project's empirical findings with the findings from other literature. This type of analysis would be useful for future research.

3.7.4 Inconsistent quality of the data supplied

The written responses and supporting documentation received from governments across jurisdictions were variable. There were considerable differences in content, style and the amount of information provided. Some governments provided their full response in one instalment. Others sent their responses in a number of instalments, and after several requests for information. This report does not distinguish results based on how the information was received. Nonetheless, where information was provided over several documents in an extended period, it could be difficult to discern a coherent narrative. This sometimes made it difficult to gauge the reasons for non- or partial implementation of recommendations.

Furthermore, a number of jurisdictions did not ultimately provide answers to the Royal Commission's original questions, which led to gaps in the data. In particular, a clear statement as to whether the recommendation had been implemented in full, in part or not at all, and reasons for either part- or non-implementation, were sometimes missing. It was not always clear from governments' responses which documents applied to which recommendation, and which documents related to which part of the government's response to the Royal Commission. Occasionally, documents referred to in the government's response were missing.

Such variation in documentation presented a challenge to conducting the document audits as consistently as possible. The inconsistency and gaps in the data may have contributed to ratings of implementation status that were undetermined. A standardised response format for replying to the Royal Commission's original questions may have gone some way to addressing this issue.

3.7.5 Inconsistent methods of determining implementation

Governments were asked by the Royal Commission whether the recommendation had been implemented and to supply documentary evidence supporting their response. No consistent method of determining implementation was employed across the jurisdictions, which reduced the reliability of government ratings of implementation. The method applied by the Project Team to determine implementation also differed from methods used by governments. In the absence of a consistent rating method, government and PRC ratings of implementation could not be contrasted as part of this project.

3.7.6 Unavailable records

Depending on governments' historical archives and record-keeping systems, governments may not have retained records of implementation of recommendations and reasons for non-implementation from older inquiries. The quality of reporting was contingent on records held by governments. Where records were scarce, the capacity of governments to comment on whether recommendations were implemented may have been affected. This may mean that the level of reporting is uneven among governments, especially for inquiries that date back to the 1990s, and even more recently. This would affect this project's findings on the extent of implementation as well as the reasons for non- or partial implement.

3.7.7 Specificity of questioning

Governments were asked questions specific to individual recommendations. Accordingly, it was not possible to ascertain factors affecting implementation of recommendations as a whole or relationships between the factors affecting implementation. Such a line of questioning may have shed light on some of the broader issues regarding implementation. This report uses inductive analysis to discuss some of these broader issues.

3.7.8 Survey participants from current employees

For the government survey, participants comprised current public servants involved in inquiries. Responses may be affected by the level of seniority of the informant. Given the confidentiality of the responses, this information is unknown.

PART 2: EXTENT OF IMPLEMENTATION

4. RESULTS: IMPLEMENTATION OF RECOMMENDATIONS

This part of the report shows the results in relation to the research question: *To what extent were previous inquiry recommendations, nominated by the Royal Commission, implemented?* The Project Team developed a four-point rating scale describing the extent to which recommendations were implemented, ranging from ‘not implemented’ to ‘implemented in full’. Reference to these ratings is placed in apostrophes throughout this report. Evidence used to obtain these ratings was derived from government reports and legislation. These reports were provided by government at the request of the Royal Commission, and were received between September 2013 and February 2014. It is acknowledged that governments may have taken further action since these dates to implement recommendations.

Following is an overview of the implementation ratings of the 288 recommendations with an analysis of ratings by jurisdiction. This includes a discussion of the relationship between implementation rating and the date of inquiry, and the type and subject of each recommendation. Finally, there is a thematic overview of the reasons provided by governments for the non- or partial implementation of recommendations.

As highlighted in the [Limitations section](#), the Project Team used distinct criteria and means of analysis to rate the implementation of recommendations. Any methods adopted by the jurisdictions for rating implementation are unknown. The responses from government to the Royal Commission’s request for information were inconsistent across jurisdictions and there were several gaps in the data. Statements as to the implementation status of recommendations were missing or unclear in more than 25% of cases.

As a result, the Project Team’s implementation ratings did not always correspond to government statements of implementation, and the two sets of ratings cannot be contrasted. Attachment B tabulates the government statements of implementation with the Project Team’s ratings.

4.1 Implementation status of recommendations: overview

This section presents an overview of the implementation rating of recommendations based on the four-point rating scale (‘implemented in full’, ‘partially implemented’, ‘not implemented’ or ‘undetermined’). Table 6 summarises the implementation ratings for each jurisdiction.

Table 6 Overall implementation ratings

Jurisdiction	Implemented in full	Partially implemented	Not implemented	Undetermined	Total recs	Proportion of recs implemented in full
ACT	7	4	1	1	13	54%
CTH	19	8	7	10	44	43%
NSW	17	6	6	0	29	59%
NT	7	1	15	0	23	30%
Qld	27	3	5	8	43	63%
SA	11	10	4	7	32	34%
Tas	8	3	8	9	28	29%
Vic	19	6	13	4	42	45%
WA	24	6	2	2	34	71%
Total	139	47	61	41	288	48%

Overall, 48.26% of recommendations were ‘implemented in full’ and 16.32% were ‘partially implemented’. This provides an aggregate of 65% of recommendations ($n=186$) as either implemented in full or in part. Twenty-one per cent of recommendations ($n=61$) were ‘not implemented’. Of those, 39% ($n=24$) were in progress or under consideration. For 14% of recommendations ($n=41$), the implementation status could not be determined due to a lack of evidence.

4.2 Implementation status of recommendations by jurisdiction

This section presents the jurisdictional results in relation to the research question: *To what extent were previous inquiry recommendations, nominated by the Royal Commission, implemented?* Evidence used to answer this question was primarily from an audit of documents provided by government and verification of relevant legislation. See the [Methodology](#) section in Chapter 3 for full details of those methods. [Section 3.7](#), outlines the limitations to the methods. The completed document audit for each recommendation can be found in Compendium A. The completed legislation verification for relevant recommendations is in Compendium B.

A summary of implementation ratings is presented for each jurisdiction, followed by an analysis of partially implemented and non-implemented recommendations, as well as those with an undetermined rating.³ The jurisdictions are presented in alphabetical order. This section also discusses each jurisdiction’s narrative on the barriers they faced in fully implementing recommendations. It draws on the written responses of governments, where provided, to explain the reasons for non- or partial implementation.

4.2.1 Australian Capital Territory

Table 7 summarises the implementation rating of recommendations from the three inquiries that relate to the Australian Capital Territory.

Table 7 Implementation ratings of recommendations for the ACT

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion of recs not implemented
7	4	1	1	13	8%

Recommendations partially implemented and the ACT Government’s response

Four recommendations were ‘partially implemented’. Two recommendations were from *The Rights, Interests and Well-Being of Children and Young People Report Number 3* (Standing Committee on Community Services and Social Equity, August 2003):

Recommendation 25: *The Committee recommends that the Government: i. investigate ways to streamline the procedural mechanisms for mandatory reporting; ii. develop and implement a protocol for responding to instances where mandated persons have failed to report abuse; and iii. review the penalty within the Act for the offence of failing to report a suspected case of abuse.*

Streamlined procedures for mandatory reporting had been put in place (part i), and a review of the relevant penalty had been conducted (part iii). In relation to part ii, dealing with procedures regarding mandatory reporters who fail to report abuse, the government noted that such procedures had not been developed. It commented that while a review of the *Children and Young People Act 1999* took place, the government decided not to change the penalty provisions for mandated reporters.

Recommendation 28 from the same inquiry was also ‘partially implemented’:

³ For a list of the recommendations rated as ‘implemented in full’ see Attachment C.

Recommendation 28: *The Committee recommends that the Government expand the “official visitor role” to all children and young people in residential facilities and consult with stakeholders, in particular children and young people in these facilities, about a more appropriate name for this role.*

No changes were made to the roles and functions of the Official Visitor or the name of the position. However, the definition of a “visitable place” was changed to incorporate residential facilities and refuges. The Government reported limited consultation having taken place through the ACT Youth Coalition.

Recommendation 3.7 from the *Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as Parent)*, 14 May 2004, ACT was given the rating ‘partially implemented’:

Recommendation 3.7: *The Review recommends that a charter of rights be developed within the Children and Young People Act 1999; it should encapsulate the rights of children subject to the Act in relation to their health, wellbeing and participation in decisions about their lives.*

This recommendation was ‘partially implemented’ because the Charter appeared to relate only to children and young people in out-of-home care rather than covering all children “subject to the Act” as recommended. Further, the Charter was not developed within the *Children and Young People Act 2008*.

Recommendation 6.5 from *The Territory’s Children: Ensuring safety and quality care for children and young people – Report on the Audit and Case Review* (Gwenn Murray, July 2004) was also ‘partially implemented’.

Recommendation 6.5: *When a document or case note is entered on a client file, it should be automatically linked, or be able to be viewed, in all other sections.*

Implementation of this recommendation was reported as being limited by the existing system. Updates to the system had gradually allowed for enhanced functionality to enable child protection workers to quickly access child protection reports.

Recommendations not implemented and the ACT Government’s response

In the ACT, one recommendation was ‘not implemented’. This was from the *Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as Parent)*, 14 May 2004, ACT.

Recommendation 8.6: *The Review recommends that the Children and Young People Act be amended to provide the Children’s Services Council with a specific overview role for care and protection services and to allow the Council to share the Territory Parent responsibility. Council members should be remunerated in accordance with their responsibilities.*

This recommendation was rated by the Project Team as ‘not implemented’ for three reasons: (1) the role of the Council was not an overview role for care and protection services – rather, reports to the Minister from the Council were limited to matters on which the Minister requests a report; (2) there

was no provision in the Act for the Children and Youth Services Council to “share the Territory Parent responsibility” or similar provision; and (3) there was no reference in the Act to remuneration for members of the Council other than the Chair.

The ACT government reported that it disagreed with the suggestion that the Territory Parent role be shared. It reported concern that the accountabilities and responsibilities of the Chief Executive not be diluted.

Recommendations where the implementation status could not be determined

The implementation status of one recommendation was ‘undetermined’, due to insufficient evidence provided by the ACT Government. Recommendation 6 from *The rights, interests and well-being of children and young people Report* Number 3 (Standing Committee on Community Services and Social Equity, August 2003) stated:

Recommendation 6: *The Committee recommends that the Government investigate and report on the feasibility of a secure residential treatment facility for young people engaging in sexually offending behaviour, with specialist staffing, by March 2004.*

The ACT Government did not indicate whether it had undertaken a feasibility study for a treatment facility for young people engaging in sexually offending behaviour. Rather, the government noted that Disability ACT had undertaken a feasibility study of a security facility for people with a dual disability (intellectual disability and a mental disorder/dysfunction) who were at risk of entering or re-entering the criminal justice system. The implementation status of this recommendation could therefore not be determined.

Summary of issues regarding the implementation of ACT recommendations

Based on information provided by the ACT Government, the main factors that affected full implementation of recommendations can be summarised as follows:

- policy concerns; for example, in relation to the role of the Territory Parent
- practical constraints relating to child protection data management systems.

4.2.2 Commonwealth

Table 8 summarises the implementation rating of recommendations from the 18 inquiries that relate to the Australian Government.

Table 8 Implementation ratings of recommendations for the Commonwealth

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion of recs not implemented
19	8	7	10	44	16%

Recommendations partially implemented and the Australian Government’s response

The following two recommendations arising from *Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children* (2005) were ‘partially implemented’.

Recommendation 11: *That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault, including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations; And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report’s tabling, that the Commonwealth Government then, following consultation with state and territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission: be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; and be narrowly conceived so as to focus within these institutions, on the nature and extent of criminal physical assault of children and young persons, including assault leading to death; criminal sexual assault of children and young persons; and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations.*

Some aspects of this recommendation were implemented, including a response to *Forgotten Australians and Protecting Vulnerable Children* being tabled in the Senate; the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse; facilitation of access to records through the Find and Connect Records Access Documentation Project; and cash grants made available to enable organisations to manage documents relating to children in out-of-home care between the 1920s and 1980s. The Australian Government reported that it did not find a means to require charitable, church-run and out-of-home care institutions to cooperate with authorities.

The Project Team rated Recommendation 8 from the same inquiry as ‘partially implemented’:

Recommendation 8: *That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to: investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority; review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability; report annually to the Parliament on the operation of the Churches’ complaints scheme, including*

data on the number and nature of complaints; and publicise the existence of Church-sponsored complaints mechanisms widely throughout the community.

A National Children's Commissioner was appointed in February 2013. However, while the Commissioner had some scope to address the issues to which the latter three components of the recommendation are directed, the role did not include the handling of any individual complaints. The introduction of this office, some eight years after the recommendation was made, had not resulted in the creation of an external review mechanism for church-related complaints.

Another 'partially implemented' recommendation arose from *Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)*:

Recommendation 7: *That the ADF review accessibility of support arrangements for minors, including:*

- *Conducting surveys of the opinions of minors on current arrangements. Surveys should be anonymous, include minors who do not complete their training, and provide the option for free comment on barriers to access. Given that many minors lack broad life experience, it would also be appropriate to suggest options for improvement, on which they can comment. Examples could include greater access to their families (such as more opportunity for telephone contact) and tighter confidentiality when a problem is raised.*
- *Analysing factors, which contribute to successful support arrangements for minors; and using these as a basis for developing a best practice model for application across the ADF.*
- *Regularly seeking feedback from minors to ensure high standards set by the best practice model are maintained. Results from feedback should be consolidated across all services and form the basis of an annual report to the Chief of the Defence Force on the effectiveness of support arrangements for minors.*

Actions to implement this recommendation included two longitudinal retention and resilience studies, cadet surveys, a Learning Culture Inquiry, the Cadet Policy Manual and Cadet Youth Development Framework. The evidence provided suggested that the longitudinal surveys did not record age, and participation was voluntary. Annual reports on consolidated feedback from minors were therefore not available.

Recommendation 1 from *Lost Innocents: Righting the Record — Report on Child Migration (2001)* was 'partially implemented':

Recommendation 1: *That the Commonwealth Government: (a) urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and (b) that the Senate Social Welfare Committee's 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.*

While part (b) was implemented, the Australian Government stated that it would not encourage state inquiries for two reasons: the recommendation was not re-endorsed by the committee involved in the 2009 *Lost Innocents and Forgotten Australians Revisited Report*, and a number of state inquiries had been held since the recommendation was made.

A recommendation from *Uniform Evidence Law Report: Australian Law Reform Commission Report 102; New South Wales Law Reform Commission Report 112; Victorian Law Reform Commission Final*

Report – December 2005 was ‘partially implemented’.

Recommendation 15-6: *The sexual assault communications privilege should apply to any compulsory process for disclosure, such as pre-trial discovery and the production of documents in response to a subpoena and in non-curial contexts including search warrants and notices to produce documents, as well as court proceedings.*

In response to this recommendation, a number of principles were established as a minimum standard for the protection of sexual assault counselling communications. Nonetheless, the recommendation was only partially implemented as the Government reported that the Standing Council of Attorneys-General did not consider it appropriate to provide a single model for sexual assault counselling privilege throughout Australia.

From *Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)*:

Recommendation 3: *That, consistent with good administrative practice, each service develop its own Instruction identifying how minors will be managed within service personnel management and training structures. The DI(G) should address risks specifically associated with that service. It should inform the development of procedures to manage those risks within individual training establishments.*

The Australian Government reported that Defence took a different view on this recommendation. Rather than producing unit-level policy, the management and administration of Australian Defence Force members under the age of 18 years was an overarching instruction that applied to the entire Force. This recommendation was therefore given the rating ‘partially implemented’.

The following recommendation from *Lost Innocents and Forgotten Australians Revisited (2009)* was ‘partially implemented’:

Recommendation 15: *The Committee recommends that the Ministerial Council for Police and Emergency Management (Police) develop and implement a national policy on the prosecution of, and data collection and sharing about, historical crimes of sexual and physical abuse of children in care; and that the establishment or further development of specialist State police units be considered as part of this policy development process.*

The Australian Government reported that alternative actions were taken to address the intent of this recommendation. Amendments to legislation were introduced to permit criminal history to be disclosed and considered when an individual applied to work with children. There was also a program in place for inter-jurisdictional exchange of criminal history information for screening individuals working with children. The Government stated that specialist police units were a matter for individual states and territories.

Recommendations not implemented and the Australian Government’s response

Recommendation 268 from *ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process (1997)* was ‘not implemented’.

Recommendation 268: *The national standards on juvenile justice should provide that an Official*

Visitors scheme be attached to every juvenile detention centre and visit detention centres regularly, preferably fortnightly.

The Government stated that “a review of the past relevant Communiqués for SCLJ [Standing Council on Law and Justice] do not specifically refer to the implementation of recommendation 268”.⁴ It is possible that governments may find it challenging to gain access to records in relation to older recommendations. This is discussed further in Section 4.3: [The relationship between implementation of recommendations and date of inquiry](#). The Australian Government also advised that state and territory jurisdictions might be better placed to comment on the implementation of this recommendation.

Four recommendations were ‘not implemented’ because the Australian Government stated that redress schemes would be better established by states and territories, and that reparation for victims rests with those who managed or funded the relevant institutions. These were:

- Recommendation 6 from *Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children* (2005)
- Recommendations 3, 4 and 5 from *Lost Innocents and Forgotten Australians Revisited* (2009).

The Australian Government expressed some level of concern about one or more aspects of the following recommendations that were ‘not implemented’.

From *Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (1997):

Recommendation 14: *That monetary compensation be provided to people affected by forcible removal under the following headings; 1. Racial discrimination; 2. Arbitrary deprivation of liberty; 3. Pain and suffering; 4. Abuse, including physical, sexual and emotional abuse; 5. Disruption of family life; 6. Loss of cultural rights and fulfilment; 7. Loss of native title rights; 8. Labour exploitation; 9. Economic loss; 10. Loss of opportunities.*

The Government noted that the government of the day did not agree with this recommendation.

From *Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children* (2005):

Recommendation 4: *That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.*

⁴ Australian Government response to the Royal Commission, 2013.

The concern expressed by the Australian Government in relation to this recommendation was that requiring charitable organisations to be incorporated in order to receive tax concessions would not be equitable or administratively feasible.

Recommendations where the implementation status could not be determined

The implementation status of 11 recommendations could not be determined. These were:

- *ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process* (1997) (Recommendation 268)
- *Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (1997) (Recommendation 14)
- *Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children* (2005) (Recommendations 3, 4, 6 and 7)
- *Lost Innocents and Forgotten Australians Revisited* (2009) (Recommendations 3, 4, 5 and 6)
- *ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response* (2010) (Recommendations 6, 25-1, 25-2 and 25-8)
- *Disability Care and Support: Productivity Commission Inquiry Report Volume 1, No. 54, 31 July 2011, Australian Government Productivity Commission* (Recommendation 15.3)
- *Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998* (Recommendations 111 and 113)

In all cases, the recommendation related, to some degree, to issues affecting Australian states and territories, other countries or religious organisations. Notwithstanding that the Royal Commission approached the Australian Government to comment on recommendations from Commonwealth inquiries, it was not in a position to explain why states, territories, external agencies and other countries did not implement recommendations arising from Commonwealth inquiries. It may be difficult for governments to monitor the implementation of recommendations when they relate to external bodies or other jurisdictions. Furthermore, it was beyond the scope of this project to ascertain the responses by non-government organisations and religious bodies on their actions pursuant to recommendations. This project only gauged government responses on implementation and the Royal Commission was not in a position to approach all agencies.

Summary of issues regarding the implementation of Commonwealth recommendations

Based on information provided by the Commonwealth Government, the main factors that affected full implementation of recommendations can be summarised as follows:

- policy concerns; for example, in relation to monetary compensation for the Stolen Generations and producing unit-level policy in the Australian Defence Force
- practical constraints such as the capacity to acquire data where data collection was based on voluntary participation

- redundancy of recommendations or ambiguity of their status, such as where other jurisdictions instigated reforms on their own initiative or where subsequent inquiries did not re-endorse an earlier recommendation
- the inability to implement recommendations across or outside jurisdictions, such as where matters fell under the remit of state and territory governments or non-government organisations
- lack of any record of implementation.

4.2.3 New South Wales

Table 9 summarises the implementation rating of recommendations from the nine inquiries that relate to New South Wales.

Table 9 Implementation ratings of recommendations for New South Wales

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion not implemented
17	6	6	0	29	21%

Recommendations partially implemented and the New South Wales Government's response

Six recommendations were 'partially implemented', including Recommendation 2 from *NSW Ombudsman Report: Handling of Child Abuse Allegations Against Employees* (May, 2000).

Recommendation 2: *The Minister for Education and Training approach other Ministers with responsibility for Departments with child protection responsibilities about developing a comprehensive and consistent public sector response to allegations of child abuse against staff.*

The New South Wales Government reported that the Minister for Education and Training approached the Premier's Department about possible legislative changes at a whole-of-government level. While no approach was made to specific ministers, all relevant departments were involved in the development of the *New South Wales Interagency Guidelines for Child Protection Intervention, 2000 edition*. The issue of implementing recommendations in such a way that meets the spirit or intent of the recommendation, but not necessarily following the specific recommended actions, is discussed throughout this report.

Recommendation 6 from the *NSW Joint Investigative Response Team (JIRT) Review*, November 2006 (NSW Health, NSW Police and NSW Department of Community Services) was 'partially implemented':

Recommendation 6: *JIRT team member(s) should meet with the child to conduct a rapport-building session prior to the formal investigative interview in order to help the child feel comfortable, facilitate communication and enable JIRT staff to assess the child's readiness and capacity to disclose.*

The document audit showed that JIRT training covered rapport-building, while policies and procedures had not (at the time of the Government's response) been finalised. The provision of data in relation to the number of rapport-building sessions undertaken was not possible because that information was not recorded centrally.

Four recommendations from the *Special Commission of Inquiry into Child Protection Services in New South Wales* (Wood Inquiry) (2008) were 'partially implemented'. The first was Recommendation 8.4.

Recommendation 8.4: *NSW Health should provide an appropriately trained workforce to provide forensic medical services where needed for children and young persons who have suffered sexual assault and physical injury.*

This recommendation was 'partially implemented' due to a range of factors inhibiting full implementation. Many were resource-related concerns, including a lack of medical personnel in rural and remote regions, high staff turnover, time-limited funding and a backlog of work. In addition, the Government cited a lack of training programs and a lack of responses to a request for tender, as being factors affecting implementation.

Recommendation 23.4 from the same inquiry was rated by the Project Team as 'partially implemented'.

Recommendation 23.4: *Information obtained by persons appointed by the Minister as official visitors should be available to the regulator/accreditor of OOHC with appropriate procedural fairness safeguards and s.8 of Community Services (Complaints, Reviews and Monitoring) Act 1993 and clause 4 of Community Services (Complaints, Reviews and Monitoring) Regulation 2004 should be amended to achieve this outcome.*

The legislative amendment goes further than that envisaged by the recommendation by *mandating* the disclosure of relevant information by Official Community Visitors. However, the Project Team rated this recommendation 'partially implemented' because the recommendation that Clause 4 be amended to include the new function of Official Community Visitors did not appear to have been implemented. Neither the Act nor the Regulation appeared to make provision to ensure procedural fairness in accordance with the recommendation.

Recommendation 23.6 was also 'partially implemented':

Recommendation 23.6: *DoCS should centralise its Allegations Against Employees Unit and receive sufficient funding to enable this restructure, and to resource it to enable it to respond to allegations in a timely fashion.*

This recommendation was 'partially implemented' because while the Unit was centralised and received funding, insufficient resources were provided to enable the backlog to be cleared. Strategies were reported to be in place to address this issue.

Recommendation 23.8 from the same inquiry was also 'partially implemented'.

Recommendation 23.8: *The Commission for Children and Young People Act 1998 should be amended to require background checks as follows: a. in respect of DoCS and other key human*

service agencies all new appointments to staff positions that work directly or have regular contact with children and young persons (that is, permanent, temporary, casual and contract staff held against positions including temporary agency staff); b. any contractors engaged by those agencies to undertake work which involves direct unsupervised contact to children and young persons, and, in the case of DoCS, access to the KiDS system or file records on DoCS clients; c. students working with DoCS officers; d. children's services licensees; e. authorised supervisors of children's services; f. principal officers of designated agencies providing OOHC or adoption agencies; g. adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers h. volunteers in high risk groups, namely those having extended unsupervised contact with children and young persons.

Legislative verification highlighted that a number, but not all, of the recommended amendments to the *Commission for Children and Young People Act 1998* (NSW) had been made. It was therefore rated as 'partially implemented'.

Recommendations not implemented and the New South Wales Government's response

Of the six recommendations from New South Wales inquiries rated as 'not implemented', the majority ($n=5$) were reported as being under consideration or in progress. They relate to the following inquiries: *NSW Ombudsman Report — Responding to Child Sexual Assault in Aboriginal Communities* (2012) and *Prevention of Abuse and Safeguarding Mechanisms in Ageing Disability and Home Care* (21 January 2013).

The remaining recommendation that was 'not implemented' was from the *Special Commission of Inquiry into Child Protection Services in NSW* (Wood Inquiry) (2008):

Recommendation 8.3: *Pending amendment of the privacy laws as recommended in Chapter 24, a Privacy Direction should be issued in relation to the JIRT process so as to facilitate the free exchange of information between the NSW Police Force, NSW Health, each Area Health Service, The Children's Hospital at Westmead and DoCS.*

This was intended by the commission to be an interim recommendation. The Government moved to immediately implement the recommendation referred to in Chapter 24 of the commission's report, bypassing the need to implement Recommendation 8.3.

Recommendations where the implementation status could not be determined

No recommendations relating to New South Wales inquiries were given a rating of 'undetermined'.

Summary of issues regarding the implementation of New South Wales recommendations

Overall, the New South Wales Government was able to enunciate reasons for lack of implementation where relevant. This suggests that tracking systems may have been in place to monitor the implementation of recommendations.

Based on information provided by the New South Wales Government, the main factors affecting full implementation of recommendations can be summarised as follows:

- resource limitations such as insufficient personnel training
- recommendations being under consideration, or implementation in progress
- steps taken to meet the spirit/intent of a recommendation rather than following the specific recommended actions.

4.2.4 Northern Territory

Table 10 summarises the implementation rating of recommendations from the five inquiries that relate to the Northern Territory.

Table 10 Implementation ratings of recommendations for the Northern Territory

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion of recs not implemented
7	1	15	0	23	65%

Recommendations partially implemented and the Northern Territory Government’s response

One recommendation, from *Growing them strong, together: Promoting the Safety and Wellbeing of the Northern Territory’s Children* (2010), was ‘partially implemented’:

***Recommendation 9.40:** That an independent body is auspiced to review investigations into allegations of ‘abuse in care’ undertaken by the Department of Health and Families. The Office of the Children’s Commissioner would be an appropriate body to take on this role.*

The Northern Territory Government reported that two new pieces of legislation were being introduced that would result in the Children’s Commissioner having the envisaged role. The fact that preparation for this legislation was underway led to a determination of ‘partial implementation’.

Recommendations not implemented and the Northern Territory Government’s response

Overall, 15 recommendations were ‘not implemented’. Ten of the 15 recommendations were from the Northern Territory Law Reform Committee’s *Report on the Laws Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory* (1999).⁵ The Government did not provide reasons for non-implementation of a number of recommendations from the inquiry, stating that, “it is not possible to answer why they were not implemented as it would involve speculation”.⁶

⁵ Recommendations 18–20, 21, 22, 24–26, 29 and 31.

⁶ Northern Territory Government response to the Royal Commission (14 October, 2013), p. 3.

In addition to the above statement, the Northern Territory Government made comments in relation to Recommendations 110–113, all of which related to the training of legal and judicial officers in the dynamics and psychological aspects of sexual assault for victims. The Government referred to training of judicial officers as “*a vexed issue*”⁷, stating that it is up to parties to provide evidence to court of the dynamics and psychological aspects of sexual assault. Concern was expressed about the use of the term “*victim*”, given the presumption of innocence. The Government stated that no complaints had been made about Members of the Court relating to their conduct in such trials. It also pointed out that training was available through conferences and Continuing Legal Education Seminars.

Two recommendations from *Growing them strong, together: Promoting the Safety and Wellbeing of the Northern Territory’s Children* (2010) were ‘not implemented’.

Recommendation 4.3: *That there is recognition in the Care and Protection of Children Act of the functions of an Aboriginal agency or agencies or other recognised entities.*

The Northern Territory Government stated that this recommendation was still being considered as part of a suite of reforms to the *Care and Protection of Children Act 2007* (NT).

Recommendation 13.6: *That a community visitor model be implemented to involve a sampling of children in out of home care (OOHC) with a view to informing the Children’s Commissioner about OOHC issues from the perspective of the visitor, and also from the children being visited.*

The Government reported that CREATE Foundation undertakes an annual survey of children and young people’s experiences in out-of-home care, and that the Government would be carrying out biennial surveys of children and young people in out-of-home care.

Two recommendations from *A Life Long Shadow – Report of a Partial Investigation of the Child Protection Authority* (2011) were ‘not implemented’.

Recommendation 4: *Further that Section 15(2) of the CPC Act define harm to include: ‘A child or young person of school going age frequently does not attend school without a reasonable excuse’.*

Recommendation 5: *That Section 26 of the Care and Protection of Children Act be amended to extend the mandatory reporting requirement to frequent non-attendance at school without a reasonable excuse.*

In both cases the Government reported that while ensuring that children attend school is a priority, amending the Act was not considered an appropriate mechanism to do so. Alternative mechanisms were pursued that included a focus on school re-engagement.

In relation to Recommendation 8 from the *Report: Review of Vulnerable Witness Legislation* (Northern Territory Department of Justice, June 2011):

⁷ Northern Territory Government response to the Royal Commission (14 October, 2013), p. 2.

Recommendation 8: *That an amendment be made to the Sexual Offences (Evidence and Procedure) Act in response to the High Court’s decision in Crofts to provide clear guidance as to the directions, if any, that should be given to the jury in relation to the timing of a complaint.*

The Government stated that the High Court decision in *Crofts* had been criticised and that it chose, instead, to develop a consultation process around the recommendations of the 2010 Australian Law Reform Commission Report *Family Violence — A National Legal Response* on directing the jury in relation to a sexual assault matter.⁸ The recommendation was ‘not implemented’.

Recommendations where the implementation status could not be determined

No recommendations relating to Northern Territory inquiries were given a rating of ‘undetermined’.

Summary of issues regarding the implementation of Northern Territory recommendations

In a number of instances it was difficult to assess the factors affecting the partial implementation or non-implementation of recommendations in the Northern Territory, due to the scarcity of records for tracking the implementation of recommendations. This raises the issue of the need for record keeping and the implementation of systems for monitoring recommendations.

Based on information provided by the Northern Territory Government, the main factors that affected full implementation of recommendations can be summarised as follows:

- policy concerns (e.g. lack of evidence behind recommendations; current situation being adequate)
- recommendations being under consideration
- steps taken to meet the spirit or intent of a recommendation rather than following the specific recommended actions.

4.2.5 Queensland

Table 11 summarises the implementation rating of recommendations from the five inquiries that relate to Queensland.

⁸ Northern Territory Government response to the Royal Commission (14 October, 2013), p. 2.

Table 11 Implementation ratings of recommendations for Queensland

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion of recs not implemented
27	3	5	8	43	12%

Recommendations partially implemented and the Queensland Government's response

Three recommendations were 'partially implemented'. From the 1999 *Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations*:

Recommendation 39: *That consideration be given to 'harmonising' the legislative and administrative frameworks applying to community visitor and like programs under the Children's Commission and Juvenile Justice Acts and envisaged adult guardianship and mental health legislation.*

This recommendation was given a rating of 'partially implemented' following a verification of the relevant legislation. The functions of the community visitor scheme were amended to cover the visitable sites of residential facilities, detention facilities and authorised mental health services. The *Commission for Children and Young People and Child Guardian Act 2000 (Qld)* was not found to cover the role and functions of the adult guardian.

Recommendation 33 from Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) *Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations* was also 'partially implemented'.

Recommendation 33: *That private homes be generally exempt from the community visitor program, but be included if: More than a specific number of unrelated children and young people, say four or more, are placed in the same foster home; and, A private home is providing accommodation for a child in care and a complaint has been made which hasn't been or can't reasonably and practicably be resolved by internal grievance processes.*

The Project Team rated this recommendation 'partially implemented' due to the fact that the Act did not require a specific number of unrelated children to be present in a private home in order for it to become a visitable site. Nor did it require an unresolved complaint to have been made in a private home in order for it to become a visitable site.

In relation to Recommendation 18 from *Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)*:

Recommendation 18: *That Sport and Recreation Queensland, in conjunction with the Children's Commission Queensland, Families Youth and Community Care Queensland and sporting organisations, develop child protection advisory material to assist sporting and recreation*

organisations to develop their own policies for addressing complaints against staff or volunteers.

The Government reported a number of actions that had resulted from this recommendation. It noted that it could not find any physical evidence of Sport and Recreation Queensland having consulted with Children's Commission Queensland, Families Youth and Community Care Queensland on the extension of the Working With Children Check, as a result of the retention and disposal timeframes for public records. This limitation of evaluating the implementation of recommendations some years after the release of a report, and the importance of developing methods to track implementation over time, is highlighted in Section 4.4: [The relationship between implementation of recommendations and date of inquiry](#).

Recommendations not implemented and the Queensland Government's response

Five recommendations in the Queensland jurisdiction were 'not implemented'. Of those, four were from the recent *Queensland Child Protection of Inquiry — Taking Responsibility: A Roadmap for Queensland Child Protection* (June 2013), and were reported by the Government as being under consideration.

One recommendation was from *Seeking Justice: An inquiry into how sexual offences are handled by the Queensland Criminal Justice system* (June 2003):

Recommendation 20: *That the definition of a 'prescribed sexual offence' contained in section 3 of the Criminal Law (Sexual Offences) Act 1978 (Qld) be deleted and replaced with a new definition modelled on the definition of a 'sexual offence' that appears in section 4 of South Australia's Evidence Act 1929.*

The Queensland Government's response to the Royal Commission indicated that the Attorney-General rejected this recommendation in 2006, with no explanation provided.

Recommendations where the implementation status could not be determined

The implementation status of eight recommendations from Queensland inquiries was 'undetermined'. Six of the eight recommendations were from *Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem* (November 2000) and related to the Children's Commission Queensland. The Government stated that, "*This recommendation concerns the Children's Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.*"⁹

In the following two cases there was insufficient evidence to enable a determination. In relation to Recommendation 2 from *Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem* (November 2000):

⁹ Queensland Government response to the Royal Commission (2013).

Recommendation 2: That a working party be established comprising Education Queensland, the Board of Teacher Registration, the Association of Independent Schools Queensland (AISQ), the Queensland Catholic Education Commission and the Children’s Commission Queensland to develop appropriate policies for responding to suspicions or disclosures of child sexual abuse in non-government schools. This should be undertaken in consultation with Families Youth and Community Care Queensland and the QPS (see also Recommendations 11 and 15).

There was evidence that a working party had been established. However, the recommendation is specific in detailing the desired membership of the working party, the development of appropriate policies, and a consultation process. The Project Team did not receive sufficient information relating to those aspects of the recommendation to enable a determination of implementation status.

The Project Team was not able to determine the implementation status of Recommendation 7.28 from *Protecting Children: An Inquiry into Abuse of Children in Foster Care* (2004):

Recommendation 7.28: That the Department ensure that it has clear policies and procedures on disclosure of information and that it incorporate them in the training provided to Departmental and agency staff.

The Government reported that the Department’s Child Safety Practice Manual set out the relevant procedures. However, information was not received in relation to the second part of the recommendation as to whether the procedures were incorporated into training as recommended. The implementation status of this recommendation could therefore not be determined.

Summary of issues regarding the implementation of Queensland recommendations

Based on information provided by the Queensland Government, the main factors that affected full implementation of recommendations can be summarised as follows:

- policy concerns; for example, in relation to redefining ‘prescribed sexual offence’
- practical restraints such as the timeframe for the retention and disposal of records
- recommendations being under consideration.

4.2.6 South Australia

Table 12 summarises the implementation rating of recommendations from the four inquiries that relate to South Australia.

Table 12 Implementation ratings of recommendations for South Australia

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion of recs not implemented
11	10	4	7	32	13%

Recommendations partially implemented and the South Australian Government response

Ten recommendations from South Australian inquiries were 'partially implemented'.

Eight of the 10 'partially implemented' recommendations were from the *Review of Child Protection in South Australia* (Layton review) (2002). In many cases the South Australian Government indicated some level of concern about one or more aspects of a recommendation. The first 'partially implemented' recommendation from this inquiry was:

Recommendation 1: *That a statutory Office of Commissioner for Children and Young Persons be created to: include the functions of advocacy, promotion, public information, research, develop screening processes for work with children and young persons; be based largely on the model in the Children and Young People Act 2000 (Qld) as contained in sections 15 (c) to (j) and (l) to (o), 19, 90, 92 and Part 6, combined with the Commission for Children and Young People Act 1998 (NSW) sections 11 (a) to (h), 14, 15, 16, 17, 23, and 24; include sitting as a member of the South Australian Young Persons Protection Board; be independent of Government; report to Parliament. That a statutory position of Deputy Commissioner of Young Persons be created and to be occupied by an Indigenous person. That a Joint Parliamentary Committee on child protection be created and statutorily mandated in a way similar to section 27 of Commission for Children and Young People Act 1998 (NSW).*

A Commissioner for Children and Young People was not established. Separate mechanisms were established, including a Council for the Care of the Children, Guardian for Children and Young People, and a Child Death and Serious Injury Review Committee. The Government reported that the proposal for a State Commissioner continues to be discussed and considered.

Recommendations 101 and 104 of the *Layton Review* were both 'partially implemented':

Recommendation 101: *That the Evidence Act 1929 (SA) be amended to include the three models for taking of evidence in relation to a criminal trial involving sexual or violent offences against a child as provided in sections 106H to 106T of the Evidence Act (WA). That the burden of proof remain on the prosecution to prove the charges beyond reasonable doubt. That there is no requirement for a specialist court to sit on cases in which children are the alleged victims, instead the court must be comprised of Judges who have received special judicial training in respect of child development, victim responses and patterns of abusive behaviour. That a court-based child witness support system similar to the Western Australian model be set up in South Australia. That a committee(s) be set up to make recommendations as to the progressive implementation of strategically placed CCTV facilities and video rooms for courts using the Western Australian model as a basis. The design is to ensure the most cost effective manner of delivery of such services in South Australia.*

Recommendation 104: *That the Evidence Act 1929 (SA) be amended to include a section similar to section 106F of the Evidence Act 1929 (WA) to allow for appointment of a child communicator to assist as an interpreter for a child in appropriate circumstances. In addition, the section to be available to all children and not only those under the age of 16 years. Further, that Recommendation 118 of the ALRC Report be implemented by amendment of the Evidence Act 1929 (SA) to include that a court may permit other means of evidence being adduced in the particular case of children with disabilities.*

In both cases the Government reported that a full amendment to legislation as recommended was not required as the court already had sufficient wide general powers.

Recommendation 131 was also ‘partially implemented’:

Recommendation 131: *That a working group be formed – the “Screening and Monitoring Working Group” to determine the most appropriate: legislation; policies, protocols and guidelines; and declarations process for SA taking into consideration the proposed National Paedophile Register to be developed. That the working group consist of persons from the key agencies involved (SAPOL, Justice Department, DHS, Education sector, Non-Government, churches and Sport and Recreation, representatives of teachers’ unions and major unions covering employees including related employment and parent groups) and should involve the Commissioner for Children and Young Persons. That specific legislation be developed to deem certain persons as described in the legislation to be unsuitable persons from working with children and young people and to be placed on an Unsuitable Persons Register. Such legislation could be known as the Child Protection (Unsuitable Persons) Act. Legislation to include: specific provisions for the establishment and maintenance of an Unsuitable Persons Register, provide for the conditions upon which a person is placed on the register and is thereby deemed unsuitable for employment in child related circumstances, provide for an independent process for a declaration from a District Court for removal of a person from the register, provide the requirements of employers when employing persons in child-related activities and that the provisions are mandatory for employees but discretionary in respect of volunteers, cover all Government agencies, non-Government agencies, church organisations, sporting and recreation clubs who provide employment in child-related activities, create offences with penalties for non-compliance. Such legislation may in a general sense be modelled on the NSW scheme with particular modifications to minimise complexity and discretionary decision-making as well as placing the role of establishing and maintaining the register with SAPOL. Further, that the screening and monitoring working group consider the viability of providing persons screened and cleared a ‘portable’ photo card which can be used by employees.*

Legislative verification found that some, but not all, of the recommended legislative amendments were made (see Compendium B for full details). There was no specific Unsuitable Person Register, and the Government stated that, “card-based systems are no longer considered best practice, and have been supplanted by a live internet database in some jurisdictions”.¹⁰

The following recommendation, also from the *Layton Review*, was ‘partially implemented’:

Recommendation 170: *That Section 10 of the Children’s Protection Act 1993 be amended to reflect the suggested amendments to sub-sections 6 (1) and 6 (2) of the Act as set out in Recommendation 166. In particular, if the contents of sub-section 6 (2) (c) (d) and (e) (presently excluded from applying to mandatory notification), are still regarded as necessary to be articulated in the legislation, these circumstances should be relevant to mandatory notification. Further, subsection 6 (2) (e) of the Act should not be limited to children under 15 years, but to all children.*

The South Australian Government reported that an expansion of Section 6 to include a definition of “at serious risk of significant harm” would shift the focus away from an incident-based system. Amendments to subsection 6(2)(e) were not made as it was considered that this would have unnecessarily expanded the criteria for mandatory notification.

¹⁰ South Australian Government response to the Royal Commission (2013).

Recommendation 132 from the same Review was ‘partially implemented’:

Recommendation 132: *That all agencies who employ persons who work with or have access to children either in paid or a volunteer capacity should develop appropriate child protection policies and guidelines. All agencies funded by State Government agencies will be required to develop child protection policies and guidelines as a prerequisite to receiving Government funding.*

Legislative verification found that the *Child Protection Act 1993 (SA)* required relevant government and non-government agencies to have appropriate child protection policies in place. There was no legislative requirement that agencies funded by State Government be required to develop such policies as a prerequisite to receiving government funding. The South Australian Government did not supply any further evidence in relation to that part of the recommendation.

Recommendation 94 of the *Review of Child Protection in South Australia (Layton review) (2002)* related to amendments to the *Evidence Act 1929 (SA)*.

Recommendation 94: *That, in keeping with Recommendation 100 of the ALRC Report, the Evidence Act 1929 (SA) be amended to provide that corroboration of the evidence of a child witness whether sworn or unsworn, should not be required. That Judges be legislatively prohibited from warning or suggesting to a jury that children are an unreliable class of witness. An example of such legislation is section 106D of the Evidence Act 1906 (WA). That in accordance with Recommendation 100 of the ALRC Report, legislation provide that judicial warnings about the evidence of a particular child witness should be given only where 1) a party requests the warning, and 2) that party can show that there are exceptional circumstances warranting the warning. Such exceptional circumstances should not depend on the mere fact that the witness is a child, but on objective evidence that the particular child’s evidence may be unreliable. That the warnings which are given should follow the formula in Murray v R to reduce the effect of an individual Judge’s bias against, or general assumptions about, the abilities of children as witnesses.*

Pursuant to this recommendation, a new section 12A was inserted into the *Evidence Act 1929 (SA)*. Section 12A provided that, in a criminal trial, a judge must not warn the jury that it is unsafe to convict on a child’s uncorroborated account unless such a warning is required by cogent reasons in the particular case, or a party requests the warning. If giving any such warning, the judge is not to make any suggestion that children’s evidence is inherently less credible or reliable than that of adults. However, legislative verification found that the Act did not require a party asking for a warning to show objective evidence that the child’s evidence may be unreliable.

Recommendation 97 of the *Review of Child Protection in South Australia (Layton review) (2002)* was categorised ‘partially implemented’:

Recommendation 97: *That the Evidence Act 1929 (SA) be amended to include a similar section to section 106 G Evidence Act (WA) which prevents an unrepresented defendant from directly cross-examining a child. Such amendment to be applicable to all children and not just those under 16 years of age.*

Legislative verification found that while there was a vulnerable witness provision in the *Evidence Act 1929 (SA)*, it only applied to children 16 years and younger. The recommendation was clear that the

amendment be applicable to all children, not just those under 16 years of age. The recommendation was therefore rated 'partially implemented'.

Also 'partially implemented' was Recommendation 3 of the *Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct* (Mullighan Inquiry) (2008).

Recommendation 3: (1) *That the application of section 8B of the Children's Protection Act 1993 be broadened to include organisations as defined in section 8C. [NOTE: Section 8B required government organisations and non-government schools to obtain a criminal history, or police report for people holding, or to be appointed to, positions that involve regular contact with, proximity to, or access to records concerning children. Section 8C applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or Partially for children and are government departments, agencies, instrumentalities, or local government or non- government organisations.]* (2) *That consideration is given to reducing or waiving the fee for an organisation applying for a criminal history reporting order to comply with section 8B.* (3) *That a criminal history report be defined as a report that includes information as to whether a person is on the Australian National Child Offender Register (ANCOR).*

The South Australian Government reported that implementation of this recommendation was continuing, with a phasing-in period. Verification of the legislation found that while parts (1) and (2) had been implemented, the legislation does not require that a criminal history include information as to whether a person is on the Australian National Child Offender Register.

Recommendation 44 of the Commission of Inquiry Report *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands* (Mullighan Inquiry) (2008) was also 'partially implemented'.

Recommendation 44: *That the Children's Protection Act or regulations be amended to add a function of the Guardian for Children and Young People to act as an advocate of an Anangu child or young person who is not in State care but is the subject of a Family Care Meeting Agreement and who has made a disclosure of sexual abuse.*

The South Australian Government considered that the current arrangements for advocacy and support of children on the APY Lands addressed the intent of the recommendation.

Recommendations not implemented and the South Australian Government's response

Three of the four recommendations from the *Review of Child Protection in South Australia* (Layton review) (2002) were 'not implemented'.

Recommendation 55: *That the DHS [Department of Human Services] in conjunction with the Attorney-General's Department pursue the issue of establishing an appropriate agreed policy position between States, Territories and the Commonwealth on the exchange of information where there is a child protection concern ensuring appropriate coverage of relevant Commonwealth employees.*

The South Australian Government made the following statement: "There is no agreed policy position

between the states, territories and the Commonwealth regarding this recommendation. However, an Information Sharing Protocol between the Commonwealth and child protection agencies commenced in February 2009.”¹¹

The Government expressed concerns in relation to two of the recommendations from the Layton Review that were ‘not implemented’, including:

Recommendation 98: *That Recommendation 100 of the ALRC Report No. 84 be implemented by amendment of the Evidence Act 1929 (SA) to allow the court to permit expert opinion evidence to be given in any civil or criminal proceeding in which abuse or neglect of a child is alleged. The parameters of such legislation to include matters covered by the New Zealand legislation. That such amendment specifically permit evidence to be given regarding any capacity or behavioural characteristics of a child with a mental disability or impairment. In addition, an amendment should permit generalised evidence to be given by an expert about patterns of children’s disclosure in abuse cases and the effects of abuse on children’s behaviour and demeanour in and out of court, without specific reference by that expert to the particular child.*

The Government was concerned with aspects of this recommendation, particularly in relation to children giving evidence under the scrutiny of ‘experts’. It was also reported that South Australian courts had wide powers to make special arrangements to protect and assist vulnerable witnesses: pre-recording the evidence of children, use of an intermediary for a child witness and adducing evidence through other means. The South Australian Government noted that the Office of the Director of Public Prosecutions operates a Witness Assistance Service (WAS) to provide services to child witnesses by specially trained social workers.¹²

Recommendation 105: *That the Evidence Act 1929 (SA) be amended to permit answers given by a disabled child in response to leading questions, to be received if the judge is otherwise satisfied that the nature of the questioning does not give rise to the answers being unreliable answers.*

The Government expressed reservation about how a judge could determine in advance whether “*the nature of the questioning does not give rise to the answers being unreliable answers*”. The Government proposed alternative approaches.

The following recommendation from the *Report of the Joint Committee on Immunity from Prosecution for Certain Sexual Offences: Second Session, Fiftieth Parliament 2002–2003, Parliament of South Australia* (28 May 2003, Hon. G.E. Gago, Chairperson) was ‘not implemented’:

Recommendation 4: *The Committee recommends investigating alternative methods of appropriately responding to allegations of sexual offences, to empower victims, and prevent re-offending, without minimising the serious nature of the crime.*

The Government stated that it was unable to find a record of a reason for non-implementation.

¹¹ South Australian Government response to the Royal Commission (2013).

¹² South Australia Government Response/Action On Recommendations of Layton Review, written response to Royal Commission (2013), p. 11.

Recommendations where the implementation status could not be determined

The implementation status of nine recommendations from South Australian inquiries could not be determined by this project, in all cases due to insufficient relevant or clear evidence. Six of those recommendations were from the *Children in State Care* (Mullighan Inquiry) (2008):

Recommendation 2: *That the self-protective training being taught by Second Story be reviewed to ensure that it covers the Keeping them safe: child protection curriculum developed for teaching all children in schools and is adapted to target specific needs and circumstances: children and young people in care generally; Aboriginal children and young people in care; children and young people in care with disabilities. That such self-protective training is then delivered to children and young people in State care at their residential or secure care facility.*

The Project Team found that the review did not appear to target Aboriginal children, or those who had disabilities, who were in state care. It was not clear whether self-protective training was delivered to children and young people in secure care facilities. The implementation status of the recommendation could therefore not be determined.

Recommendation 5: *That Families SA, as part of the screening process of employees, carers and volunteers, obtains information as to whether or not that person is on the Australian National Child Offender Register (ANCOR).*

In relation to Recommendation 5, the South Australian government suggested that the names of people on the ANCOR register could not be publicly released under national arrangements, and that information about criminal offences that could cause a person to be registered on ANCOR were included in criminal history reports. Overall, there was insufficient evidence about the implementation of this recommendation.

The implementation status of recommendation 6 from the same inquiry could not be determined by the Project Team.

Recommendation 6: *That Families SA extends its screening processes to cover known regular service providers to children and young people in care with disabilities, such as regular bus or taxi drivers.*

Verification of the Passenger Transport Regulations 2009 found that it was not a requirement that a Background Screening and Criminal History Check be a prerequisite condition for driver accreditation. It was intended that the Passenger Transport Regulations 2009 be amended by June 2013.

The implementation of Recommendation 24 of the same inquiry was also unclear.

Recommendation 24: *That it be mandatory for the chief executive of the Department for Families and Communities or Commissioner of Police to notify the Guardian for Children and Young People when a child or young person under the guardianship or in the custody of the Minister makes an allegation of sexual abuse. (Also refer Recommendation 20.)*

The Department of Families and Communities policies and procedures were amended, however no evidence was received that the South Australia Police had made any amendment.

Recommendation 25: *That Families SA's new C3MS (Connection client and case management system) include a separate menu for allegations of sexual abuse of a child in State care, which would collate the names of all such children. That the system include a separate field in relation to each child in State care, which is dedicated to recording any information about allegations of sexual abuse, including when that information had been forwarded to the Guardian for Children and Young People.*

The Project Team did not receive evidence of the implementation of C3MS, and could not therefore determine the implementation status of Recommendation 25.

The implementation status of Recommendation 40 was 'undetermined'.

Recommendation 40: *That a task force be established in South Australia to closely examine the redress schemes established in Tasmania, Queensland and Western Australia for victims of child sexual abuse; to receive submissions from individuals and relevant organisations on the issue of redress for adults who were sexually abused as children in State care; and to investigate the possibilities of a national approach to the provision of services.*

While verification of the *Victims of Crime Act 2001* identified that some avenues for redress were available to victims of crime, there was a lack of evidence in relation to a task force and its terms of reference as recommended. The implementation status of Recommendation 40 was therefore 'undetermined'.

The implementation status of one recommendation from the *Review of Child Protection in South Australia (Layton review) (2002)* could not be determined:

Recommendation 145: *That representatives of non-Government education sectors including Independent Schools, Catholic Schools in conjunction with representatives of the Government education sector, FAYS, SAPOL and the proposed Commissioner for Children and Young Persons, develop guidelines which set out minimum standards to be applied across the schooling sector in relation to allegations of child sexual abuse by employees and volunteers. Such guidelines to be in keeping with the processes undertaken in the Government schooling sectors and should include an independent process both within employer organisations as well as an external independent process. The guidelines should clearly articulate the interaction with FAYS and SAPOL and the processes to be followed in relation to notification and reporting.*

No documentary evidence of implementation was received and no information was provided about the existence of an external independent process as recommended. The implementation status could therefore not be determined.

Summary of issues regarding the implementation of South Australian recommendations

Based on information provided by the South Australian Government, the main factors that affected full implementation of recommendations can be summarised as follows:

- policy concerns: the South Australian Government reported a number of concerns and disagreements with aspects of various recommendations, such as the expansion of criteria for mandatory notification, and current arrangements viewed as adequate

- recommendation implementation being in progress
- redundancy of recommendations (technological developments rendering a recommendation obsolete)
- inability to implement recommendations across jurisdictions (in relation to sharing information where other jurisdictions have different policies)
- lack of record of implementation.

4.2.7 Tasmania

Table 13 summarises the implementation rating of recommendations from the six inquiries that relate to Tasmania.

Table 13 Implementation ratings of recommendations for Tasmania

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion of recs not implemented
8	3	8	9	28	29%

Recommendations partially implemented and the Tasmanian Government's response

Three recommendations from Tasmanian inquiries were 'partially implemented', including a recommendation from the *Select Committee on Child Protection Final Report, Parliament of Tasmania* (2011):

Recommendation 119: *Additional resourcing be provided to enable the expansion of Statewide trauma services for abused children and young people to ensure more than 30% of children in care can access such services.*

The document audit showed increased funding for trauma services over the past two years and that in 2012–13 approximately 10 per cent of children and young people in care were accepted by the service. Given the proportion of children and young people accessing trauma services, the recommendation was rated 'partially implemented'.

The following two recommendations from *Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care* (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)¹³ were 'partially implemented'.

¹³ The recommendations in this report were not numbered. Therefore, page numbers are used to pinpoint the recommendation.

Recommendation Page 12.8: *That the allegations of abuse are properly heard, received, acknowledged and acted upon.*

Evidence was provided showing that action has been taken in relation to responding to allegations of abuse, and the policy relating to care concerns was under review. It did not appear to be the case that all allegations of abuse were properly heard, received, acknowledged and acted upon.

Recommendation Page 12.8: *That the victim and their family be clearly informed of avenues of redress available to them.*

The Government submitted documentation outlining the process for informing children, families and carers about investigation processes. The documentation did not contain clear information on avenues of redress.

Recommendations not implemented and the Tasmanian Government's response

Eight recommendations relating to Tasmanian inquiries were 'not implemented', for a variety of reasons. In some cases the Tasmanian Government indicated some level of concern about one or more aspects of a recommendation.

From the *Review of Claims of Abuse from Adults in State Care as Children* (O'Grady Report) (2004):

Recommendation 6: *It is recommended that the Government liaise with church authorities to seek a contribution to the establishment of a private educational trust fund.*

This recommendation relied upon Recommendation 5 being implemented (not under review), in relation to the establishment of a private educational trust fund. The Tasmanian Government had decided not to adopt Recommendation 5, thus rendering Recommendation 6 redundant.

From the *Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary* (Mason Report) (2010):

Recommendation 8.2: *That the Secretary mandate that such visits [by the Children's Visitor] be conducted with the child in the absence of any other person unless in the special circumstances of the case it is not practicable to arrange such a visit or it is not in the best interests of the child for reasons given.*

The Government's comments in relation to this recommendation indicated that making one-to-one visits with a child was impractical and interfered with the child protection worker's ability to assess the home or care dynamic.

Recommendation 10.2: *That s.79 of the CYP Act [Children, Young Persons And Their Families Act 1997 (Tas)] be amended to give the Commissioner for Children such additional functions as will enable that Officer to fulfil the promise of "Preventing problems before they arise" including but not limited to: conducting audits both individually and generally of the circumstances of children and young people in the guardianship or custody of the Secretary.*

The Government did not accept this recommendation, noting that the Commissioner for Children

undertook annual audits of children in care; that the Commissioner had existing powers to advise the minister; that similar positions in other jurisdictions did not intervene in court processes; and that the role of the Commissioner related to all children, not just those in care.

From the *Report on Child Protection Services in Tasmania* (Jacob-Fanning Report) (2006):

Recommendation 10.3.1: *A unit dedicated to investigating and responding to complaints and serious issues relating to child protection services will be established as part of the overall organisational model, after further consultation with staff.*

The Government reported that while a dedicated complaints unit was not established, there was a complaint management and review process in place to ensure that complaints were managed independently when required or requested. This included a Child Protection Decision Advisory Panel that provided a response if an individual remained unhappy following an internal review at Area Director level. This recommendation was 'not implemented' as evidenced by the absence of a dedicated unit as per recommendation.

Recommendation 10.3.4 from the same inquiry states:

Recommendation 10.3.4: *The Commissioner for Children should have responsibility for oversight of all complaints processes in relation to children. The Ombudsman should retain responsibility for the investigation of individual complaints if a person is dissatisfied with the internal response to the complaint.*

The Government's response to the Royal Commission stated that, "*This recommendation was made in 2006 and as the systemic requirements at any time are contextual, recommendations can become dated and may be superseded by other decisions. The Department of Health and Human Services is about to commence drafting stand-alone Commissioner for Children legislation which is likely to increase the powers of the Commissioner for Children.*"¹⁴ No reason was provided for why the recommendation was not implemented at the time.

The Tasmanian Government reported that implementation of the following recommendation, from the *Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)*, was in progress:

Recommendation 41: *It is essential that adverse incidents and complaints are fully investigated and managed in a model that is responsive and transparent, similar to the Complaints Management Unit in Western Australia.*

The Government's response to the Royal Commission indicated that no record could be found of correspondence relating to two recommendations from *Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care* (Patmalar

¹⁴ Tasmanian Government response to the Royal Commission (2013).

Ambikapathy, Commissioner for Children Tasmania, September 2003)¹⁵:

Recommendation, page 18.4: *Investigation processes of Police be developed to higher best practice standards with respect to abuse of children in care.*

Recommendation, page 20.1: *That specific provisions be contained within the Tasmanian Police Manual for dealing with child victims of sexual assault who are disabled.*

Recommendations where the implementation status could not be determined

The implementation status of nine recommendations from Tasmanian inquiries could not be determined by this project, in all cases due to insufficient relevant or clear evidence.

Seven 'undetermined' recommendations were from the *Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)*.

Recommendation 62: *That there be a statutory obligation on community sector organisations who deliver out of home care residential services to comply with key standards and reporting criteria.*

A legislation verification found while work appeared to be in progress in relation to national standards for out-of-home care, there was no legislative requirement for community sector organisations to comply with key standards. Due to a lack of any other evidence provided, this recommendation was given a rating of 'undetermined'.

Recommendation 63: *The Working with Children check in Tasmania be implemented as a priority.*

While information was provided that indicated an intention to establish a centralised background checking and risk assessment process, there was no evidence that a Working with Children check had been implemented.

In relation to recommendations 77, 79, 80, 82 and 138 of the same inquiry, the government indicated that implementation would be considered. No further information was provided.

One recommendation rated as 'undetermined' was from the *Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)*:

Recommendation 7.5: *That if the evaluation of the current Children's Visitors Pilot shows that children under the guardianship of the Secretary have obtained benefit from the Pilot that the Minister provide for the appointment of a Children's Visitor for each such child whether in OOHC, in their birth family or in kinship care, such Visitors to be engaged by a body independent of the Government.*

¹⁵ The recommendations in this report were not numbered. Therefore, page numbers are used to pinpoint the recommendation.

In 2010, the government indicated a willingness to consider this recommendation. No further information was provided.

The final recommendation rated 'undetermined' was from *Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care* (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)¹⁶:

Recommendation Page 9.2: *That the guidelines contain provisions for clear and independent interview and investigative procedures for children.*

The implementation status of this recommendation could not be determined. While there was evidence of a document governing the investigation of severe abuse or neglect of a child in out-of-home care, no evidence was provided of procedures relating to children more broadly (that is, non-severe cases). This recommendation is an example of the challenges involved in assessing the implementation of individual recommendations removed from the overall context of the inquiry. It is possible that prior recommendations in this inquiry provided greater detail about the guidelines that are referred to here. However, due to the selection of recommendations this project was not able to ascertain the nature or extent of the guidelines in question.

Summary of issues regarding the implementation of recommendations for Tasmania

Based on information provided by the Tasmanian Government, the main factors that affected full implementation of recommendations can be summarised as follows:

- policy concerns such as one-to-one visits with children, current arrangements being considered adequate and recommended systems being different to those in other jurisdictions
- resource limitations including insufficient funding of trauma services to achieve the recommendation
- implementation of recommendations in progress
- redundancy of recommendation (superseded by subsequent decisions)
- lack of records in relation to implementation.

4.2.8 Victoria

Table 14 summarises the implementation rating of recommendations from the nine inquiries that relate to Victoria.

¹⁶ The recommendations in this report were not numbered. Therefore, page numbers are used to pinpoint the recommendation.

Table 14 Implementation ratings of recommendations for Victoria

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion of recs not implemented
19	6	13	4	42	31%

The Victorian Government provided information relating to the implementation of each recommendation, as requested by the Royal Commission. It noted, however, “*In any assessment of the Victorian responses, it is important to recognise that the identified recommendations were generally released as sets of recommendations. As such, the Victorian Government’s response to each report constituted a package of reforms and policy changes.*”¹⁷ This statement indicates that evaluating the implementation of selected recommendations, over different time periods, rather than inquiries as a whole, could be a limitation of this project’s methodology (see Section 3.7: [Limitations to the methodology](#)).

Recommendations partially implemented and the Victorian Government’s response

Six of the recommendations from Victorian inquiries were ‘partially implemented’. Two were from the *Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults* (1995), including:

Recommendation 89: *The Committee recommends that the Attorney General review penalties for sexual offences to ensure that the sexual assault of a child is regarded as seriously as the sexual assault of an adult.*

The legislation verification found that while the maximum penalties for some sexual offences relating to children were increased by the amending legislation, there appeared to be a number of offences where maximum penalties for offences involving children did not have parity with sentences for apparently similar offences involving adult victims. Examples include Sections 46, 55, and 57(1).

Recommendation 105: *The Committee recommends that all convicted adult sex offenders shall be registered with the Victorian Sex Offender Registry for life.*

This recommendation was ‘partially implemented’ because the length of a registered sex offender’s reporting period depended upon the type and number of offences for which they were convicted, and their age at the time of the offence.

The Government expressed overall concerns about some of the recommendations of the *Inquiry into Sexual Offences Against Children and Adults*, including a lack of evidence that the proposed structures would be the most effective response, and the resource implications arising from some of the

¹⁷ Victorian Government Response to the Royal Commission’s request for advice on the implementation status of past reports and inquiries (2013) p.4

recommendations. The Government also referred to the amount of time that has lapsed since this inquiry.

Three of the ‘partially implemented’ recommendations were from Ombudsman Victoria: *Improving responses to allegations involving sexual assault* (2006). The Victorian Government noted in relation to this inquiry that other reforms were being concurrently implemented and that the recommendations from this inquiry were “often quite broad”.

Recommendation 3: *That compatible data collection systems be developed to enable the lawful sharing of information and a whole-of-government analysis of individual and systemic patterns of offending.*

The Government provided information that a variety of data sharing initiatives were in place, and that data that could be used to establish emerging patterns of offending at systemic level are coordinated by the Department of Health. Data sharing does not appear to be equivalent to “compatible data collection systems”.

Recommendation 15 of the same inquiry was ‘partially implemented’.

Recommendation 15: *Where an employee has been accused of sexual assault, government agencies not agree to confidentiality clauses that prevent disclosure of information to future employers or complaint authorities in the negotiation of severance agreements.*

The Government stated that “no government agency has entered into confidentiality clauses preventing disclosure of sexual assault allegations”, suggesting that the Government may not have endorsed the original intent of the recommendation. Recommendation was nonetheless ‘partially implemented’ by virtue of the different practices to protect confidentiality that were in place across government departments.

In relation to Recommendation 16 of the same inquiry, the Government reported that, “While the Victorian Government initially supported this recommendation in principle, it was largely superseded with the establishment of the Working With Children Check Unit in 2006.”¹⁸

Recommendation 16: *That the Department of Justice convene a working group comprising the Department of Human Services and the Department of Education and Training, Victoria Police and other relevant agencies to consider the implementation of pre-employment vetting that includes mandatory referee checking of previous employers for public sector employees. The Department of Justice should report on the outcomes within six months.*

This recommendation was ‘partially implemented’ because, while the Unit did not appear to be cross-departmental, pre-employment vetting was addressed in a variety of different ways by different

¹⁸ Victorian Government Response to the Royal Commission’s request for advice on the implementation status of past reports and inquiries (28 June 2013), p. 28–9.

departments.

Recommendation 89 from *Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)* was rated by the Project Team as 'partially implemented'.

Recommendation 89: *The Government should amend the Child Wellbeing and Safety Act 2005 to establish a Commission for Children and Young People, comprising one commissioner appointed as the chairperson and such number of full-time and part-time additional commissioners as the Premier considers necessary to enable the Commission to perform its functions. Commissioners would be appointed by the Governor-in-Council. The Commission should have responsibility for overseeing and reporting to Ministers and Parliament on all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people. The Commission would hold agencies to account for meeting their responsibilities as articulated in the Vulnerable Children and Families Strategy and related policy documents. The Commission would also retain the current roles and functions of the Child Safety Commissioner. The Commission would be required by legislation to give priority to the interests and needs of vulnerable children. The Commission should have authority to undertake own-motion inquiries into systemic reforms necessary to improve the wellbeing of vulnerable children and young people. The specific powers granted to the Ombudsman under section 20 of the Children, Youth and Families Act 2005 should be transferred to the Commission.*

A Children's Commission with multiple commissioners was established with the specified functions of advocacy, prevention, inquiry, monitoring and reporting to parliament. However, the Project Team found that the functions of the Commission did not appear to be as broad as those envisaged by the recommendation, particularly in relation to the oversight of legislation and services. Further, it was found that the Commission's own-motion powers relating to the provision of services were more restricted than those of the Ombudsman, and the power formerly vested in the Ombudsman to investigate the actions of investigators and assessors had not been transferred to the Commissioner.

Recommendations not implemented and the Victorian Government's response

Thirteen recommendations from Victorian inquiries were 'not implemented'. Seven of these recommendations were from the *Victorian Law Reform Commission (2011) Sex offenders registration - Final Report*.¹⁹ All seven were reported as being under current consideration by the Government. The Government made specific reference to the existence of concurrent reforms, namely the *Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)* and the *Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations* (the latter which is not within the scope of this research). The Government asked departments to examine the findings of all three inquiries in their deliberations about the implementation of recommendations.

The Government reported that five recommendations from the 2012 Cummins Inquiry were being progressively implemented.²⁰ The Government noted that, "the recommendations were being

¹⁹ Recommendations 1–3; 31; 34; 41; 55.

²⁰ Recommendations 41; 44; 45; 47; 51.

considered by the Government as an input to the Government's consideration of child protection system reforms (rather than being implemented on a recommendation-by-recommendation approach)".²¹

From the Cummins Inquiry, the Government reported that it would not consider the implementation of two recommendations until it had received the outcomes of research associated with another recommendation. Those two recommendations are:

Recommendation 44: *The Victorian Government should progressively gazette those professions listed in sections 182(1)(f) - (k) of the Children, Youth and Families Act 2005 that are not yet mandated, beginning with child care workers. In gazetting these groups, amendments will be required to the Children, Youth and Families Act 2005 and to the Children's Services Act 1996 to ensure that only licensed proprietors of, and qualified employees who are managers or supervisors of, a children's service facility that is a long day care centre, are the subject of the reporting duty.*

Recommendation 45: *The Department of Human Services should develop and implement a training program and an evaluation strategy for mandatory reporting to enable a body of data to be established for future reference. This should be developed and implemented in consultation with the representative bodies or associations for each mandated occupational group.*

Recommendation 46 from the same inquiry related to the above two recommendations that were reportedly in progress. Recommendation 46 proposes a national evaluation of mandatory reporting schemes and was 'implemented in full'. The Government reported that a national evaluation of mandatory reporting schemes was underway; decisions related to mandatory reporting, stemming from Recommendations 44 and 45 would be informed by the evaluation.

Similarly, the Victorian Government reported delaying consideration of the following recommendation from the Cummins Inquiry:

Recommendation 47: *The Crimes Act 1958 (Vic) should be amended to create a separate reporting duty where there is a reasonable suspicion a child or young person who is under 18 is being, or has been, physically or sexually abused by an individual within a religious or spiritual organisation. The duty should extend to: • A minister of religion; and • A person who holds an office within, is employed by, is a member of, or a volunteer of a religious or spiritual organisation that provides services to, or has regular contact with, children and young people. An exemption for information received during the rite of confession should be made. A failure to report should attract a suitable penalty having regard to section 326 of the Crimes Act 1958 and section 493 of the Children, Youth and Families Act 2005.*

At the time of submitting its response, the Victorian Government was awaiting the recommendations of the *Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations* prior to considering this recommendation.

²¹ Victorian Government Response to the Royal Commission's request for advice on the implementation status of past reports and inquiries (28 June 2013), p.35.

The final recommendation from the Victorian jurisdiction that was ‘not implemented’ was from the Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995).

Recommendation 123: *The Committee recommends that child pornography legislation be created to provide that all commercial photographic processors and similar organisations, who have knowledge of, observe, or process and photographic image, negative or slide that depicts a child in a sexually explicit way, be mandated to report the offence to the police.*

The Government noted that this recommendation was rendered obsolete due to technological advances, however no reason was provided as to why implementation did not occur closer to the time.

Recommendations where the implementation status could not be determined

The implementation status of four recommendations from Victorian inquiries could not be determined.

Two of those recommendations were from the *Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults* (1995) and were directed to religious organisations.

Recommendation 129: *The Committee recommends that protocols be developed within religious organisations to ensure that the SART [Sexual Assault Response Team] is immediately notified of any suspected sexual assault.*

Recommendation 130: *The Committee recommends that religious organisations develop protocols to ensure evidence is not contaminated by internal investigations or inquiries.*

Given that the available data was drawn from government responses, accompanying government documents and legislation, and not to exterior bodies such as religious organisations, a determination of the implementation of these recommendations could not be made.

Two ‘undetermined’ recommendations were Recommendations 7 and 8 from Ombudsman Victoria: *Improving responses to allegations involving sexual assault* (2006). Both of these recommendations consist of multiple parts that involve very different actions. It was challenging to evaluate the implementation of such recommendations as a whole because some parts appeared to have been implemented, while others were unclear or not implemented. A rating of ‘undetermined’ was therefore given in both cases.

Recommendation 7: *That government-funded agencies providing 24-hour care: a) collect data to identify the incidence of sexual assault; and b) provide information about a resident’s previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.*

The Victorian Government reported that the Department of Health and the Department of Human Services had implemented part (a) of this recommendation. The Government’s response stated that while a new database was in place, data indicating the incidence of sexual assault was not available

prior to 2012-13. In relation to part (b) of the recommendation, the Government reported that the policies in place in the Department of Health and the Department of Human Services did not permit the disclosure of allegations of unproven sexual assault. Rather, they provided guidance of managing allegations of sexual assault and making disclosures to the victim and perpetrator's next of kin. The Government also noted that the Victorian Information Privacy Act 2000 governs the disclosure of personal information relating to criminal offences.

The Victorian Government referred to the Department of Health and Department of Human Services as being the primary providers of 24-hour care. It was unclear whether any other agencies funded by other government departments (for example the Department of Justice) provided 24-hour care, whether the recommendation was intended to cover other such agencies and, if so, whether they collected data or provide information as recommended. For this reason, the implementation status of this recommendation could not be determined.

In relation to Recommendation 8 from the same inquiry:

***Recommendation 8:** That the Department of Human Services and the Department of Justice: a) allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour; b) collate data about the incidence of sexual assault in residential services and initiate action to reduce the incidence of sexual assault, including measures such as female-only residential facilities. These initiatives should be reviewed for their effectiveness; and c) with the Children's Court, review the effectiveness of amendments to the Magistrates' Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment.*

The overall implementation status of this recommendation could not be determined due to the varying evidence provided in relation to the each of the three parts contained within the recommendation. As previously stated, assessing the implementation of multi-factored recommendations is challenging, and in this case led to a rating of undetermined.

In relation to part (a), there was evidence of legislation for therapeutic treatment and that treatment programs had been developed and were being evaluated or monitored. In relation to part (b), while there was evidence of data collection and collaboration to achieve the reduction of sexual assault in residential facilities, there was no evidence of any review of, or plan to review, the initiatives recommended. In relation to part (c) the Project Team did not receive evidence of a review of effectiveness or impact of the relevant amendments being conducted by the recommended departments.²² Given the apparently differing implementation status of each of these three parts of this recommendation, the overall implementation of the recommendation was 'undetermined'.

²² Victorian Government Response to the Royal Commission's request for advice on the implementation status of past reports and inquiries (28 June 2013), p. 23.

Summary of issues regarding the implementation of recommendations for Victoria

Based on information provided by the Victorian Government, the main factors that affected full implementation of recommendations can be summarised as follows:

- policy concerns in relation to confidentiality clauses where an employee has been accused of sexual assault and lack of evidence for recommended action
- resource implications of recommendations
- recommendations being under consideration, or implementation in progress.
- interrelated nature of recommendations (other reforms from other inquiries being concurrently implemented; implementation awaiting research findings of another recommendation)
- redundancy of recommendations; for instance, technological developments rendering a recommendation obsolete, or a recommendation superseded by other action
- steps taken to meet the spirit/intent of a recommendation rather than following the specific recommended actions
- broad recommendations were more challenging for the Government to implement.

4.2.9 Western Australia

Table 15 summarises the implementation rating of recommendations from the eight inquiries that relate to Western Australia.

Table 15 Implementation ratings of recommendations for Western Australia

Implemented in full	Partially implemented	Not implemented	Undetermined	Total	Proportion of recs not implemented
24	6	2	2	34	6%

Recommendations partially implemented and the Western Australian Government's response

Six recommendations from Western Australian inquiries were 'partially implemented'.

Three of those six recommendations were from *Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities* (Gordon Inquiry) 2002.

Recommendation 79: *The Inquiry finds that sex offender programs should be available to all incarcerated persons, including juveniles, convicted of child sex offences.*

The document audit found that a range of programs were available to sex offenders, and data showed

that of the 524 sex offenders incarcerated in Western Australia (at the time of the government's response), 150 had completed at least one program. The Government stated that there were no group programs for juvenile sex offenders, in order to avoid identification.

Recommendation 86: *The Inquiry finds that the Adolescent Sex Offender Intervention Program, or a similar program, is a necessary part of the service provided by Department of Justice. The Inquiry recommends that the program, or intensive individual counselling, be available to all incarcerated juvenile sex offenders.*

As with the previous recommendation, the Government reported that group programs were not appropriate for juvenile sex offenders due to the risk of being identified. It also stated that group programs would be difficult to facilitate due to relatively low numbers. Individual counselling appeared to be made available to juvenile sex offenders.

In relation to Recommendation 144:

Recommendation 144: *The Inquiry recommends that a Children's Commissioner be established which is independent and reports directly to the Premier. The Implementation Body should consider the structure and responsibilities of other children's commissioners to decide on the most appropriate model for Western Australia.*

A Children's Commissioner was established under the *Commissioner for Children and Young People Act 2006* (WA) and the position commenced in December 2007. Legislative verification found that the Western Australian Children's Commissioner did not report directly to the Premier, but rather to the minister responsible for administering the *Commissioner for Children and Young People Act*. At the time of writing, that minister was the Attorney-General. The structure and functions of the Children's Commissioner appeared to be generally consistent with those in other jurisdictions, although the Western Australian Commissioner's functions related to children and young people generally, with no specific reference to the needs and wellbeing of children in care. The issue of implementing recommendations in such a way that meets the spirit or intent of the recommendation, but not necessarily following the specific recommended actions, is discussed throughout this report.

Another 'partially implemented' recommendation was from *A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care — 1 April 2004 to 12 September 2005* (2005).

Recommendation 15.2: *It is recommended that the CCSS [Client and Community Services System] or equivalent should automatically report allegations to the Duty of Care Unit and Director General.*

The document audit found that the Client and Community Services System automatically reported to the Duty of Care Unit. However, Executive Directors retained the discretion of whether to inform the Director General.

Recommendation 28 of the *Report on Allegations Concerning the Treatment of Children and Young People in Residential Care*, Ombudsman Western Australia (2006) was 'partially implemented':

Recommendation 28: *Government consult with key stakeholders and relevant experts to develop an appropriate legislative, policy and administrative framework to allow for timely and effective management responses to allegations against staff in the area of child protection; and that Departments with child protection responsibilities develop a comprehensive and consistent Public Sector response to allegations of child abuse against staff.*

A legislative, policy and administrative framework appeared to have been established as recommended, however the Western Australian Government did not provide any evidence of consultation with key stakeholders or relevant experts in relation to the development of the framework. Based on the document audit process and legislative verification, the recommendation was ‘partially implemented’ because while individual child protection agencies could put in place policies that accord with the *Public Sector Management Act*, they were not mandated to do so. There did not appear to be a ‘comprehensive and consistent Public Sector response’ across Departments with child protection responsibilities, as required by Recommendation 28.

Finally, Recommendation 4 from the *Inquiry into the Prosecution of Assaults and Sexual Offences*, Community Development and Justice Standing Committee, WA Parliament, (2008) was ‘partially implemented’.

Recommendation 4: *That the Western Australia Police, the Office of the Director of Public Prosecutions, the Sexual Assault Resource Centre, the Victim Support Service, the Office of the Public Advocate, and the Courts design reliable and valid victim satisfaction instruments appropriate for each agency. The results must be published in each agency’s annual report or equivalent.*

The Government reported that some of the agencies listed in the recommendation had reliable and valid victim satisfaction instruments in place, and that some of the results were publicly available. The Western Australia Police had an instrument on their website that related to personal crime, rather than sexual assault specifically. The Sexual Assault Resource Centre collected consumer feedback for internal use. The Victim Support Service also had a victim satisfaction instrument that it redeveloped to include stronger client feedback. A recently appointed Commission for Victims of Crime was exploring appropriate means of reliably assessing victims of crime experience of government services. The Government did not consider it appropriate for the Office of the Public Advocate to “*send surveys to persons who have been determined to lack full mental capacity*”.²³

Recommendations not implemented and the Western Australian Government’s response

Two recommendations from Western Australia inquiries were ‘not implemented’.

From the *Inquiry into the Prosecution of Assaults and Sexual Offences*, Community Development and Justice Standing Committee, WA Parliament, (2008):

²³ Western Australian Government response to the Royal Commission (2013), p. 8.

Recommendation 17: *An independent taskforce be established to analyse the incidence of withdrawal of complaints and make recommendations aimed at reducing such withdrawals. These recommendations should include the collection of data by police and the Office of the Director of Public Prosecutions regarding reasons as to why charges are withdrawn, charges not indicted or discontinuances entered. This taskforce should be established by the Attorney General drawing on the Office of the Director of Public Prosecutions, Western Australia Police, Sexual Assault Resource Centre, Victim Support Service and the Aboriginal Legal Service together with victims of sexual assault. The report of the taskforce be tabled in Parliament before the end of 2009 and thereafter in the annual report of each agency.*

The Government reported that “establishing a taskforce to perform the same role that this inquiry was tasked, would be an unnecessary duplication of the work of the inquiry”.²⁴ It also reported that there was “no empirical evidence in Western Australia that provided evidence on the incidence or frequency of withdrawal of complaints”.²⁵ The recently established Commissioner for Victims of Crime would be advising the Government in relation to this matter.

The following recommendation from the *The Hon Peter Blaxell, St Andrew’s Hostel Katanning: How the System and Society Failed Our Children, A Special Inquiry into the response of government agencies and officials to allegations of sexual abuse* (2012) was reported as being currently under consideration:

Recommendation 3: *That, as part of the statutory review of the Children and Community Services Act 2004 (CCS Act) and of any further consideration by Government of the provisions of the CCS Act, consideration be given to including staff of the Authority as mandatory reporters for the purposes of the CCS Act.*

Recommendations where the implementation status could not be determined

The implementation status of two recommendations from the Western Australia jurisdiction was ‘undetermined’. Recommendation 26 of the *Report on Allegations Concerning the Treatment of Children and Young People in Residential Care*, Ombudsman Western Australia (2006) was one instance.

Recommendation 26: *Government establish a mechanism to provide for the monitoring and evaluation of relevant government and non-government agencies’ employee disciplinary processes where allegations of child maltreatment are involved.*

The document audit and legislation verification found that insufficient evidence had been provided of a mechanism to monitor and evaluate government and non-government agencies’ processes to enable a determination.

From *Western Australia Case Review Board, The Duty of Care Inquiry, An Examination of the Case Decisions in Relation to Two Children Placed Under the Control of the Department*, 1993:

²⁴ Western Australian Government response to the Royal Commission (2013), p. 9

²⁵ Western Australian Government response to the Royal Commission (2013), pp. 9–10.

Recommendation 3: *When a child has been assaulted or neglected by a foster carer an independent review should be conducted to clarify the circumstances and make appropriate recommendations to the Director General.*

While there was evidence that the Department for Child Protection's Duty of Care Unit undertook investigations of abuse allegations, it was not clear that this involved an 'independent review' (given its location in government) as required by the recommendation. This recommendation is an example of the challenges involved in assessing the implementation of individual recommendations removed from the overall context of the inquiry. It is unclear what is meant by 'independent review', and it is possible that prior recommendations in this inquiry provided greater detail about the process referred to here. However, due to the selection of recommendations this project was not able to ascertain the nature or extent of the guidelines in question.

Summary of issues regarding the implementation of Western Australian recommendations

Based on information provided by the Western Australian Government, the main factors that affected full implementation of recommendations can be summarised as follows:

- policy concerns such as group programs not being appropriate for juvenile offenders, a lack of evidence behind recommendations and the establishment of a taskforce duplicating the work of the inquiry
- steps taken to meet the spirit or intent of a recommendation rather than following the specific recommended actions
- recommendations being under consideration.

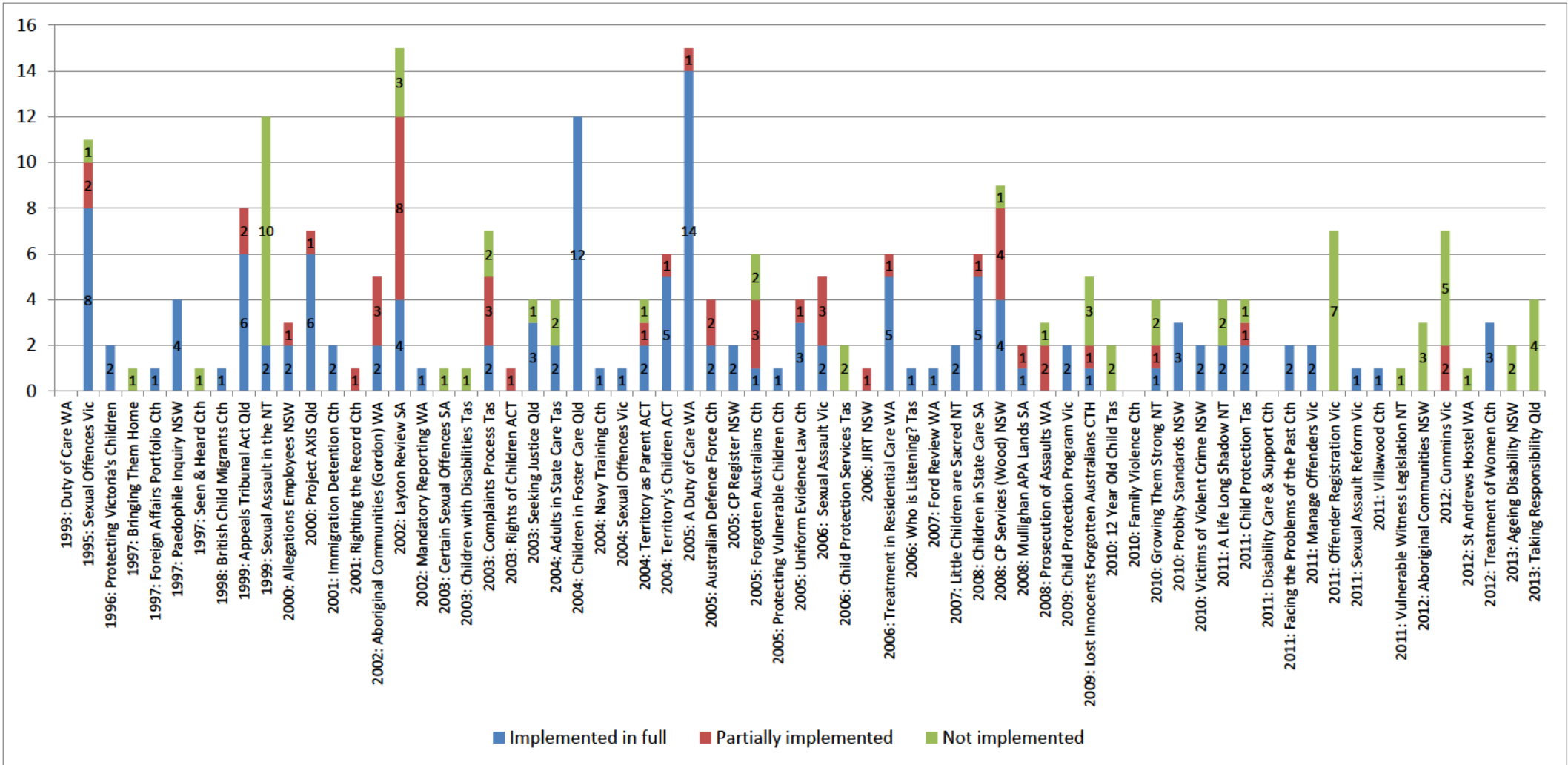
4.3 Relationship between implementation of recommendations and date of inquiry

This section explores the potential relationship between implementation of the 288 selected recommendations and the date of the inquiry. It addresses whether recommendations from older or more recent inquiries had a higher rate of implementation. It also considers why recommendations from older inquiries remained, in some cases, unimplemented or partially implemented.

There is considerable variation in the number of recommendations chosen for review from each inquiry. In the case of 18 inquiries, only one recommendation was selected for review. The inquiry with the most recommendations under review, amounting to 16 recommendations, is *Review of Child Protection in South Australia* (Layton review) (2002) from South Australia. No inquiry had all of its recommendations included for review. It is therefore beyond the scope of this project to draw conclusions about the implementation of recommendations from any one inquiry or to compare implementation across inquiries.

In Figure 1, the ratings of 'implemented in full', 'partially implemented' and 'not implemented' are presented for each inquiry, starting with the oldest inquiry, *Western Australia Case Review Board, The Duty of Care Inquiry, An Examination of the Case Decisions in Relation to Two Children Placed Under the Control of the Department*, 1993, and finishing with the most recent, *Queensland Child Protection of Inquiry — Taking Responsibility: A Roadmap for Queensland Child Protection — June 2013, Queensland Child Protection of Inquiry*. It should be noted that implementation ratings of 'not determined' are excluded from consideration in this figure. Accordingly, some inquiries are without a bar where their recommendations are exclusively classified as indeterminate.

Figure 1 Implementation of selected recommendations by inquiry



As Figure 1 highlights, although there are exceptions, it appears to be a general rule that the number of recommendations ‘not implemented’ tends to increase in more recent inquiries. This is to be expected given that more time was available to implement the recommendations from older inquiries. The relationship between implementation of recommendations and date of the inquiry is explored below.

The New South Wales and Victorian governments referred to the considerable amount of time that had elapsed since the *Inquiry into Sexual Offences Against Children and Adults* (1995) and the *Royal Commission into the New South Wales Police Service* (1997). They reported that some recommendations had been rendered obsolete due to technological advances or changes in information system capabilities. They also pointed out that while some recommendations were not implemented at the time, many have since been implemented via later reforms.

The South Australian government stated, in relation to a recommendation from the *Child Protection Review* (Layton Review) (2002) that a card-based screening system be considered, that such systems were no longer best practice and had been superseded by internet databases. In this instance, as with the New South Wales and Victorian examples, no reason was provided as to why implementation did not occur closer to the time.

It is feasible that records may no longer exist in relation to older recommendations. This was the case for two of the recommendations from the NSW Ombudsman’s inquiry into *Handling of Child Abuse Allegations Against Employees* (2000), where the Government reported that the Department did not have any record of the recommended action occurring. The South Australian government similarly could not find any records of a decision not to implement a recommendation from the *Report of the Joint Committee on Immunity from Prosecution for Certain Sexual Offences: Second Session, Fiftieth Parliament 2002–2003, Parliament of South Australia* (28 May 2003, Hon. G.E. Gago, Chairperson). The Queensland Government reported a lack of physical evidence due to the retention and disposal timeframes for public records. Similarly, the Commonwealth Government could not find reference to the implementation of recommendation 268 from *ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process* (1997).

This is a limitation of evaluating the implementation of recommendations some years after the release of the report. It also highlights the importance of developing methods to track implementation over time.

In the case of more recent inquiries, some jurisdictions indicated that many recommendations were still under consideration, specifically:

- *NSW Ombudsman Report — Responding to Child Sexual Assault in Aboriginal Communities* (2012)

- *Special Inquiry into the response of government agencies and officials to allegations of sexual abuse, Public Sector Commission (St Andrews Hostel, WA) (2012)*
- *Prevention of Abuse and Safeguarding Mechanisms in Ageing Disability and Home Care (NSW) (2013)*
- *Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)*
- *Queensland Child Protection of Inquiry — Taking Responsibility: A Roadmap for Queensland Child Protection (June 2013).*

4.4 Relationship between implementation status and type of recommendation

The Royal Commission categorised each recommendation according to type. The Project Team was not provided with a definition of these categories or criteria on which categorisation decisions were based. Table 16 shows the list of types and the corresponding number of recommendations within each category.

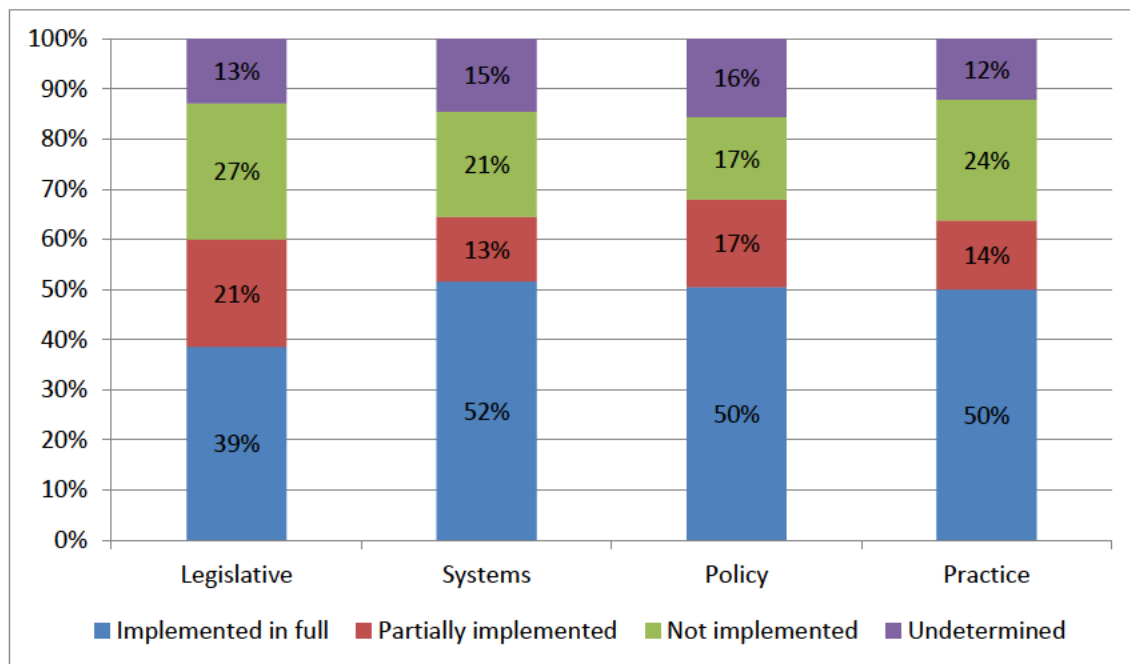
Table 16 Number of recommendations as categorised by type

Recommendation type	Number of recommendations
Legislation	70
Policy	103
Practice	58
Systems	62

Three recommendations were listed within more than one category.

Figure 2 shows the implementation status of recommendations within each category of recommendation type.

Figure 2 Implementation status by recommendation type



The highest proportion of recommendations rated as ‘implemented in full’ were those relating to systems (52%, $n=32$). The recommendations with the highest proportion categorised as ‘not implemented’ were those relating to legislation (27%, $n=19$). Legislative recommendations also had the highest proportion that were ‘partially implemented’ (21%, $n=15$). The policy category had the lowest proportion of recommendations rated as ‘not implemented’ (17%, $n=17$).

Given that the recommendations selected for this project provided a limited coverage of the overall recommendations arising from the relevant inquiries, these results are not intended to reflect the rates of implementation of all inquiry recommendations.

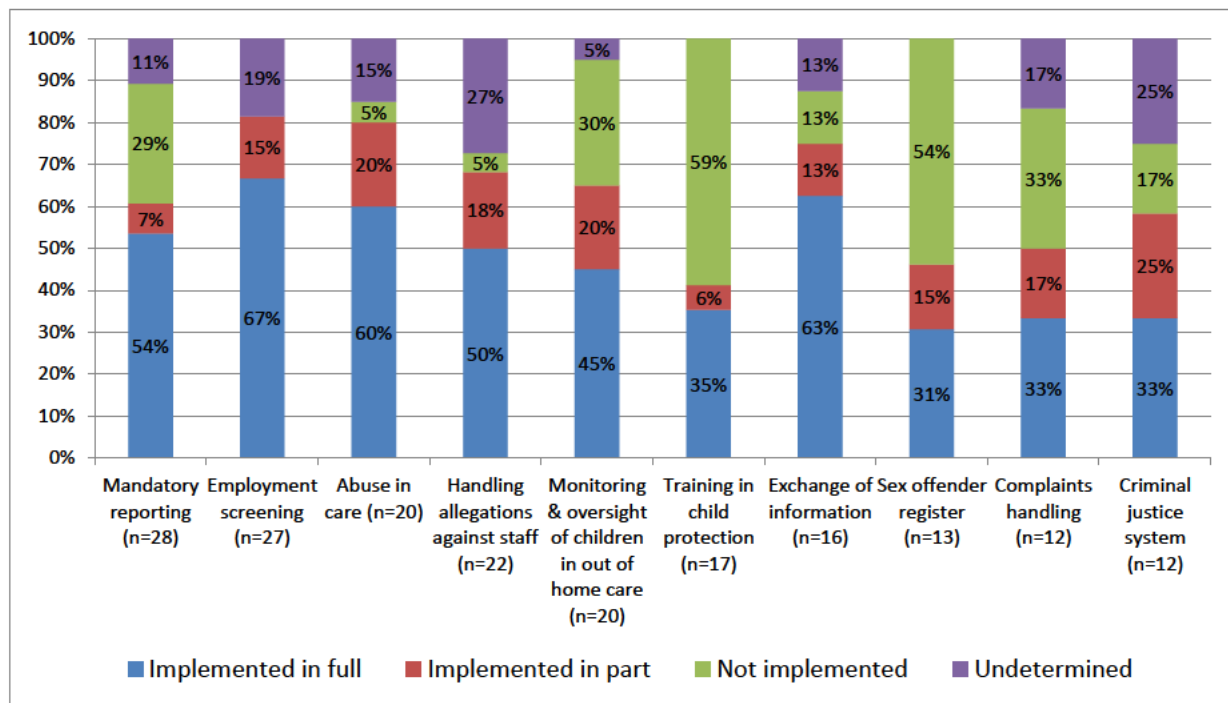
4.5 Relationship between implementation status and the subject of the recommendation

The Royal Commission categorised each recommendation according to subject. The Project Team was not provided with a definition of these categories or criteria on which categorisation decisions were based. There were 32 categories of subject in total, with the number of recommendations in each category ranging from 1 to 28. Appendix 11 shows the full list of subject categories and the corresponding number of recommendations within each category.

The Project Team conducted an analysis of the implementation of recommendations according to the subject area of the recommendation, as categorised by the Royal

Commission. Figure 3 shows the implementation status of recommendations for those categories that contain more than 10 recommendations.

Figure 3 Implementation status by recommendation subject



The subject area with the greatest proportion of recommendations that were ‘implemented in full’ (67%, $n=18$) was ‘employment screening’. The subject area with the greatest proportion of recommendations ‘partially implemented’ (23%, $n=5$) was ‘criminal justice system (25%, $n=3$)’.

Recommendations relating to ‘training in child protection’ had the greatest proportion of recommendations that were ‘not implemented’ (59%, $n=10$).

However, only limited inferences can be made from these findings given that not all recommendations as they relate to a particular subject matter were analysed. For example, recommendations relating to sex offender registration arose in numerous inquiries, but only a selected few were assessed as part of this project. Similarly, for mandatory reporting, which had only a 54% ($n=15$) full implementation rate, there are additional recommendations that were not selected for the scope of this project. Therefore, the implementation rate overall may be at variance with the rate of those assessed in this report.

4.6 Themes arising from government comments in response to the Royal Commission’s questions

This section summarises the themes that arose from government responses in relation to the

implementation of recommendations, across jurisdictions. The government comments varied in terms of the nature of the content and its quantity. On some occasions, governments did not clearly stipulate whether recommendations had been implemented and/or failed to provide reasons for the partial or non-implementation of recommendations. On other occasions, governments provided generic comments about the implementation of recommendations from an inquiry. The inability to locate records in relation to the implementation of recommendations was also a common thread in a number of government responses, especially where there has been a change of government since the relevant inquiry.

In order to draw together the varying responses of governments, this section identifies and thematically synthesises the key comments made by governments in relation to recommendations rated as ‘partially implemented’ and ‘not implemented’. The themes are enunciated under the following 10 subheadings. The purpose of this section is to provide an overview of the major barriers underpinning governments’ non- or partial implementation of the recommendations of previous inquiries.

4.6.1 Policy concerns about recommendation

In a number of cases, governments indicated a level of concern about one or more aspects of a recommendation or an inquiry that had the effect of mitigating against implementation of the recommendation.²⁶ The concerns were conveyed with reference to the general nature of the recommendation, to the specific circumstances of the recommendation or without reasoning. An example of a general concern arose when the South Australian Government declined to implement a recommendation²⁷ requiring changes to the *Evidence Act 1929* (SA) because the government “*could not see how*” this would preclude unreliable answers from children in judicial questioning. It preferred an approach in which the child provided evidence by unconventional means, as per Recommendation 104 of the Layton Review.²⁸

4.6.2 Concerns about potential impact

Governments expressed concerns about the potential impact of recommendations on children and families, and on the operation of systems or the availability of resources overall. For example, in relation to a recommendation for group programs for juvenile sex offenders, the

²⁶ Ultimately, governments pursue policy that is internally justifiable rather than externally directed. Where a government’s view is at odds with the findings of a Royal Commission, the government’s view prevails. Governments explain this position as predicated on parliamentary sovereignty and representative democracy. These principles maintain that the government, as the principal law maker, does not divest its responsibility to external agents, including to commissions.

²⁷ Recommendation 105 from *Review of Child Protection in South Australia* (Layton review) (2002) (SA), p. 15.33.

²⁸ Recommendation 104 from *Review of Child Protection in South Australia* (Layton review) (2002) (SA), p. 15.32.

Western Australian government expressed concern that implementation would result in young offenders being identified and undermine their anonymity.²⁹

In relation to the impact on resource allocation, the South Australian Government declined to implement Recommendation 170 of the Layton Review³⁰ due to its potential adverse impact on the allocation of government resources to child abuse cases. It stated that the recommendation required an extended definition of “child” to include those “at serious risk of significant harm” rather than those who have experienced an incident of harm (recorded in its current incident-based system). Accordingly, it was “not considered feasible” to require notifiers to make notifications in relation to all possible future instances of abuse or neglect. Also in relation to Recommendation 170, the South Australian Government did not lift the age of children to over 15 years because it would have unnecessarily expanded the criteria for mandatory notification. The Northern Territory Government also raised concerns about mandatory reporting in Recommendation 5 of *A Life Long Shadow*.³¹ It was not inclined to enact recommended legislative changes that would expand the definition of harm to a failure to attend school because it was not an appropriate mechanism and would be resource intensive.

Governments noted that particular recommendations were not implemented because they would produce fragmented rather than holistic responses to victims’ harm.³² In relation to Recommendation 3(i) of the *Victorian Law Reform Commission (2011) Sex offenders registration – Final Report*³³, the Victorian Government emphasised the need for collaboration with other jurisdictions and was cautious against pursuing an independent approach that would fragment the national approach. It stated that the proposed reforms:

“... represent a fundamental re-framing of the Sex Offenders Registration Act 2004 and the operational and resourcing implications arising from such a change will require careful consideration across a number of Victorian Government departments. The ramifications of Victoria deviating from the national scheme in respect of sex offender management also requires careful consideration and consultation with other states and territories.”³⁴

²⁹ Recommendations 79 and 86 from *Putting the picture together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities* (Gordon Inquiry) (2002) (WA).

³⁰ Recommendation 170 from *Review of Child Protection in South Australia* (Layton review) (2002) (SA), pp. 23.19–23.20.

³¹ Recommendation 5 from *A Life Long Shadow. Report of a partial investigation of the child protection authority* (2011) (NT), pp.101–102.

³² For example, recommendations from the Parliament of Victoria: *Inquiry into Sexual Offences Against Children and Adults* (1995).

³³ Recommendation 3 from *Victorian Law Reform Commission (2011) Sex offenders registration – Final Report* (i), p. xxii

³⁴ Victorian Government response: *Summons to attend the Royal Commission* (No. S-VIC-7), Written Response to Royal Commission (24 September, 2013), p. 7.

4.6.3 Concerns about a lack of evidence or best practice

Some jurisdictions commented on the lack of evidence provided in relation to certain recommendations or inconsistencies with best practice. Governments felt that some recommended changes did not provide for the most effective response in light of recent evidence or developments in the field. For example, the South Australian Government was of the view that the *Child Protection Review* (Layton review) (2002) recommended an antiquated card-based system that has been supplanted by a live internet database. The Government reported that “*card-based systems are no longer considered best practice*”³⁵ and accordingly set aside Recommendation 131 of the Layton Review.³⁶

In relation to the proposal in Recommendation 17 of the *Inquiry into the Prosecution of Assaults and Sexual Offences* (WA)³⁷ for the establishment of an independent taskforce to analyse the incidence of withdrawal of complaints and report to parliament, the Western Australian Government’s Sexual Assault Services Advisory Group questioned its premise. It stated there was “*no empirical evidence*” in Western Australia regarding the incidence or frequency of withdrawals. More generally, the Victorian Government commented with respect to the *Inquiry into Sexual Offences Against Children and Adults* (1995) that a number of its recommendations were based on a “*lack of evidence*”. Accordingly, the recommendations were unable to indicate “*that the proposed new administrative and operational structures would be the most effective response*”.³⁸

4.6.4 Perceived duplication/adequacy of existing arrangements

Some governments raised concerns that the implementation of specific recommendations could lead to duplication of existing functions, legislative provisions or policies. The above-noted Recommendation 17 on the establishment of an independent taskforce to analyse the withdrawal of complaints was regarded by the Western Australian Government as a duplication of the work of the inquiry making the recommendation. It asserted, “*Establishing a taskforce to perform the same role that this inquiry was tasked, would be an unnecessary duplication of the work of the inquiry*”.

In other instances, the government perceived existing arrangements to be adequate and the relevant recommendation to be superfluous.

³⁵ South Australia Government Response/Action On Recommendations of Layton Review, Written Response to Royal Commission (2013) 16.

³⁶ Recommendation 131 from *Review of Child Protection in South Australia* (Layton review) (2002) (SA), pp. 17.7–17.13, 17.15–17.16.

³⁷ Recommendation 17 from *Inquiry into the Prosecution of Assaults and Sexual Offences*, Community Development and Justice Standing Committee, WA Parliament, 2008, p. 110.

³⁸ Victorian Government Response to the Royal Commission’s request for advice on the implementation status of past reports and inquiries (28 June 2013), p. 4.

Governments suggested that existing court powers and legislation could accommodate the relevant recommendation. The South Australian Government conveyed that sufficient legislative powers existed for evidence to be adduced as per Recommendation 98 of the Layton Review.³⁹ Also commenting on the existence of sufficient legislative powers, the New South Wales Government stated in relation to Recommendation 1 of the *NSW Ombudsman Report – The need to better support children and young people in statutory care who have been victims of violent crime* (June, 2010): “Consideration was given as to whether an amendment to section 78 of the Children and Young Persons (Care and Protection) Act 1998 was warranted. It was determined that such an amendment was not necessary, as there was no impediment in the Act to the inclusion of the issue of victims’ compensation in a Care Plan.”⁴⁰

This sense of adequacy with current arrangements also emerged in relation to existing services. For example, the South Australian Government stated that the recommendation on legislating for an Unsuitable Persons Register, per Recommendation 131 of the Layton Review⁴¹, was not implemented because the Screening Unit had comprehensive records, including on whether or not a person has previously been denied a clearance to work with children. Further, pursuant to the *Child Sex Offenders Registration Act 2006* (SA), all individuals registered on the Australian National Child Offender Register are prohibited from applying to work in child-related employment, and South Australia Police are notified immediately if/when an individual on the National Register applies for child-related employment. In another example of perceived adequacy of current services, the Northern Territory Government regarded it unnecessary to implement Recommendation 13.6 of the report *Growing them strong, together: promoting the safety and wellbeing of the Northern Territory’s Children* (2010) for a community visitor model for children in out-of-home care. Its reasoning was that the Government funds CREATE Foundation⁴² to work with children and young people in care and undertake an annual survey on care experiences.⁴³ The Tasmanian Government deemed its annual auditing initiatives, conducted by the Commissioner for Children on a random sample of children in care, were sufficiently adequate to capture Recommendation 10.2 of the Mason Report (which sought to give the Commissioner powers to conduct individual and general audits of children in care).⁴⁴

³⁹ Recommendation 98 from *Review of Child Protection in South Australia* (Layton review) (2002) (SA), pp. 15.17–15.18.

⁴⁰ New South Wales Government response to the Royal Commission (2013).

⁴¹ Recommendation 131 from *Review of Child Protection in South Australia* (Layton review) (2002) (SA), pp. 17.7–17.13, 17.15–17.16.

⁴² See the CREATE Foundation website: <http://www.create.org.au/>.

⁴³ Northern Territory Government response to the Royal Commission (2013), p. 5.

⁴⁴ Recommendation 10.2 from *Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary* (Mason Report) (2010) (Tas), p. 13.

4.6.5 Alternative approach implemented

The approach of some jurisdictions was to take an alternative action to reach a similar outcome as that intended by a recommendation. In relation to Recommendation 2 of the *NSW Ombudsman Report (2000)*⁴⁵ on a whole-of-government approach to child protection that involves all departments developing a risk-management approach to allegations of child abuse against their employees, the New South Wales Government commented that, “it is considered that the alternative actions taken had a similar substantive effect to the recommendation”.⁴⁶ Alternative measures included the Premier’s Department overseeing Interagency Guidelines for the Child Protection Intervention 2000 edition, which was signed off by Directors-General/Heads of Agency.

In another example of perceived adequacy of current services, the Northern Territory Government regarded it unnecessary to implement Recommendation 13.6 of the *Growing them strong, together: promoting the safety and wellbeing of the Northern Territory’s Children (2010)* for a community visitor model for children in out-of-home care that involved reporting to the Children’s Commissioner.⁴⁷ The Northern Territory Government instead planned to conduct a biennial survey of children and young people in out-of-home care in line with the requirements of the national standards for out-of-home care.⁴⁸

With respect to legislative powers proposed in Recommendation 105 of the Layton Review⁴⁹ (to allow the judge to determine whether questioning leads to unreliable answers), the South Australian Government preferred the approach achieved through its implementation of Recommendation 104 of the Layton Review⁵⁰ that entailed the admission of children’s evidence by unconventional means.

4.6.6 Implementation under consideration or in progress

Governments commonly articulated that they were in the process of considering or implementing the recommendations, especially those of more recent inquiries. In jurisdictions such as Victoria, decisions regarding implementation were contingent on juxtaposing recommendations across a number of recent and ongoing inquiries. The Victorian Government was yet to determine how a number of recommendations from the *Victorian Law Reform Commission (2011) Sex offenders registration – Final Report* would correlate with the findings of the *Protecting Victoria’s Vulnerable Children Inquiry (Cummins Inquiry) (2012)* and the *Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations*

⁴⁵ Recommendation 2 from *NSW Ombudsman Report – Handling of Child Abuse Allegations Against Employees* (May, 2000), p. 13.

⁴⁶ New South Wales Government Response S-NSW-58 (2013), p. 17.

⁴⁷ Northern Territory Government response to the Royal Commission (2013), p.8.

⁴⁸ Northern Territory Government response to the Royal Commission (2013), p.8.

⁴⁹ Recommendation 105 from *Review of Child Protection in South Australia (Layton review) (2002) (SA)*, p. 15.33.

⁵⁰ Recommendation 104 from *Review of Child Protection in South Australia (Layton review) (2002) (SA)*, p. 15.32.

(the latter Inquiry was ongoing at the time of this report). In some instances, implementing decisions depended on the outcome of the implementation of other recommendations. Other factors delaying implementation were:

- Ongoing operational and resource planning, including in relation to the implementation of other recommendations or initiatives.
- Ongoing consultation with multiple departments and/or relevant agencies in relation to the implementation. For example, the Victoria Government needed to undertake close consultation with Victoria Police as to how to best frame information requirements for monitoring offenders⁵¹ and consultation with Victoria Police and the Department of Human Services about the recommendations that registered sex offenders notify the police of changes to information about their contact with children.⁵²
- Ongoing consultation with other states and territories. For example, Victoria needed to consult with other state and territory governments if it was to proceed on a recommendation that required deviation from the national scheme on sex offender management.⁵³

Furthermore, in many instances, recommendations required implementation as part of a suite of recommendations, such as a set of recommendations relating to legislative amendments or the establishment of new units. This required a government response that constituted a package of reforms and policy changes, rather than implementation on a recommendation-by-recommendation basis. According to governments, this delayed their implementation or made implementation unfeasible in the short term.

4.6.7 Beyond jurisdiction

In the case of a large number of recommendations, the Commonwealth Government deferred the recommendation to the states. It claimed that Commonwealth powers did not cover the matters which fell within the jurisdictions of the states and territories, or that the

⁵¹ Recommendation 31 from *Victorian Government response: Summons to attend the Royal Commission (No. S-VIC-7)* (24 September, 2013), p. 7. Regarding *Victorian Law Reform Commission (2011) Sex offenders registration – Final Report*, p. xxvi. The wording of the recommendation is as follows: “Registered sex offenders should be required to report the names, ages and addresses of any children with whom they have ‘contact’, and the means of contacting those children.”

⁵² Recommendation 34 from *Victorian Government response: Summons to attend the Royal Commission (No. S-VIC-7)* (24 September, 2013), p. 8. Regarding *Victorian Law Reform Commission (2011) Sex offenders registration – Final Report*, p. xxvi

⁵³ Recommendation 3 from *Victorian Government response: Summons to attend the Royal Commission (No. S-VIC-7)* (24 September, 2013), p. 7. Regarding *Victorian Law Reform Commission (2011) Sex offenders registration – Final Report (Vic) (i)*, p. xxii.

recommendations were otherwise beyond its scope of responsibility. For example, the Commonwealth was of the view that Specialist Police Units come within the criminal procedure ambit of states and territories. It also regarded redress schemes and reparations to be in the purview of those who managed or funded the institutions; that is, state and territory governments and care providers (churches and agencies).

There were two recommendations in Victoria relating to the development of protocols by religious organisations that did not relate to the government.

4.6.8 Recommendation superseded or no longer relevant

With the passage of time and changes to government or government officers and agencies, some recommendations, or inquiries as a whole, have appeared as outmoded. Governments stated that the relevance or accuracy of recommendations could be undermined with new assessment methods or new issues arising. Some governments, therefore, asserted that their non-implementation of recommendations was due to their obsolescence. For example, one government claimed that a newly appointed Commission for Victims of Crime was looking at ways to assess victims' experiences of government systems, rather than relying on older evidence of experiences that emerged in a past inquiry. Other reasons given for non-implementation of particular recommendations were that later inquiries had revised the commission's findings (including in light of legislative changes⁵⁴) or that the establishment of alternative mechanisms superseded the original recommendation's intent. For example, the Victorian Government originally supported Recommendation 16 of Ombudsman Victoria: *Improving responses to allegations involving sexual assault* (2006)⁵⁵, which provided for the establishment of an interagency working group on pre-employment vetting of sexual offenders. However, the government reported that it later regarded the recommendation as outmoded due to the instigation of the Working With Children Check Unit in 2006.

Technological developments are relied on for obviating recommendations relating to information management. For example, Recommendation 117 of the Royal Commission into the NSW Police Service⁵⁶ encouraged the establishment of a National Index of Intelligence concerning paedophile offenders. The New South Wales Government claimed that information system capabilities and policy overcome the need for this type of index envisaged by the Wood Royal Commission in 1997.⁵⁷

⁵⁴ For example, the Victorian Law Reform Commission commented on the implementation of Recommendation 266: Ombudsman Victoria: *Improving responses to allegations involving sexual assault* (2006) Recommendation 8, p. 21.

⁵⁵ Recommendation 16 from Ombudsman Victoria: *Improving responses to allegations involving sexual assault* (2006) (Vic), p. 31.

⁵⁶ Recommendation 117 from *The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry* (1997), p. 1266.

⁵⁷ NSW Government Response S-NSW-58 (2013), p. 25.

4.6.9 Resource or capacity issues

Governments raised concerns about the substantial resource implications arising from many of the recommendations. They stated that insufficient resources created a backlog and there were ongoing strategies to clear this backlog. Another issue was the high staff turnover. This was particularly the case where recommendations involved a restructuring of government departments or where funding was short-term.⁵⁸ In relation to Recommendation 3(i) of *Sex offenders registration inquiry*⁵⁹, that called for an amendment to the *Sex Offenders Registration Act 2004* (Vic) to achieve the purpose of protecting children against convicted sexual offenders.

The Victorian Government commented:

“The proposed reforms in recommendations 3 (a) – (i) represent a fundamental re-framing of the Sex Offenders Registration Act 2004 and the operational and resourcing implications arising from such a change will require careful consideration across a number of Victorian Government departments. The ramifications of Victoria deviating from the national scheme in respect of sex offender management also requires careful consideration and consultation with other states and territories.”⁶⁰

4.6.10 Miscellaneous challenges

Other notable issues raised by governments that affected implementation included:

- the nature or wording of the recommendation as being prohibitively broad, which made it difficult to ascertain the specific policy required to fulfil its purpose
- laws that conflicted with the recommendation, such as privacy laws governing the sharing of information⁶¹
- practical barriers, such as a lack of response to tenders, inadequate training or lack of staff in rural and remote areas.

4.7 Summary of chapter

This chapter explored implementation ratings and the reasons provided by governments for

⁵⁸ For example, see New South Wales Government comments on Recommendation 74: *“DoCS should centralise its Allegations Against Employees Unit and receive sufficient funding to enable this restructure, and to resource it to enable it to respond to allegations in a timely fashion.”* (Recommendation 23.6 from *Special Commission of Inquiry into Child Protection Services in NSW* (Wood Inquiry) (2008), p. 954).

⁵⁹ Recommendation 3(i) from *Victorian Law Reform Commission (2011) Sex offenders registration – Final Report* (Vic), p. xxii.

⁶⁰ Victorian Government response: Summons to attend the Royal Commission (No. S-VIC-7) (24 September, 2013), p. 7.

⁶¹ Victorian Government response to Recommendation 265: *Ombudsman Victoria: Improving responses to allegations involving sexual assault* (2006) Recommendation 7, p. 21.

not fully implementing recommendations in particular instances. Evidence derived from government reports and legislation. It was found that 48% of the selected recommendations were fully implemented; 16% were partially implemented and 21% were not implemented. In 14% of cases, the status of implementation was unclear due to insufficient evidence. A number of recommendations rated as not implemented were reported as being under consideration.

An overview of the implementation of recommendations suggested that implementation could be affected by the date of the inquiry, the type of reform required and the subject matter of the recommendation. In general, recommendations from older inquiries were more likely to be implemented. This is a likely result of governments having more time to allow for implementation. Governments were less likely to have fully implemented recommendations from recent inquiries. In a number of cases, recommendations were under consideration or in progress.

In relation to the type of reform required by recommendations, the findings suggest that systems-type recommendations were most likely to be implemented. The lowest implementation rate was in the area of legislation or law reform. Also, legislative recommendations had the highest proportion that was 'partially implemented'. Finally, 'employment screening' had the highest rate of full implementation in terms of subject area of reform. By contrast recommendations relating to 'training in child protection' had the greatest proportion of recommendations that were 'not implemented'.

In their written responses, Australian governments across all jurisdictions identified various reasons for not fully implementing recommendations. The primary reasons related to capacity issues (resources, staff and technology); the unavailability of data; the inability to foster interstate or interagency collaborations; resistance by external bodies to comply with recommendations; matters in recommendations outside of the jurisdiction of the relevant government; the breadth of the recommendation (making it hard to pinpoint action for change); the obsolescence of recommendations; recommendations not supported by evidence; alternative means identified to fulfil the spirit of the recommendation; and disagreement on policy grounds.

PART 3: FACILITATORS OF AND BARRIERS TO IMPLEMENTATION

5. FINDINGS: GOVERNMENT STAKEHOLDER SURVEY

This chapter reports the results in relation to the research question: *What were the factors that determined or contributed to, or were barriers to, the successful implementation of recommendations?* The Project Team developed a survey targeting current public servants who had previously overseen, or were overseeing, the implementation of recommendations from inquiries or commissions. Recruitment was conducted through the Royal Commission and a total of 44 responses to the survey were received.

5.1 Factors that facilitate successful implementation of recommendations

Survey participants were asked to rate the importance of a range of factors in facilitating the successful implementation of recommendations. Responses were provided on a scale of 1 to 5, 1 representing 'not at all' and 5 representing 'extremely important'.

Table 17 presents the proportion of respondents who gave a rating of 1–2 (less important), 3 (mid-range) or 4–5 (more important).

Table 17 Survey responses in relation to factors that facilitate the implementation of recommendations

	Less important (rating 1–2)	Mid range rating 3	More important (rating 4 5)
Individual/position to champion change	0%	10%	90%
Project team overseeing implementation	3%	3%	90%
Public/government support for reform	3%	8%	90%
Regular progress reports	8%	15%	78%
Workforce enthusiastic for change	5%	35%	60%
Advice on how to implement	18%	28%	55%

As shown in Table 17, the three factors that were rated most important in facilitating the implementation of recommendations were:

- an individual or position to champion change
- a project team overseeing implementation
- public or government support for the reform.

Other factors that were proposed by respondents as facilitating implementation were resources, both financial and human, and political or ministerial support.

5.2 Factors that hinder successful implementation of recommendations

Survey participants were asked to rate the significance of a range of factors in hindering the successful implementation of recommendations. Responses were provided on a scale of 1 to 5, 1 representing 'not at all' and 5 representing 'extremely important'.

Table 18 presents the proportion of respondents who gave a rating of 1–2 (less significant), 3 (mid-range) or 4–5 (more significant).

Table 18 Survey responses in relation to factors that hinder the implementation of recommendations

	Less important (rating 1–2)	Mid range rating 3	More important (rating 4 5)
Budgetary constraints	3%	13%	85%
Lack of HR/existing workloads	3%	13%	85%
Time constraints	3%	18%	80%
Complexity or scale of change involved	5%	18%	78%
Lack of implementation plan/oversight group	3%	18%	77%
Conflicting policy or legislation	10%	18%	73%
Attributes of the recommendation itself	5%	20%	70%
Interagency/cross-sector collaboration	8%	35%	58%
Other reforms/changes happening concurrently	5%	40%	55%
Internal organisational culture	8%	38%	55%
Practice/service delivery issues	8%	41%	49%

As shown in Table 18, the three factors that were rated most important in hindering the implementation of recommendations were:

- budgetary constraints
- lack of human resources, or existing workloads
- time constraints.

Respondents also said lack of political will hindered implementation.

5.3 Unintended consequences

Survey participants were asked to name up to three unintended consequences that may arise as a result of implementing recommendations from an inquiry or commission. The Project Team identified a number of themes that emerged from participant responses, many of which reflect those identified through the key stakeholder interviews. The three most common themes, discussed below, are unintended consequences relating to:

- recommendation-level issues including concerns relating to the focus or nature of recommendations
- resourcing inquiry-led reform, such as the negative impact that implementation may have on budgets and resources, and the potential diversion of resources away from core business
- other reforms and priorities, such as addressing the recommendations of multiple inquiries.

5.3.1 Unintended consequences related to recommendation-level issues

Many respondents expressed concern that the focus and nature of recommendations can lead to a lack of change or to undesired outcomes.

Failure to address the primary issue or bigger picture

Respondents commented that the overall focus of an inquiry, including overly narrow terms of reference, can result in the broader implications of problems and solutions being missed. Similarly, recommendations that are too narrowly focused may not enable a systematic approach to tackling issues.

“Recommendations that do not take account of the broader context in which the problem exists (and in which the solution must be implemented) can overlook opportunities to address systemic issues and may fail to recognise systemic barriers to implementation. The pressure to respond and implement can mean resources are focused on acquitting a ‘to do list’ that may not address some of the broader drivers to the problem.”

“Focus in recommendations on the short-term ‘acute’ issues may fail to address the longer-term strategic systemic failures.”

Focus on regulation and compliance

Survey respondents indicated that recommendations that are too specific or prescriptive, or that address a process rather than an outcome, can lead to systems changes that are not sensitive to different client groups or regional variations. Concern was expressed that activity-related recommendations, as opposed to outcome-related recommendations, can either fail to achieve the desired result or can produce an undesirable outcome.

Some respondents commented that some recommendations drive a culture of risk aversion and compliance, often at the expense of children and families. This can also lead to a focus on acquitting a ‘to do list’ rather than addressing the real drivers of a problem.

Recommendations that are not based on evidence

Several comments were made in relation to the importance of evidence-based recommendations that take account of complex problems.

“If recommendations from inquiries and commissions are not well considered or propose simplistic underdeveloped responses to complex problems; much government time can be spent trying to implement ill-conceived actions.”

5.3.2 Unintended consequences related to resourcing inquiry-led reform

Many survey respondents commented on the negative impact on budget and resources that the implementation of recommendations can have, particularly on already constrained budgets. In particular, the concern was frequently expressed that the implementation of recommendations can divert scarce resources away from core business.

Two respondents linked this diversion of resources to the importance of taking a holistic view when developing recommendations:

“Piecemeal recommendations that are made without considering the whole system in a particular jurisdiction can also impact negatively in various ways, including diverting resources to less important activities at the expense of other more important functions.”

“In a constrained fiscal environment, inquiries that consider issues in isolation and do not undertake a cost–benefit analysis of their intended recommendations can result in resources and focus being directed away from other important service delivery areas.”

5.3.3 Unintended consequences related to other concurrent reforms

Survey respondents pointed out that government is often the subject of a large number of recommendations from different inquiries, which can sometimes be contradictory. This can create difficulties in providing a consistent, integrated response to target populations.

One set of reforms may also undermine or delay the implementation of other reforms as a result of competing priorities.

5.4 Strategies to avoid such consequences

Survey participants were asked to name up to three actions that inquiries or commissions could take to avoid such unintended consequences or to reduce their impact. The Project Team identified a number of themes that emerged from participant responses, many of which are reflected in the findings of the key stakeholder interviews, reported in the next chapter.

The four most common themes were:

- consultation with stakeholders
- recommendation-level strategies
- coordination of implementation

- provision of resources.

5.4.1 Consultation with stakeholders

Many survey respondents proposed consultation with government and other agencies as an important action for inquiries or commissions to take. This included consultation on draft recommendations, to ensure that final recommendations are feasible and realistic, and testing recommendations for potential unintended impacts.

“Ensure there is opportunity to consult on relevant recommendations before finalisation. Recommendations should be tested with rigour; against pre-established criteria and with impacted stakeholders.”

Some respondents also referred to broader consultation to increase the understanding of underlying issues and the range of possible strategies that may address those issues. The comment was made that consultation before handing down recommendations can help to gain stakeholder support.

“The best reviewers take the time to test their ideas with stakeholders and take a collaborative approach throughout the review process. This can include: ‘embedding’ experts from the area under investigation to the inquiry to ensure subject matter knowledge and operational experience informs the development of findings and recommendations; and promoting a joint approach to developing recommendations, thereby assisting those who must implement to have some ownership of the proposed solutions.”

5.4.2 Recommendation-level strategies

Respondents made suggestions in relation to crafting recommendations in order to minimise unintended consequences. Following are the most common themes relating to recommendation-level strategies.

Recommendations that focus on outcomes

Respondents commented that recommendations should focus on the outcomes to be achieved and avoid overly prescriptive programmatic or service delivery responses. This was linked to ensuring that recommendations reflect the inquiry’s Terms of Reference. For some respondents it was also a strategy that would allow implementers some flexibility in how recommendations are implemented.

“Overly prescriptive recommendations can be difficult to implement. Some flexibility can assist governments to identify the most appropriate model or option for implementing a recommendation while achieving the intended change.”

This comment, nonetheless, may need to be considered in light of the government-written responses in Section 4, which suggest that recommendations that are too broad may make it

difficult for governments to identify and pinpoint a strategy for implementation.

Recommendations that are realistic and feasible

A number of suggestions were made that recommendations be feasible and achievable, particularly given limited resources. This included an understanding of the limitations that governments may face when implementing a recommendation. Recommendations should be written in such a way that they are clear and unambiguous.

“Make sure recommendations are practical and implementable, having regards to the need for reform but also the reality of competition for scarce resources that are available to agencies and organisations. It is better to make fewer recommendations that will have an impact rather than making a large number of recommendations that are unlikely to ever be fully implemented (or that creates a bureaucracy in ongoing monitoring and reporting).”

Recommendations that are evidence-based and address complexity

Respondents called for recommendations that take account both of the complex nature of the issues that they are seeking to address and the complexity of the service delivery environment. This included taking into account the broader social, political, policy and financial contexts in which recommendations would be implemented. Recommendations should be well researched and based on evidence.

“The Royal Commission will be required to make recommendations in a national context. A challenge for the commissioners will, therefore, be ensuring that these recommendations are able to be implemented in each state and territory, taking into account their different legislative, policy and political contexts. To facilitate this, it is submitted that the Royal Commission should seek to ensure that its recommendations are flexible and framed in such a way to allow each jurisdiction to implement them within their particular context.”

5.4.3 Coordination of implementation

A number of different actions were proposed that related to the coordination of implementation efforts. These included:

- the development of a staged implementation plan with realistic timeframes
- costed recommendations and expenditure forecasts
- a centralised body to coordinate, support and monitor implementation.

5.4.4 Provision of resources

Some respondents suggested that where funding is made available to resource the implementation of recommendations, governments should consider any offsets. This would involve a realistic assessment of how funding channelled to implementation would constrain

existing activities or priorities.

5.5 Summary of chapter

This chapter sought to assess factors determining or hindering the full implementation of recommendations using a methodology that involved surveying senior public servants from all Australian jurisdictions who had been or were currently involved in overseeing the implementation of recommendations from inquiries. The preeminent factors identified as facilitating full implementation were: an individual or position to champion change; an oversight body and public or government support for reform. Other significant factors were the availability of adequate resources and political support. In terms of factors inhibiting change, surveys revealed that budgetary constraints, a lack of human resources and time constraints were central.

The survey also ascertained from the informants the unintended consequences relating to the implementation of reforms. These include:

- recommendation-level issues, such as narrow recommendations overlooking broader implications of problems and solutions; inflexible and overly prescriptive recommendations being unable to adapt to particular needs of client groups and thus failing to achieve the desired result; and recommendations lacking an evidence base resulting in ill-conceived reform
- resourcing issues, through diverting scarce resources away from core business or other important functions. The funding of core business and critical service delivery may play a role in addressing systemic issues underpinning child protection
- issues relating to concurrent reforms being implemented from other inquiries or policies. This creates difficulties in providing a consistent, integrated response to target populations and prevents the other reforms from meeting their timelines.

Survey participants identified actions that inquiries could take to avoid these unintended consequences. These include:

- consultation with stakeholders, including in relation to the draft recommendations
- tailoring recommendations to focus on the intent of the inquiry, promote realistic and feasible outcomes, and give purpose with a strong evidence base
- coordinating the implementation of recommendations with other reforms, and making decisions about resourcing inquiry-led reform with an awareness of how it affects the resourcing of other areas, including those relating to child protection.

6. FINDINGS: KEY STAKEHOLDER INTERVIEWS

This chapter reports the results in relation to the research question: *What were the factors that determined or contributed to, or were barriers to, the successful implementation of recommendations?* The Project Team developed an interview guide designed to elicit detailed information and opinions on the context of an inquiry and factors that may have affected the implementation of recommendations. Participants were deemed to have in-depth knowledge and experience relevant to child protection reform or public policy reform more generally. A total of 43 interviews were used.

This chapter provides an overview of the factors reported by respondents that can promote or hinder the implementation of recommendations. It then presents those factors organised under seven key themes that emerged from the data. For each theme, there is a summary of the potential barriers to implementation and the strategies that could address those barriers.

6.1 An overview of factors that facilitate, or are barriers to, the implementation of recommendations

This section presents an overview of interview results according to seven key themes:

- (1) the political, social and structural context of the inquiry ([section 6.2](#))
- (2) resourcing inquiry-led reform ([section 6.3](#))
- (3) the aims and context of the inquiry ([section 6.4](#))
- (4) recommendation-level issues ([section 6.5](#))
- (5) organisational and systems-level factors ([section 6.6](#))
- (6) method of implementation ([section 6.7](#))
- (7) accountability for implementation ([section 6.8](#)).

Respondents' comments relating to the unintended consequences arising from reform are explored in [section 6.9](#).

There was a degree of overlap between and within the seven themes and it was common for data from interviews to be coded against more than one theme. Overlap of information between sections is referenced in footnotes or directly in the text. Given the breadth of inquiries respondents elected to discuss, their responses range from general insights on reform to those specific to the subject matter under review by the Royal Commission. Where possible, responses relevant to child protection reform in particular have been demarcated with subheadings.

In addition to thematic coding, factors were also coded as either facilitators or barriers to effective implementation. Factors may have been characterised as such by the respondent, or coded by the Project Team based on information provided in the interview.

Figure 4, which was generated from the coding, provides a snapshot of general trends in how respondents viewed the impact of certain factors⁶².

⁶² This figure does not present an accurate tallying of responses. See Methodology Section 3.5.6 [Qualitative analysis of key stakeholder interviews](#).

Figure 4 Factors coded as facilitators and barriers

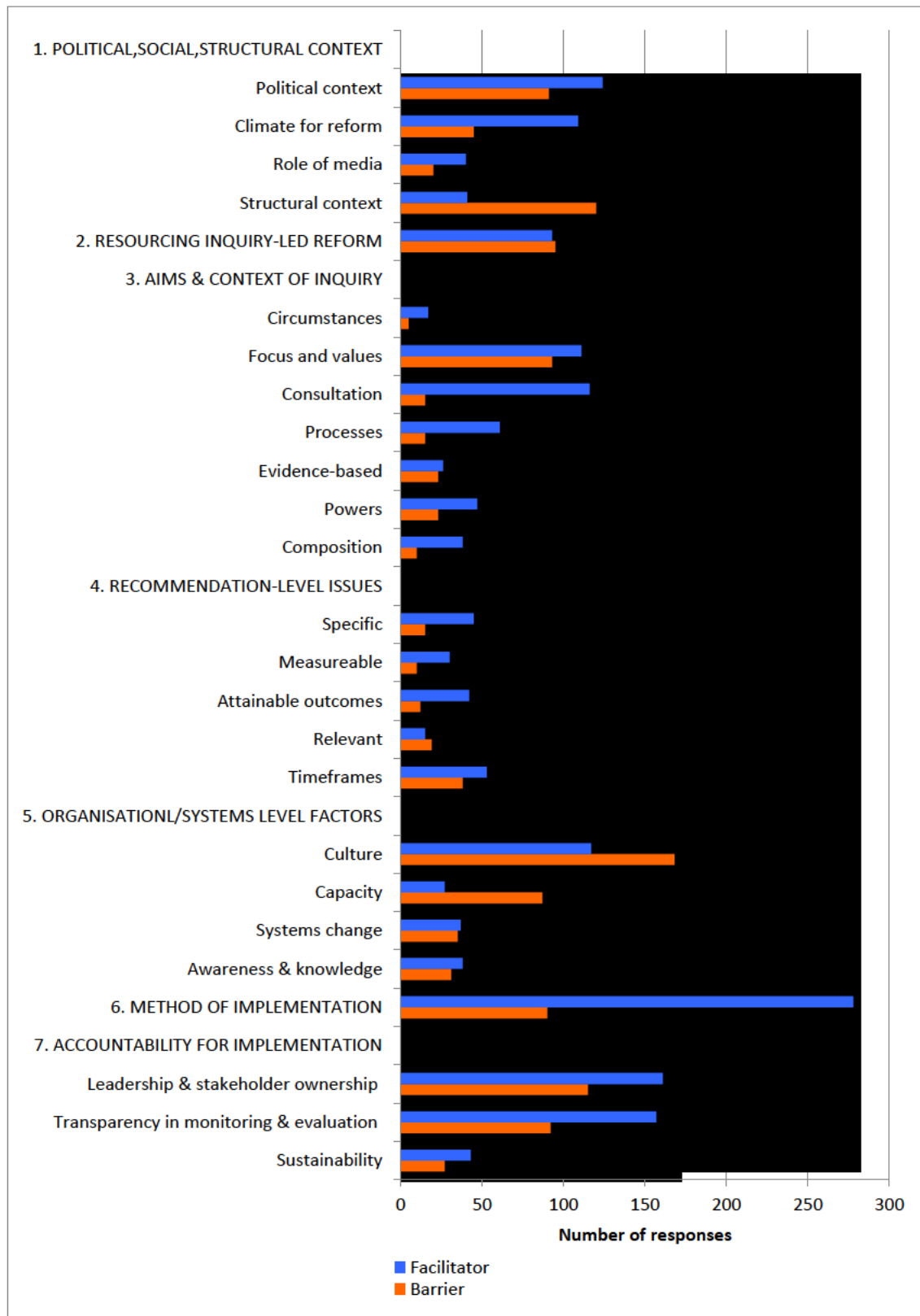


Figure 4 shows that the processes most commonly cited for facilitating implementation were:

method of implementation, leadership and stakeholder ownership, and transparency in monitoring and evaluating reforms. Respondents most commonly reported the following potentially negative forces in reform: organisational culture, structural context, a lack of leadership and insufficient stakeholder ownership. The interplay between these factors is explored in the following detailed discussion organised under the seven themes.

6.2 Political, social and structural context

The political, social and legislative landscapes in which inquiries are conducted play an important role in not only determining what inquiries happen and when, but also how recommendations arising from an inquiry are formulated and received. In particular, stakeholders attributed importance to the impact of the political context, community attitudes and the general climate for reform, structural constraints and the role of the media in the inquiry process. These factors contributed to the likelihood of inquiry-led reform and are discussed in detail below.⁶³

The following table summarises the potential barriers to implementation of recommendations and potential strategies to address them, as identified by respondents in their discussion of the political, social and structural context of inquiry-led reform.

Table 19 Strategies to address political, social and structural barriers to implementation

Potential barrier to implementation	Potential strategy
<p>Political barriers</p> <ul style="list-style-type: none"> • “Short attention span” of government for issues • Change in government/leadership • Disinclination to commit to long-term strategies • Competing demands for government funding • Lack of insight into problem under review and effective responses • Using inquiry for political expediency 	<p>Strategies to promote high-level, bipartisan “buy-in”</p> <ul style="list-style-type: none"> • Consider political context in which recommendations will “land” • Consider recommendations that are in line with current policy • Bi-partisan political engagement (including with Treasury) • Regular government briefings • Promote empathy — politicians hearing from victims • Promote the vision or principles underpinning the reforms

⁶³ It should be noted that the points made in Chapter 6 represent the views of the interviewees; they were not critically assessed or evaluated as part of this project.

	<ul style="list-style-type: none"> • Inquiry report to provide an insightful, evidence-based analysis of the issue under review
<p>Social barriers</p> <ul style="list-style-type: none"> • “Short attention span” in general community for issues • Lack of insight into problem under review and effective responses • “Cultural resistance” to issue of child abuse 	<p>Strategies to raise community awareness</p> <ul style="list-style-type: none"> • Community education campaigns • Effective use of the media • Cultivate/identify champion of reform • Inquiry report to provide insightful, evidence-based analysis of issue under review
<p>Structural barriers</p> <p><i>Complexity of national reform</i></p> <ul style="list-style-type: none"> • Differences between jurisdictions and diverse stakeholders • Difficulty brokering cooperation and compliance across jurisdictions and diverse stakeholders • Length of time for national laws to be drafted and passed <p><i>Legal constraints</i></p> <ul style="list-style-type: none"> • Entrenched values and competing interests in the legal system may impede reforms that seek to better accommodate victims’ needs • Perceived constraints on information-sharing under Privacy legislation 	<p>Strategies in national reform</p> <ul style="list-style-type: none"> • Recommendations tailored for different jurisdictions, agencies and NGOs • Stakeholder consultation • Good planning processes • Funding incentives for states • Use COAG to facilitate collective discussion by states <p><i>Strategies to address legal constraints</i></p> <ul style="list-style-type: none"> • Consider strategies that are not overly forensic or legalistic • Consultation with Privacy Commissioner to address constraints under privacy legislation

6.2.1 Political context

The political climate in which inquiries are initiated and conducted was seen by respondents to have great potential to directly influence reform outcomes, particularly where the issues before the inquiry or the resulting recommendations are “*complex, sensitive or controversial*”. Interviewees emphasised the need to be alert to political influences at all stages of the reform process, including at the moment an inquiry is called, the drafting of recommendations, the

implementation process and the monitoring of implementations.⁶⁴ Stakeholders also spoke to the specific political considerations relevant to child protection reform (see [Political considerations relevant to child protection policy](#)).

Securing political buy-in both to the issues under investigation and to the inquiry process was seen to be an important function of inquiry bodies. One respondent commented that without it, once the recommendations are handed down, “you’re going to get a salute and you’re going to get lip service”. Respondents felt that strategies to promote political support for recommendations are necessary to counteract certain inherent characteristics of government that have the potential to impede reform. These impediments include:

- economic imperatives driving governments, and the need to balance competing demands for funding
- “very short attention spans” for any given issue
- a general disinclination to commit to long-term reform strategies
- a tendency to use the inquiry process for political expediency
- changes in political leadership.

Respondents talked in particular about the potential for political change to derail reform. New governments may introduce conflicting policy platforms or seek to define and control the debate. This results in governments “mucking about” with or disowning previously implemented or ongoing reforms.

“When the change of government happened, the new government immediately decided to downgrade child protection – which is quite breathtaking after all the focus on it just before – to the status of a [unit] within Education. Before that it had been its own department that was seen as being much more integrated with all the early childhood services.”

– Reviewer

Stakeholders suggested that genuine commitment at the highest political levels enhances the chance that recommendations will be implemented. They provided a number of reasons for why political buy-in was essential to the implementation process. Politicians are likely to have greater longevity than most inquiry bodies and if political leaders become champions of the reform, they can provide the necessary impetus to ensure that recommendations “stick”. In addition, political support can facilitate reasoned deliberation on the issue, ensure adequate funding for the reforms and help with the coordination and infrastructure necessary for

⁶⁴ See discussion in 6.7.1 [Governance of oversight bodies](#) and Possible approaches to monitoring. See also the discussion about the impacts of crisis-driven reform in 6.4.1 [Circumstances](#).

system-wide, cross-sector and national reforms. It can also provide legitimacy to a reform process where there is distrust and division in the sector under review.

A number of respondents indicated that engagement with key political players on both sides of government is essential. Achieving bipartisan commitment to reforms would improve the prospects of reform agendas transcending party politics and changes in government. One respondent recommended making personal contact with political leaders, ministers and shadow ministers at the earliest opportunity and providing regular briefings to government throughout the life of the inquiry – while ensuring that the independence of the inquiry body is not compromised. Others suggested that an effective way of influencing political leadership on an issue is securing political commitment to the vision of the reforms.⁶⁵ Promoting emotional investment on the part of decision-makers, by ensuring they get to hear directly from victims, was also seen as a powerful way of achieving political support for an issue.

For a number of respondents, the primary aim of engaging politicians is to attempt to move them from responding to an issue defensively, or in a politically expedient manner, to a *“genuine level of understanding and commitment”*. A committed and well-briefed government was seen to be more likely to respond proactively to issues as they emerge from the inquiry process, and to consider initiating change before recommendations are handed down. Securing this degree of cooperation from government was considered to make the best use of the limited window of opportunity before the focus moves to the next crisis. Engagement at the political level was also seen as an opportunity for inquiry bodies to establish credibility by demonstrating their objectivity and impartiality, and that they have a realistic understanding of the likely cost of reforms and the government’s ability to accommodate that cost.

Political considerations relevant to child protection policy

In the view of a number of respondents, policy reform relating to child protection comes with a unique set of barriers at the political level. Child protection was seen to be an issue that politicians struggle to understand. One interviewee said that, as with the community at large, politicians do not seem to “get” that everyone’s interests are “best served by having these kids looked after”. Interviewees felt that the issue is put in the political “too hard basket” and consistently fails to get the policy attention and resourcing it requires.

⁶⁵ See discussion in 6.4.2 [Focus and values](#).

“Once the Royal Commission’s over and the caravan moves on, Treasury will do everything it can to — because no one believes it will make any difference — bottom line in child protection is that everyone thinks it’s all going to be wasted and so after the immediate crisis is past they start getting more difficult about allocating funds.”

– Implementer

One interviewee commented that the fact that there has been little progress in achieving uniformity in laws and policies relating to the protection of children is indicative of a lack of the necessary political will required to tackle the issue.

“In a commercial context, since 2001 we’ve had a Commonwealth corporations law, but in the period prior to that, from 1961 onwards, there was uniform company law. Now that was thought important, for our national commercial ability, that there be more or less uniform laws. One would think protecting children would be equal, if not greater, political imperative and yet there’s been nothing. I know [for] COAG, it’s been on their agenda from time to time but it just really hasn’t got anywhere and at this point now, I would think the Commonwealth should use their powers under the children’s [UN] Convention.”

– Implementer

6.2.2 Community attitudes – climate for reform

Interviewees talked about how broader community attitudes to, and awareness of, an issue can impact the reception and implementation of recommendations. Issues had their “season” in the public eye, and respondents saw it as incumbent on inquiry bodies to make the most of this groundswell of community interest before the next issue dominates headlines.

Community perceptions of social issues that are the subject of review can be shaped by a number of forces including advocacy, lobby and support groups, the media and the cumulative effect of previous inquiries. A number of respondents stressed the importance of having a strong champion of reform whether located within the political process or outside it – to garner community support, which in turn drives political will. One interviewee suggested that even where all the ingredients required for reforms to go forward are in place, the lack of a champion of reform could stall progress.

“We had a pretty clear implementation plan. We had the dates, the times, the targets, the resources, the stakeholders, the management, the communications — all those things were clearly laid out. There was no big procurement [needed] — they were going to fund it themselves. So the implementation plan was pretty clear. I mean it wasn’t a hard thing. But the champion wasn’t there.”

– Implementer

Community attitudes relating to child protection

Respondents spoke at length about perceptions and attitudes relating to child abuse in the community that impede reform efforts and act to isolate and silence victims. Limited awareness about the nature of the problem and the characteristics and prevalence of offending was seen to contribute to what respondents variously described as “*community-wide cultural resistance*” and “*motivated resistance*” to the issue.

Respondents were of the view that greater insight in the general community about this complex issue can promote community vigilance — an important adjunct to any legal or policy solution. Community education and media campaigns that “sell” the issue of child safety to the wider public, and convey the message that the care of children is “*everyone’s business*”, were suggested by a number of interviewees as one way of achieving this, and yet more than one respondent remarked on the absence of such strategies. The impact of inquiry work was seen “*in an accidental way*” to “*add to the noise*” about the issue and, by raising community awareness and concern, to have had a general deterrent effect on the commission of offences relating to child sexual abuse.

6.2.3 Structural constraints

Key stakeholders recognised that inquiry-led reform does not occur in a vacuum and that it is important for formulators of recommendations to be mindful of the existing political, policy, legal and systems context that may impact on reform.

“When recommendations are made, they drop into an existing policy framework and operational stuff and people need to recognise the kick-on effect of that – if you do that what does that mean for other bits of the system?”

– Implementer

They acknowledged the numerous challenges faced by a national inquiry addressing an issue that is dealt with differently by each jurisdiction and that involves consideration of both state and Commonwealth laws. The need to broker compliance and cooperation across multiple government agencies, the private sector and with non-government organisations (NGOs) was seen to add to this complexity.

In the view of a number of respondents, the Council of Australian Governments (COAG) could play a potentially useful role in facilitating collective discussion by states in a federal reform process. However, one cautioned against using the COAG process for decision-making among states as attempts to reach consensus have the potential to slow the process down to a “*glacial*” pace. This respondent also suggested that for COAG to spend time on cross-jurisdictional matters relevant to the reform, the support of the Prime Minister for the reform package is required. Another respondent felt that states are more likely to come on board

with reforms if funding incentives are attached to them, rather than just obligations for compliance and the imposition of penalties for failing to comply.

Where national laws are proposed as part of the reform package, interviewees warned that the complex legal arguments and the length of time involved in securing state consensus and changes to constitutional law – often longer than the length of the government’s term in office – can diminish the political will needed to drive significant reform.

At the political level, national inquiries must have the capacity to accommodate differences between the states and territories, and between the responsibilities of state and the Commonwealth governments. Recommendations that are tailored to local circumstances were seen to be necessary. Some potential State differences identified by interviewees include:

- size of jurisdiction – what works for a small jurisdiction may not be feasible in a larger State
- demographic differences such as a high Indigenous population or a higher proportion of people living in rural or remote areas
- degree of regulation and strength of state oversight bodies such as the Ombudsman (that is, their powers and available resourcing)
- different layers of review and oversight; for example, investigations relating to the death of a child in New South Wales occurs at four levels – the police investigation, the internal Community Services investigation, the Ombudsman’s review and the coronial investigation
- the nature of the relationships among key stakeholders and the extent of interagency collaboration.

Respondents also highlighted the challenge of formulating recommendations that apply to non-government organisations with no centralised authority, such as churches (described by one respondent as a “*flotilla*” of little autonomous organisations). Government regulation of a church entity that is made up of congregations (that are often insular, disparate, largely run by volunteers and subject to a constant change in leadership) was seen to present a challenge for reformers.

Structural constraints in child protection reform

There was a degree of consensus among respondents that child protection requires uniform approaches that are managed federally and not by individual states. Additionally, respondents were of the view that the federal government should take the lead in proactively addressing the multiple drivers in child protection. However, as indicated above, respondents recognised

that inquiries face inherent difficulties in attempting federal reform of this sector. Not only is the federation diverse and the service sector complex, but there are also conflicting perspectives on the most appropriate framework of response. Respondents expressed concerns that a “*one-size-fits-all*” approach will fail to accommodate local realities. To address the challenges inherent in national reform, respondents indicated that widespread consultation – to ensure recommendations “fit” with local conditions – and good planning are essential. The Northern Territory National Emergency Response in 2007 was cited as an example of ill-conceived and poorly planned reform imposed at the federal level.⁶⁶

Respondents were mindful that reforms also occur within a legal context. This was particularly seen to be the case with child protection, described by one interviewee as sitting “*uneasily on the edge of social policy and law enforcement*”. A number of interviewees saw legalistic solutions in their current form as being less likely to meet the needs of victims and, in particular, of child victims. The rules of evidence in criminal proceedings, the nature of court procedure and the way in which victims are treated in the criminal justice system were seen to be structural barriers that can potentially inhibit disclosure by victims and the successful prosecution of offenders. Effecting cultural change in the legal system to bring about a more “*nuanced understanding*” of sensitive issues, such as sexual abuse, was seen as difficult.⁶⁷

Legal culture was also seen to impact on the way inquiries are conducted. As lawyers and judges often dominate commissions of inquiry, respondents highlighted the risk that recommendations may reflect this either in a push for monetary compensation (which may not fully address the needs of victims) or in the unquestioning acceptance of legal values and systems.

Respondents also talked about how the different domains of responsibility in a federation and jurisdictional conflict can impact the effectiveness of protective measures for children. Examples included the debate about whether children in immigration detention should be subject to the same child protection laws as other children, and the potential for vulnerable children involved in family law proceedings to fall between the gaps that exist where federal family law and state child welfare law intersect.

State and Commonwealth privacy legislation was also seen by respondents to be a potential barrier to reform in this sector. Where joined-up responses are proposed that require information sharing between agencies, a common objection is that to do so breaches obligations under privacy law. To address such challenges, which have the potential to derail collaborative work, one respondent suggested that inquiry bodies should consult with the

⁶⁶ This policy was rolled out following the *Little Children are Sacred Report* (Wild, R, Anderson, P, 2007, *Ampe Akelyernemane Meke Mekarle “Little Children are Sacred”*. Board of Inquiry Into the Protection Of Aboriginal Children From Sexual Abuse).

⁶⁷ For a discussion of respondents’ views on organisational change in the legal sector, see discussion in 6.6.1 [Organisational culture](#).

Privacy Commissioner at the front end, so that the recommendations comply with privacy legislation. This was described as “*privacy by design*”.

6.2.4 The role of the media

Respondents saw the media as a “*double-edged sword*”, with the potential to have a powerful influence on reform in both positive and negative ways. Constructive media coverage can bring controversial issues into focus, build community support for issues and become the driver of cultural change. The media was also viewed as an important player in the implementation and monitoring of reform through publicising the work of commissions of inquiry, scrutinising government responses to recommendations and reporting on implementation and compliance.⁶⁸

In relation to child protection, the media’s focus on individual cases that highlight systems failure can force the hand of government to respond and trigger the establishment of inquiries.⁶⁹ However, respondents also spoke about the potential for harm resulting from inaccurate and inflammatory coverage. This can fuel the crisis rather than contribute to useful public debate. Media reporting that perpetuates stereotypes about offenders and vilifies child protection workers was seen to heighten community anxiety and further demoralise frontline workers.

6.3 Resourcing inquiry-led reform

“Increasingly, government entities are being called upon to be held accountable in the same way that those in corporate life are held to account – in corporate life you’d go bankrupt if you didn’t have anybody scrutinising your inputs and looking at your resourcing.”

– Reviewer

The issue of adequate resourcing was a recurring theme and identified by a number of respondents as an important factor in achieving successful reform.

The following table summarises potential barriers to the implementation of recommendations and potential strategies to address them, as identified by respondents in their discussion of the relevance of resourcing.

⁶⁸ See further discussion in [The role of the media](#).

⁶⁹ See the discussion in 6.4.1 [Circumstances](#).

Table 20 Strategies to address resourcing barriers to implementation

Potential barrier to implementation	Potential strategy
Lack of political commitment to adequately fund reforms	<ul style="list-style-type: none"> • Bi-partisan political engagement (including with Treasury) • Consider resourcing implications of recommendations for government and NGOs • Cost reforms (with the assistance of economists/consultants) • Ensure cost-effectiveness of reforms (maximum gain for minimum cost/effort) • Suggest economies in other areas • Make projections of potential savings from reforms (especially important regarding preventative and early intervention strategies) • Suggest pilot of strategy to evaluate cost-effectiveness • Limit the number of cost-intensive recommendations
Disputes about responsibility for funding reforms	<ul style="list-style-type: none"> • Stakeholder consultation • Good planning processes • Clear indication in recommendations of responsibility for funding
Resource drain on sector implementing reforms	<ul style="list-style-type: none"> • Staged and timely allocation of resources needed for implementation • Careful scrutiny of likely cost of proposed data collection • Shared budget across departments • Partnerships to enable sharing of resources and expertise in implementation

Sufficient resourcing, both in terms of monetary and human resource allocation, was considered essential at each stage of the reform process; that is, to enable the inquiry body to consult widely with stakeholders and to conduct research, for the implementation and monitoring of recommendations and for the evaluation of the outcomes arising from the reforms.

Securing these resources, particularly in times of fiscal constraint, was acknowledged to be a significant challenge. Several interviewees commented that recommendations that cost governments money are inevitably harder to “sell” than those that are cost-neutral, particularly where there is no strong government buy-in to the issue at the outset. It was suggested that, when formulating recommendations and the timetabling of implementation, inquiries should consider resource implications for both government and the NGO sector, and not to assume that there will be a “*bottomless pit of money*”. As summed up by one interviewee, “*A recommendation that assumes unlimited resources will almost always fail.*”

In addition to examining resource implications, it was suggested that inquiry bodies should limit the amount of recommendations made. When there are a large number of recommendations the associated resources required could adversely affect uptake of reform. It was thought to be more effective to have fewer recommendations, which are resourced adequately and that are likely to have maximum impact. The following comment illustrates how too many recommendations can be debilitating for governments:

“... the government was absolutely immobilised because there were so many recommendations and they had such big price tags. It was a time of fiscal constraint in [jurisdiction] and nothing happened for 12 months because, within the budget available, it was impossible for the minister responsible to actually move on them.”

– Commentator

6.3.1 Allocation of resources

Recommendations that realistically calculate the cost of reform were felt to be more likely to receive government commitment and sector buy-in, and to thereby have a higher level of success. Interviewees commented that “*attaching a number*” to the recommendation quantified the size of the task and helped hold governments to account. By accepting recommendations that come with costings, governments “*effectively bind themselves to allocating the funds*”. Detailed costing of particular aspects of the reform process – that is, estimating the cost involved in piloting programs or creating positions that have lead responsibility in implementation or monitoring – was thought to be necessary to safeguard against the “*watering down*” of resources once the recommendations were handed over to Treasury. This was seen to be particularly important in the area of child protection.

Early consultation with relevant stakeholders was considered beneficial in establishing fiscal buy-in. As discussed elsewhere⁷⁰, consultation at the executive level provides an opportunity for central agencies such as Treasury to understand the issues, believe in the reform and allocate the resources. As several respondents pointed out, it is particularly difficult to get the

⁷⁰ See 6.2.1 [Political context](#).

“welfare dollar through Treasury”, in part because treasurers often have no direct experience of social reform, so they have less insight into its cost benefit.

“The top bureaucrats in Treasury departments or Finance departments, will say, ‘and how is the state going to benefit in the long run from this? Where will the financial return come?’ So you have to make yourself savvy on that side as well, because I think those public servants in the Treasury departments, finance departments, will be expressing their opinions to the Treasurer, and the Treasurer can say in the Cabinet or anywhere, ‘we can’t afford this’.”

– Inquirer

Consultation with Treasury officials, skilled consultants or economists was also seen as advantageous in assisting inquiry bodies to accurately cost proposed reforms, as it was felt that this kind of analysis was likely to be beyond the expertise of the inquiry body alone. One interviewee felt it would not be appropriate for inquiry bodies to “get into that level of detail”, while another believed that the projected cost of reforms might well be underestimated. Although many considered that costing reforms was a useful strategy to counter the usual economic arguments used by governments against implementation, one potential drawback was identified. Providing governments with an estimate of cost up front could “scare the horses” and lead them to immediately scale back implementation to make recommendations financially feasible, resulting in reforms determined by budget rather than by policy objectives.

Disputes about responsibility for funding reforms were seen by respondents to have the potential to derail a project. One commented that, ironically, this was more likely to happen with modestly funded projects. Decisions about funding reforms were seen too often to be politically motivated and not on a needs basis.

“And then you get into the political argy bargy about something has to go to Health because we’ve got to keep Health in the tent. Something’s got to go to Police because you know they’ve played ball, they’ve had a really tough time. So it gets whittled away and whittled away.”

– Implementer

Respondents felt that recommendations should provide clarity about who has responsibility for the solution, who drives the implementation and who should be resourced for it. Governance such as this, particularly where implementation crosses sectors, gives agencies a clearer understanding of both the scope and timeframe of the project and promotes greater accountability.

6.3.2 Human resource cost of reforms

Significant systems change usually requires additional human resources to set up the reform process. Where budgets do not enable this, the implementation of recommendations, as

considered by many interviewees, involves a “*drain*” on human resources. This drain would occur both at management levels, where the most experienced staff are often seconded to implementation projects, and at the direct service delivery level. Respondents felt that this was particularly the case in the child protection sector, which is subject to a high level of review. For one respondent, this made it imperative that the implementation process be carefully staged to avoid too many reforms being introduced concurrently, and resources allocated in a timely fashion.

“And so you’ve got to be really careful about how you stage things and how you resource new initiatives going out. You can’t have them trying to do five new things at once, because you know that that won’t happen. And you’ve also got to make sure, and we got a whole lot better at this [in the Department] as time went on, that whenever you were implementing things, all of the resources to help them do it, turned up at the time that they were supposed to start. So that the training literally happened the week before, it didn’t happen two months before, it didn’t happen two months later, it happened just before. Any of the new forms, I mean it sounds stupid and little, but any of the new forms or the new computer changes or the new budget that they had to deal with, had to be there on day one of the policy. And when that happens, when you do that properly, then you can hold people to account.”

– Implementer

The other resource factor raised by respondents was the importance of having a skilled workforce, which requires investment in the professional education and training of staff.⁷¹ It was commented, however, that in times of fiscal constraint government sees staff development as expendable, particularly in the child protection workforce where there is high staff turnover.

6.3.3 Ensuring cost-effectiveness

The importance of productivity justifying expenditure was a recurring theme in interviews. Respondents recognised that the principles of cost-effectiveness, accountability and value for money resonate with government. Of particular concern was that the money allocated, at the service level, to implement recommendations should have maximum effect for the people to whom the reform is directed. Inquirers and implementers alike felt it was important to determine which recommendations would provide the maximum gain for the minimal cost. They also stressed that proposed reforms should not “*drag*” resources out of other important programs or services, including universal services. In the experience of some interviewees, department heads often struggled to maintain balanced and equitable resource allocation to different parts of the system. As part of the costing exercise, it was suggested that an

⁷¹ See discussion in 6.6.4 [Awareness and knowledge](#).

economic impact statement – based on solid information, thoughtful reasoning and sound projections – should accompany recommendations for reform. This would help governments to evaluate their viability.

While respondents agreed that preventative and early intervention strategies are generally the most cost-effective approach to intractable social issues, they acknowledged the difficulty in securing political will to implement them.⁷² Incorporating projections of potential savings arising from a preventative focus was seen as an effective means of getting child protection issues on the “*Treasury agenda*”, as was determining possible economies to pay for reform.

“... the Commission might think about the value of the recommendation which doesn’t just say, ‘Go and resource X’ but it says, ‘In our view, activity Y should be discontinued and in its stead, our better priority is actually X.’ So it should think about the recommendations from an overall fiscal transaction, rather than just letting the recommendations sit by themselves.”

– Implementer

Piloting programs to evaluate cost-effectiveness was another way of convincing government or other agencies to commit to funding reforms.

6.3.4 Other resourcing insights

Interviewees shared a number of other general insights relating to resourcing. These included:

- Budget cycles can affect implementation, making it harder for smaller projects to be scheduled for multi-year implementation, even where this would be appropriate.
- When properly funded, statutory oversight bodies, such as the office of the Ombudsman, the Human Rights Commission or Children’s Commissioners, can play an important role in monitoring reforms.
- Inquiry bodies proposing national reform should be mindful that some jurisdictions will be better resourced in terms of money, human resources and infrastructure than others.
- Large-scale reforms require an overarching body with the task of monitoring implementation of reform, and these bodies need to be adequately resourced.
- Data collection can be an expensive part of monitoring implementation. While respondents recognised the importance of robust data collection, this was seen as an area that also requires careful scrutiny to prevent cost blowouts.

⁷² See further discussion in [Preventative and protective](#).

There was also the suggestion that in cross-sector reform, it may be more effective for budgets to be managed across departments – as opposed to carving up the funds – or that partnerships are formed between agencies, or between agencies and government to allow for the sharing of resources and expertise.

6.4 Aims and context of the inquiry

“So there’s a whole story about how recommendations are made and how they’re transmitted, which has to be looked at before you can talk about how they’re implemented.”

– Commentator

Factors related to the inquiry itself – the circumstances in which it is called, its focus and framework of values, the powers and processes it employs, and its composition – can impact the implementation of recommendations arising from it. The focus of the inquiry and the extent to which it seeks external input were of particular relevance for interviewees. Overarching the discussion about elements of the inquiry process was the view that independence, procedural fairness and a collaborative approach are central.

The following table summarises potential barriers to the implementation of recommendations and potential strategies to address them, as identified by respondents in their discussion of issues related to the nature of the inquiry body and the way it conducts the inquiry.

Table 21 Strategies to address inquiry-level barriers to implementation

Potential barrier to implementation	Potential strategy
<p>Potential limitations of crisis-driven reform:</p> <ul style="list-style-type: none"> • Focus on issue will be short-lived • No real political commitment to change • Individual case under review not representative of wider problems • Heavy focus on tertiary or protective measures • Blaming approach can result in oppositional response to review and inhibit collaboration 	<ul style="list-style-type: none"> • Promote the “<i>vision</i>” or principles underpinning the reforms • Ground recommendations in community values and what is in children’s best interests • Strike a balance between tertiary (protective) approaches to child protection and preventative approaches • Adopt a positive and strength-based approach to the issue under review
<p>Piecemeal approach to reform results in recommendations that lack relevance</p>	<ul style="list-style-type: none"> • Consider the impact of recommendations on other parts of the system and on other

and coherence	<p>systems</p> <ul style="list-style-type: none"> • Stakeholder consultation • Multi-disciplinary representation on inquiry body
<p>Limited impact of the work of the inquiry body:</p> <ul style="list-style-type: none"> • Inquiry body pursues the wrong objectives due to wrong focus • Narrow terms of reference • Short lifespan of inquiry body does not allow for involvement in implementation • Report has limited readership 	<ul style="list-style-type: none"> • Inquiry report to provide an insightful, evidence-based analysis of the issue • Stakeholder consultation • Consider wider context of issue and identify possible solutions, regardless of scope of terms of reference • Personnel from inquiry body involved in implementation or planning of implementation • Make report as readable as possible • Report to include the voices of victims, e.g., via use of vignettes and case studies • Effective use of the media: <ul style="list-style-type: none"> ○ Foster relationships with journalists ○ Develop key message from inquiry ○ Use every opportunity to promote key message ○ Use launch to increase exposure

6.4.1 Circumstances

Interviewees commonly said that while inquiries are ostensibly established to investigate and provide advice to governments on issues of public importance, they are often called in response to a crisis – an individual high-profile case, concern about escalating cost, or some other political agenda – rather than being proactively driven by policy. Respondents identified the following potential risks associated with crisis-driven reform:

- Once the inquiry has been called, public interest can move on to the next perceived crisis.
- The inquiry is not supported by any real commitment to change, but rather is used as a political buy-off.
- Where an inquiry is called in response to a particular case (as often occurs in the child protection area), the circumstances of that case may not be representative of what is wrong with the broader system and as a result the scope of the inquiry becomes

necessarily constrained, or perverse outcomes may result.

- A crisis-led response can lead to unbalanced focus on tertiary solutions where interventions occur after the harm has manifested.
- A focus on naming, blaming and shaming may inhibit a collaborative approach.

For a number of respondents, however, regardless of the circumstances surrounding the calling of an inquiry, the focus it brings to an issue has the potential to trigger real change.

“So we shouldn’t kid ourselves about how they come about, but that doesn’t mean we shouldn’t grab the good things that come out of them.”

– Reviewer

6.4.2 Focus and values

Respondents spoke at length about the impact that the focus of the inquiry body, and the philosophical approach that underpins its work, can have on the success or otherwise of the recommended reforms. It was seen as important that findings from inquiries are not delivered as commandments from above, but rather as possible solutions to a human problem emerging from the research and from the testimony of those who participated in the inquiry. Adopting a positive and holistic approach to the review and striving for a balance between protective and preventative solutions were the characteristics that respondents particularly associated with effective reform.

Several interviewees talked about the need to articulate a coherent message about the broad *vision* of the reforms and for this to inform the agenda of the inquiry. To ensure that the message resonates with the community, it was seen as important for inquiry bodies to maintain a perspective on how the issue under review, and its remediation, sits within the value system of society.⁷³ It was felt that the principles of care and respect for human rights should inform inquiry work and that these should be enshrined in the recommendations. In particular, there was a degree of consensus that the review of systems relating to the care of children should always be driven by consideration of children’s best interests and their right to care and protection under international law. One respondent said that by maintaining the focus on desired outcomes for children, qualitatively different solutions can emerge.

⁷³ For a more detailed discussion about how a focus on general community values can help guard against unintended consequences for children in child protection reform, see 6.9.1 [Unintended consequences in child protection reform](#).

“Because I think one of the impediments in government is people do things for adults mainly, but if you start thinking, ‘Will this actually do what we want it to do for the child?’ it becomes a different set of things you come up with.

– Reviewer

Positive and strength-based

Respondents with experience conducting inquiries commented that by emphasising the positives that exist in the system or organisation under review and by adopting an enabling rather than a blaming approach, one has a better chance of engaging stakeholders with the inquiry process and the solutions it proposes. One respondent made sure to project this attitude at every opportunity in the inquiry process.

“I think an inquiry can simply leave people irritated and oppositional. This can be reduced by acknowledging the positives that exist in the system under review. In my case, I developed a list of things and I never opened my mouth publicly without citing the positives we were covering. We didn’t fall back on the shortcomings, but ... 12 specific points that I carried around with me to cite every time. And that was to acknowledge the existence of what had been attained.”

– Inquirer

Respondents commented on the difficulty of maintaining a positive, solution-focused approach when the very nature of child protection is about risk identification.

“It is deficit-focused by nature. And at what cost is that very risk-averse approach? If you want to save all kids and bring them into care, you won’t make them well but you might make them safe.”

– Reviewer

A number of interviewees were highly critical of the tendency for inquiries and the media to focus on the failings of child protection practitioners. A culture of blaming front-line workers was seen as having the effect of further demoralising an already overburdened workforce. Nonetheless, the process of shaming and for “heads to roll” higher up the command chain was seen to have its place in some contexts, particularly in situations involving the denial of responsibility.

“That inquiry was extraordinarily influential for the [organisation], but for only one reason. It shamed them ... And so the focus on just one case in a public way is what made the difference and it then triggered the beginnings of a comprehensive and proper response.”

– Commentator

Respondents also saw the need for recommendation formulators to consider strategies that are grounded in strength-based approaches, especially in relation to reform impacting on Indigenous and other vulnerable communities. Perceptions about a situation based solely on what is reflected in the data – without insight into the lived experience of people – was seen to risk providing a distorted view.

Preventative and protective

A dominant theme emerging in the interviews is the need to strike a balance in child protection reform between protective or tertiary solutions (that is, reporting, investigation, removal of children – characterised as the “*pointy*” end of the system) and preventative solutions (secondary support or early intervention for vulnerable families and children). While both were deemed essential, there was consensus among respondents that without adequate investment in early intervention, reforms will never address the fundamental problem and the system will be self-perpetuating.

More than one respondent commented on the fact that previous inquiries into child protection systems, especially those that are crisis-driven, have had the effect of concentrating focus and resources on tertiary responses⁷⁴, resulting in increased numbers of notifications⁷⁵ and more children taken into care. As indicated earlier, ensuring access to services and support for families at the “*front end*” was seen as being not only a more logical and cost-effective approach, but also one that helps foster a wider sense of responsibility for the protection of children. Respondents nonetheless recognised the general lack of political will for strategies that require considerable up-front investment for long-term gain. According to some respondents, the recommendations most likely to fall off the implementation agenda are those relating to preventative solutions.

“... all of the focus went on to the tertiary system. And those couple of recommendations around secondary meant that there was really little attention or none with the additional resources available for implementation or expanding the secondary services system at that point in time.”

– Implementer

A preventative approach was also recommended in relation to the monitoring of service provision. Funding ongoing oversight of the sector to “*keep organisations on their toes and prevent these major disasters happening*” was seen as a more sustainable way of achieving

⁷⁴ This imbalance is evident from data relating to funding allocation. Respondents quoted figures that indicate that spending on tertiary services was more than 10 times that spent on diversionary and support services, and that 92% of funding directed to children in out-of-home care is spent after they turn 13.

⁷⁵ One respondent reported a triple increase in reports over a five- or six-year period after reforms of the tertiary system.

reform objectives, rather than by crisis-driven inquiries and reviews.

6.4.3 Taking a holistic approach

Respondents talked about the tendency for commissions of inquiry to adopt a fragmented and piecemeal approach to reform.⁷⁶ This was seen to be likely to result in recommendations that lack coherence and relevance, and to increase the risk of unintended negative consequences.

“The way that these reviews work is that they tend to – you know, there’s all of this evidence and they say there’s a hole here and there’s a hole there and there’s a hole there. And therefore we’ll make a recommendation about that, that and that. But they don’t necessarily dig from the point of view – how should the entire system work? And from that view about how the entire system should work, what are the most important recommendations to be putting forward so we don’t get this piecemeal, ‘plugging-a-hole’ approach?”

– Inquirer

Multidisciplinary representation on the inquiry body and widespread consultation with stakeholders were two ways suggested by respondents to promote a more holistic response to the issues.

A number of respondents also warned against an over-reliance on legislative measures or regulation to effect change. Increased regulation of a sector (for example, the setting of standards, the establishment of accreditation systems, stricter contractual obligations and increased reporting by agencies) was not seen, on its own, to guarantee better services or better outcomes for clients of those services. Several respondents expressed concern that where there is no understanding of what the regulation is trying to achieve, agencies and front-line workers can tend to “fall back on that minimum standard” that has been set rather than aspiring to operate at a higher level.

6.4.4 Consultation with stakeholders

Consultation with relevant stakeholders that draws on knowledge from policy, practice, research and the wider community was characterised as integral to reform. Engagement with those likely to be affected by the reforms was the best way to secure their commitment.

Interviewees saw the value of inquiry bodies engaging with stakeholders from inception to the formulation of recommendations. Where that body has an ongoing oversight role, it should

⁷⁶ Respondents recognised, however, that the scope of the inquiry is likely to be outside the control of the inquiry body, and to have been determined by the terms of reference. See further discussion in 6.4.6 [Powers](#).

also conduct consultation in the implementation and monitoring phases.⁷⁷

At the inquiry stage, respondents characterised consultation as something other than seeking input via the formal hearing processes characteristic of quasi-judicial bodies like Royal Commissions. Rather, it was seen as a more collaborative approach to problem identification and problem solving, providing opportunities for reality testing and refining proposed solutions. This kind of input was seen as particularly important for inquiry bodies constrained by their terms of reference to focus on one small area, rather than to conduct a comprehensive systems review. Consultation with people who understand the systems under review was seen to help to identify barriers to implementation and avoid unintended consequences. In the words of one respondent, where there is:

“... kind of a total lack of understanding about how administrations worked, you can make all the recommendations in the world and if they don’t sing into the bureaucracy they just bounce.”

– Implementer

Open and consultative inquiry processes, which involve “no surprises” for those required to implement them, were also seen to help lay the foundations for effective reform in other ways, including by:

- Building commitment, ownership and trust in the sector. Stakeholders who have been actively engaged in the process were seen to be likely to be less defensive about the review, and to have a greater understanding of both the aim of the reforms and their role in implementation.
- Establishing the credibility of the inquiry body by demonstrating to stakeholders that they come to the inquiry at arm’s length from any interest group, including government and with no preconceptions about the outcome.
- Allowing agencies to flag possible barriers to implementation, which can then be used to inform the development of the timeframe for implementation.
- Ensuring faster uptake of recommendations. Agencies that are aware of the direction of reform can start planning for the changes in anticipation of the findings.
- Providing an opportunity for the inquiry body to “sell” both the vision of the reform and the benefits of the review to the organisations involved.
- Obtaining advice on ways to frame recommendations that may have greater

⁷⁷ See also discussion in 6.2.1 [Political context](#), 6.8.1 [Leadership](#) and 6.8.2 [Stakeholder ownership and collaboration](#).

resonance or create less political opposition.

External engagement also provides the inquiry body with insight into the way particular agencies operate. These insights are essential in formulating recommendations that are relevant, workable and suited to local conditions.

One respondent with experience in recommendation drafting commented that, without this *“... we would get nowhere. We would be just a bunch of outsiders giving a view of something that we didn’t understand”*.

In the collective experience of interviewees, inquiry-led reform is enhanced when there is engagement at various levels, including with:

- government and bureaucracy (relevant ministers on both sides of politics, Treasury, the department under review)
- service providers (NGOs and their peak bodies). NGOs, which are increasingly responsible for the provision of social services, described as *“a great ally in terms of change”*, were seen as particularly important to co-opt into the reform process
- consumers including children and young people who are service users
- interest groups including victims and advocacy organisations
- experts in the field such as researchers, academics and expert advisory groups
- individuals or groups likely to oppose reform (seen as a useful strategy to foreshadow and counter likely objections).

Furthermore, maintaining consistency of personnel and stakeholder involvement throughout the entire reform process (inquiry, implementation and monitoring) was seen to promote the sustainability of reform.

“... the more you draw into an inquiry, the more you touch, talk with, consult with – the more of a support base you’ll develop for the implementation of the recommendations once you go away.”

– Inquirer

Interviewees had experienced a variety of methods for seeking external input to the inquiry process. This ranged from inquiries conducted jointly with stakeholders via a taskforce, to regular briefings with politicians or bureaucrats or via reference groups, focus groups or surveys. The staged release of discussion papers and draft reports, with mechanisms for feedback, was another way to engage externally and to ensure that any incorrect conclusions contained in the report are rectified. Processes used by the Productivity Commission that establish a continuous feedback loop to the inquiry as it unfolds were held up as the *“gold standard”* in consultation.

“What they do is they combine a very careful analysis with a very broad engagement... so that shortly after their terms of reference are issued, after a first round of initial discussions, they get out an Issues Paper, which then focuses attention around what they see as the key issues to be addressed. That leads to the first round of very serious submissions and hearings and seminars and so on. That then leads to a Draft Report, which is made public, and to a second round of responses to the Draft Report. The Final Report is published and then there’s a process after the Final Report before a government response [is received].”

– Implementer

Interviewees acknowledged that the level of consultation undertaken is likely to be determined by the resources allocated to the inquiry. For statutory review bodies involved in reforms crossing jurisdictional boundaries, web-based processes were seen to be a more financially viable way of conducting national consultation.

A number of respondents emphasised the value in consulting with children and young people in reforms of relevance to them. They provided examples of the ways in which children can provide unique insights into the development of mechanisms that are child friendly as well as child safe. In doing so they recommended that inquirers seek the advice of experts to ensure this is done effectively.

6.4.5 Processes

Respondents provided insights into how the processes used by inquiry bodies can impact on reform outcomes; that is, the ways in which they come to understand the issues under examination, formulate recommendations and write reports.

Several recognised the inherent conflict for inquiry bodies such as royal commissions, applying what is essentially a legal frame of inquiry to the search for solutions to social problems.⁷⁸ They also acknowledged the difficulty of inquiry bodies switching between an inquisitorial and a collaborative approach.

Conceptualising the problem and evidence-based inquiry

To ensure that the inquiry starts with the right focus and looks for solutions in the right places, respondents talked about the importance of inquirers arriving at an understanding of the problem under investigation based on the available literature, insights from written and verbal

⁷⁸ See 6.4.7 [Composition](#) for a discussion of the role of legal personnel in inquiry-led reform.

testimony and, potentially, by undertaking their own research.⁷⁹ When done well by inquiry bodies, this work can add to the knowledge base and can be used as a public education tool or in the training and professional development of the workforce.

Inquiries that are not informed by such analysis were seen to run the risk of formulating misdirected recommendations. Several interviewees commented that without an evidence-based foundation, policy reform is less likely to succeed.

More than one respondent referred to recommendations from the Royal Commission into Aboriginal Deaths in Custody relating to the removal of hanging points in prison cells as an example of a hugely resource-intensive strategy resulting in minimal gain.

Those respondents with experience in child protection reform saw a need for greater understanding in the community and the sector about the nature of offending in the sexual abuse of children. The common stereotype of perpetrators as a small, deviant cohort was seen to result in over-reliance on solutions that aim to bar such people from working with children. The example of an inquiry arriving at a more nuanced view, which was based on the research evidence, is described in the quote below:

“They made the comment that very often the focus [is] on the offender as ‘evil’ or disturbed, disordered in some way and they made the comment that it just doesn’t reflect the reality. The implication [from the research] is that given the right circumstances, ordinary people do really stupid things, unpleasant things and nasty things to people. And then I think the whole of chapter two, from memory, in that report sets out in a lot of detail, the different elements of those structural and systemic organisational features that allow this to occur, particularly in enclosed institutions – but I think they do also make the point it doesn’t have to be a closed institution. But once you have people looking after other people, outside of the natural family context, there are these risks that are presented and the implication ... is that there’s a whole lot that can be done at an organisational level to make these places safer for children.”

– Commentator

Several respondents felt it important to acknowledge that child abuse is a complex issue and in spite of the current research, child protection is a policy area where we still largely do not have the solutions.

⁷⁹ A comment was made by one of the respondents that the research undertaken by an inquiry can be seen as an added benefit arising from the process and by helping to justify the cost of the process, can help sell the work of the commission.

Evidence gathering

A number of insights relevant to the inquisitorial functions of inquiry bodies emerged from the interviews. Respondents talked about the need to subject the evidence obtained to dispassionate analysis – described by one as subjecting it to a “cold reading” – and to include a critique of the evidence in the report. Another with experience as a formulator recommended using a “hot tub” method of obtaining sworn evidence related to expert evidence that was contested from a number of heads of department at once.

“I swore in all of them together. I asked all of them to make an opening statement about their position and I allowed them to question each other. So they don’t just each give their evidence and then go away. They’ve got to give it in front of colleagues with similar expertise and they’ve got to agree to be questioned directly by the other experts as well as by counsel. So if there is a direct conflict of opinion on an issue, you know, they can directly say ‘well you say this but my experience is this ... What do you say about that?’ type stuff. And it can be quite effective.”

– Inquirer

Writing the report

Respondents expressed the view that while it is the recommendations that set the blueprint for reform, the report as a whole requires careful drafting and is essential in providing implementers with the context for the recommendations. Reports were seen to have the potential to play an important role in professional development for the sector, community education and lobbying. As such, reports need to be as readable as possible. Respondents stressed the importance of structure and logic, making good use of headings and subheadings to break down the text into manageable chunks.

Respondents also felt that it is important for the voice of the victims to be heard in the report. Vignettes and case studies can be used effectively to promote empathy, while at the same time highlighting systems failures. For one inquiry head, it was important that the human story set the tone of the report.

“... every data-relevant aspect of the inquiry was prefaced by words, phrases, observations of the human participants in the system, that you never come bang into a research profile or set of results or anything like that – although there’s a lot of them in the report – without being led into that topic by what people have said. I think maintaining that sort of participant-generated intros or accounts maintains the human relevance of the inquiry.”

– Inquirer

Using the media

Respondents suggested that inquiry bodies should make good use of the media to help develop community will for reform and thereby promote political will.

“The area that I think has given us the most traction in terms of getting fixes for our reports... is publicity. Getting publicity to further the outcomes of an inquiry is important ...”

– Inquirer

Some strategies to make use of the media included the following:

- foster relationship with journalists who have shown interest in the inquiry
- work out the messaging – preferably a key phrase that synthesises the purpose of the inquiry – well before recommendations are released, and “*keep to message*”
- take advantage of every opportunity to raise and “*socialise*” the issues
- ensure media visibility for the launch of reports and have “*relevant people*”, such as past victims of abuse in the current context, available at the launch to illustrate significant points. The latter was seen as a more accessible way of getting across the purpose of the inquiry – more so than the report itself.

Making reports and case studies public on websites was another way inquiry bodies can generate publicity and illustrate issues at a systems level.

In their use of the media, it was suggested that inquiry bodies strike a balance between over-exposure in the media, which could result in “*alarm or compassion fatigue*”, and the need to maintain a public focus. One respondent commented that where a strategic decision is made for the report to create a “*big bang in the media*”, widespread consultation has the potential to result in leaks, which may reduce the impact of the report on release.

6.4.6 Powers

The legal status of the inquiry body and the nature of its powers were seen by respondents to have the potential to impact both positively and negatively on reform. In their favour, the work of Royal Commissions (and of special commissions of inquiry) was seen to attract particular authority and credibility. Their coercive powers – that is, to compel the attendance of witnesses, the cooperation of government officials, the production of documents or seizure

of other evidence – as well as their ability to offer indemnity for witnesses⁸⁰ were seen as powerful inquiry tools. For statutory bodies, the ability to do “*own motion*” inquiries, to determine the parameters of an inquiry and to continue to monitor implementation of their recommendations, were seen as advantageous.

Respondents were of the view, however, that Royal Commissions have some inherent limitations. As quasi-judicial bodies, they were seen to keep themselves aloof from the major political players, to have only limited and formal engagement with other stakeholders and to be reluctant to take into account the cost of implementing reforms. For several respondents, the 1997 Wood Royal Commission into the New South Wales Police Force⁸¹ was seen to break this traditional mould.

Another perceived barrier to implementation is that once recommendations are handed down, commissioners walk away from the process and are rarely retained to oversee implementation. Unlike Parliamentary committees and statutory review bodies, where those with the knowledge and emotional investment in the issue remain in the system, former commissioners quickly become external to the process of implementation. Respondents saw it as more effective to have those involved in the inquiry playing a role in implementation, to “*walk alongside the process so the spirit of inquiry didn’t get lost*”.

The scope of an inquiry was also seen to potentially constrain its effectiveness. The parameters of an inquiry are generally beyond the control of the inquiry body and are determined by the terms of reference, or for statutory bodies, by their enabling legislation. Nonetheless respondents were of the view that even where the scope of the inquiry is narrow, the inquiry can still play an important role in identifying where the problems are and suggesting options to be considered. The influence of the Productivity Commission in public sector reform, even when operating within a restricted brief, was cited as an example.

6.4.7 Composition

Respondents considered it important that inquiry bodies include a balance of people with knowledge and experience of management and governance, and with the right skills to develop and manage relationships with a wide range of stakeholders. For several respondents, the fact that commissions of inquiry are often dominated by lawyers and headed by judges was problematic, particularly in circumstances where the profession itself may be perceived to be implicated in the problem under investigation.

⁸⁰ The powers of Royal Commissions to offer indemnity to witnesses in inquiries where criminal wrongdoing is uncovered in the inquiry was seen by one interviewee as causing problems for prosecutors in subsequent criminal proceedings.

⁸¹ *Royal Commission into the New South Wales Police Service Final Report, volumes 1–6, May 1997.*

“There are risks for them [commissioners] that they need to understand, which is the dominance of their legal framework and the unquestioned assumption of legal royalties and values. And I’m not being critical, I’m just talking generally about the nature of these sorts of commissions.”

– Commentator

6.5 Recommendation-level issues: What makes a good recommendation?

“So there’s all those elements: good policies, good evidence, handles the right problem, is doable politically, administratively, economically, and there’s not too much pie in the sky for particular things.”

– Implementer

Interview participants were asked for their opinions on what makes a good or SMART⁸² recommendation. Respondents shared a range of insights into the characteristics of good recommendation formulation.

The following table summarises potential recommendation-level barriers to implementation and potential strategies to address them, as identified by respondents.

Table 22 Strategies to address recommendation-level barriers to implementation

Potential barrier to implementation	Potential strategy
Ambiguity in interpretation of recommendation	<ul style="list-style-type: none"> • Recommendations to be detailed, clear, precise and easy to read • Development of implementation plan that includes: <ul style="list-style-type: none"> ○ Clear lines of responsibility for action ○ Action to be taken and how it is to be taken ○ Timeframes for action to be taken ○ Indication of prioritisation of action • State clearly the vision or purpose of the

⁸² SMART is an acronym that outlines criteria (that is, specific, measureable, attainable, relevant and time-bound), said to facilitate the setting of objectives that are easier to understand, implement and measure. The schema was originally devised for use in a project management context and is commonly attributed to Peter Drucker (1954). The SMART acronym has been loosely applied in this context— initially to help interviewees focus on particular characteristics of effective recommendations, and to structure the analysis of their responses. This had the potential to influence the way in which participants responded to what makes a good recommendation.

	recommendation
Implementers overwhelmed by the reform program	<ul style="list-style-type: none"> • Limit the number of recommendations • Staged implementation of recommendations, with indication of prioritisation of action
Recommendations not seen as realistic or viable	<ul style="list-style-type: none"> • Stakeholder consultation • Inquiry body to adopt a pragmatic approach
Recommendations not viewed as relevant	<ul style="list-style-type: none"> • Develop a process for assessing whether a proposed recommendation will achieve what it is intended to achieve
“Slippage” in implementation	<ul style="list-style-type: none"> • Include a timetable for implementation in the recommendations that is: <ul style="list-style-type: none"> ○ Adequate and realistic ○ Allows for planning of implementation • Start implementation early
Lack of clarity regarding reform priorities	<ul style="list-style-type: none"> • Provide an indication of recommendations that are a priority for implementation
Recommendation not seen as a priority	<ul style="list-style-type: none"> • Include a timetable for implementation in the recommendations • Staged implementation of recommendations, with indication of prioritisation of action

As indicated earlier⁸³, respondents believed that recommendations should be informed by a philosophical approach and should reflect the value frame adopted by the inquiry body. It was felt that the intended purpose, or vision of the proposed strategy should be made clear in the recommendation to ensure implementation was in accordance with the spirit of the reforms. Respondents also stressed the need for recommendations to be evidence-based; that is, to be underpinned by current research relevant to the issue under review.⁸⁴

Just as respondents felt that the writing of the inquiry report requires careful consideration⁸⁵, respondents spoke of the importance of framing recommendations in a way that is clear, precise, easy to read and well structured.

Many considered it important to limit the number of recommendations arising from an inquiry. Too many recommendations were seen to risk overwhelming or discouraging

⁸³ See 6.4.2 [Focus and values](#).

⁸⁴ See [Conceptualising the problem and evidence-based inquiry](#).

⁸⁵ See [Writing the report](#).

implementers, overburdening the relevant workforce and placing unnecessary demand on limited resources.⁸⁶ While respondents acknowledged that there is no “*magic*” number of recommendations that should emerge from an inquiry, one respondent suggested an upper limit of no more than 50 recommendations per report. Others suggested having fewer core recommendations, with a subset of reforms nestled within them. Or, for complex and detailed recommendations to be broken down into manageable components, while at the same time “*keep[ing] an eye on the big picture*”.

In addition to these overarching insights, respondents spoke about other factors associated with successful implementation at the recommendation level. The SMART approach, while arguably not directly relevant in the context of public policy reform, nonetheless provides a useful structure for organising these responses. These are outlined below.

6.5.1 Specific

Respondents were of the view that targeted and specific recommendations that leave no room for ambiguity in interpretation are more likely to be successful drivers of change.

“... if you want government to act, keep it short, keep it precise and don’t give them any wriggle room.”

– Implementer

However there were some differences in views about the preferred degree of specificity. For many, recommendations should provide guidance for implementers on the following:

- **Why:** State the purpose of the recommendation and how it is intended to make a difference.
- **Who:** Recommendations should include “*clear points of accountability*”. Identify those responsible for the action required and, if responsibility is shared, stipulate how it is to be shared.
- **What:** Identify what particular action is required in detail and break the description of this into clear components. Avoid vague terms like “consider”, “improve” or “review” to avoid misinterpretation, misunderstanding and the potential for governments to overstate or “*fudge*” outcomes.
- **How:** Specify how the recommendation is to be implemented and coordinated and identify possible constraints in implementing the recommendation and how these should be averted or managed.

⁸⁶ See discussion in 6.6.2 [Capacity](#).

- **When:** Include timeframes and give clear signposts on whether it is an immediate, or medium- or long-term priority.

Several interviewees felt that including an implementation plan or logic diagram in recommendations to government, and thereby doing some of the work required of the implementation body, is likely to result in faster and fuller rollout of reforms.

A contrasting view, however, was that an overly prescriptive recommendation, particularly where there has been minimal consultation with relevant government bodies or organisations, can place too much pressure on governments, rather than giving them space to consider the options. This was seen to lead to a “*tick-and-flick*” approach to reform, where a scorecard is kept of the number of recommendations addressed. Such an approach was seen to be likely to mean implementers lose sight of the overall vision of the reform and to assess what can feasibly be achieved.

“You need to leave some room tofor manoeuvre and people work on your recommendations and tease out what practically can be done... If you want a report that’s going to have a long shelf life you need to leave a little bit of room by emphasising what are the principles involved in trying to get to understanding the framework and the context.”

– Implementer

6.5.2 Measurable

Recommendations should stipulate concrete criteria for measuring progress towards the attainment of goals. Establishing a monitoring framework to “*map the efficacious outcomes of the reform*” was seen by respondents to be a critical part of implementation. Failure to incorporate monitoring mechanisms makes it impossible to ascertain successful implementation or, at least, progress towards implementation and, in so doing, to track progress. Insights provided by respondents into the monitoring of both the progress and degree of implementation, as well as the outcomes flowing from reform, are discussed in detail in [Monitoring and evaluation](#).

6.5.3 Attainable outcomes

Recommendations should be realistic and achievable in the context in which they will be applied. In the view of respondents, this requires inquiry bodies to consider the political viability of the recommendations, including the affordability of the reforms for government⁸⁷ as well as the capacity of the sector under review to implement the reforms⁸⁸, and to do so

⁸⁷ See discussion in 6.3.3 [Ensuring cost effectiveness](#).

⁸⁸ See discussion in 6.6.2 [Capacity](#).

within a stipulated timeframe.⁸⁹ As indicated earlier⁹⁰, interviewers regarded it as essential for consultation to take place with stakeholders to seek their views about the feasibility. Moreover, for recommendations to have material outcomes, respondents indicated that they must be within the reach of the intended audience.

To ensure that proposed reforms are likely to be accepted, respondents advised inquiry bodies to adopt a “*pragmatic*” approach and to focus on the recommendations that are most likely to be accepted and that can be fully implemented.

“... there’ll be some things which would be wonderful in ideal terms but for which there may be practical, political, realistic reasons that you know you’re not going to get to those points. So maybe you don’t need to put those recommendations in, maybe you’re better to focus on the ones that you can deliver, with politics being ‘the art of the possible’. And I’m not saying you have to be totally pragmatic, obviously there’s got to be principles that underpin the process, but you just do need to realise that sometimes passion can outreach reality and you just have to wind it back a bit.”

Inquirer

6.5.4 Relevant

Respondents discussed the importance of ensuring that the proposed recommendations are pertinent to, and will make a tangible difference to the issue under investigation.

“... if you’re going to make a recommendation, it’s got to solve a problem — it can’t just be a check point.”

– Reviewer

Respondents recommended that inquiry bodies establish a process for assessing or evaluating the value of any given recommendation to the relevant jurisdiction, the system under review and the clients of that system. In formulating recommendations, it was suggested that inquiry bodies should consider the following questions:

- Will this make a difference to the issue under investigation?
- Is this targeted and appropriate to the audience?
- Is this the right time?
- Does this match or duplicate other reform efforts and needs?

⁸⁹ See discussion in 6.5.5 [Timeframes](#).

⁹⁰ See discussion in 6.4.4 [Consultation with stakeholders](#).

- What are the likely impacts on the existing systems?
- Is it applicable in the current environment?

Such an approach was seen to guard against what several respondents identified as a tendency by inquiry bodies to include recommendations to appease particular stakeholders and keep them “*on side*”.

Several interviewees warned against recommendation formulators relying too heavily on “*legalistic solutions*” and “*technical fixes*” rather than looking to more “*solution-focused*” recommendations. In the context of inquiries established to address historical abuse, for example, respondents suggested that recommendations that reflect the victims’ wants and needs should be formulated, rather than focusing primarily on monetary compensation.

6.5.5 Timeframes

Recommendations need to be time-bound or to stipulate a schedule for implementation. For a number of respondents, the consideration of timeframes at various stages of the reform process was considered to be an issue of importance. However, respondents also provided more general insights on the importance of the time allocated for other stages of the process, including the inquiry itself and the evaluation of reforms.

“You can’t take all the time in the world to resolve serious issues, but sometimes taking a bit of time upfront can lead to better outcomes later on.

– Reviewer

Setting a schedule for implementation

Setting an implementation timetable, and allowing adequate time for both planning and executing implementation, was seen by a number of respondents as necessary to getting the job done well. The view that implementation of reforms takes time, especially in large-scale systems reform and reforms that seek to influence organisational culture, was shared by many respondents. In their experience, tight timeframes and hasty delivery had compromised the effectiveness of reforms.

A number of interviewees also talked about the need for adequate time to plan implementation, particularly for complex federal reform that overlaps with state or territory reform. This allows for consultation and engagement with stakeholders and due consideration of how the reforms impact on other parts of the system.

“It wasn’t a great way to start a fairly massive investment of funding. It was done very quickly, it was done without careful consideration of the report ... Whilst there was definitely impetus and the [X] Government and the [Y] Government were both keen to do something, perhaps it might have been better, in hindsight, to take a bit more time to consult [affected]

communities, which didn't really happen until later in the process. And secondly, to actually get all the ducks lined up in terms of the specific aims of both the [X Government] and [Y Government] strategies. So it meant there was a lot of chaos in the first year in particular ..."

– Implementer

One respondent suggested that up to a year of planning is required for the implementation of national reforms, with another proposing a five-year lifespan for the coordinating body, with annual reporting. Another suggested that as a rule of thumb, planning for implementation should take around 65 per cent of the time allocated for rollout, with the remaining allocated time divided equally between implementation and checking on implementation. Others saw danger in delaying implementation because *"as soon as you stop talking about it [the issue] it will slip back"*.

As well as helping to focus implementers on the task of implementation and to hold them to account for agreed actions, embedding implementation timetables in large-scale reform can help highlight reform priorities. Respondents suggested that, where there are numerous recommendations, it may be prudent for inquiry bodies to propose staged implementation, stipulating which recommendations require immediate attention and which require a long-term view. While prioritising the implementation of certain recommendations in this way may help implementers with planning, it was seen to have potential drawbacks. One respondent commented that, over time, recommendations rated as a lower priority may drop off the reform agenda altogether. Another warned that significant recommendations earmarked for later implementation may be deemed less important.

"... and so they were all in that list and we had what should be done in six months and in 12 months. But that didn't actually capture the issue of significance of each of them. If you have one that's due in three years but is particularly significant – the most significant recommendation of the lot – but it doesn't stand out that way because it's not something that [needs to be] done right now."

– Reviewer

Respondents also warned against making certain actions contingent on less urgent actions, as this could result in pivotal recommendations becoming 'unimplementable'.

In the experience of a number of respondents, the timetable for implementation can be dictated or affected by political events or by circumstances that become untenable and require a prompt resolution.

"You want to be able to establish credibility, respect and trust in the people who are leading the change process. So that needs to be something that happens quickly. You can't take months or years to do that. You need to find ways to achieve that very quickly. You need to convince, satisfy external critics, and, frankly, try and neutralise external criticism by demonstrating that people understand the problems that need committing to – to fixing

them and to ensuring that no more happen in the future.”

– Implementer

Several interviewees felt swift action around several key recommendations was imperative to maintain public attention and support, which can quickly be diverted to another more immediate issue.

Other considerations relevant to time

As well as dedicating adequate time for the implementation phase, several respondents commented on the need to allow enough time for inquirers to do their job. Respondents involved in formulating recommendations commented that while the public is often looking for quick results from an inquiry, the time spent in planning the process, consultation and report writing is crucial to a successful outcome. Respondents nonetheless recognised that extended delays in the inquiry process can result in strategies losing relevance as circumstances change. In addition, waiting for an inquiry to publish findings can leave organisations and departments in a state of stasis and unable to make key decisions. Time invested upfront in adequate planning inevitably enables a more efficient rollout of reform.

In auditing the implementation of recommendations, it was thought the timeframe should be 12 months or more. Anything less was seen to be unlikely to register change. Fourteen to 18 months post report was seen as a “decent” period to monitor whether there had been adequate activity.

6.6 Organisational and systems-level factors

Well, I think in the large part, the problems of the past and some of the continuing problems now are because of organisational culture ... I mean, organisational cultures, by their very nature, tend to actually protect institutions or aim to do that ... and not sort of expose things.”

– Reviewer

Other parts of the landscape reported by interviewees to have the potential to impact the success of reform are factors at the organisational and systems levels. These include organisational culture, the capacity of agencies to implement changes, the challenges inherent in systems reform and the importance of education and training.

Respondents emphasised the need to contextualise organisational and systems-level factors into the broader political, policy and social environments in which agencies operate. Child protection work was seen as being particularly influenced by these broader forces, making it a

complex and difficult area to reform.⁹¹

The following table summarises potential barriers to implementation of recommendations and potential strategies to address them, as identified by respondents in their discussion related to organisational and systems level issues.

Table 23 Strategies to address organisational and systems level barriers to implementation

Potential barrier to implementation	Potential strategy
<p>Organisational culture:</p> <ul style="list-style-type: none"> • Closed cultures that are resistant to scrutiny and to change • Agencies working in ‘silos’ rather than collaboratively • Low level of professionalisation of workforce • Minimising problems within the agency by management • Struggle to maintain a child focus by agencies that work with children and families 	<ul style="list-style-type: none"> • Strong leadership at the organisational level • Introduction of new staff, particularly at management level • Inquirer to ‘sell’ the benefits of the inquiry to the agency (free consultancy service) • Promote empathy — agency CEOs hearing from victims • Adopt a positive and strength-based approach to the issue under review • Consultation with children in matters that affect them
<p>Organisational capacity:</p> <ul style="list-style-type: none"> • Inadequate staffing levels • Low skill level in workforce • Difficult nature of the work impacts negatively on staff (e.g. burnout, ‘churn’ of staff) • Impact on staff morale of strident media criticism • Poor pay and working conditions adversely impact staff morale • Reform fatigue in workforce • Management have little or no experience in the rollout of reforms • Lack of adequate insight into the dynamics of child abuse 	<ul style="list-style-type: none"> • Greater investment in workforce • Workforce development – training and professional development in evidence-based practice • Partnerships to enable sharing of resources and expertise in implementation • Greater emphasis on innovation • Secondment of staff between agencies • Introduction of new behaviour codes • Protection of whistle-blowers • Robust, ongoing, external oversight of agencies to monitor change using tools such as behaviour surveys, focus groups etc. • Staged and timely allocation of

⁹¹ See discussion in 6.2.1 [Political context](#).

	<p>resources needed for implementation</p> <ul style="list-style-type: none"> • Consider how new practices proposed in recommendations can be incorporated into current practice • Greater focus on dynamics of child abuse in vocational courses
<p>Systems change</p> <ul style="list-style-type: none"> • Unforeseen knock-on effect of recommendations within the system under review or other systems • Logistical challenges for large agencies of implementing even minor administrative changes 	<ul style="list-style-type: none"> • Stakeholder consultation • Development of overarching logic of reforms in implementation plans • Good planning • Suggest pilot of strategy to evaluate impact in different contexts

6.6.1 Organisational culture

Organisational culture, including that of government departments, specific sectors and professional groups, can have a powerful influence on reform agendas. Respondents commonly cited this issue as having the potential to impede reform. Organisational culture manifests in a range of ways and, according to stakeholders, effecting change at this level can be difficult and slow.

Respondents identified a number of aspects of organisational culture as important for reformers to consider. These included the following:

The importance of leadership: Organisational leadership was seen to be a central driver of culture. This influence, and the role of leadership in ensuring accountability for reform are discussed in more detail in [Leadership and implementation](#).

The need for ‘new blood’: Respondents described how the introduction of new staff, particularly at a senior level, can be a powerful circuit breaker for a negative culture in a failing system. In the experience of a number of respondents, existing senior management are often incapable of effecting a change in culture and can be part of the problem. According to one respondent, *“If you don’t get that external scrutiny of someone who doesn’t owe people, you just don’t get change.”*

While the ‘new broom’ approach might be required to achieve a shift in culture, and to focus the organisation on reform, several respondents indicated that it should be balanced with the need to retain expertise in the organisation’s area of operation, as this can facilitate a quick rollout of reforms. Achieving this balance was described as hard work and difficult to get right, and a number of senior implementers had mixed views on the extent to which it had been successful in certain instances. According to several interviewees, very high staff

turnover, or ‘churn’ – especially where incoming workers are inexperienced – can also slow down reform agendas.

Resistance to change and level of openness: Agency resistance to change was one aspect of organisational culture seen to commonly impede reform efforts. In the view of many respondents, such resistance is a hallmark of organisations that are resistant to scrutiny.

“If you have a closed membrane around something then you are not allowing much information in or much information out. How do you change anything? It’s almost impossible.”

– Commentator

Examples provided of agencies with a ‘closed’ culture included churches, the public sector, the military, police, the justice system, some professional groups and child welfare departments. While for some respondents a shift to a more open culture was evident in many areas, others were of the view that insularity and defensiveness had increased in some sectors, including in the area of child welfare.

Resistance to change can manifest at various levels, from the front-line worker, jaded by the tide of reform, to those at a management level who may seek to minimise the extent of the problems within the organisation or to use strategies to derail reform, such as stalling implementation in an attempt to “wait out” the process.

Some cultures were seen by respondents to involve ways of working that impede reforms seeking to promote children’s interests. The impact of legal culture on children’s experiences as witnesses in the criminal prosecution of offenders, and a generally defensive attitude to scrutiny by lawyers, was identified as a case in point.⁹² Respondents also recognised that non-profit and private organisations have varying attitudes to change, with some open to opportunities to improve practice so as to better meet the needs of children and others remaining entrenched in outdated practices.

Ability to work collaboratively: A commonly cited factor in effective organisational cultures was the ability to see the bigger picture and to understand the need, particularly in relation to child welfare, for an interagency, cross-portfolio approach to reform.

“... you can write all the policy guidelines ... in the world but if people stick to their own culture ... or protect their own territory and they’re not willing to be a little flexible in terms of what are the constraints and what are the needs of the other people they are working with ... and the needs of the kids so that we’re not dividing them up into criminal investigation or health

⁹² This is discussed in [Structural constraints in child protection reform](#).

investigations or child protection investigation.”

– Commentator

The importance of collaborative work in securing sector ownership of recommendations, promoting accountability and in delivering more effective child protection services is discussed in more detail at [Stakeholder ownership and collaboration](#).

Degree of child focus: The degree to which organisations working with families and children have a child focus, or engage in child-centred practice, was identified as another important aspect of organisational culture that can impact reform. While it may seem ironic that agencies specialising in child welfare work can struggle with this, respondents identified numerous instances where agency heads were seen to prioritise the protection of the reputation of the organisation or department over the rights of children to be protected from harm.

A number of respondents described the difficulty many contemporary institutions have in ensuring that children have a voice in the organisation and that service provision is informed by the insights provided by children.

Degree of professionalisation: The status and degree of professionalisation of a sector was seen to be a relevant aspect of organisational culture. Child protection was seen to have a relatively low status and level of professionalism. It was described by a number of respondents as being a young profession that is staffed by a largely inexperienced workforce.

Respondents commented on how professionalising a workforce could positively affect culture; for example, bringing with it a greater focus on the importance of using evidence-based approaches. However, one respondent commented on how the professionalisation of a child protection workforce in a small jurisdiction had resulted in a loss of local knowledge and experienced staff.

A number of strategies that may help to affect a shift in organisational culture were raised by respondents. These are included in the table at the start of this section (see [Table 23](#)).

6.6.2 Capacity

The capacity of the sector under review to effectively engage with and implement reforms was seen by respondents as important for inquiry bodies to consider. The following capacity issues were identified as particularly relevant in systems involving the care of vulnerable children:

- the adequacy of staffing levels in the face of increasing workloads and the impact this has on services (see above)
- the nature of work that deals with difficult issues like child abuse and neglect that can result in staff being shell-shocked and burnt out and unlikely to stay in the job for long

- the degree of investment in the workforce, for example by way of training and professional development⁹³, supervision and debriefing, pay and conditions, and the impact this has on skill level and morale
- the impact on morale of strident criticism of staff in the media
- the level of experience in reform rollout at the senior level
- the ability to work with complex interagency service delivery where data sharing and shared responsibility is required, necessitating the consideration of the quality of IT and data systems
- the capacity to comply with onerous implementation demands such as where concurrent reform agendas are managed over a period of time, or where voluminous recommendations from an inquiry result in reform fatigue. The child protection sector was recognised as one that is particularly susceptible to this. One respondent estimated that in the recent past, the child welfare department in a particular state had dealt with around 1200 recommendations arising from various reviews. Agencies that are faced with an unwieldy number of recommendations, may respond by trying to “*duck the waves and wait for them to pass*”.

Respondents also stressed the importance of understanding demographic differences and that regional, rural and remote areas are unlikely to have the resources that are available in major cities to implement reforms.

6.6.3 Systems change

Respondents identified a range of considerations as relevant in the reform of large systems. Foremost among them was the need to be alert to the knock-on effect of a recommendation in other parts of the system, or in other systems, particularly where inquiry bodies have not sought administrative advice.

“So the facilitating of implementation has to be not just the policy level or writing a document that says what should happen in broad terms. It’s really got to be a little bit more detailed ... and not only just about processes and procedures. There really has to be a systematic, almost like some sort of logic diagram of how the system pieces fit together.”

– Reviewer

In addition, some respondents made the point that changes to large systems – even relatively minor administrative changes – can involve considerable logistical challenges, and require

⁹³ See discussion in Section 6.6.4 [Awareness and knowledge](#).

good planning to ensure that sufficient infrastructure is in place as reforms roll out.⁹⁴ Others suggested that piloting reforms in different contexts can help promote understanding of what needs to be done differently across diverse communities and different types of organisations (highly centralised and large through to devolved or small).

6.6.4 Awareness and knowledge

Investment in the professional development of staff in the sector under review, including via pre-service (higher education qualifications), in-service and interagency education, training and development opportunities, was seen as an important facilitator of effective reform. At its most basic level, respondents recognised that reforms cannot be made unless the changes to policy and practice are communicated to staff. In the words of one respondent, if this does not occur, the new policies become *“like an antique vase which sits on the mantelpiece, lovely to look at ...”*.

The training and professional development of staff working with vulnerable children was seen to involve a number of challenges, in particular the high resource costs of training staff or volunteers where there is a high degree of churn. A number of respondents spoke to the need for what was described by one as *“ecologically sustainable child protection”*; that is, cost-effective approaches to ongoing training, where various professional groups and volunteers across sectors could be brought together to share resources and learning. Bringing different professional groups together for training also provides an important opportunity for cross-sector fertilisation, where professionals involved in different parts of the system can work together to improve processes.

“There doesn’t seem to be a mechanism or an easy mechanism where the people who are doing the court cases can say back to the people who are doing the interviews with kids ‘look that interview was great except that... And you need to be able to do it around some examples, practical stuff, not just abstract [concepts].”

– Commentator

Respondents recognised the need for greater understanding in the child protection workforce of the nature of offending against children and best practice in prevention. The inquiry process itself was seen to play a potential role in professional development in this area. A number of interviewees suggested that there needs to be a greater focus on the dynamics of child abuse at the undergraduate level, not only in social work courses, but also in vocational training for professions that involve contact with children, such as teaching and medicine. Key content areas mentioned by a range of respondents as worthy of a greater educational focus included:

⁹⁴ See discussion in [Setting a schedule for implementation](#).

- interagency work
- child sex offenders
- exchange of information and the boundaries of privacy legislation
- dynamics of family violence and violence against children.

6.7 Method of implementation

“It’s about taking those things that cross boundaries and having somebody say, this is important for us to achieve, otherwise it will fall through the cracks.”

– Implementer

The formulation of recommendations, while a critical component of the reform process is, as characterised by one interviewee, only “*step one in a hundred steps*”. It is in the operationalisation of new policies, practices and procedures that the “*rubber hits the road*” in social reform.⁹⁵ In the following two sections, interviewees provide insights into how the work involved in implementing recommendations and holding to account those responsible for doing so, can impact on the effectiveness of reform.

The following table summarises potential barriers to the implementation of recommendations and potential strategies to address them, as identified by respondents in their discussion of implementation methods.

Table 24 Strategies to address barriers to implementation associated with method

Potential barrier to implementation	Potential strategy
<ul style="list-style-type: none"> • Complexity of national reform <ul style="list-style-type: none"> ○ Differences between jurisdictions and diverse stakeholders ○ Difficulty brokering co-operation and compliance across jurisdictions and diverse stakeholders • Gate-keeping in the political process • Change in government/leadership 	<ul style="list-style-type: none"> • Recommending a whole-of-government strategy • Coordination of implementation by central agencies (e.g. Prime Minister or Premier and Cabinet) • Stakeholder consultation in implementation • Development of Implementation plan which includes: <ul style="list-style-type: none"> ○ Action to be taken and how it is to be

⁹⁵The importance of formal implementation processes, such as the establishment of “*an implementation oversight group, an implementation plan and clear roles and responsibilities*” in supporting implementation was highlighted in the scoping review for this project.

	<p>taken</p> <ul style="list-style-type: none"> ○ Clear lines of responsibility for action ○ Timeframes for action to be taken ○ Indication of prioritisation of action
<ul style="list-style-type: none"> ● “Slippage” in compliance over time 	<ul style="list-style-type: none"> ● Embed implementation mechanisms into existing structures, such as legislative reform, incorporating reform targets performance agreements of CEOs, using political processes (COAG, Parliamentary Committees) or statutory review bodies to provide oversight ● Self-regulation by the sector under review (e.g., by accreditation, codes of conduct) ● Involvement of civil society (e.g., welfare peaks) in implementation and monitoring

As was evident from the earlier discussion relating to recommendation level issues⁹⁶ there were differing views among respondents as to the preferred degree of specificity in drafting recommendations, and the extent to which formulators should seek to shape the implementation process. Ultimately, inquiry bodies may have little control over what ‘architecture’ governments adopt to implement recommendations.⁹⁷ Nonetheless, respondent’s views on the processes and structures that best support implementation have the potential to inform the Commission’s approach to the drafting process.

6.7.1 Governance of oversight bodies

Respondents provided insights on a range of possible structures for the coordination of implementation. The role of government in implementation dominated the discussion.

Implementation of large-scale or cross-sector reform may require a whole-of-government strategy⁹⁸ and in the words of one interviewee involves “*incredibly complicated mechanisms*” with “*extensive and elaborate layers of reporting*”. One example of an oversight mechanism at

⁹⁶ See Section 6.5.1 [Specific](#).

⁹⁷ One respondent commented that at a minimum, governments would be likely to accept recommendations that stipulate a timeframe for implementation and reporting.

⁹⁸ One respondent warned against the risk in adopting a whole-of-government approach to child protection that universal services are pushed into performing a secondary, more specialised role that may become a drain on resources.

the political level was a Cabinet committee, constituted by ministers in the relevant portfolios and supported by steering groups and forums constituted by department heads, CEOs of non-government agencies and other significant stakeholders. Parliamentary standing committees were seen to be one way to ensure bipartisan monitoring of progress of implementation.

The importance of managing implementation at the *“top of the bureaucratic tree”* via central agencies, such as the Department of the Prime Minister or the Department of the Premier and Cabinet, was highlighted by a number of respondents with experience implementing large-scale reform. According to respondents, the more senior the agency responsible for coordinating and monitoring implementation, the better. High-level coordination provides *“the kind of glue you need to progress the work that needs to be done, particularly in child protection which was always seen to be in the too-hard basket”*. It was also seen to provide the *“muscle”* to:

- avoid gate-keeping and by providing access at the source of power, reduce the number of processes required to initiate action
- ensure the policy and fiscal attention of government
- promote active interagency engagement and collaboration and help to reduce the opportunity for misunderstanding and ambiguity. Central agencies can act as the *“ultimate arbiter between the public sector turf wars”*
- reduce the risk of the conflicts of interest arising
- bring a focus to implementation that sits above the dominant culture of the department or sector under review.

It was also seen to help avoid the loss of relationships forged between ministers and champions of reform when a cabinet reshuffle occurs.

At the sector level, respondents had experience working with a range of bodies involved in implementation, including:

- implementation teams or committees both across and within agencies
- bodies constituted solely for the purpose of coordinating implementation
- statutory bodies such as Children’s Commissioners, Ombudsman’s office or The Australian Human Rights Commission
- private consultants contracted to formulate an implementation plan.

Having an internal implementation team was seen to be particularly important where organisations are implementing recommendations from a number of inquiries concurrently.

One respondent indicated that for internal implementation teams it is sometimes preferable to bring in someone new to lead the process, especially where changes to organisational culture are required. The importance of leadership in ensuring accountability for reform is discussed in more detail in [Leadership in implementation](#).

6.7.2 Effective processes

In their discussion about governance, respondents identified some characteristics of effective implementation processes. The importance of developing an implementation plan, of adopting a collaborative approach and, where possible, maintaining consistency of the players involved in the reform process, emerged as key messages. As discussed earlier (see Section 6.4.6 [Powers](#)) involving inquiry bodies in some capacity at the implementation stage was also seen as desirable.

The development of a plan with designated milestones and clear indicators as to responsibility for decision-making and action, especially where multiple stakeholders from different agencies are involved, was viewed as essential.⁹⁹ When a plan with a timeframe for completion is incorporated into recommendations – including a timeframe for completion – the plan can become “*an excellent lobbying tool*” for groups working to keep governments accountable. As discussed earlier (see 6.5.5 [Timeframes](#)), respondents felt the implementation plan should prioritise recommendations that require immediate action.

The role of collaboration and communication in fostering ownership of reforms at the political, bureaucratic and organisational level are discussed in other sections of this report.¹⁰⁰ Respondents indicated that the body coordinating implementation should also adopt a collaborative approach, seeking feedback from the sector about the progress of reform – including from regional areas – to help ensure any barriers are dealt with quickly.

Organisations may also benefit from external assistance to implement recommendations. Respondents identified that this may be particularly useful:

- where the issues under review are of such a nature that it would not be appropriate to have internal personnel driving the changes; for example, in the rollout of a complaints process for reporting sexual harassment
- where previously closed organisations have limited ability to effect cultural change
- in relation to determining compensation for victims.

However one respondent warned against setting up implementation processes that are

⁹⁹ See discussion in Section 6.5.5 [Timeframes](#).

¹⁰⁰ See 6.2.1 [Political context](#); 6.4.4 [Consultation with stakeholders](#) and 6.8.2 [Stakeholder ownership and collaboration](#).

externally driven, arguing that the majority of the work should be done collegially, drawing on the expertise within an organisation rather than an “*administrative approach*” where a “*guru*” comes in briefly to address an issue.

Several respondents were of the opinion that expert advisory bodies, providing “*broader advice and experience*” that is more likely to be evidence-based, can play an important role in supporting implementation. However one respondent cautioned that the expert advice sought should reflect an objective view of the research. This respondent cited the example of an advocacy organisation often called upon to advise on child-safe organisations, which, in their view, conceptualised child abuse in a way inconsistent with what is known from the literature.

6.7.3 Approaches to implementation

Several respondents suggested that, where possible, the operationalisation of recommendations should be locked in structurally, so “*the machine has to keep it alive*”. Examples provided by respondents of ways to ensure maximum sustainability of reforms included:

- enshrining the reforms in legislation: described by one respondent as being like putting a “*chock behind the wheels of a vehicle*” to prevent “*slippage*” into non-compliance¹⁰¹
- using political processes such as COAG or oversight by parliamentary committees.
- using “*carrot and stick*” approaches including incorporating reform targets into the KPIs of managers and CEOs, linking agency funding to accreditation, the meeting of standards or the implementation of reforms and mandating reporting on implementation progress in performance agreements between department heads and ministers
- creating ongoing independent positions, such as advocates or liaison officers, to assist consumers to navigate the system and help ensure that the procedures and policies introduced by the reforms are followed in individual cases
- involving statutory review bodies such as Children’s Commissioners or Ombudsman in implementation.

Self-regulation by a sector, for example the setting of standards, codes of conduct or accreditation systems, was proposed as one way of achieving sustainable change. The example of education reform in some European countries was cited, where the government sets the standards and schools must formulate a plan to meet the standards, which are then submitted

¹⁰¹ For other respondents, over-reliance on legislative reform can potentially blind inquiry bodies to a whole range of other strategies. In the words of one respondent: “*if your only tool is a hammer, then every problem looks like a nail*”.

to government for approval. A number of commentators stressed the importance of standards being commensurate with the capacity of organisations to meet them. For one respondent, increased regulation of a sector and over-emphasis on accreditation, without translating the vision or purpose of the changes, results in empty reform.

“If organisations don’t have their own reasoning for continual improvement in the way that they do business, then I don’t know quite how much protection that really offers because I think that those bottom-line standards do not serve to fully protect. And besides that, the organisational mindset becomes compliance focused ... so long as you’ve got the boxes ticked you’re okay.”

– Commentator

Several respondents suggested that the involvement of civil society in the implementation and monitoring of reform should be considered, for example via peak welfare bodies, such as the Australian and State Councils for Social Service.

6.8 Accountability for implementation

“I think scrutinising the implementation, as much as what’s gone [on] in the past will be absolutely key and having people that can be trusted to give full and frank opinions on that will be absolutely key as well. If we’re ever going to see change, people need to be able to say what is not going well and what is.”

– Inquirer

In addition to the method or processes used in the rollout of reforms, interviewees identified a number of other factors associated with accountability in implementation. These include strong leadership, stakeholder ownership, collaborative ways of working and transparency through monitoring. The timeframe for implementation was also an important consideration in promoting accountability. This is discussed in Section 6.5.5 [Timeframes](#).

Underscoring this discussion is the view that accountability means more than just compliance. Instead, it requires implementers to ensure that implementation is aligned with the spirit of the recommendations and to work towards the change as envisioned by the inquiry body. For one respondent this means, *“doing more than ticking boxes. They’ve got to feel personally attached, I think, to not only be getting it done, but doing it well.”* Similarly, governments need to be *“locked into a much clearer statement about what achievements the community can expect and then reporting against those achievements.”*

The following table summarises potential barriers identified by respondents to ensuring accountability for the implementation of recommendations and potential strategies to address them.

Table 25 Strategies to address barriers to implementation related to accountability

Potential barrier to implementation	Potential strategy
<ul style="list-style-type: none"> • Lack of buy-in to reforms in the sector under review • Focus on compliance with recommendations rather than seeking to effect change • Buy-in to reforms lost with change in agency leadership 	<p>Strategies to promote buy-in to and ownership of the issue under review:</p> <ul style="list-style-type: none"> • Inquiry bodies to engage with leadership in the sector • Leadership to promote the objectives, and convey the ‘vision’ of the reforms • Convey message that changes are part of core business • Stakeholder consultation • Promote empathy – agency CEOs hearing from victims • Involve agency management team in implementation, including middle management • Demonstration that reforms will make a difference and that change is possible
<ul style="list-style-type: none"> • Drift to tertiary (or protective) solutions 	<ul style="list-style-type: none"> • Consider strategies that broaden the base of responsibility for the protection of children (not relying too heavily on government processes for coordination and monitoring of implementation)
<ul style="list-style-type: none"> • “Slippage” in compliance over time • Uncertainty about progress of implementation (e.g., government spin) • Uncertainty about effectiveness of reforms 	<ul style="list-style-type: none"> • Recommendations to stipulate mechanisms for monitoring of implementation • Start monitoring early • Monitoring to be transparent, independent and sustainable: • Regular reporting on progress <ul style="list-style-type: none"> ○ Reports on progress to be publically available ○ Corroborate reports such as by site visits, spot reviews and stakeholder surveys ○ Reports tabled in Parliament rather

	<p>than provided to individual ministers</p> <ul style="list-style-type: none"> • Monitoring provided by an external body • Data collection and reporting requirements not to be overly onerous for agencies • Recommendations to stipulate mechanisms for evaluation of outcomes from reforms
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6.8.1 Leadership in implementation

A strong message emerging from the interview data is that for reform to succeed it must be embraced by those delivering it, from upper management to front-line workers. Where management provides what one respondent described as “*social leadership*” in the reform process – sending clear messages about the objectives of the reform and expectations within the agency – implementation was seen to be likely to get more traction. The more contested and complex the reforms or the issue, the more important leadership was seen to be.

Respondents viewed agency heads, with their potential to convey to staff the vision of the reforms and the message that the reform agenda is core business of the agency, as essential to implementation. They stressed the importance of inquiry bodies engaging with management at the highest levels and at the earliest opportunity. Liaising with directors, department heads and CEOs of non-government organisations or of peak bodies provided direct access to decision-makers and helped promote sector buy-in. It was suggested that those in upper management should take every opportunity to communicate commitment to the reforms. The following provides an example of the work required to ‘sell’ sector-wide reforms:

“We did everything that a textbook would say that you should do. We put heads of agencies and heads of NGOs and everything on statewide road shows. We went out and we spruiked it to groups of interested people in [A location] and [B location] and every place, including with the minister whenever he/she could. It wasn’t just lip service. We sort of chewed it over with the field about how this was going to work and what it was going to do.”

– Implementer

Respondents recognised the risk that momentum can be lost with a change in leadership and that new leaders with different value systems or with no personal investment in the reforms may be reluctant to follow through with implementation. This was seen as particularly

problematic for reforms targeting organisations with a high turnover in leadership, such as the churches and the public sector. To help guard against this, and to spread the burden of responsibility for driving the reform, respondents suggested that the whole executive team within agencies be co-opted into the reform process, rather than having just one executive leading implementation. It was also recommended that implementation “*happen across layers*”. Middle management, as both the “*keepers of the culture and the ambassadors*” and those with the requisite detailed knowledge of the practical implications of the changes that are sought, should be included in this process. This was seen as particularly important in reform of large institutions and where reforms seek to change organisational culture.

Respondents identified a number of characteristics of sector leadership conducive to effective implementation of reform. These included:

- credibility and authority in the sector, with sufficient clout to get reluctant parties to the table
- systems knowledge and experience, with an understanding of “*the sum of the parts and the relationship between those things, rather than just individual compartments*”
- being open to scrutiny rather than taking a defensive position to the review – seeing it as an opportunity for growth, not a threat
- belief and trust in staff rather than blaming them or the previous regime for failings and supporting staff to meet the challenge of reform.

According to interviewees, implementation is best led by individuals who understand the issue under examination, the local context and what the inquiry body is trying to achieve. In the words of one respondent, reform is facilitated best by people who “*get policy, they get what’s important politically, they get what’s important for families, they get what’s important organisationally*”. Good leadership in agencies providing community services was seen by a number of respondents to involve understanding that their primary mission should be to promote the interests of the clients they serve, rather than prioritising those of the minister or the department or institution under review.

A more nuanced view of the role of bureaucrats in reform was that while they must be careful not to “*upset their political masters*”, they can help facilitate uptake of recommendations by reassuring government about the feasibility of the changes. Where this focus and the “*desire to change and to make a difference*” is absent, the bureaucratic response was seen to be likely to miss the point of the reforms, with the result that the same problems will recur.

Respondents talked about the need to secure commitment to the reform process by leaders at more than an intellectual level – aiming to engage both the “*head and the heart*”. As with buy-in at the political level, hearing the stories of victims was suggested as one way to promote

genuine investment in reform by CEOs and department heads.

“When survivors tell their personal narrative, their stories of extreme exclusion, of sexual assault, of having their career trashed because they were prepared to speak out, then the agents of change within the system (often powerful men), not only hear the case for change, they feel it.”

– Inquirer

6.8.2 Stakeholder ownership and collaboration

Strong leadership and good stakeholder management were viewed as essential in driving ownership of both the problem and the proposed solutions by the relevant workforce. To counteract what one respondent saw as the *“general resistance in organisations to any kind of change”*, respondents indicated that the sector under review needed to genuinely engage with the spirit of the recommendations. Strategies that promote commitment at the service provider level were seen to be more effective levers of change than regulation on its own.

“... the really good child protection work is organic and comes from within the organisation – from an understanding of the problems and commitment to values. Bureaucratic responses of any kind are the easiest to write recommendations about, but the least effective.”

– Commentator

Other factors that respondents saw as helping to promote a sense of ownership at the service provider level include:

- believing that the reforms will make a difference, especially where they involve more work for staff – if workers do not understand the reason for the reforms and for continuous improvement, their response is likely to become compliance, rather than change-focused
- staff within an organisation seeing organisational buy-in at a high level
- service providers feeling that they have had their views acknowledged and taken into account in both the inquiry and implementation process; that is, people feeling that *“they’re part of the journey, that they’re on the same page, that they are going along with things”*.
- seeing evidence that change is possible, such as where a proactive approach to the issue is adopted by government or management by implementing proposed changes before recommendations are handed down.

Consultation and collaboration were consistently cited as the vehicles for achieving sector

ownership, particularly for sector-wide or cross-sector reforms.

As one respondent commented:

“It’s got to engage with it hasn’t it? Now you can engage through law, but law is a blunt instrument and often an insensitive one. And I think it’s about getting smart ways to make organisations be participants and co-workers.”

– Commentator

Joined-up responses in service provision was seen to promote greater accountability in the sector and to provide opportunities for non-government organisations to hold governments to account for the pace and direction of progress.

Respondents identified a number of ways to promote collaborative implementation work, including:

- providing opportunities for relationship building, such as via interagency training, representation on steering committees and forums
- improving communication – using common language and data, and devising mechanisms for feedback between different agencies/sectors
- good planning of implementation with clear delineation of roles and responsibilities
- providing incentives and rewards for working collaboratively.

Those with experience in the implementation of large-scale reforms involving many stakeholders described it as frustrating, expensive, resource-intensive and exhausting, but ultimately worth it. They identified a number of barriers to agencies working collaboratively, including differences in culture, values, roles and powers resulting in mistrust and misunderstanding. A lack of trust between agencies can emerge in times of financial constraint where there is competition for resources. It can manifest as *“demands to be consulted about every single thing”*, which results in a laborious and time-consuming approach to implementation. Concerns that sharing information will be in breach of privacy laws and logistical barriers, such as different databases being unable to ‘talk’ to each other and industrial demarcations, were also seen as inhibitors of collaborative work.

Collaboration in child protection reform

The clear message that emerged from the interviews is that the importance of adopting a truly collaborative approach in child protection work – both in relation to service provision and in implementing reforms – cannot be underestimated.

Fostering a sense of collective responsibility, in all service providers and in the community at

large, for ensuring the protection of children from abuse and neglect was seen as an essential component of effective child protection reform. While this has been a strong and consistent theme underpinning policy for some time¹⁰², there was general consensus among respondents that child protection work remains compartmentalised and fragmented. In the experience of those interviewed, division, lack of coordination, responsibility shifting and “*fighting for turf*” can have disastrous consequences for children by creating gaps in service responses. The ‘silo’ effect was seen to be a particular characteristic of child protection work and commonly characterised as “*people in the welfare sector versus police*”. At the broader level, respondents felt that staff in key agencies, such as health and education still struggle to see child welfare issues as part of their role.

Respondents stressed the importance of adopting strategies that act to maintain broad responsibility for the safety of children. Over-reliance on government processes – for example, where a government department dedicated to child protection is created or where a Parliamentary committee or other government body is charged with driving implementation of reforms – may lead to a perception that child protection is solely a government responsibility. Respondents warned that when recommendations are viewed through “*the lens of government*”, there is a risk that broader vigilance at the organisational level – essential in child protection work – could be eroded. The resulting effect is a drift more towards tertiary rather than preventative solutions.

Respondents indicated that in the field of child protection, collaborative work also entails forging strong partnerships between practitioners and academics and experts. They stressed the importance of close management of collaborative work to ensure shared responsibility does not result in no one taking responsibility. Given the numerous challenges involved in collaborative work, it was suggested that joined-up approaches might need to be mandated in some way to achieve cut-through. In New South Wales, for example, strategies such as those requiring co-location of agencies in Child Wellbeing Units or the establishment of Joint Investigation Response Teams were seen as a way of embedding a culture of collaboration.

6.8.3 Monitoring and evaluation

The development of an accountability framework to monitor implementation was seen as essential by respondents to:

- maintain the momentum of reform and prevent “*slippage*” in compliance and standards over time
- allow for an assessment of whether implementers have done what they said they

¹⁰² See, for example, the *National Framework for Protecting Australia’s Children 2009–2020*, the core message of which is that “*protecting children is everyone’s responsibility*”.

would and, if not, determine nonetheless whether what they are doing is good enough

- anticipate hurdles and barriers and take action to avoid or address them as they arise
- justify resourcing or, where outcomes clearly do not justify resourcing, modify the approach, (that is, financial accountability)
- extend the knowledge base about what particular approaches work, and why other approaches don't, providing an opportunity to modify the strategies.

Most of those interviewed agreed that monitoring is a critical component of ensuring transparency in public policy reform. Several suggested that monitoring should be built into the recommended reforms – particularly where the inquiry body has a limited lifespan, with no ongoing monitoring role, as is the case with royal commissions – and should start early. The period after the handing down of recommendations and before implementation processes are developed was identified as a critical point where the impetus for reform can start to wane. Making recommendations for the early establishment of the monitoring body was seen as prudent.

Respondents recognised that effective monitoring of the progress of implementation depends on the timely provision of information by agencies, and that the establishment of processes to ensure accurate, secure and robust data collection are essential. Interviewees suggested that those formulating recommendations relating to monitoring consider the following:

- what is required of agencies in relation to record keeping
- the powers that the monitoring body may require to compel agencies to provide the necessary data and documentation
- the expertise required for them to analyse data.
- the need to collect benchmark data
- the importance of using both quantitative and qualitative data.

Interviewees identified barriers to effective monitoring of reform; that is, monitoring that is transparent, independent and sustainable. These included:

- political interference
- a tendency for governments and agencies to:
 - revert to “*spin*” in order to overstate their commitment to reforms
 - devise confidentiality agreements and “*gag*” members of independent

committees dealing with sensitive or politicised issues

- difficulties in accessing or interpreting data
- the loss of impetus to keep an eye on progress over time.

Essential features of effective monitoring

In the course of the interviews, respondents highlighted three important features of good monitoring: transparency, independence and sustainability.

Transparency in service provision generally, and in the response to complaints and issues of concern, was commonly seen as central to good practice.¹⁰³ Respondents asserted the right of victims and their families to have access to information about practice shortcomings and the action taken to address them. This was seen as particularly important where services affect the health, wellbeing and liberty of people, and in the provision of services for children and other vulnerable groups.

A number of respondents indicated that services for children should always be subject to independent scrutiny, via effective complaints processes, community visitor schemes, site visits and surveys. One respondent talked about lack of access to children in immigration detention centres providing “*horrible fertility*” for harm to children. Transparent processes were seen as beneficial not only for clients of the service and their families, but also for staff and ultimately for the department providing the service.

Regular reporting was seen as an essential component of effective implementation, helping to promote responsiveness in the system (by highlighting the need for agencies to have better quality assurance) and to institutionalise the changes. Maximising public access to reports¹⁰⁴ was suggested as one way to counteract the tendencies for government to engage in empty rhetoric when called to account for implementing reforms – described by one respondent as “*reform by paper*”. Without scrutiny,

“... reasons are going to be found, ways are going to be found, words are going to be found to show the existing situation in its best light and to take the edge off the breakthrough recommendations that are coming from the Royal Commission.”

– Commentator

¹⁰³ The risks associated with having an organisational culture of secrecy and defensiveness are discussed in 6.6.1 [Organisational culture](#).

¹⁰⁴ See previous discussion in 6.2.4 [The role of the media](#) in relation to the media scrutinising implementation and the importance of community debate regarding implementation.

In the eyes of interviewees, transparent processes are those that maintain independence from the key players. While agencies play an important role in monitoring, and may be represented at various levels of the process, respondents stressed the importance of monitoring bodies being at arm's length from both the department under review and the political process. Respondents involved in statutory review valued the ability to table reports in parliament, rather than reporting to the relevant minister. It not only enhances the perception of their independence, but also allows the sector to track progress of implementation.¹⁰⁵

Ensuring that monitoring is sustainable was also an issue of concern for interviewees. Respondents warned against imposing reporting obligations that are overly complicated, expensive, disruptive or otherwise burdensome for agencies.

“... you'd be looking to try and have data gathering that doesn't cripple the organisation, but is adequate or sufficiently adequate to be able to say that, 'We can monitor and get a feel for effectiveness of this particular system', every three months, six months, 12 months — however long that is either required by statute or that the management or organisation would demand.”

– Reviewer

Where possible, it was advised that recommendations should not increase the data collection responsibilities of agencies, but rather ways should be found to improve the data already collected and consider how they can be aggregated with data from other parts of the system.

Possible approaches to monitoring

Respondents referred to various mechanisms that could be used in monitoring implementation of reform, including:

- reviewing subsequent complaints or internal reviews and using them as case studies to inform further reform. One respondent indicated that a case study based on the Larkins matter¹⁰⁶ was very useful in this regard. Respondents recognised that for complaints mechanisms to be effective in child-related services, children need to know their rights and be actively supported to assert them. In addition to caseworker support, rights charters like the *Victorian Charter for Children in Out-of-Home-Care* and real access to independent advocacy services have the potential to support these processes. Input from organisations such as the CREATE Foundation, a peak body for

¹⁰⁵ One respondent referred to the Anangu Lands Paper Tracker and an online initiative of the Uniting Communities launched in mid-2007 to monitor government implementation of commitments to Anangu (Pitjantjatjara and Yankunytjatjara peoples).

¹⁰⁶ Steven Larkins, a former scoutmaster, was employed as Chief Executive Officer of Hunter Aboriginal Children's Services and National Chairperson of the Secretariat of National Aboriginal Child Care (SNAICC) notwithstanding criminal allegations relating to his alleged indecent assault of a number of children.

children in out-of-home care, was seen as desirable in strategies to ensure the voices of children are heard.

- processes that make use of or are embedded into existing systems – such as oversight by statutory review bodies, the committees and advisory bodies established for implementation, or parliamentary committees, with their reporting requirements enshrined in legislation – which were seen as useful to ensure monitoring continues to happen
- post-implementation or periodical review conducted by an independent watchdog body such as the office of Auditor-General, the Public Services Board or private audit consultancies
- appointment of an external person or body to play an ongoing monitoring role, and with knowledge of the sector and the ability to check the accuracy of government reports on implementation
- involvement of the inquiry body in monitoring
- using existing peak or professional bodies to implement and maintain accreditation systems or establish new ones
- victims groups, advocacy organisations and academics that could ensure the independence of monitoring.

A number of respondents discussed strategies that involved several review bodies working together to play a monitoring role. This was not only seen to be useful in providing extra gravitas to the process but also helped to share the burden of vigilance. A process whereby deficiencies in the system were identified by the monitoring bodies – included on a register of concerns and conveyed to the relevant authority in writing – ensured that concerns were kept on the public record.

There was general consensus among interviewees that monitoring needs to be more sophisticated than providing a “scorecard” based on “statistical reporting” of output or reporting on how much money has been spent. As one interviewee commented, while the investment of billions of dollars in reform might indicate a recommendation has been implemented, it does not reflect whether change has occurred and is not in itself a valid measure of success.

Respondents were of the view that reform success should be linked to the original objectives of the reform. The inclusion of clear performance indicators in recommendations can remind implementers of the objectives of the reforms as well as help them plan for monitoring. In the case of reforms related to the out-of-home care of children, one respondent felt that

outcomes should be measured on data relevant to a range of indicators.

“So we reported on safety of kids, we reported on their health, we reported on their educational performance, we reported on stability, we reported on the special needs of Aboriginal and Torres Strait Islander children, we reported on how the individual needs of children who needed therapeutic support or care was being supported. We also reported on whether children were being successfully reunified with their parents and also reported on how successfully young people were transitioning from out-of-home care to independent living.”

– Reviewer

Another respondent stressed that outcomes for vulnerable children should be compared with community norms, and that one state’s performance on out-of-home care should not be compared against the care of children in another state.

A number of respondents, particularly those performing review and monitoring functions, spoke of the need to critically evaluate government reports of implementation and to seek corroboration independently. It was suggested that this could be done a number of ways:

- site visits
- spot reviews of particular areas where there were previous concerns
- conducting stakeholder surveys, including, where relevant, with children and young people
- drilling down into the most important recommendations and asking for evidence of uptake to be provided.

The success of reforms can also be measured through program evaluation. A number of respondents suggested that recommendations should stipulate requirements for proposed strategies to be piloted and/or evaluated. Respondents outlined a number challenges involved in evaluation. These included difficulties in accessing data, sharing data between organisations and the differences in how data is collated by different agencies, and inadequate resourcing of evaluation. Several respondents talked about the need to be able to determine what is happening at the local level in order to construct local solutions, and yet one respondent indicated that child protection departments do not collect data at an individual community level. Another respondent spoke about the need for data that tracks the movement of families and children from one part of the system to the other.

For a number of respondents, adopting a positive and supportive approach to implementation and the barriers encountered was seen as important in promoting transparency. Staff members need to see that monitoring is “... *there to help, not to beat them up ... so that together we could work in a collaborative way to create change*”.

6.9 Unintended consequences of recommendations

But you could swing the whole of our society to a position of such regulation in an attempt to prevent that [child abuse] ever happening and, in doing so, you would actually have massive unintended consequences on civil society and on individual children. The big challenge for this Royal Commission will be to think with wisdom about the unintended consequences of its recommendations.”

– Inquirer

During the course of the interviews, respondents spoke about the likelihood of unintended negative consequences flowing from the implementation of recommendations.¹⁰⁷ The complexity inherent in the field of child protection – sitting as it does within and across a range of other systems such as health, education, policing, community welfare and justice – was seen to bring with it an increased risk of unanticipated flow-on effects. One respondent commented that child protection reform was “*all about unintended consequences*”.

The following draws on interviewees’ experience of, and thoughts about, possible unforeseen effects of reform generally and from recommendations relevant to child protection in particular, including those already raised in the preceding discussions.

Respondents identified the following potential adverse outcomes arising from the implementation of recommendations generally.

- A freeze on strategic decision-making or change in the sector under review – pending the release of the report – can result in a form of organisational stasis.
- In developing standards, there is a risk that compliance will be focused at the lowest common denominator.
- Over regulation can foster a culture of compliance rather than change.
- When reforms are trying to effect culture change in an organisation, it may be necessary to concentrate power and decision-making at senior levels, resulting in disempowerment of more junior staff.
- Because recommendations arising from inquiries usually result in what one respondent described as a “*sort of tightening of things, putting in more checks and balances and controls*”, government agencies are at risk of becoming more defensive, resulting in a more rigid, top-down approach that is insular and less collegiate.

¹⁰⁷ Respondents were asked the following question in the interviews: “*Have you observed any unanticipated or unintended effects from the implementation of recommendations?*”

- Implementation of reforms may result in a drain on human resources at the organisational level as more able staff members are directed away from direct service provision to work on implementation.

6.9.1 Unintended consequences in child protection reform

Dominating the responses from interviewees was concern that reform in the area of child protection should strike a balance between measures that seek to protect children from abuse and an approach that creates an overly fearful and risk-averse culture in the regulation of activities and services involving children. While the aim of certain policies may be to create organisations that are child-safe, they were seen to be unlikely to be child-friendly, as the following quote suggests:

“I remember in [location] young people in care speaking very poignantly about how they could not, in foster care ... spend the night at a sleepover at one of their school friend’s places because the parents of that school friend would have to undergo police checks. Now in the previous Labor government, a brave minister took that regulation away so that foster carers, kinship carers, residential carers actually were exercising the sort of judgment that we expect parents to exercise every single day and I thought that was a really good move.”

– Inquirer

Respondents were of the view that over-regulation of activities, services and other interactions involving the care of children had the potential to impact negatively not only on children, but also on the adults that work with them and the community at large in the following ways:

- Introducing a degree of rigidity and fear in relation to the physical interaction between adults and children can have the result of denying children, particularly young children, “access to ordinary human warmth” when they need it, such as a comforting arm around the shoulder when they are hurt or upset.
- Stringent screening requirements for children can inhibit normal social interaction for children in out-of-home care (as is evidenced by the above quote).
- Placing onerous obligations on carers may discourage people from taking up foster care, leading to further reductions in an already diminishing pool of available carers.
- Too strong an emphasis on risk of abuse may have the effect of focusing carers on issues of that nature at the expense of other aspects of care for children.
- Overburdening small, non-professional and largely volunteer organisations with regulations aimed at larger, centralised or well-resourced entities, may discourage the former from working with children.

- There can be an over-emphasis on tertiary solutions for child abuse, at the expense of early intervention. This can increase the incidence of reporting, which leads to children coming into care at an earlier age. Children who spend a longer time in out-of-home care were seen to have reduced chances of returning to their families.
- Ascribing secondary or tertiary-like functions relating to children’s safety onto universal services, such as Maternal & Child Health, can result in resources being directed away from their primary role and risks stigmatising them as services only for vulnerable families.
- Mandatory reporting obligations may result in a high number of vexatious or unsubstantiated notifications, thereby overloading the system. Agencies that are anxious to be seen to be fulfilling their obligations to report may err on the side of notifying in circumstances where it is not warranted.
- When employment screening or allegations against staff are not handled with skill and care, careers and personal reputation can be destroyed.
- Employment screening may create a false sense of security in organisations.
- The introduction of structured decision-making processes in the assessment of risk to children, described by one respondent as “*child protection work by following the dots*”, can lead to some practitioners suspending their professional judgment and diminishing the quality of the response.

6.9.2 No surprises – avoiding unintended consequences in reform

Respondents had few concrete suggestions for avoiding unintended consequences, such as those listed above. Rather, insights about the best ways for inquiry bodies to go about their work¹⁰⁸ provide some guidance for recommendation formulators. Consulting widely with stakeholders and providing draft recommendations for comment were seen by many of those interviewed as the best way to identify and work through potential problems and minimise the risk of aberrant outcomes.

In addition, starting the inquiry process with an analysis of the nature of the problem under review and conducting the inquiry in a holistic, positive and balanced manner and with appropriate focus on community values¹⁰⁹ was seen to give recommendations the best chance of achieving the intended outcome.

¹⁰⁸ See the discussion in 6.4 [Aims and context of inquiry](#).

¹⁰⁹ See the discussion in 6.4.2 [Focus and values](#).

6.10 Summary of chapter

This chapter presented responses from 43 expert informants to a series of open-ended questions about the factors affecting the implementation of recommendations arising from inquiries. Respondents deemed to have in-depth knowledge of child protection reform or public policy reform more generally, were drawn from a pool of former high-level officials from government, senior staff in statutory regulatory bodies, non-government organisations, peak bodies, academia and professional groups. Feedback from respondents from all states and territories (except Tasmania) with experience in one or more of the phases of reform – including formulation, implementation or the monitoring of implementation of recommendations – was explored thematically.

The degree of detail and contextual information from the data provides rich insights – the back story to government reports on implementation of recommendations and the government stakeholder survey. Collectively, data from the stakeholder interviews provide insights into a range of factors that can affect the implementation of recommendations, including the political, social and structural context of reform; resourcing issues; the nature of the inquiry body itself, including the powers and processes used, and the way recommendations are formulated; factors at the organisational and systems level; the processes used in the rollout of reforms; the evaluation and monitoring of reforms and; potential unintended consequences flowing from recommendations.

When coded as either barriers or facilitators of implementation, the responses of interviewees suggest that the methods used in the implementation of reforms, leadership and stakeholder ownership and the need for transparency in monitoring and evaluation are factors most commonly associated with successful implementation by respondents. Conversely, organisational culture, the structural context in which recommendations “land” and leadership and stakeholder ownership were viewed by respondents as likely barriers to reform.

A number of key themes emerged from the stakeholder interviews in relation to the factors that inhibit or promote successful inquiry-led reform. Foremost among them were the following:

- The underlying aim of reform work is for the government and those who will be implementing the reforms to embrace the spirit and intent of the recommendations, rather than adopting an approach that is merely compliance-focused. Articulating the vision of the proposed changes at every media opportunity – in consultations with stakeholders and in both the inquiry report and the recommendations arising from it – is an important task of inquiry bodies.
- It is essential for inquiry bodies to be alert to the context in which recommendations will ultimately “land” and, regardless of the scope of their terms of reference, to maintain a wider focus on the implications of their recommendations.

- Collaboration, coordination and communication are essential components of inquiry-led reform.
- Organisational culture is a powerful force affecting reform work and can be pivotal in determining the success or failure of recommendations.
- The resourcing implications of reform are issues of primary concern for government. Analysing the projected costs of recommendations (both monetary and human), suggesting potential economies in other areas, and emphasising the cost-effectiveness of a given proposal can help smooth the path through the political process.
- Inquiries play a potentially important role in contributing to the knowledge base relevant to the issue under investigation. This is achieved by providing analysis that is informed by the available literature, research commissioned by the inquiry and insights from the testimony of lay and expert witnesses.
- Strong leadership at both the political and agency level is essential to drive reform agendas.

In conclusion, it seems vital that the recommendations proposed by inquiry bodies be relevant to their intended audience and doable. Other important features include providing detailed and unambiguous guidance for implementers on the purpose of the reforms, the action required to achieve that purpose, the allocation of responsibility for implementation, a timeframe for completion and indication of costs, and the measures by which they can be assessed.

7. DISCUSSION

This project employed a multi-method design to assess the implementation of 288 recommendations selected by the Royal Commission from 67 previous inquiries related to child sexual abuse. Data was extracted and evaluated from: (i) government commentary on implementation and accompanying documentation; (ii) legislation verification; (iii) surveys of key government stakeholders; and (iv) interviews with diverse parties engaged in the implementation of recommendations. This report identified a diverse range of contributors to the successful implementation of recommendations, which are synthesised in this chapter. The analysis is structured according to the aims identified for this project.

7.1 Extent of implementation

Overall, 48% of the selected recommendations were ‘implemented in full’ and 16% were ‘partially implemented’. In 14% of cases, implementation status was undetermined due to insufficient information provided by governments in their documents. The remaining 21% of recommendations were ‘not implemented’. However, of the recommendations rated as ‘not implemented’, 39% were under consideration or their implementation was in progress.¹¹⁰

The jurisdictions with the highest proportion of recommendations ‘implemented in full’ were Western Australia (71%), Queensland (63%) and New South Wales (59%). It was beyond the scope of this study to determine why some jurisdictions had a higher rate of ‘fully implemented’ recommendations. This study was based on select recommendations, and the statistics on rates of implementation, and jurisdictional rankings, may well vary if the recommendations on all relevant inquiries were measured.

Specific analyses of the data on implementation reveal the following:

- The proportion of recommendations implemented per inquiry is greater for older inquiries and lesser for more recent inquiries.
- According to type of recommendations, those relating to systems had the highest proportion of recommendations that were ‘implemented in full’. By contrast, recommendations relating to legislation had the highest proportion that were ‘not implemented’. Recommendations that were policy-oriented had the lowest proportion of ‘not implemented’.
- With respect to the subject matter of the recommendations, those most likely to be ‘implemented in full’ related to ‘employment screening’. Those most likely to be ‘partially implemented’ were on the subject of ‘criminal justice system’.

¹¹⁰ Percentages are rounded up.

Recommendations that were most likely to be ‘not implemented’ were on the subject of ‘training in child protection’.

7.2 Factors contributing to successful implementation

Implementation of recommendations takes place in a rich political, strategic and economic context. Successful implementation, according to respondents, is contingent on the scope of the inquiry and the inquiry process; the nature and pertinence of the recommendations; and the commitment of governments to implement the recommendations. Community attitudes and the role of the media are also perceived as shaping the formulation of recommendations, the decision to implement (by individual or successive governments) and the monitoring and evaluating of the implementation process. Thus the implementation process is much broader than the decisions of a government at the time that the recommendations are released.

Furthermore, as explored in this section, in order to assess the factors that contribute to successful implementation of recommendations, it is necessary to also assess the barriers confronted in implementation and how they may be overcome through effective strategies. The data collected in this project addressed both the contributing and inhibiting factors to implementation.

7.2.1 Facilitating factors

Clarity of vision: It appears important that the vision and principles underpinning reform be clarified and promoted, especially through the media. From the beginnings of an inquiry, it is suggested that a coherent message be articulated about the broad vision of the reforms which is then used to inform the agenda of the inquiry and ensuing recommendations. Stakeholders need to become well versed and responsive to this vision. Specifically, review systems relating to the care of children are best driven by the best interests of children and their right to care and protection. Clarity of vision can also be woven through the recommendations.

High-level leadership: Having a champion of reform either within or outside the political process can help to garner community support, bridge political divides (through obtaining bipartisan support) and drive political will for action. Bipartisan political engagement can be particularly important for reforms withstanding changes in government.

Engagement with media: Inquiry bodies that make good use of the media can develop community will for reform and political will. The message needs to be clear and consistent. Focusing on the stories of victims can engage the media and in turn the government. Engaging the media should nonetheless tread a fine line between promoting a sense of short-term alarm or crisis and maintaining deep-rooted public interest in the issue.

Conducting early and ongoing consultation with relevant stakeholders: Consultation and regular briefings with government, agencies and other stakeholders such as NGOs, interest groups and experts can facilitate fiscal and political buy-in. Wide consultation may broaden

the potential support base for the implementation of recommendations and assure the sector ownership necessary for implementation. Consultation that extends to victims, children and young people – providing there are appropriate safeguards in place – may increase the likelihood that recommendations are appropriately tailored to these groups. Stakeholders could be engaged in problem identification and problem solving, including in relation to drafting recommendations to ensure their suitability and feasibility. The staged release of discussion papers and draft reports, with mechanisms for feedback, may assist in the consultative process.

Alignment between the intent of inquiry, the spirit of the recommendations and the implementation process: Findings suggest that those involved in the inquiry process articulate their intentions and principles through recommendations to those ultimately implementing reform. Such an alignment may lead to government and implementers embracing the spirit and intent of the recommendations. This approach does not preclude formulators from crafting recommendations in response to stakeholder feedback, but ensures that the intention of the inquiry underpins and informs all recommendations. Also, implementers may adapt recommendations to circumstances, while being mindful of the intent of the inquiry and spirit of the recommendations.

Holistic approach to drafting recommendations: The most effective sets of recommendations appear to be interconnected and reflect an understanding of how the entire system should work. A piecemeal approach to the formulation of recommendations may not address the overall problem that is based on an interconnectedness of issues. In other words, piecemeal recommendations can overlook the big picture. Multi-disciplinary representation on the inquiry body and widespread consultation with stakeholders are two ways to assist in providing a more holistic response to the issues.

Recommendations drafted with specificity and flexibility: Findings suggest that recommendations that are specific and focused on the required change tend to be easier to implement and monitor. Where recommendations are overly broad or have multiple parts, both implementation and oversight may be made more difficult, which in turn compromises accountability. At the same time, if the wording of recommendations is so tight that it precludes a degree of flexibility in the implementation, it may prove difficult for governments to adapt the implementation process to their circumstances. Flexibility is also needed to ensure that the recommendations remain current notwithstanding changes in technology.

Recommendations that are outcome-focused and achievable: The SMART criteria could provide a useful frame of reference for drafting of recommendations: Specific (see directly above), Measurable (incorporating a monitoring framework to map outcomes), producing Attainable outcomes (based on political viability and capacity), Relevant (especially to the needs of victims, children and young people) and have built-in Timeframes. In addition,

recommendations could be tailored to the circumstances of different jurisdictions, agencies and NGOs to ensure that they are achievable.

Formulation of evidence-based recommendations: Findings suggest that governments may respond better to recommendations that are supported with evidence and best practice. Where governments regard the evidence to be lacking or are of the view that there is a competing body of plausible evidence, they could be reticent to engage in the implementation process.

Mindfulness of capacity issues in drafting recommendations: Resourcing implications of reform was a major concern for governments and they were more likely to implement recommendations that were economically viable. Where governments lacked resources or faced other capacity issues (such as data capacity within IT systems or human resources) implementation suffered. Adequate resourcing is vital for both implementation and ongoing effectiveness of programs. Strategies that an inquiry body could undertake in order to address resourcing issues include consultation with Treasury officials or economists to cost proposed reforms (in both monetary and human terms). This could, in turn, result in the inquiry body limiting cost-intensive recommendations. An economic impact statement may also provide relevant data with the additional benefit of accounting for savings, such as potential savings from preventative and early intervention strategies or suggesting potential economies in other areas.

Jurisdictional collaboration: The Council of Australian Governments (COAG) could play a useful role in facilitating collective discussion by states in a federal reform process, providing it does not slow down the process. The Australian Government may facilitate this process by demonstrating leadership and attaching funding incentives to reform.

Agency collaboration and coordination: This can be important for effective implementation and may require interagency training, improved communication, delineation of roles in implementation and incentives for collaborative work. Cross-sector reform and interagency work can be assisted by managing budgets across departments. Also, the sharing of resources and expertise in implementation can be encouraged through the formation of partnerships between agencies or between agencies and government.

Government oversight bodies: These may be necessary for monitoring and tracking of reforms. Central bodies keep a check on and co-ordinate the implementation progress. They can bring a focus to implementation that sits above the culture of the department, agency or sector under review; promote interagency engagement; and ensure the policy and fiscal attention of government. This is particularly important with large-scale, cross-sector or cross-jurisdictional reforms. It is also important where recommendations require a whole-of-government strategy. The oversight body needs to have authority and influence. For example, for reforms that are wide-reaching, an appropriate oversight body may be a Cabinet committee comprising ministers in relevant portfolios and supported by steering groups, with

representation from the various bodies and significant stakeholders. Additionally, it may be important to have independent committees or statutory bodies (such as a Children's Commissioner or Ombudsman) overseeing reform.

Staging implementation: Implementation may be more successful where governments plan implementation according to a number of stages to facilitate a gradual and feasible process. Staging can allow allocation of resources in a manner that will not disproportionately burden government's capacity. It is equally important to stage the swift implementation of some key recommendations alongside longer-term reforms to maintain momentum in the reform agenda and keep the issue alive. Inquiry bodies may facilitate this process by proposing staged implementation plans that single out particular reforms for immediate attention while flagging those that require longer-term planning and implementation. To assist effective implementation and accountability, reforms could be lined up to allow training, computer systems, budgets and other resources to be in place when the policy begins.

Government tracking and evaluation of implementation: Governments that were able to demonstrate that the implementation of recommendations was tracked had the capacity to describe the stage, outcomes and limitations of implementation. In these cases, there were clearer channels of oversight and accountability. Tracking appeared particularly crucial for recommendations that were not fully implemented (because they are in a state of progress) and those that required systemic change. Tracking requires access to information, independent scrutiny and regular reporting to help promote responsiveness in the system. Evaluation may require more than statistical reporting, but also an appreciation of the extent to which the reforms give meaning to the spirit of the recommendations and assist the target group that was the concern of the inquiry.

7.2.2 Inhibiting factors

Policy conflict: A significant factor impeding implementation was that the recommendation was at odds with current government policy. In some instances, the media and community attitudes could sway governments in favour of pursuing the policy embedded in the recommendation. More commonly, however, governments resisted implementation because they privileged their pre-existing policy commitment. One standout area in which policy tensions arise is in relation to mandatory reporting. A number of jurisdictions were reluctant to expand the scope of mandatory reporting and to back it up with punitive measures, citing adverse consequences of expansion.

Political resistance to long-term/preventative/early intervention strategies: A wide view emerged in this project that governments were more inclined to implement recommendations that could achieve results in the short term. There is greater difficulty in securing political will to implement strategies – irrespective of their effectiveness – that are geared to prevention and had longer-term outcomes.

Difficulty in implementing whole-of-government recommendations: Findings suggest that implementation may be more straightforward and manageable for governments where they only affect one aspect of government. Changing government culture or attempting to change data systems across government departments or create whole-of-government analyses of patterns (such as offending) can present challenges. This is particularly the case in relation to interdepartmental and interagency collaboration, communication and agreement.

Inability to implement reforms ultra-jurisdiction: Governments have limited powers to affect the actions of other jurisdictions or external agencies. Therefore, where recommendations relate to a body other than the government for which the inquiry relates, or concern powers beyond the jurisdiction or ambit of the relevant government, it may be difficult for governments to implement recommendations and/or monitor the implementation process. In framing their recommendations, it is suggested that formulators be mindful of the powers of the relevant government over other governments or agencies. This may require that recommendations are formulated with specific action that the government may take in relation to external bodies, such as putting proposals at the Council of Australian Governments (COAG) meetings or setting protocol for agencies to report back to governments on implementation.

Challenges in implementing multiple reforms: In a number of jurisdictions, governments mentioned that they had difficulty in implementing multiple inquiry-led or other related reforms concurrently. This had the effect of stretching resources as well as creating conflicts among reforms. The consequence could be that important reforms from previous inquiries, or other core business, are stalled in favour of implementing new reforms. Alternatively, new recommendations take a back seat while other reforms are pursued.

Conflicting legislation: This was noted by several governments in relation to recommendations that conflict with privacy laws. This was particularly the case for sex offender registers. Interviewees suggested that inquiry bodies should consult with the relevant Privacy/Information Commissioner on recommendations requiring information collection and sharing.

Organisational culture can be resistant to change and prone to inertia: Reform may be impeded where agencies or departments are not open to new practices or agendas. This can be perpetuated by organisational leaders entrenched in the old culture. By contrast, new leadership may scrutinise the situation from an external standpoint and accommodate change. This needs to be matched with retaining expertise and corporate memory in the organisation. Either way, it can be argued that senior management needs to be united in its commitment to change, and middle management needs to directly manage cultural change as its leadership shapes organisational behaviour.

Resource limitations: This included funding, time and staffing. Related issues were difficulties in recruitment and retention of qualified staff, which were particularly challenging when

implementation was required in rural and regional areas. Professional education and training of staff was important for the development of a skilled workforce to implement reforms.

7.3 Relationship between factors determining successful implementation

The Project Team discerned a number of relationships between factors determining successful implementation of recommendations. Data collected from participants did not touch on these relationships, as the Project Team was not in a position to direct questions on this matter. Rather, this discussion is based on identifying crossover and overlaps in the implementation themes and factors conveyed by participants. It discusses the major relationships and is not an exhaustive analysis of connected factors. With these interconnected factors, it is often the case that you cannot have one factor without the other.

Stakeholder engagement and acceptable reform formulation: The drafting of recommendations that secure wide support is likely to depend on stakeholder engagement. Stakeholders can play a critical role in ensuring the reforms are feasible, tailored to the target population, evidence-based and effective. Stakeholders' involvement spans the discussion phase of an inquiry (where general issues relating to child protection are canvassed), as well as commenting on draft recommendations. Simultaneously, formulators of recommendations could provide a blueprint for recommendations that respond to the concerns of stakeholders. If the nature of recommendations and related discussion papers do not take up key concerns, stakeholders may not engage in the process.

Stakeholder engagement and commitment to reform implementation: In the inquiry process, it is suggested that stakeholders be engaged to ensure that their views are reflected in the inquiry's findings and recommendations. Without such engagement, it may be difficult to have stakeholders commit to implementing the recommended reforms ensuing from the inquiry. At the same time, stakeholders need to be committed to the vision of the inquiry in order to engage in the process. Engagement involves a range of techniques, including direct access to victims and other affected persons.

Clarity of vision, clear messaging and effective use of media: Findings suggest that engaging the media can help inquiries to communicate their vision. A strong vision may not translate into community will – or often political will – unless it is aired in the media. At the same time, the media may not be responsive to, and report on, the work of an inquiry unless the inquiry has clarity of vision and a capacity to communicate this vision.

Organisational culture and leadership: It was widely recognised that in order to undertake cultural change to assure implementation, strong leadership was needed in an agency, both at senior and middle management levels. It is not possible to have cultural change without also ensuring leaders are committed to the change. In some circumstances, this may require changes in leadership.

Interagency collaboration and ability to exchange information and work across

organisational boundaries: Effective interagency work can depend on effective systems of information exchange and cooperative working partnerships. Without systems to share data, adequate communication channels and principles for working together, interagency work may well break down. Equally, information exchange and the development of principles of cooperation may not occur unless collaborations are developed among agencies.

Oversight body and tracking recommendations: The monitoring and evaluation of the implementation of recommendations can be effectively conducted through an oversight body. Ideally, this could be an external body that brings a range of expertise and carries some degree of authority. The oversight body can set standards for tracking recommendations. Benchmarks can be both quantitative and qualitative, and reflect the spirit of the recommendations and intention of the inquiry. Without such a body, tracking recommendations is dependent on internal review that may lack accountability.

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Evidence review: Implementation of
recommendations arising from
previous inquiries of relevance to
the Royal Commission into
Institutional Responses to Child
Sexual Abuse

Scoping Review Report
Attachment A

Parenting Research Centre

Commissioned by the Royal Commission into
Institutional Responses to Child Sexual Abuse



Parenting Research Centre
raising children well

This document is an attachment to the final report for the project titled ‘Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse’.

Established in 1997, the **Parenting Research Centre** (PRC) is Australia’s only national, independent non-profit research, development and implementation specialist organisation with an exclusive focus on parenting and families. The PRC is dedicated to gathering scientific knowledge of effective parenting and developing practical programs to help all parents raise happy, healthy children. The PRC’s work focuses on supporting the efforts of practitioners, managers, organisations and governments to effectively and sustainably adopt and implement evidence-informed practices and programs.

Disclaimer

The views and findings expressed in this report are those of the author(s) and do not necessarily reflect those of the Royal Commission. Any errors are the author’s responsibility.

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Royal Commission
into Institutional Responses
to Child Sexual Abuse

Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme eight.

The research program means the Royal Commission can:

- Obtain relevant background information
- Fill key evidence gaps
- Explore what is known and what works
- Develop recommendations that are informed by evidence and can be implemented, and respond to contemporary issues.

For more information on this program, please visit www.childabuseroyalcommission.gov.au/research

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1. Introduction

This report forms part of the project: Developing a methodology for assessing the implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse. It describes methods used to conduct the scoping review component of this project and the findings of the scoping review. A scoping review is a rigorous approach to an exploratory project that systematically and rapidly maps the literature available on a specific topic or methodology (Levac, Colquhoun, & O'Brien, 2010). It entails the systematic selection, collection and summarisation of published work in a broad thematic area. Unlike a systematic review, it does not involve assessing study rigour or bias, or the effectiveness of interventions or approaches being tested, but instead 'scopes out' particular areas of research.

In this project, we used a scoping review to identify the methods used in previous evaluations of the implementation of recommendations arising from inquiries and/or commissions.

2. Scoping review methodology

2.1 Search strategy

Reports evaluating the implementation of recommendations arising from inquiries were identified via a systematic search of the following sources:

- electronic bibliographic databases
- selected websites
- reference lists of included evaluations.

2.1.1 Electronic bibliographic database searches

Search terms were developed that were designed to identify relevant evaluations of the implementation of recommendations arising from inquiries. We used various terms associated with the word 'inquiry' and terms related to the matters that form part of the current Royal Commission into Child Sexual Abuse. We also added the search term 'evaluation' and limited searches to English, humans, and the years 1993 onwards. The search terms used appear in Box 1.

Box 1. Search terms used in searches of electronic bibliographic databases.

inquiry or inquiries or commission or royal commission or investigation

AND

domestic violence OR violence against women OR wife abuse OR spousal abuse OR woman abuse OR intimate partner violence OR aboriginal death OR aboriginal suicide OR child death OR child abuse OR child neglect OR child sexual abuse OR child maltreatment OR child emotional abuse OR aboriginal housing OR remote community housing OR homeless OR aboriginal homelessness OR crisis accommodation OR youth homelessness OR suicide prevention OR youth suicide OR male suicide

AND

evaluation

Search terms were adapted to meet the individual requirements of each electronic bibliographic database. The following electronic bibliographic databases were searched: EMBASE and EMBASE Classic, PsycINFO, MEDLINE, Social Work Abstracts, ERIC, Applied Social Sciences Index and Abstracts (ASSIA), Sociological Abstracts, Social Sciences Citation Index Web of Science, and Criminal Justice Abstracts. We also conducted Google searches using the above search terms.

2.1.2 Website searches

An extensive list of selected websites relevant to the topic of this review (e.g., government, justice, welfare) were also searched systematically for suitable published and unpublished (grey literature) reports. A list of sites searched appears in Box 2.

Box 2. Selected websites searched for further published and unpublished reports

Parliament of Australia listings of inquiries in Australia

http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=inquiries_comm.htm

Human Rights Commission <http://www.humanrights.gov.au/>

Closing the Gap <http://www.aihw.gov.au/closingthegap/>

Productivity Commission http://www.pc.gov.au/publications/by_type

Child and Family Welfare Association of Australia <http://www.cafwaa.org.au/>

Australian National Audit Office <http://www.anao.gov.au/>

Victorian Ombudsman <http://www.ombudsman.vic.gov.au/www/html/7-home-page.asp>

<http://www.ombudsman.vic.gov.au/www/html/78-the-victorian-ombudsman.asp>

NSW Ombudsman <http://www.ombo.nsw.gov.au/>

Commonwealth Ombudsman <http://www.ombudsman.gov.au/>

Ombudsman Western Australia <http://www.ombudsman.wa.gov.au/index.htm>

Ombudsman NT <http://www.ombudsman.nt.gov.au/>

NSW Commission for Children & Young People <http://www.kids.nsw.gov.au/>

Queensland Commission for Children and Young People and Child Guardian

<http://www.ccydpcg.qld.gov.au/index.aspx>

Commissioner for Children and Young People <http://www.cryp.wa.gov.au/>

Commission for Children and Young People Victoria <http://www.cryp.vic.gov.au/>

Northern Territory Children's Commission <http://www.childrenscommissioner.nt.gov.au/>

Commissioner for Children, Tasmania <http://www.childcomm.tas.gov.au/>

Commission for Children and Young People ACT

<http://www.hrc.act.gov.au/childrenyoungpeople/>

UK Government <https://www.gov.uk/government/publications>

<p>UK child welfare http://www.nspcc.org.uk/inform/research/questions/child_protection_system_in_the_uk_wda48949.html</p> <p>Crime and Misconduct Commission Queensland http://www.cmc.qld.gov.au/research-and-publications/browse-by-type</p> <p>Child welfare http://www.cyf.govt.nz/</p> <p>Australian Human Rights Commission http://www.humanrights.gov.au/</p> <p>National criminal justice research service https://www.ncjrs.gov/App/AbstractDB/AbstractDBSearch.aspx</p> <p>Independent Commission Against Corruption http://www.icac.nsw.gov.au/publications-and-resources/list-of-all-current-icac-publications</p> <p>WA Corruption and Crime Commission http://www.ccc.wa.gov.au/Pages/default.aspx</p> <p>Indigenous Justice Clearinghouse http://indigenousjustice.gov.au/db/publications/index.html</p> <p>Australian federal, state, territory websites http://australia.gov.au/</p> <p>Australian Domestic and Family Violence Clearinghouse http://www.adfvc.unsw.edu.au/</p> <p>The Australian Institute of Family Studies (AIFS) http://www.aifs.gov.au</p> <p>Child Family Community Australia (CFCA) Information Exchange http://www.aifs.gov.au/cfca/index.php</p> <p>Australian Institute of Health and Welfare (AIHW) http://www.aihw.gov.au/</p> <p>Canadian government http://www.canada.gc.ca/home.html</p> <p>Canadian child welfare http://cwrp.ca/</p> <p>NZ government http://newzealand.govt.nz/</p> <p>Social care institute of excellence http://www.scie.org.uk/</p> <p>Child Welfare information gateway https://www.childwelfare.gov/</p> <p>Care Quality Commission http://www.cqc.org.uk/</p>

2.1.3 Reference lists of included papers

Reference lists of all included reports were checked for other relevant evaluations.

2.2 Evaluation selection

2.2.1 Screening abstracts found through bibliographic databases

Using our definitions of inquiry, evaluation, recommendation, and implementation a three-person team was trained by the Manager of Knowledge Synthesis to select papers of relevant evaluations. Raters were trained to a minimum of 90% agreement to screen abstracts and identify papers that met these criteria:

Using our definitions of ‘inquiry’, ‘evaluation’, ‘recommendation’ and ‘implementation’, a three-person team was trained by the Manager of Knowledge Synthesis to select papers of relevant evaluations. Raters were trained to a minimum of 90 per cent agreement to screen abstracts and identify papers that met certain criteria.

Papers were only included if they were evaluations of the implementation of inquiry recommendations. Evaluations were not limited by design, and the inquiry could be on any human related topic (that is, not restricted to child sexual abuse).

Papers were excluded if they were not in English, not related to humans (for example, inquiries into animal cruelty) or dated before 1993.

During this screening phase, papers were sorted into one of four groups based on their abstracts: **accept**, when the paper appeared to be relevant; **maybe** relevant, **reject**, when the paper was not relevant; and **of interest** (for relevant systematic reviews, for example).

2.2.2 Screening reports identified through grey literature searches

The same people who screened abstracts in the bibliographic database search, searched the selected websites for relevant evaluations. Search functions were used where available, or lists of reports, publications or documents were hand-searched. Titles, abstracts and executive summaries were checked against inclusion criteria and full text of reports that appeared to be suitable were downloaded.

2.2.3 Evaluation eligibility

Full text of papers categorised as 'accept' or 'maybe' from bibliographic database searches, as well as full reports from the grey literature searches, were then read separately by one of the four raters to determine if they were eligible for inclusion in the scoping review. The same criteria were used as at the screening phase, but with in-depth reading of each report.

2.3 Data extraction

The team of four who determined the eligibility of evaluations, also extracted data from included reports. Data extracted included information about the inquiry (such as jurisdiction, purpose and sector under inquiry), information about the evaluation (such as design, informants, methods used, resources and limitations) and information about the recommendations (such as the target of the recommendations, implementation of the recommendation, barriers to implementation and facilitators of implementation). Data were extracted by individual team members using a data extraction form (see Appendix 1 for a blank data extraction form).

2.4 Data analysis

Data were tabulated and frequencies were calculated where appropriate for the quantitative data. Themes were sought in the qualitative data, such as the barriers and facilitators to implementation, limitations of the evaluations and success and extent of implementation. Data were then summarised to form a narrative synthesis of the inquiries, evaluations and implementation of recommendations.

3. Scoping review findings

Using all sources searched, we identified 17 evaluations of the implementation of inquiry recommendations. Figure 1 depicts a flow chart of papers identified in the scoping review. The following section includes details of the reports included, information about the inquiries, evaluation methods used, and the implementation of recommendations. Table 1 outlines the title of the included reports and names of the inquiries.

3.1 Narrative synthesis of reports included in the scoping review

Completed data extraction forms for each of the 17 reports can be found in Appendix 2. This section includes a summary of data extracted from these reports. This information is also presented in tabulated form in Appendix 3.

3.1.1 Inquiry details

Table 1 of Appendix 3 reports details about the inquiries under consideration, including the purpose of the inquiries. All inquiries but two were Australian, with one from England and one from Ireland. Seven of the 15 Australian inquiries were in Queensland, one in Victoria and one in Western Australia. The remaining Australian inquiries were national. Six did not identify who commissioned the inquiries, the remaining were commissioned by government or government departments. The Criminal Justice Commission conducted four of the inquiries, as did the Crime and Misconduct Commission, all of which were conducted in Queensland.

Of the 17 inquiries identified, 10 were found to pertain to more than one sector (see Table 2 of Appendix 3). The greatest proportion of the inquiries related to the area of crime and justice, such as matters related to the police force and people in custody. Five inquiries were about the treatment of Indigenous Australians. There were four inquiries about the welfare sector, in particular, investigations of maltreatment. Two inquiries were into the treatment of people in supported accommodation or Out-of-Home Care. One inquiry each targeted the following sectors: health; disability; defence forces; government; and emergency (bushfire) prevention and response.

Recommendations arising from eight of the inquiries were aimed at legislative change (refer to Table 3 of Appendix 3). Likewise, eight were aimed at broad systemic change, such as whole sector change, while eight targeted one specific organisation. Recommendations arising from three inquiries targeted each of the following levels: multiple organisations with the one sector; multiple organisations within different sectors; and service providers.

Figure 1 Flow of papers through the scoping review of evaluations of the implementation of recommendations arising from inquiries

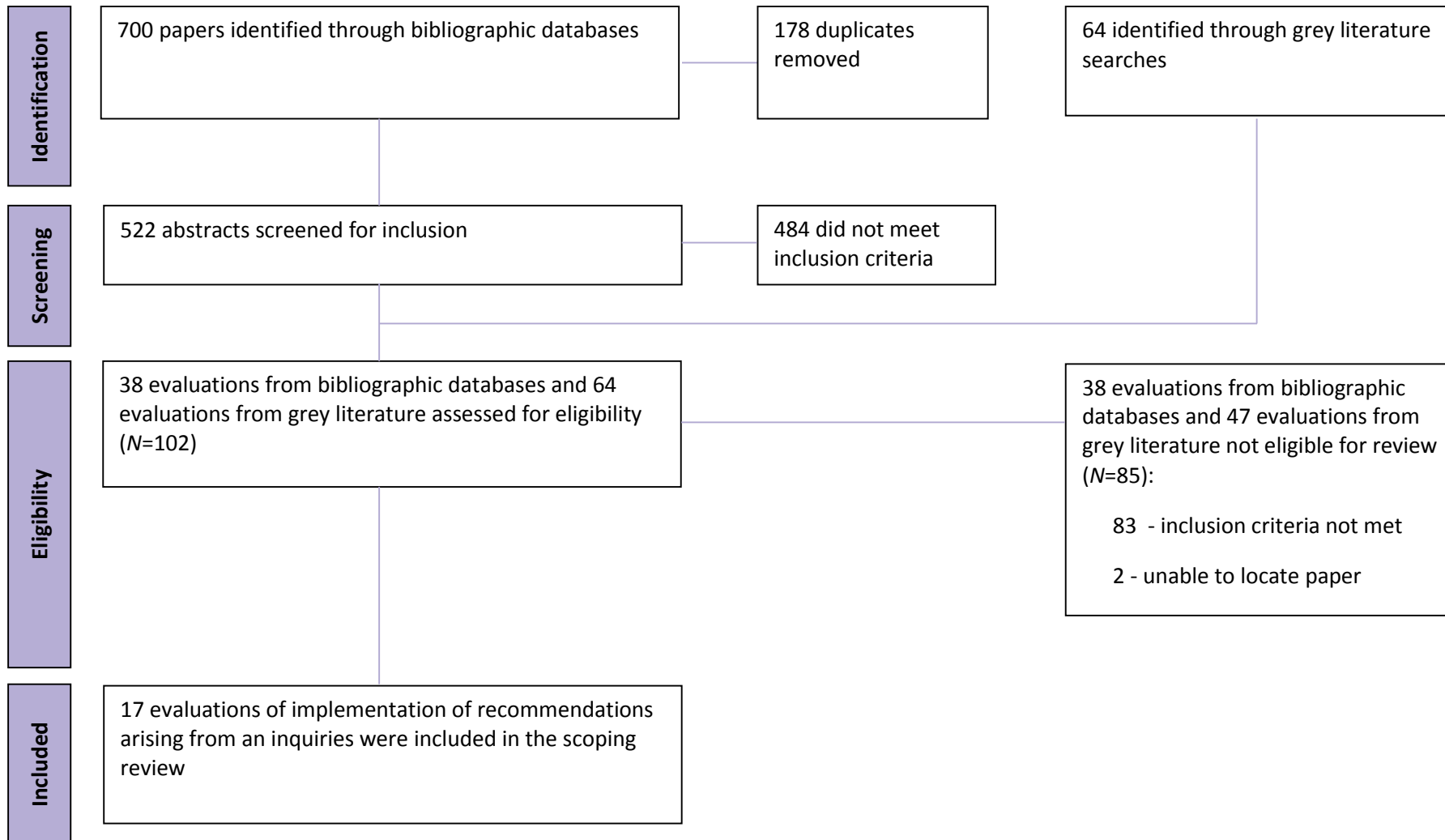


Table 1 Reports and inquiries included in the scoping review

Report title	Name of the inquiry
Audit Report: Review into the treatment of women at the Australian Defence Force Academy	Review into the Treatment of Women at the Australian Defence Force Academy
Bushfires Royal Commission Implementation Monitor 2013 Annual Report	2009 Victorian Bushfires Royal Commission
Evaluating taser reforms. A review of Queensland Police Service policy and practice	QPS–CMC review of Taser policy, training, and monitoring and review practices, 2009
How the criminal justice system handles allegations of sexual abuse. A review of the implementation of the recommendations of the Seeking Justice report	Inquiry into the handling of sexual offences by the criminal justice system
Implementation of Reform Within the Queensland Police Service. The response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations	Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)
Implementation of the Parliamentary resolutions arising from the review by the Parliamentary Service Commissioner of aspects of the Administration of the Parliament. ANAO Audit Report No.51 2005–06	Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)
Indigenous people in policing roles. A follow-up review to the Restoring Order report	Inquiry into policing into Indigenous communities (2007-2009)
Lost Innocents and Forgotten Australians Revisited. Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians Reports	Lost Innocents and Forgotten Australians inquiries
Police Research Series Paper 128: Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence Inquiry on stops and searches	Inquiry into the Matters Arising from the Death of Stephen Lawrence
Progress in the implementation of the recommendations of the 1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance	1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)

Report title	Name of the inquiry
Reforming Child Protection in Queensland: A review of the implementation of recommendations contained in the CMC's Protecting Children report	Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)
Reports on Aboriginal witnesses and police watchhouses: Status of recommendations	Aboriginal Witnesses in Queensland's Criminal Courts
Reports on Aboriginal witnesses and police watchhouses: Status of recommendations	Report on Police Watchhouses in Queensland
Review of the Recommendations of Protecting Our Future: Report of the Working Group on Elder Abuse	Working Group on Elder Abuse
The Basil Stafford Centre Inquiry Report: Review of the implementation of the recommendations. Key findings	Basil Stafford Centre Inquiry
Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody. Review report	Royal Commission into Aboriginal Deaths in Custody, 1991 (v1s1)
Western Australia Police Property Management Practices. Report on the progress of recommendations contained in the 2005 Joint Inquiry by Western Australia Police and the Corruption and Crime Commission	Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police

3.1.2 Evaluation methods

General information about the evaluations appears in Table 4 of Appendix 3. Seven of the evaluations were implementation evaluations and two were impact evaluations, while a further eight involved both forms of evaluation. There were eight inquiries commissioned *and* evaluated in Queensland by the Criminal Justice Commission ($n=4$) and the Crime and Misconduct Commission ($n=4$). Only two reports indicated cost of the evaluation (Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry), Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)). Time taken to conduct the evaluations was not indicated in seven reports. Other evaluations took 6 -7 months ($n=4$), 12 months ($n=1$) and 2 years ($n=2$). One report indicated that the evaluation was ongoing. Number of evaluators was not indicated in four reports and unclear in a further three. Five reports indicated that a four-person team was used to conduct the evaluation, while remaining evaluations used two, three, six, seven and ten people.

The majority of the evaluations ($n=15$) used multiple methods to collect information on which to draw conclusions about the implementation of recommendations. The highest proportion of evaluations used invitations for written submissions ($n=9$), followed by document/policy reviews ($n=8$) and discussion/consultation ($n=8$) (refer to Table 2 in this report). Seven of the evaluations each used requests for specific information such as policies and procedures, six used interviews, and five used community consultation, such as public hearings. Analysis of existing quantitative data was used in four and site visits were also used in four evaluations. Surveys ($n=3$), literature reviews ($n=3$), observations of practices ($n=2$) and attending meetings and briefings ($n=2$) were used in few evaluations.

Twelve of the evaluations used multiple informant groups from which to gather data. All of the evaluations relied on information supplied by government departments and nine sought information about implementation from non-government service providers (see Table 3 in this report). Specific communities or groups were informants in six evaluations, while five utilised individual service providers and five received input from individual victims or relatives. Experts or academics were informants in three evaluations and the general public also provided input in three evaluations.

Table 4 in this report provides a matrix indicating which evaluation methods were used to obtain information from which informant group. Each cell contains the number of evaluations that used a given evaluation method with a given informant group. The highest proportion of evaluations involved requests for written submissions from government departments ($n=7$) and requests for specific information from governments departments ($n=7$). Six evaluations involved government document or policy review and five involved discussion or consultation with individual service providers.

Table 2 Evaluation informants by inquiry

Name of inquiry	Not indicated	Government	Non-government	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)		yes		yes	yes				
2009 Victorian Bushfires Royal Commission		yes	yes						
Aboriginal Witnesses in Queensland’s Criminal Courts		Yes	Yes			yes			
Basil Stafford Centre Inquiry		yes	yes		yes	yes	yes		
Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)		Yes							
Inquiry into policing into Indigenous communities		Yes			Yes	Yes			
Inquiry into the handling of sexual offences by the criminal justice system		Yes	yes						
Inquiry into the Matters Arising from the Death of Stephen Lawrence		yes				yes		yes	
Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police		Yes							
Lost Innocents and Forgotten Australians		Yes	Yes				Yes		
Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)	yes	Yes	Yes				Yes		
QPS–CMC review of Taser policy, training, and monitoring and review practices, 2009		Yes							
Report on Police Watchhouses in Queensland		Yes	Yes			Yes			
Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)		Yes							
Review into the Treatment of Women at the Australian Defence Force Academy		Yes			Yes		Yes	Yes	Yes
Royal Commission into Aboriginal Deaths in Custody, 1991 (<i>v1s1</i>)		Yes	Yes	Yes	Yes		Yes	Yes	Yes
Working Group on Elder Abuse		Yes	Yes	Yes	Yes				
Total	1	17	9	3	6	5	5	3	2

Table 3 Evaluation methods by inquiry

Name of inquiry	Survey	Interview	Focus group	Community consultation	Invitation for written submission	Document/policy review	Literature review	Analysis of existing quantitative data	Request for specific information	Observation of practice	Site visits/inspections	Attend meetings	Discussion/consultation	Other
1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)				Yes	Yes									
2009 Victorian Bushfires Royal Commission					Yes				Yes		Yes	Yes	Yes	
Aboriginal Witnesses in Queensland Criminal Courts									Yes					
Basil Stafford Centre Inquiry	Yes	Yes				Yes					Yes			
Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)		Yes	Yes			Yes							Yes	
Inquiry into policing into Indigenous Communities	Yes	Yes		Yes					Yes					
Inquiry into the handling of sexual offences by the criminal justice system					Yes	Yes							Yes	
Inquiry into the Matters Arising from the Death of Stephen Lawrence		Yes						Yes			Yes			
Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police						Yes			Yes		Yes		Yes	
Lost Innocents and Forgotten Australians				Yes	Yes									
Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)	Yes			Yes	Yes				Yes			Yes	Yes	Yes
Report on Police Watchhouses in Queensland									Yes					
Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)		Yes			Yes	Yes							Yes	Yes
Review into the Treatment of Women at the Australian Defence Force Academy	Yes	Yes	Yes		Yes				Yes	Yes				
Royal Commission into Aboriginal Deaths in Custody, 1991 (v1s1)				Yes	Yes	Yes	Yes	Yes					Yes	
QPS-CMC review of Taser policy, training, and monitoring and review practices, 2009					Yes	Yes	Yes	Yes		Yes			Yes	
Working Group on Elder Abuse						Yes		Yes						
Total	4	6	2	5	9	8	2	4	7	2	4	2	8	3

Table 4 Matrix of evaluation methods used with each informant group

Methods and informants	Not indicated	Government	Non-government	Experts/academics	Specific communities/groups	Individual service providers	Individual victims or relatives	Public	Other
Survey		1				1	3		
Interview		3			1	2	2	1	
Focus group		1			1				
Community consultation	1	2	2	2	3		1		
Invitation for written submission		7	3	1	1		3	1	
Document/policy review	2	6	1						
Literature review	1	1							
Analysis of existing quantitative data	2	2							
Request for specific information e.g., policies and procedures		7	1			2			
Observation of practice		2							
Site visits		3	1						
Attend meetings		2							
Discussion/consultation	1	3	1			5			
Other		1							

3.1.3 Extent of implementation of recommendations

Reporting of the implementation of recommendations was variable, with different levels of detail provided across reports. Some reports provided general information about implementation, while others gave clear indications about the degree to which each recommendation was implemented and how these conclusions were drawn.

None of the reports indicated that all recommendations had been fully implemented at the time of report release. Twelve indicated that implementation was on track or that most recommendations had been implemented. In five reports, most recommendations had not been implemented. Three reports indicated that government had rejected some recommendations.

Further information about the extent of implementation of recommendations can be found in Table 5 in Appendix 3.

3.1.4 Success of implementation of recommendations

Reports of the success of implementation varied (see Table 5 in Appendix 3). There were seven mentions of progress being made, and four mentions of incomplete or outstanding work required. Three reports indicated that more time was required to allow full implementation or for change to occur. In some cases, a lack of progress was described as a significant failure or lost opportunity ($n=3$). Two reports indicated positive changes as a result of implementation and three indicated little or no change following implementation. Some authors suggested that the recommendations needed to be revised or did not go far enough to bring about change ($n=3$).

3.1.5 Relevance of the recommendations to the findings of the inquiry

Sixteen of the reports provided no indication as to the relevance of the recommendations to the findings of the inquiry. One report, for the JETACAR inquiry, indicated that the recommendations were relevant to the inquiry findings.

3.1.6 Barriers and facilitators to implementation

Table 6 in Appendix 3 lists the barriers to and facilitators of implementation as cited by the report authors. Three reports did not give an indication of barriers to the implementation of the recommendations. Data extracted from the reports were analysed for themes, which are presented in Table 5 in this report.

According to nine of the reports, a lack of resources, such as time, funding and staffing, impeded the implementation of inquiry recommendations. Six reports stated that other reforms or change occurring at the same time were barriers to implementation, while five cited practice and service delivery issues such as the recruitment and retention of staff, and the roles of personnel as barriers to implementation. Four evaluations reported that interagency collaboration issues created a barrier. Additional barriers included the lack of an implementation plan or group to oversee the implementation ($n=3$), a lack of broader systems to support recommendations ($n=3$), the complexity of the organisation or the scale of reform ($n=1$), and organisational culture ($n=1$).

Table 5 Themes for barriers to implementation

Emerging barrier themes	Number of reports mentioned in
Lack of resources (lack of time, budgetary constraints, lack of human resources and existing workloads); includes one charge of unrealistic timeframes	9
Other reforms happening/considerable change going on, either in one organisation or in a sector. In one case it was a change in political party.	6
Underlying practice/service delivery issues, such as the recruitment and retention of staff, roles of personnel	5
Lack of agreement between key agencies / reliance on another agency	4
The lack of an implementation plan or oversight group	3
Broader system not in place to support recommendations, including government policy and legislation, or other reform needs to happen first	3
Complexity of organisation / scale of reform	1
Organisational culture	1

Twelve reports did not provide information about any factors that facilitated the implementation of recommendations. Factors that supported implementation according to the remaining five reports all related to the establishment of formal implementation processes and structures. Examples included special project teams, regional steering groups, an implementation meeting structure and timely appointment of staff to key implementation roles. Support for change at various levels was also identified as an important factor.

Relationships between specific barriers and/or facilitators to implementation were noted in only three of the reports. Relationships included a link between lack of resources and lack of implementation plan; poor morale and poor communication; poor communication and misunderstandings; lack of oversight committee and poor coordination of responses to recommendations.

3.1.7 Limitations of the evaluations

Limitations of the evaluations, as given by the report authors (see Table 5 in Appendix 3), were indicated in only eight reports. Commonly mentioned limitations included inaccuracies or adequacy of existing data ($n=7$) and time and resource constraints which inhibited access to all possible sources of informants/data ($n=6$). Less frequently mentioned limitations were: reliance of government responses to conduct the evaluation ($n=2$); poor survey response rates ($n=2$); resource/time limitations impeding capacity to visit all relevant sites ($n=2$); audit and review team were the same so the evaluation was not wholly independent; and change is long term and therefore not captured during the evaluation period ($n=1$).

4. Scoping review discussion

4.1 Summary of the scoping review findings

The purpose of this scoping review was to identify methods used in previous evaluations of the implementation of recommendations arising from inquiries. Using a systematic search methodology, we identified 17 relevant evaluations dated between 1993 and 2013, the majority of which were conducted in Australia and in the area of crime and justice. Most evaluations used a multi-method design and drew on multiple informant groups. All sought government input, with the most commonly used methods being invitations for submissions; discussion or consultation; and document or policy review. Evaluation design was often restricted by lack of time and resource, as well as issues with the inadequacy of existing data as an informant source.

The review found that not all recommendations were adopted and of those that were, only some had been fully implemented. No evaluations reported that all recommendations had been fully implemented, however it should be noted that some of the included reports were interim evaluations and final evaluations had yet to be reported.

The scoping review found that factors that supported implementation related to the establishment of formal implementation processes and structures, such as an implementation oversight group, an implementation plan, and clear roles and responsibilities. The most commonly reported barrier to implementation in the included reports was a lack of resources, followed by the co-occurrence of other reforms or change, and practice or service delivery issues such as staffing.

4.2 Limitations of the scoping review

While this scoping review used considerably more rigorous methods than a standard literature review, there were several limitations. In order to accelerate the review process, we imposed some restrictions: we only included English language papers; we only selected reports published between 1993 and 2013; and we did not contact authors of included reports for further evaluations or to clarify information in the reports. As a result of these necessary limits, some evaluations or data may have been missed in this review. This additional information may have provided us with further information about the implementation of recommendations and, notably, evaluation methodology details. This review revealed that most of the included reports lacked complete methodological information. Unfortunately, this meant that we may not have gained full insight into previous methods used in some relevant evaluations.

Another limitation of the scoping review was that we did not access the original inquiries or recommendations. The included reports generally summarised the inquiry and listed recommendations, however it is possible that reading the original material would have provided further understanding of the background to the included evaluations.

A further limitation of the review process was that we were unable to extract extensive data from all evaluations. This means that some information of relevance to the reader may not be reported here but could be further explored if needed. We are confident, however, that all methodological and key implementation of recommendation information was gathered from the reports.

A final limitation of this scoping review, and of all reviews, is that the information reported here is time-limited. High-quality systematic reviews undergo regular updates to check for new

studies. This review was completed in September 2013 and readers are advised that new evaluations will become available after publication of this report. Some of the included evaluations were interim reports and so final reports may become available at a later date.

4.3 Scoping review conclusion

This scoping review identified 17 reports dated between 1993 and 2013 about the evaluation of the implementation of recommendations arising from inquiries. In this report, we have summarised evaluation methods, the reported implementation of recommendations, and barriers to and facilitators of this process. The findings of this scoping review will be used to inform the development of a methodology for assessing the implementation of recommendations arising from inquiries relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse.

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1. Appendix 1: Blank data extraction forms for scoping review

1.1 Extraction details

Person extracting data	
Date of data extraction	
Author and year	
Full citation of paper	

1.2 Inquiry details

Name of inquiry	
Inquiry jurisdiction (eg country, state, territory)	
Organisation that conducted the inquiry	
Organisation that commissioned the inquiry	
Institution under inquiry (if relevant)	
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	
Reason for/purpose of inquiry	

(include here basic description of the issue or problem, for eg cover up of sexual abuse)	
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	

1.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
Legislative change For eg Change to Law or an Act		
Broad systemic/systems level/system-wide change For eg Change needs to be made to whole sectors such as...		

<ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in different sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... 		

<ul style="list-style-type: none"> When taking blood samples, health professionals are required to follow X protocol 		
Other (please describe)		

1.4 Evaluation details

Organisation that commissioned the evaluation	
Organisation that conducted the evaluation	
To whom was the report/evaluation was delivered?	
Purpose/aim of the evaluation	
Evaluation design	
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	
How many people were in the evaluation team? Describe roles and responsibilities where possible	
Provide details of evaluation cost if available	
Provide details of any other resources used in the evaluation	
How were evaluation data analysed?	

1.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities / groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations										
Invitation for written submission										
Document/policy review										
Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures										
Observations of practice										

Site visits/inspections										
Attend meetings										
Discussion/consultation										
Other (describe)										

1.6 Evaluation findings

Note: please focus only on **what has been reported** in the document you are extracting from. Avoid any interpretation or analysis of the data.

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?		
What factors affected the implementation of recommendations?	<u>Facilitators</u>	<u>Barriers</u>
Was any relationship reported between those factors identified? If so, what was the relationship?		
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details		
What are the authors' notes about the success of the implementation of recommendations?		
What are the authors' notes about limitations of the evaluation?		

1.7 Reviewer's comments

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2. Appendix 2: Data extraction form for scoping review reports

2.1 Data extraction form for the 1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)

2.1.1 Extraction details

Person extracting data	MM
Date of data extraction	22/08/13
Author and year	Senate Finance and Public Administration References Committee (2013)
Full citation of paper	Senate Finance and Public Administration References Committee (2013). Progress in the implementation of the recommendations of the 1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance
Papers cited or referenced that may be eligible for review	There was a 2003 progress report. Summarised in the 2013 report so may not need the 2003 one as well

2.1.2 Inquiry details

Name of inquiry	1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)
Inquiry jurisdiction (eg country, state, territory)	Australia, Commonwealth
Organisation that conducted the inquiry	Joint Expert Technical Advisory Committee on Antibiotic Resistance
Organisation that commissioned the inquiry	The Commonwealth of Australia
Institution under inquiry (if relevant)	NA
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Not indicated
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	To “review the link between the use of antibiotics in food-producing animals and the emergence and selection of antibiotic resistant bacteria and their spread to humans” <i>(p. 13)</i>
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	NA
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	NA

2.1.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>		
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	yes	<p>Commonwealth establish a body to monitor use AND “consider further support for research and development in infection control” (p. 87) AND measures to support research into dealing with resistance</p> <p>Australian Pesticide and Veterinary Medicines Authority publish usage of antibiotics</p> <p>Aust Commission on Safety and Quality in Health Care improve systems in healthcare services AND develop a system of infection control and standards for health care</p> <p>Dept Health and Ageing investigate mechanism to improve use in general practices</p> <p>Consider banning use of antibiotics in animals that are considered to be critical for human use</p>
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>	yes	<p>Mandatory reporting of antimicrobials sold by registrants of antimicrobials</p>

<p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in different sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 	yes	Independent body for monitoring and reporting antibiotic use
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		
<p>Other (please describe)</p>		

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2.1.4 Evaluation details

Organisation that commissioned the evaluation	The Senate
Organisation that conducted the evaluation	Senate finance and Public Administration Committee Secretariat
To who was the report/evaluation was delivered?	The Senate
Purpose/aim of the evaluation	To review “progress in the implementation of the recommendations of the 1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)” (p. 1)
Evaluation design	An inquiry Invited submissions to assess the implementation of recommendations and to determine the ongoing relevance of the recommendations
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Requested Nov 2012. Report submitted 7 June 2013
How many people were in the evaluation team? Describe roles and responsibilities where possible	Four members of the Senate finance and Public Administration Committee Secretariat Secretary, Principal Research Officer, Research Officer, Admin Officer
Provide details of evaluation cost if available	Not indicated

Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	Not indicated

2.1.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations	yes	Held a public hearing	10		3	9				
Invitation for written submission	yes	Invited submissions from - interested organisations, individuals, government bodies	5		11	26				
Document/policy review										
Literature review										

Analysis of existing quantitative data										
Request for specific information eg policies & procedures										
Observations of practice										
Site visits/inspection										
Attend meetings										
Discussion/consultation										
Other (describe)										

2.1.6 Evaluation findings

	Describe (or not indicated)
To what extent were the inquiry's recommendations implemented?	<p>In part</p> <p>Some recommendations implemented fully, some in part or not at all.</p> <p>Some recommendations were given voluntary status (ie not compulsory for all parties to implement change). Submissions indicate that most were not implemented fully</p> <p>Recommendation areas that were not well implemented – monitoring and surveillance, regulatory controls of antimicrobials,</p>

	<p>Recommendation areas that were implemented better than above – prevention strategies and hygiene,</p> <p>Area that was implemented the best, although not fully – education and research</p> <p>The government accepted only 6 of the 22 recommendations and accepted the intent of a further 3 “but took a different implementation path” (p. 51) to that in the report.</p>	
<p>What factors affected the implementation of recommendations?</p>	<p><u>Facilitators</u></p>	<p><u>Barriers</u></p> <p><u>According to evaluators (further issues raised by the submitters but the evaluators summed these up)</u></p> <p>Disbanding implementation and advisory committees</p> <p>Creating a new committee that only encompassed human health and not animal health (only half the issue)</p> <p>“Lack of a body to coordinate” (p. 48) consistent, timely, comprehensive</p> <p>“surveillance across both human and animal health and imported products.”(p. 48)</p> <p>“Lack of integration between regulations relating the use of</p>

		<p>antimicrobials by humans and animals.” (p. 71)</p> <p>“Lack of focus in medical and veterinary curricula and ongoing education” (p. 93)</p> <p>Lack of centrally coordinate research facility or agenda</p> <p>Lack of epidemiological information about AMR trends</p> <p>The committee conducting this evaluation considered whether the lack of implementation progress could be due to “recommendations being flawed or no longer” (p. 26) relevant and determined that this is not the case. Submissions indicated that recommendations were highly relevant, and “even more cogent today” (p. 21) and “too far ahead of its time” (p. 21). Recommendations were in line with WHO and other similar programs.</p>
<p>Was any relationship reported between those factors identified? If so, what was the relationship?</p>	<p>Disbanding of committees impacted the coordination of response to recommendations</p>	

Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Yes
What are the authors' notes about the success of the implementation of recommendations?	<p>Progress has been made, however recommendations were “not sufficiently implemented” (p. 26) “apparent lack of commitment to a response to AMR in Australia to date is of significant concern” (p. 27) “from the evidence received, it is clear that addressing only part of the antibiotic use is not a sufficiently comprehensive approach” (p. 27) “significant failures and many lost opportunities since JETACAR reported” (p. 48).</p> <p>The committee conducting this evaluation considered whether the lack of implementation progress could be due to “recommendations being flawed or no longer relevant” (p. 21) and determined that this is not the case. Submissions indicated that recommendations were highly relevant, and “even more cogent today” (p. 21) and “too far ahead of its time” (p. 21). Recommendations were in line with WHO and other similar programs.</p>
What are the authors' notes about limitations of the evaluation?	Not indicated

2.1.7 Reviewer's comments

In this report, the evaluation is referred to as an inquiry

The committee conducting the evaluation developed a set of recommendations arising from their inquiry

2.2 Data extraction form for the 2009 Victorian Bushfires Royal Commission

2.2.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	22 August 2013
Author and year	Bushfires Royal Commission Implementation Monitor. 2013.
Full citation of paper	Bushfires Royal Commission Implementation Monitor. Annual Report July 2013.
Papers cited or referenced that may be eligible for review	

2.2.2 Inquiry details

Name of inquiry	2009 Victorian Bushfires Royal Commission
Inquiry jurisdiction (eg country, state, territory)	Victoria
Organisation that conducted the inquiry	Victorian Bush Fires Royal Commission
Organisation that commissioned the inquiry	Victorian Government
Institution under inquiry (if relevant)	n/a
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Not indicated
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	In response to the deaths and damage caused by the 2009 'Black Saturday' bush fires. "To inquire into the preparation and planning before the fires, all aspects of the response to the fires, measures taken relating to utilities and any other matters considered appropriate." <i>(p. 8)</i>
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	n/a
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	n/a

2.2.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>		
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	Yes	Covers many Victorian agencies and ministerial portfolios
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>		

<p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		
<p>Other (please describe)</p>		

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2.2.4 Evaluation details

Organisation that commissioned the evaluation	Victorian Government (implementation plans were part of the Commission's Terms of Reference)
Organisation that conducted the evaluation	Bushfires Royal Commission Implementation Monitor
To whom was the report/evaluation delivered?	Australian Senate and House of Representatives
Purpose/aim of the evaluation	<ul style="list-style-type: none"> • To assess agencies' progress in implementing actions • Assess the effectiveness of the implementation methods used • Assess efficacy of the implementation actions.
Evaluation design	See Chapter 5 of the BRCIM Progress Report 2011
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Ongoing
How many people were in the evaluation team? Describe roles and responsibilities where possible	<p>1 x Implementation Monitor</p> <p>1 x Director</p> <p>1 x Executive Assistant</p> <p>1 x report editor</p>

Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	Not indicated

2.2.5 Evaluation informants and methods

Taken from Chapter 5 of the BRCIM Progress Report 2011:

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individuals victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations										
Invitation for written submission	yes	From Commonwealth Govt	Yes							
Document/policy review										
Literature review										

Analysis of existing quantitative data										
Request for specific information eg policies & procedures	yes	Nov 2010 – June 2011: Received material from Vic Govt and its agencies relating to implementation (eg emails, reports, letters, maps)	Yes							
Observation of practice										
Site visits/inspections	yes	More than 20 site visits (eg to Councils, Control Centres)	yes							
Attend meetings	yes	Observed the weekly meeting of the State Coordination and Management Council Bushfires Sub-Committee Attended more than 7 agency briefings on specific issues	Yes							
Discussion/consultation	Yes	Nov & Dec 2010: Consultations with the heads of fire services, departments and agencies implementing the recommendations	Yes	Not indicated						
Other (describe)										

2.2.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	Overall good progress made	
What factors affected the implementation of recommendations?	<u>Facilitators</u>	<u>Barriers</u> <ul style="list-style-type: none"> • Some timeframes were overly optimistic, underestimating the complexity of tasks • Some recommendations are 'inextricably bound up' with the Government's broader emergency management reforms, therefore delays have occurred <p>Examples:</p> <ul style="list-style-type: none"> • Delays in funding for a National Fire Danger Rating have affected implementation • Establishing Neighbourhood Safe Places difficult due to the challenge of "finding suitable locations that meet the stringent safety and other requirements for NFPs" (p. 35) • No community fire refuge has been designated due to reported complexity of building standards etc
Was any relationship reported between those factors identified? If so, what was the relationship?	Not indicated	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not indicated	

What are the authors' notes about the success of the implementation of recommendations?	Agencies made good progress. Some actions are long-term therefore in progress rather than complete. Some areas for concern.
What are the authors' notes about limitations of the evaluation?	Not indicated

2.2.7 Reviewer's comments

2.3 Data extraction form for the Aboriginal Witnesses in Queensland's Criminal Courts

2.3.1 Extraction details

Person extracting data	BD
Date of data extraction	23/08/2013
Author and year	Criminal Justice Commission (1997)
Full citation of paper	Reports on Aboriginal witnesses and police watchhouses: Status of recommendations. Criminal Justice Commission (1997)
Papers cited or referenced that may be eligible for review	None

2.3.2 Inquiry details

Name of inquiry	Aboriginal Witnesses in Queensland's Criminal Courts
Inquiry jurisdiction (eg country, state, territory)	Queensland, Australia
Organisation that conducted the inquiry	Criminal Justice Commission

Organisation that commissioned the inquiry	Not indicated
Institution under inquiry (if relevant)	Not relevant
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	“Concerns raised by the ‘Pinkenba case’ and several other prominent Queensland cases involving Aboriginal people.” <i>(p. 8)</i>
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	Not relevant
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	Not relevant

2.3.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>	Yes	<p>Four recommendations targeted legislation (The Evidence Act 1977) including;</p> <ul style="list-style-type: none"> - amendment to “include a provision that a witness may give evidence-in-chief wholly or partly in narrative form and that a court may direct that evidence be given in this form.”(p. 14) - “amendment to include a provision that a party may put a leading question to a witness in cross-examination unless the court disallows the question or directs the witness not to answer it. In determining whether to disallow a question, the court should be required to take into account, among other things, the extent to which the witness’s cultural background or use of language may affect his or her answers.”(p. 14) - “amendment to require the court, in deciding whether a question is indecent, scandalous, insulting, annoying or offensive under section 21(1) or 21(2), to take account of the witness’s cultural background.”(p. 15) - “amendment to include a provision that a witness may give evidence about a fact through an interpreter unless the witness can understand and speak the English language sufficiently to enable the witness to understand, and make an adequate reply to, questions that may be put about the fact.”(p. 15)
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p>		

<p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 	yes	<p>“Establishment of a pilot Aboriginal court liaison officer program”(p. 8)</p> <p>“Increased funding for training of interpreters in Aboriginal languages “(p. 8)</p> <p>“A review by the State Government of funding of Aboriginal legal services, including indigenous women’s legal services”(p. 8)</p> <p>“A review of the law of expert evidence to identify and address barriers to the admission of evidence on cultural and linguistic issues.” (p. 8)</p>
<p>Multiple organisations in different sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street 		

<ul style="list-style-type: none"> Mt Buffalo Library 		
Service providers/practitioners/practice level For eg: <ul style="list-style-type: none"> Teachers need to... When taking blood samples, health professionals are required to follow X protocol 	Yes	“Tighter controls on the use of leading questions and questions that are inappropriate because of a witness’s cultural background” (p. 8) “Cross-cultural awareness training for lawyers, police prosecutors, judicial officers and court staff, with particular emphasis on gender issues and the use of support persons for witnesses in court” (p. 8) “Ensuring that lawyers have adequate preparation time” (p. 8)
Other (please describe)		

2.3.4 Evaluation details

Organisation that commissioned the evaluation	Not relevant – (the Criminal Justice Commission has the responsibility to “continually monitor and review” (p. 7) administration of criminal justice as per the <i>Criminal Justice Act, 1989</i>)
Organisation that conducted the evaluation	Criminal Justice Commission
To whom was the report/evaluation was delivered?	Not indicated
Purpose/aim of the evaluation	To “provide a progress report to Parliament on the responses by the Government” (p. 7) to the report <i>Aboriginal Witnesses in Queensland’s Criminal Courts</i>
Evaluation design	Not clear – feedback was sought from relevant agencies

Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not clear – the progress report was published 15 months after the report was tabled in parliament
How many people were in the evaluation team? Describe roles and responsibilities where possible	Not clear – “the Chairperson of the CJC wrote to all agencies nominated in the recommendations to seek their comments and feedback on the implementation of any of the recommendations.” (p. 8)
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	None given
How were evaluation data analysed?	Not indicated

2.3.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations										
Invitation for written submission										

Document/policy review										
Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures	Yes	<p>Note – no clear indication all agencies/bodies contacted. Participants listed appear are mentioned in the report.</p> <p>All agencies nominated in the recommendations were written to to seek “feedback on the implementation of any recommendations”. (p. 8)</p> <p>“A draft summary of responses was forwarded to agencies to allow</p>	2 Office of the Director of Public Prosecutions (ODPP), Bureau of ethnic affairs,	1 Legal Aid Queensland,			1, Police commissioner			

		them to check and update the information they had provided. Their responses are detailed under each recommendation, with comment by the CJC where it appears that agencies have not addressed the recommendation.” <i>(p. 8)</i>								
Observation of practice										
Site visits/inspection										
Attend meetings										
Discussion/consultation										
Other (describe)										

2.3.6 Evaluation findings

	Describe (or not indicated)
<p>To what extent were the inquiry’s recommendations implemented?</p>	<p>The original report was tabled in July 1996 and this progress report was published in November 1997. In that time several key agencies “have expressed their support for the recommendations and their intention to implement relevant recommendations as time and resources permit.”(p. 40) Many recommendations, however, remain outstanding.</p> <p>“The report made 38 recommendations for legislative and other change.”(p. 8) Multiple agencies can be responsible for individual recommendations and thus an exact description of implementation is impossible given the varying responses from each agency. The following is a broad implementation summary of each of the 38 recommendations based on agency responses:</p> <p>Implemented or partly implemented – 6</p> <p>To be implemented or under consideration – 4</p> <p>Not implemented/Not likely to be implemented – 14</p> <p>Unclear/No response for agencies – 14</p> <p>The following recommendations have been implemented or are in the process of implementation:</p>

	<ul style="list-style-type: none"> - Cross cultural training sessions for staff from the ODPP and LAQ; - “Trainee police prosecutor’s courses will include a component on aboriginal cultural issues”(p. 9) ; - ODPP to “improve its services to victims of crime particularly in remote and rural areas”(p. 9); - The Evidence Act 1977 is under review by Department of Justice 	
<p>What factors affected the implementation of recommendations?</p>	<p><u>Facilitators</u></p>	<p><u>Barriers</u></p> <p>“The CJC had recommended that the Aboriginal Justice Advisory Committee (AJAC) would be the most appropriate body to undertake a range of tasks. Since the report was tabled, AJAC has been disbanded and its functions have been absorbed into the Indigenous Advisory Council. There has been no indication from the Government about which body would be the most appropriate to oversee the implementation of the recommendations”(p. 9)</p>
<p>Was any relationship reported between those factors identified? If so, what was the relationship?</p>	<p>Not relevant</p>	
<p>Were the original inquiry’s recommendations found to be relevant to its findings? Y/N. Provide details</p>	<p>Not indicated</p>	

<p>What are the authors' notes about the success of the implementation of recommendations?</p>	<p>Although some recommendations have been addressed, "many other recommendations remain outstanding, particularly in relation to the obvious need for more interpreters who are qualified in Aboriginal languages. Another disappointing omission has been the failure so far to pilot the recommended Aboriginal court liaison officer scheme. While many agencies are constrained by restricted funding, the CJC believes that many of the recommendations could be implemented at a relatively low cost, or by reallocation of existing funding." (p. 9)</p>
<p>What are the authors' notes about limitations of the evaluation?</p>	<p>None</p>

2.3.7 Reviewer's comments

2.4 Data extraction form for the Basil Stafford Centre Inquiry

2.4.1 Extraction details

Person extracting data	MM
Date of data extraction	22/08/13
Author and year	Carter (2000)
Full citation of paper	Carter, W.C. (2000). The Basil Stafford Centre Inquiry Report: Review of the Implementation of the Recommendations. Key findings.
Papers cited or referenced that may be eligible for review	

2.4.2 Inquiry details

Name of inquiry	Basil Stafford Centre Inquiry Report ('the Steward Report')
Inquiry jurisdiction (eg country, state, territory)	Queensland, Australia
Organisation that conducted the inquiry	Criminal Justice Commission

Organisation that commissioned the inquiry	Not indicated
Institution under inquiry (if relevant)	Basil Stafford Centre
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	Basic Stafford Centre came under allegations of abuse and neglect of its clients (accommodation and care for people with intellectual disabilities, including children). Subsequent report recommended the centre's closure.
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	Basic Stafford Centre (alleged institutional cover-up of abuse and neglect) "Staff of the centre were directly or indirectly implicated in allegations of assault, client abuse and neglect" (p .1)
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	The Centre provided accommodation and care to 122 clients with intellectual disabilities, 17 of these were under 16 years.

2.4.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>	yes	Two recommendations targeted legislation (Coroners Act 1958 and Criminal Law (Rehabilitation of Offenders) Act 1986)
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	yes	<p>Review of departmental procedures</p> <p>Departmental investigations</p> <p>Department employ and train etc staff better</p>
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>		

For eg <ul style="list-style-type: none"> All Victorian schools were investigated and three were identified as needing to change X Health care facilities in the Barwon region 		
Multiple organisations in different sectors	yes	Investigation of Misconduct by the Department, the police and Criminal Justice Commission
For eg <ul style="list-style-type: none"> The 2 health care facilities and 1 school in X region 		
One organisation	yes	Closure of the Centre
For eg <ul style="list-style-type: none"> St Andrews Church on 5th Street Mt Buffalo Library 		Benefits of advocacy at the Centre
Service providers/practitioners/practice level		
For eg: <ul style="list-style-type: none"> Teachers need to... When taking blood samples, health professionals are required to follow X protocol 		
Other (please describe)		

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2.4.4 Evaluation details

Organisation that commissioned the evaluation	Not indicated
Organisation that conducted the evaluation	Criminal Justice Commission
To whom was the report/evaluation was delivered?	Not indicated
Purpose/aim of the evaluation	“Recommendation 20 proposed an ongoing liaison between the Department and the Criminal Justice Commission to allow for periodic reviews of the Centre’s operation and the report’s recommendations.” (p. 2) This review was conducted to address recommendation 20 and to review 14 of the recommendations yet to be addressed.
Evaluation design	A review with a “research and prevention” focus (p. 3) Multimethods (surveys, interview, viewing records). All post inquiry
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not indicated
How many people were in the evaluation team? Describe roles and responsibilities where possible	Author – WJ Carter QC Assisted by –

	2 members of the Research and Prevention Division of the Criminal Justice Commission 1 admin support
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	Not indicated, although percentages of responses to survey questions are indicated

2.4.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities / groups	Individual service providers	Individual victims or relatives	Public	Other
Survey	yes	<p>Relatives and friends of the current 69 Centre clients</p> <p>Relatives and first of each of the 42 relocated clients</p> <p>All current Centre staff</p>					74 of the 200 current staff response rate (most were not employed at the time of the inquiry)	40 of the 69 response rate for current residents 33% of relocated clients' families response rate		

Interviews	yes	Numerous interviews with relevant staff (management) at the Centre, former and current "Discussions" with relevant unions (Australian Workers Union, QLD Public Sector Union) (p. 3)				Number not indicated		Number not indicated		
Focus groups										
Community consultations										
Invitation for written submission										
Document/policy review	yes	Documents requests from the Department of Families, Youth and Community Care	Number not indicated							
Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures										
Observations of practice										

Site visits/inspections	yes	Site visits to the Centre complex, the Centre community house and one of the Department's' community-based facility		Not indicated						
Attend meetings										
Discussion/consultation										
Other (describe)										

2.4.6 Evaluation findings

	Describe (or not indicated)
To what extent were the inquiry's recommendations implemented?	<p>In part:</p> <p>The two recommendations pertaining to legislation have not been implemented (ie no change to legislation)</p> <p>The first recommendation (immediate closure of the Centre) has not been implemented.</p> <p>Unclear from the report if recommendations pertaining to Investigation of Misconduct have been implemented</p> <p>Recommendations about staff – attempts made to improve recruitment but needs review. Improvements to ratio but needs to be checked against client needs. Staff appraisal only occurred in part</p> <p>Staff training. First aid training recommendation has been implemented. Training re hygiene implemented but needs to be ongoing. Ensure</p>

	<p>residential care workers “are better equipped to carry out their work for the benefit of clients” (p. 18) – unclear if met based on information in report.</p> <p>Improvement in medical services (two recommendations)</p> <p>Two recommendations regarding advocacy have been implemented</p> <p>The authors note that 3 recommendations were already implemented prior to the review</p>	
<p>What factors affected the implementation of recommendations?</p>	<p><u>Facilitators</u></p>	<p><u>Barriers</u></p> <p>Changing political parties, as well as public opinion, resulted in the Centre not closing</p> <p>Heavy workload for managers</p> <p>High staff:client ratio</p> <p>Inadequate response to complaints of misconduct already lodged</p> <p>Infrequent meetings between staff and supervisors barrier to monitoring trainees</p> <p>Lack of formal qualifications obtained by residential care officers</p>

		<p>Dissatisfaction among staff with courses available</p> <p>Lack of opportunities for professional development</p>
Was any relationship reported between those factors identified? If so, what was the relationship?	Not indicated	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not indicated	
What are the authors' notes about the success of the implementation of recommendations?	<p>It is no longer proposed that the Centre should be closed. Instead, reforms and safeguards have been implemented but it "has not been ignored" with measures taken to improve the culture of the Centre (measures implemented are noted on p9). The closure issue was the topic of a parliamentary debate and "requires close scrutiny" (p. 7) . Number of clients did reduce from 122 to 69, with plans for more to be relocated</p> <p>"current departmental initiatives are directed towards (deinstitutionalisation)...at the same time, there appears to be considerable respect for the views of some parents who prefer their relatives to remain at the Centre" (p. 7)</p> <p>Authors note that although recommendation to improve staff:client ratio has been implemented, the clients remaining at the Centre have higher needs than those that have been relocated. Authors recommend further investigation into ratios</p>	
What are the authors' notes about limitations of the evaluation?	Most staff who were employed before or during the inquiry did not respond to the survey and "this is a serious loss for our review" (p. 4)	

2.4.7 Reviewer's comments

There are recommendations that relate to investigation of misconduct by the Dept etc (eg external organisations). However, under the heading of Investigation of Misconduct recomm, the review refers to initiatives taken to improve reporting and investigation of misconduct (eg by staff and centre) and barriers to such. Most of the information seems to be different to the idea of external bodies investigating allegations of misconduct that have occurred

Evaluation does not clearly state – recommendation X was implemented. Relies on % of survey responses and lot and some comments from survey. Talks about what has happened since the inquiry and also what still needs to happen.

2.5 Data extraction form for the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)

2.5.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	23 August 2013
Author and year	Criminal Justice Commission. 1994.
Full citation of paper	Implementation of Reform Within the Queensland Police Service. The Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations. Criminal Justice Commission. August 1994.

2.5.2 Inquiry details

Name of inquiry	Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)
Inquiry jurisdiction (eg country, state, territory)	Queensland
Organisation that conducted the inquiry	Criminal Justice Commission
Organisation that commissioned the inquiry	Not indicated
Institution under inquiry (if relevant)	Queensland Police
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	In 1992 the Commissioner of Police and Minister for Police and Emergency Services requested a review of the structures, operations and management of the QPS. Some overlap between that review's recommendations and those of the Fitzgerald Inquiry.
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	Not indicated
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant	

(not names of individual, just description of the victim as a group, for eg children in foster care)	
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2.5.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>		Not indicated
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		Not indicated
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>		Not indicated

<p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		Not indicated
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 	Yes	Major reform of Queensland Police
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		Not indicated

Other (please describe)		
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2.5.4 Evaluation details

Organisation that commissioned the evaluation	Parliamentary Criminal Justice Committee
Organisation that conducted the evaluation	Criminal Justice Commission
To whom was the report/evaluation delivered?	Minister for Justice and Attorney-General; Speaker of the Legislative Assembly; Parliamentary Criminal Justice Committee
Purpose/aim of the evaluation	<p>To “evaluate the extent to which the QPS has moved towards the model envisaged by the Fitzgerald Inquiry.” (p. xiv) Scope:</p> <ul style="list-style-type: none"> - What did the inquiry recommend? - Why was the recommendation made? - What has QPS done to implement recommendations? - Was QPS response adequate and appropriate? - Where change not made, why not? - How practical were the inquiry’s recommendations?
Evaluation design	Implementation and Impact evaluation
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Nearly 2 years

How many people were in the evaluation team? Describe roles and responsibilities where possible	3 x staff from the Research & Coordination Division 1 x external consultant 3 x academics from the University of Queensland 3 x staff on writing and publishing the report
Provide details of evaluation cost if available	\$5 million for 1990/91 for police reform process, which was in addition to the running costs of the Fitzgerald Implementation Unit
Provide details of any other resources used in the evaluation	
How were evaluation data analysed?	Not indicated

2.5.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews	Yes	With QPS officers and civilian personnel (from all ranks, regions and functional areas) and others involved	300 interviews with police							

		in implementation								
Focus groups		Some group discussions without senior officers present	Police							
Community consultations										
Invitation for written submission										
Document/policy review	Yes	Various QPS and CJC files, the Fitzgerald material, QPS internal and external documents	Police							
Literature review	Yes	Draws on reports, books and academic papers about policing								
Analysis of existing quantitative data										
Request for specific information eg policies & procedures										
Observation of practice										

Site visits/inspection										
Attend meetings										
Discussion/consultation	Yes	Informal discussions with police and civilian members of QPS	Police							
Other (describe)										

2.5.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	Total of 125 recommendations. There has been substantial reform, and the bulk of recommendations implemented in full or part. Substantial movement towards the model set out by the Inquiry. Several outstanding issues particularly in community policing and related personnel and management changes.	
What factors affected the implementation of recommendations?	<u>Facilitators</u> <ul style="list-style-type: none"> • Strong public and govt support for reform. • Substantial change in senior management following the Fitzgerald inquiry. 	<u>Barriers</u> <ul style="list-style-type: none"> • QPS a large, complex organisation . • Resistant to external influences; a military-style structure of conformity rather than change and innovation. • Magnitude and diversity of reforms. • Perception in QPS that the reforms were punitive and imposed from outside. • Budgetary constraints.

	<ul style="list-style-type: none"> • Many serving members acknowledged the need for change. 	<ul style="list-style-type: none"> • There was a political imperative to reform the QPS, and the inquiry was overly optimistic. These led to a rapid pace of change. Speed led to some projects not being systematically planned. • Other reforms also taking place. • Many senior officers fired or resigned, leaving poor morale; the nature of the change not universally accepted. • Continuing daily demands. • Unresolved negotiations over industrial issues blocked change • Some initiatives hampered by government policy (eg allowed mix of personnel). • Recommendations found to be overly optimistic. <p>QPS Management of Implementation:</p> <ul style="list-style-type: none"> • Early patchy communication (including lack of feedback) about changes made many feel that it was tokenistic. Level of knowledge was subsequently widely varied across the QPS. • Inadequate support for staff fearing for their job or career prospects. • Consultation seen as not genuine, with little involvement of the 'rank and file'. • Problems with internal management of the implementation eg lack of necessary expertise, called away to operational demands. • Internal monitoring was a checklist of which recommendations implemented – no attempt to explore whether the underlying problems had been addressed. • Incomplete implementation plans and lack of consultation.
<p>Was any relationship reported between those factors identified? If so, what was the relationship?</p>	<ul style="list-style-type: none"> • Size of the organisation presented communication difficulties. • Poor morale made it difficult to ensure effective communication. • Poor communication and sell of the reforms led to misunderstanding, rumours and suspicion. 	

<p>Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details</p>	
<p>What are the authors' notes about the success of the implementation of recommendations?</p>	<p>QPS is now a more open, accountable and professional organisation (5 years from the Inquiry)</p>
<p>What are the authors' notes about limitations of the evaluation?</p>	<p>Impact of some reforms will only become apparent in the long term.</p>

2.5.7 Reviewer's comments

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2.6 Data extraction form for the Inquiry into policing into Indigenous communities (2007-2009)

2.6.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	23 August 2013
Author and year	Crime and Misconduct Commission, 2012.
Full citation of paper	Indigenous people in policing roles. A follow-up review to the Restoring Order report. September 2012. Crime and Misconduct Commission.
Papers cited or referenced that may be eligible for review	

2.6.2 Inquiry details

Name of inquiry	Inquiry into policing into Indigenous communities (2007-2009)
Inquiry jurisdiction (eg country, state, territory)	Queensland
Organisation that conducted the inquiry	Crime and Misconduct Commission
Organisation that commissioned the inquiry	Queensland Government
Institution under inquiry (if relevant)	Queensland Police Service (QPS)
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Not indicated
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	Police and Aboriginal and Torres Strait Islander people in Indigenous communities have had a difficult history. High crime rates and over- or under-policing lead to tensions between police and local people. Following the death of Cameron Doomadgee in 2007 and rioting against police, Qld Govt asked CMC to conduct an inquiry into issues relating to policing in Indigenous communities.
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant	

(not names of individual, just description of the victim as a group, for eg children in foster care)	
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2.6.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
Legislative change For eg Change to Law or an Act		
Broad systemic/systems level/system-wide change For eg Change needs to be made to whole sectors such as... <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		

<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 	Yes	Queensland Police Service
<p>Service providers/practitioners/practice level</p> <p>For eg:</p>		

<ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		
Other (please describe)		

2.6.4 Evaluation details

Organisation that commissioned the evaluation	It was flagged in the inquiry's report.
Organisation that conducted the evaluation	Crime and Misconduct Commission Queensland
To whom was the report/evaluation delivered?	Not indicated
Purpose/aim of the evaluation	To review how effectively police stations in Indigenous communities are using, managing and supporting Indigenous people in policing roles.
Evaluation design	Multi-method design.
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not indicated
How many people were in the evaluation team? Describe roles and responsibilities where possible	<p>4 x members of the Applied Research & Evaluation area</p> <p>2 x Indigenous Advisers</p> <p>1 x secondment from QPS</p>

	Report prepared by the Communications Unit.
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	NVIVO software for a thematic analysis of interview responses. Scale questions and descriptive information analysed using SPSS.

2.6.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey	Yes	Online survey went to 141 sworn police in Indigenous communities. Response rate of 16%.	22 police officers							
Interviews	Yes	50 people	12 officers in charge of the police station				17 community			

			(3 by telephone)				members (eg the mayor)			
							21 Indigenous people employed in policing roles			
Focus groups										
Community consultations	Yes	Consultations with people in policing roles and community stakeholders				8 Aboriginal communities 7 Torres Strait Island communities				
Invitation for written submission										
Document/policy review										
Literature review	Yes									
Analysis of existing quantitative data										
Request for specific information eg policies & procedures	Yes	Review of QPS policies & procedures, position	yes							

		descriptions, training data etc.								
Observations of practice										
Site visits/inspections										
Attend meetings										
Discussion/consultation										
Other (describe)										

2.6.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	Not indicated	
What factors affected the implementation of recommendations?	<u>Facilitators</u>	<u>Barriers</u>
	Not indicated	Not indicated
Was any relationship reported between those factors identified? If so, what was the relationship?	Not indicated	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not indicated	

<p>What are the authors' notes about the success of the implementation of recommendations?</p>	<p>There have been few changes to how the QPS uses, manages and supports Indigenous people in policing roles. The total number of Indigenous people in policing roles has decreased.</p>
<p>What are the authors' notes about limitations of the evaluation?</p>	<ul style="list-style-type: none"> • Low response rate to online survey • Unable to visit all Indigenous communities under review

2.6.7 Reviewer's comments

2.7 Data extraction form for the Inquiry into the handling of sexual offences by the criminal justice system

2.7.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	23 August 2013
Author and year	Crime and Misconduct Commission, 2008.
Full citation of paper	How the criminal justice system handles allegations of sexual abuse. A review of the implementation of the recommendations of the <i>Seeking justice</i> report. 2008. Crime and Misconduct Commission.
Papers cited or referenced that may be eligible for review	

2.7.2 Inquiry details

Name of inquiry	Inquiry into the handling of sexual offences by the criminal justice system
Inquiry jurisdiction (eg country, state, territory)	Queensland
Organisation that conducted the inquiry	Crime and Misconduct Commission
Organisation that commissioned the inquiry	Crime and Misconduct Commission (One of the inquiry's recommendations was the Commission review implementation in 2 years' time)
Institution under inquiry (if relevant)	
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Not indicated
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	The police investigation of swimming coach Scott Volkens, and the QLD Office of the Director of Public Prosecutions' subsequent decision to drop charges, generated public interest in the way the Queensland criminal justice system deals with sexual offences. It led to the Crime and Misconduct Commission's decision "to conduct a broader inquiry into the handling of sexual offence allegations by the Queensland criminal justice system (specifically the Queensland Police Service and the Office of the Director of Public Prosecutions)." <i>(p. v)</i>
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant	

(not names of individual, just description of the victim as a group, for eg children in foster care)	
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2.7.3 Target/level of the inquiry’s recommendations

Do any of the inquiry’s recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>	Yes	Amendments to the Criminal Law (Sexual Offences) Act 1978 (Qld)
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		

<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 	<p>Yes</p>	<p>The criminal justice system, specifically the Queensland Police Service (QPS) and the Queensland Office of the Director of Public Prosecutions (ODPP).</p>
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		
<p>Service providers/practitioners/practice level</p>		

For eg:		
<ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		
Other (please describe)		

2.7.4 Evaluation details

Organisation that commissioned the evaluation	The original inquiry recommended the CMC evaluate.
Organisation that conducted the evaluation	Crime and Misconduct Commission Queensland
To whom was the report/evaluation delivered?	Attorney-General and Minister for Justice; Speaker of the Legislative Assembly; Parliamentary Crime and Misconduct Committee.
Purpose/aim of the evaluation	"To review the progress made by the QPS and the ODPP in implementing the recommendations of the <i>Seeking justice</i> report" (p. 3)
Evaluation design	Implementation evaluation, predominantly through document analysis and consultations.
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not indicated

How many people were in the evaluation team? Describe roles and responsibilities where possible	3
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	Not indicated

2.7.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations										
Invitation for written submission	Yes	“Invited comment from a range of agencies involved in the handling of sexual offences in		yes						

		the criminal justice system in Queensland" (p. 4)								
Document/policy review	Yes	From govt and non-gov agencies	Yes	Yes						
Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures										
Observations of practice										
Site visits/inspection										
Attend meetings										
Discussion/consultation	Yes	Consultations with key senior representatives from gov and NGOs	10 x Police 6 x ODPP 2 x Legal Aid	Victim support agencies (unspecified number)						
Other (describe)										

2.7.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	Good progress has been made. 17 fully implemented, 4 partially implemented, 6 rejected or not yet implemented. Police in particular made inroads with reforms. Office of Director of Public Prosecutions made some inroads.	
What factors affected the implementation of recommendations?	<u>Facilitators</u> <ul style="list-style-type: none"> • 	<u>Barriers</u> <ul style="list-style-type: none"> • More time needed • ODPP "undergone several internal reviews" (p. 52) since the inquiry report, and has "been in a constant state of change in recent years." (p. 52) • Some responses from QPS and ODPP were conflicting, suggesting they need to agree on responsibilities..
Was any relationship reported between those factors identified? If so, what was the relationship?	Not indicated	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not indicated	
What are the authors' notes about the success of the implementation of recommendations?	Not indicated	
What are the authors' notes about limitations of the evaluation?	The authors note that some changes are "recent and may take time to show effect." (p. 47) "Due to resource limitations, focused consultations mostly in South East Queensland" (p. 4)	

2.7.7 Reviewer's comments

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2.8 Data extraction form for the Inquiry into the Matters Arising from the Death of Stephen Lawrence

2.8.1 Extraction details

Person extracting data	BD
Date of data extraction	23/08/2013
Author and year	Bland, Miller & Quinton
Full citation of paper	Paper 128: Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence Inquiry on stops and searches. <i>Nick Bland, Joel Miller and Paul Quinton, 2000</i>
Papers cited or referenced that may be eligible for review	None

2.8.2 Inquiry details

Name of inquiry	Inquiry into the Matters Arising from the Death of Stephen Lawrence (The Stephen Lawrence Inquiry Report)
Inquiry jurisdiction (eg country, state, territory)	England
Organisation that conducted the inquiry	Not stated
Organisation that commissioned the inquiry	Not stated
Institution under inquiry (if relevant)	
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Not clearly stated
Reason for/purpose of inquiry <i>(include here basic description of the issue or problem, for eg cover up of sexual abuse)</i>	To inquire into the matters arising from the death of Stephen Lawrence in order to identify the lessons to be learned from the investigation and prosecution of racially motivated crimes.
Perpetrator(s) if relevant <i>(not names of individual, just description of the perpetrator as a group, for eg teacher)</i>	Not relevant
Victim(s) if relevant <i>(not names of individual, just description of the victim as a group, for eg children in foster care)</i>	Those being stopped by police for checks, especially those from minority ethnic communities

2.8.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>		
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	Yes	Police Services and Police Authorities
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>		

<p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in different sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		

2.8.4 Evaluation details

Organisation that commissioned the evaluation	Home Office, London
Organisation that conducted the evaluation	Policing and Reducing Crime Unit (PRC) in the Home Office Research, Development and Statistics Directorate
To whom was the report/evaluation was delivered?	
Purpose/aim of the evaluation	To pilot recommendation 61 – “police should make a record of all stops and all searches of the public. The record should be given to the person stopped and should include the reason and outcome of the stop and how the person described their ethnic background.” (p. <i>iii</i>)
Evaluation design	Mixed methods – officer interviews, observations, public interviews and discussion groups, police statistics
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Six months
How many people were in the evaluation team? Describe roles and responsibilities where possible	Not stated
Provide details of evaluation cost if available	None given

Provide details of any other resources used in the evaluation	Not stated
How were evaluation data analysed?	Not stated

2.8.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews	y	<p>“Interviews with over 100 police officers, supervisors and managers at the beginning and the end of the pilot;</p> <p>In depth interviews with 55 people stopped and searched during the pilot;</p> <p>12 discussion groups with 104 people from the pilot sites” (p. vi)</p>					1, police officers/managers/supervisors		1	
Focus groups										
Community consultations										

Invitation for written submission										
Document/policy review										
Literature review										
Analysis of existing quantitative data		Statistics from police records made during the pilot	Not indicated							
Request for specific information eg policies & procedures										
Observation of practice										
Site visits/inspection	y	“Over 340 hours of routine patrol work across all sites” (p. vi)	Not indicated							
Attend meetings										
Discussion/consultation										
Other (describe)										

2.8.6 Evaluation findings

	Describe (or not indicated)
To what extent were the inquiry’s recommendations implemented?	Not relevant – “the report is a pilot evaluation trailing the viability of implementing the recommendations and trailing alternative methods of

	implementing specific elements.” (p. 16). The trial was conducted across five sites covering a range of policing contexts	
What factors affected the implementation of recommendations?	<u>Facilitators</u>	<u>Barriers</u> Difficulties in developing definitions to “cover the range and variation of stop encounters”(p. 47) “The attempt to create recording rules that balanced the recording requirements of the recommendations with operational practicalities was not entirely successful.”(p. 47) The requirement to record in ‘fleeting’ cases “was more likely to be seen as an intrusion on their own time, but also on that of the person stopped” (p. 47) many officers used their discretion to selectively record. “There was a tension between the provision of information for statistical monitoring purposes and as a basis for accountability, either to the

		<p>person stopped or to a supervising officer” (p. 47)</p> <p>“There was wide variety in the quality of written explanations for the reason and outcome of stops”(p 47)</p> <p>Difficulties recording ethnic origin</p>
Was any relationship reported between those factors identified? If so, what was the relationship?		
Were the original inquiry’s recommendations found to be relevant to its findings? Y/N. Provide details		
What are the authors’ notes about the success of the implementation of recommendations?	<p>“The positive impact of the recommendations is still unlikely, on its own, to tackle sufficiently fairness and public confidence in stops and searches.”(p. iii)</p> <p>“Overall, it is clear that the recommendations of the Stephen Lawrence Inquiry, on their own, are unlikely to produce sufficiently positive outcomes in relation to fairness and community confidence in stops and searches””(p. xii)</p>	
What are the authors’ notes about limitations of the evaluation?		

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2.8.7 Reviewer's comments

This report is a six month pilot evaluation of changes recommended to police 'stops and searches' processes arising from the Stephen Lawrence Inquiry Report. It does not report on implementation of recommendations outside the pilot study.

2.9 Data extraction form for the Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police

2.9.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	22 August 2013
Author and year	Corruption and Crime Commission WA, 2009
Full citation of paper	Western Australia Police Property Management Practices. Report on the progress of recommendations contained in the 2005 Joint Inquiry by Western Australia Police and the Corruption and Crime Commission. December 2009
Papers cited or referenced that may be eligible for review	

2.9.2 Inquiry details

Name of inquiry	Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police
Inquiry jurisdiction (eg country, state, territory)	Western Australia
Organisation that conducted the inquiry	Western Australia Police and the Corruption and Crime Commission (jointly)
Organisation that commissioned the inquiry	Not indicated
Institution under inquiry (if relevant)	Western Australia Police (WAPOL)
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Not indicated
Reason for/purpose of inquiry <i>(include here basic description of the issue or problem, for eg cover up of sexual abuse)</i>	<ul style="list-style-type: none"> • general concerns about WAPOL’s property management eg the “disappearance of two sums of money, as well as drugs from WAPOL safekeeping” <i>(p. 13)</i> • a “police officer failed an integrity test conducted by the Commission in relation to the management of property” <i>(p. 13)</i>
Perpetrator(s) if relevant <i>(not names of individual, just description of the perpetrator as a group, for eg teacher)</i>	
Victim(s) if relevant <i>(not names of individual, just description of the victim as a group, for eg children in foster care)</i>	

2.9.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>	Yes	Changes to 3 pieces of legislation
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>		

<p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 	Yes	WA Police – mostly focused on policies and procedures
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		

Other (please describe)		
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2.9.4 Evaluation details

Organisation that commissioned the evaluation	The Corruption and Crime Commission (required to monitor recommendations)
Organisation that conducted the evaluation	The Corruption and Crime Commission and the WAPOL Management Audit Unit (jointly)
To whom was the report/evaluation was delivered?	Legislative Council and Legislative Assembly of WA Parliament
Purpose/aim of the evaluation	To evaluate WAPOL's progress in implementing the recommendations.
Evaluation design	Multi method implementation evaluation
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not indicated
How many people were in the evaluation team? Describe roles and responsibilities where possible	<ul style="list-style-type: none"> • 1 x "Coordinator Audit and Review, Management Audit Unit, WAPOL" (p. 13) • 1 x "Principal Consultant, Corruption Prevention, Education and Research, CCC" (p. 13) • 1 x "Graduate Officer, Corruption Prevention, Education and Research, CCC" (p. 13) • 1 x Exhibits Registrar providing informal advice
Provide details of evaluation cost if available	Not indicated

Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	Not indicated

2.9.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations										
Invitation for written submission										
Document/policy review	Yes	<ul style="list-style-type: none"> Inquiry report & recommendations Previous progress reports <p>Participant groups not indicated</p>								

Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures	Yes	Policies, procedures and reports from WAPOL	From WAPOL							
Observation of practice										
Site visits/inspections										
Attend meetings										
Discussion/consultation										
Other (describe)	Yes	Site visits to property management departments	3 sites							
	Yes	Discussions with Superintendent, senior staff	WAPOL							
	Yes	Discussions with property management personnel	3 police stations							

2.9.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	<ul style="list-style-type: none"> • 23 finalised • 12 progressing towards finalisation • 1 not able to be addressed • 6 no longer relevant 	
What factors affected the implementation of recommendations?	<u>Facilitators</u>	<u>Barriers</u> Couldn't improve the Incident Management System in full because required resources proved to be prohibitive. Areas of least success are where approaches to the DPP or AG were required. WAPOL acted on them, but no changes made. Review of long held items required more time.
Was any relationship reported between those factors identified? If so, what was the relationship?	Not indicated	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not indicated	

What are the authors' notes about the success of the implementation of recommendations?	Good progress has been made.
What are the authors' notes about limitations of the evaluation?	<p>Only discussed recommendations with WAPOL, despite some responsibilities being shared with other agencies.</p> <p>New legislation enabling WAPOL to seize cars has significantly impact on WAPOL's property management workload.</p>

2.9.7 Reviewer's comments

2.10 Data extraction form for the Lost Innocents and Forgotten Australians inquiries

2.10.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	23 August 2013
Author and year	Senate Community Affairs Committee, 2009.
Full citation of paper	<i>Lost Innocents and Forgotten Australians Revisited.</i> Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians Reports. The Senate, Community Affairs Reference Committee. June 2009.
Papers cited or referenced that may be eligible for review	

2.10.2 Inquiry details (1)

Name of inquiry	Lost Innocents
Inquiry jurisdiction (eg country, state, territory)	All Australian jurisdictions
Organisation that conducted the inquiry	Senate Community Affairs Committee
Organisation that commissioned the inquiry	Senator Andrew Murray
Institution under inquiry (if relevant)	
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	During 1980s and 90s there was growing concern about the welfare of children in institutions. Books published in the 90s led to a growing awareness of children's experiences. There were calls for an independent national inquiry.
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	The inquiry examined child migration to Australia from Britain in 20 th century.
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant	

(not names of individual, just description of the victim as a group, for eg children in foster care)	
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2.10.3 Inquiry details (2)

Name of inquiry	Forgotten Australians
Inquiry jurisdiction (eg country, state, territory)	Australia
Organisation that conducted the inquiry	Senate Community Affairs Committee
Organisation that commissioned the inquiry	Senator Andrew Murray
Institution under inquiry (if relevant)	
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	During the Lost Innocents inquiry, submissions received from Australian-born children who had been in institutional care. Calls were made for a further inquiry into these children.
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant	

(not names of individual, just description of the victim as a group, for eg children in foster care)	
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2.10.4 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
Legislative change For eg Change to Law or an Act		
Broad systemic/systems level/system-wide change For eg Change needs to be made to whole sectors such as... <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	Yes	Commonwealth Government States and Territories

<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		
<p>Service providers/practitioners/practice level</p>	<p>Yes</p>	<p>Churches and religious agencies</p>

For eg:		
<ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		
Other (please describe)		

2.10.5 Evaluation details

Organisation that commissioned the evaluation	Australian Senate
Organisation that conducted the evaluation	Senate Community Affairs Committee
To whom was the report/evaluation delivered?	The Senate
Purpose/aim of the evaluation	To explore “progress with the implementation of the recommendations” (p. 1) in the reports <i>Lost Innocents</i> and <i>Forgotten Australians</i> .
Evaluation design	Written submissions and hearings
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not indicated

How many people were in the evaluation team? Describe roles and responsibilities where possible	Not indicated
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	Not indicated

2.10.6 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individuals eg victims	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations		5 days of public hearings in Melbourne, Perth, Brisbane, Sydney, Canberra. Teleconferences in Tasmania and South Australia.								

		Participant attendees not indicated								
Invitation for written submission		*Advertised in The Australian and on the Internet: 64 public submissions and 13 confidential submissions received.	11	15				28		
Document/policy review										
Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures										
Observation of practice										
Site visits/inspections										
Attend meetings										
Discussion/consultation										
Other (describe)										

*Note: numbers in each category are approximate

2.10.7 Evaluation findings

	Describe (or not indicated)
To what extent were the inquiry's recommendations implemented?	<p>Progress was made but much work remains to be done on both sets of recommendations.</p> <p>Commonwealth Govt on Lost Innocents:</p> <ul style="list-style-type: none"> • Commonwealth government took action on about 2/3 of the recommendations; some were rejected on the grounds that the govt would take alternative course of action. • Still a substantial need for funding for former child migrants to access specialist services, and to maintain links with overseas agencies. <p>Commonwealth Govt on Forgotten Australians</p> <ul style="list-style-type: none"> • Some areas of improvement, but implementation has been poor, particularly in areas requiring Commonwealth govt to recognise historical truths and to give a national response that delivers practical services. • Of 39 recommendations, govt rejected over half. Some explicitly and some on the basis that responsibility lies with the States or other agency. Some responses pointed to sufficient existing processes, some recommendations were just not acted upon. some involved a commitment to minor action. <p>State governments action across both inquiries:</p> <ul style="list-style-type: none"> • States have sought to implement some recommendations, but greater action required. States are also underfunding services for care leavers • Implementation inconsistent across States, leading to inequities faced by care leavers <p>Churches and religious agencies:</p> <ul style="list-style-type: none"> • Poor acknowledgement of issues and absence of action

What factors affected the implementation of recommendations?	<u>Facilitators</u> <ul style="list-style-type: none"> • 	<u>Barriers</u> <ul style="list-style-type: none"> • Refusal to implement • Failure to implement • Partial implementation • Changing circumstances
Was any relationship reported between those factors identified? If so, what was the relationship?	Not indicated	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Some recommendations need to be revised to achieve the desired outcomes.	
What are the authors' notes about the success of the implementation of recommendations?	Not indicated	
What are the authors' notes about limitations of the evaluation?	Not indicated	

. Reviewer's comments

2.11 Data extraction form for Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)

2.11.1 Extraction details

Person extracting data	Sarah Hollingworth
Date of data extraction	Started 22/8/13 and finished 27/8/13
Author and year	Crime and Misconduct Commission 2007
Full citation of paper	REFORMING CHILD PROTECTION IN QUEENSLAND: A review of the implementation of recommendations contained in the CMC's <i>Protecting children</i> report
Papers cited or referenced that may be eligible for review	<ul style="list-style-type: none">• <i>Two year report into the progress in reforming the Queensland child protection system</i>• <i>A blueprint for implementing the recommendations of the January 2004 Crime and Misconduct Commission report 'Protecting children: an inquiry into abuse of children in foster care'</i>

2.11.2 Inquiry details

Name of inquiry	Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)
Inquiry jurisdiction (eg country, state, territory)	Queensland
Organisation that conducted the inquiry	Crime and Misconduct Commission
Organisation that commissioned the inquiry	Queensland Government
Institution under inquiry (if relevant)	Department of Families
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	<p>a) "To examine any systemic factors contributing to the incidence of any abuse of children in foster care." (p. vii)</p> <p>b) "To examine the suitability of measures to protect children in foster care from abuse. " (p. vii)</p> <p>c) "To make any recommendations as may be considered appropriate in relation to a) and b), including recommendations for any necessary changes to current policies, legislation and practices." (p. vii)</p>
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	Children in foster care

2.11.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>	Yes	<ul style="list-style-type: none"> • “The <i>Child Protection Act 1999</i> be amended to enable the department to intervene where it is suspected that an unborn child may be at risk of harm after birth.” (p. 63.) • “The <i>Child Protection Act 1999</i> be amended to ensure that it regulates the assessment and approval of all carers.” (p. 3) • “Legislation requires the development of a case plan for the care of all children on child protection orders or in the custody of the director-general.” (p. 63) • The call for a new government department (the Department of Child Safety), dedicated exclusively to protecting the rights of QLD children, particularly those in foster care
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	Yes	<ul style="list-style-type: none"> • The Dept of Families was incapable of responding to child protection issues. Report proposed that “a new Department of Child Safety be created and that its core functions should relate solely to child protection.” (p. 5) • “The need for a more coordinated approach to child protection policy and service development by state government agencies.” (p. 5)

<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 	Yes	Department of Child Safety (formerly Dept of Families)
<p>Service providers/practitioners/practice level</p> <p>For eg:</p>		

<ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		Staff training in agencies
Other (please describe)		

2.11.4 Evaluation details

Organisation that commissioned the evaluation	A review in accordance with the intention expressed in the <i>Protecting children</i> report (final recommendation).
Organisation that conducted the evaluation	Crime and Misconduct Commission
To whom was the report/evaluation was delivered?	Queensland Govt
Purpose/aim of the evaluation	To “review the implementation of the report’s recommendations” (p. vii)
Evaluation design	A review with a research and evaluation/ report focus Multi-methods (surveys, interview, viewing records). All post inquiry
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not indicated

How many people were in the evaluation team? Describe roles and responsibilities where possible	Not indicated
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	
How were evaluation data analysed?	Not indicated

2.11.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey	Yes	Results of a survey of children in care carried out by The Child Guardian (early 2006)						Children in care – numbers not indicated		
Interviews										
Focus groups										
Community consultations	Yes			Indigenous organisations providing child protection						

				services. Numbers not indicated						
Invitation for written submission	Yes	“Invited comment from 108 different entities involved in delivering services to children who fall within the DCS’s jurisdiction, asking each of these entities to make a submission on how the implementation of the <i>Protecting children</i> recommendations had progressed” (p. 2)	Received 30 from a combination of govt and non-govt organisations							
Document/policy review										
Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures	Yes	• Various reports and papers that had “been issued in the last three years by government and	Numbers not indicated							

		non-government agencies on various aspects of the child protection system” <i>(p. 2)</i> • Requested specific information from the DCS (didn’t specify what this was)								
Observation of practice										
Site visits/inspections										
Attend meetings	Yes	“Attended various presentations organised by the DCS on its implementation of certain recommendations” <i>(p. 2)</i>	Numbers not indicated							
Discussion/consultation	yes	Specific stakeholders not indicated, nor numbers								

Other: conducting own research into the operations of the child protection system	Yes	Didn't specify what this was, nor any numbers								
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2.11.6 Evaluation findings

	Describe (or not indicated)
To what extent were the inquiry's recommendations implemented?	<p>110 recommendations</p> <ul style="list-style-type: none"> • 98 implemented • 11 partially implemented • 1 not implemented <p>(Not implemented:</p> <p>“Recommendation 5.18 That the DCS prepare and promulgate a specific policy outlining the requirements for producing and approving ministerial correspondence and briefing material. “ (p. 18)</p> <p>The January 2006 progress report from DCS reported that a “specific policy outlining the requirements for producing and approving ministerial correspondence and briefing material had been implemented” (p. 70) . However the document “does not establish clear lines of accountability for the preparation of ministerial correspondence as we recommended.”) (p. 19)</p>

<p>What factors affected the implementation of recommendations?</p>	<p><u>Facilitators</u></p> <p>QLD Govt “engaged a consultant to advise on how best to implement” (p. 1) recommendations.</p> <ul style="list-style-type: none"> • “Consultant set out a plan of action in a document “ (p. 1) (name included in ‘Papers cited or referenced’ section). • January 2006 CMC “received the <i>Two year report into the progress in reforming the Queensland child protection system</i>, prepared by the Department of Child Safety (DCS).” (p. 1) 	<p><u>Barriers</u></p> <ul style="list-style-type: none"> • “There are not yet sufficient community-based Indigenous organisations that can provide effective services to children at risk or to foster carers.” (p. vii) • “The DCS also has problems in recruiting and retaining staff, particularly in remote areas, and this compounds the difficulty of ensuring that their workforce is well trained, committed and experienced.” (p. 7) • Ensuring that staff “comply with legislation and policy becomes very hard when there is a high staff turnover and difficulties in filling vacancies.” (p. 3) • Recommendations to be implemented in stages (as set out in Blueprint plan) because it was

		"necessary to achieve certain reforms before proceeding with further changes."(p. 1)
Was any relationship reported between those factors identified? If so, what was the relationship?	"The successful implementation of some recommendations is often interlinked, so difficulty in implementing one recommendation may hinder the implementation of several others (For example, some of the recommendations depended on the existence of independent community-based Indigenous organisations operating around the state.)" (p. 3)	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not indicated	
What are the authors' notes about the success of the implementation of recommendations?	<ul style="list-style-type: none"> • "Many of the CMC's recommendations have been implemented through policies instituted by the DCS or by amendments to the <i>Child Protection Act 1999</i>."(p. vii) • "There is more work to be done to keep pace with community expectations about how Queensland's child protection system should operate."(p. 4) • "Full implementation of the recommendations will take time, and there are some obstacles still to be overcome."(p. vii) • "CMC has continued to receive a few complaints about failures by the DCS to respond to children in need of protection, and" (p. vii) it has "seen evidence to support some of these allegations. However, these appear to be isolated instances, and CMC reports it has no reason to believe that the 	

	complaints indicate any ongoing systemic problems.” (p. vii)
What are the authors’ notes about limitations of the evaluation?	Not indicated

2.11.7 Reviewer’s comments

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2.12 Data extraction form for the QPS–CMC review of Taser policy, training, and monitoring and review practices, 2009

2.12.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	22 August 2013
Author and year	Crime and Misconduct Commission. 2011.
Full citation of paper	Evaluating Taser reforms. A review of Queensland Police Service policy and practice. Crime and Misconduct Commission. April 2011.
Papers cited or referenced that may be eligible for review	

2.12.2 Inquiry details

Name of inquiry	QPS–CMC review of Taser policy, training, and monitoring and review practices, 2009
Inquiry jurisdiction (eg country, state, territory)	Queensland
Organisation that conducted the inquiry	Queensland Police and Crime and Misconduct Commission (jointly)
Organisation that commissioned the inquiry	Minister for Police, Corrective Services and Emergency Services
Institution under inquiry (if relevant)	Queensland Police
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Not indicated
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	To review (initiated by the Minister for Police, Corrective Services and Emergency Services) the Queensland Police Department’s policy, procedures, training and monitoring processes. The review was in response to the death of a man after being tasered by Police in 2009.
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	

2.12.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>		
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>		

<p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 	Yes	Queensland Police
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		

Other (please describe)		
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2.12.4 Evaluation details

Organisation that commissioned the evaluation	Queensland Attorney-General and Minister for Industrial Relations
Organisation that conducted the evaluation	Crime and Misconduct Commission
To whom was the report/evaluation was delivered?	<ul style="list-style-type: none"> • Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State • Speaker of the Legislative Assembly • Parliamentary Crime and Misconduct Committee
Purpose/aim of the evaluation	To monitor implementation of recommendations and to evaluate changes in various aspects of police practice
Evaluation design	Both an implementation and impact evaluation. Multi-method including data analysis, document review and consultations.
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not indicated
How many people were in the evaluation team? Describe roles and responsibilities where possible	<p>1 x Project Manager and primary author</p> <p>3 x support staff</p> <p>CMC’s Communications Unit prepared the report</p>

Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	See Appendices for multiple forms of analysis.

2.12.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations										
Invitation for written submission	Yes	Requested formal submission from QPS	Police							
Document/policy review	Yes	QPS policies, procedures, training materials and other documents	Police							

		Reviewed complaints data								
Literature review	Yes	Relevant literature reviewed								
Analysis of existing quantitative data	Yes	QPS Taser usage data	Police							
Request for specific information eg policies & procedures										
Observation of practice	yes	Observed Taser training and test exercises	3 occasions							
Site visits/inspection										
Attend meetings										
Discussion/consultation	Yes	Consultations with QPS officers	Various within Police							
Other (describe)										

2.12.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	<ul style="list-style-type: none"> • 24 implemented, "including all recommendations related to Taser policy and training" (p. xvii) • 3 continuing progress, relating to monitoring and continuous improvement processes 	
What factors affected the implementation of recommendations?	<u>Facilitators</u>	<u>Barriers</u> One recommendation was reliant on the release of a Review of the National Guidelines on the Use of Force, by another agency. 6-month trials of recording devices had to be extended because of low Taser deployment numbers. A research collaboration between QPS and the CMC could not take place due to the CMC undertaking this evaluation.
Was any relationship reported between those factors identified? If so, what was the relationship?	Not indicated	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not indicated	

What are the authors' notes about the success of the implementation of recommendations?	Good progress, but some areas of concern still remain (eg vulnerable groups; multiple Taser discharges)
What are the authors' notes about limitations of the evaluation?	<ul style="list-style-type: none"> • due to time and resource constraints, did not examine all possible sources of information eg CCTV footage or interviews with subjects • could be inaccuracies and incompleteness in the existing data that was analysed • may be inaccuracies in the data downloaded from Tasers • incompetence or insufficient detail in some reports made it difficult to assess incidents reviewed • inaccuracies in some cases relating to whether officers had completed Taser training • relying on information in a complaint file does not enable a detailed understanding of the nature of a complaint, and the files only contain a subjective account of an event.

2.12.7 Reviewer's comments

See Appendix 1 (p.105) for details about which information sources were used to address which evaluation questions.

2.13 Data extraction form for the Report on Police Watchhouses in Queensland

2.13.1 Extraction details

Person extracting data	BD
Date of data extraction	23/08/2013
Author and year	Criminal Justice Commission (1997)
Full citation of paper	Reports on Aboriginal witnesses and police watchhouses: Status of recommendations. Criminal Justice Commission (1997)
Papers cited or referenced that may be eligible for review	None

2.13.2 Inquiry details

Name of inquiry	Report on Police Watchhouses in Queensland
Inquiry jurisdiction (eg country, state, territory)	Queensland, Australia
Organisation that conducted the inquiry	Criminal Justice Commission
Organisation that commissioned the inquiry	Not indicated
Institution under inquiry (if relevant)	Not relevant
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	The Criminal Justice Commission (CJC) “and other agencies had identified problems in many watchhouses.” (p. 25). The report was commissioned to gain a better understanding of the magnitude of the problems. This included: overcrowding, “lengthy stays by prisoners awaiting placement in a prison”(p. 25) and inadequate conditions.
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	Not relevant
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	Not relevant

2.13.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg Change to Law or an Act</p>	Yes	<p>Two recommendations targeted legislation:</p> <p>Corrective Services Act 1988 - "Enactment of a statutory provision to minimise the length of stay by prisoners in watchhouses" (p. 25)</p> <p>Bail Act 1980 - "That the amendments to the Bail Act 1980 recommended by the Queensland Law Reform Commission (1993) be implemented." (p. 29)</p>
<p>Broad systemic/systems level/system-wide change</p> <p>For eg Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		

<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 	<p>Yes</p>	<p>“Reviewing the manner in which fine defaulters are dealt with, to minimise the use of detention in watchhouses or prison” (p. 25)</p> <p>“Introducing initiatives to reduce the need to hold remanded prisoners in watchhouses” (p. 25)</p> <p>“Addressing any concerns that the judiciary may have about the operation of community corrections alternatives to imprisonment” (p. 25)</p> <p>“Publication of information about factors affecting the prison population, such as sentencing data” (p. 25)</p> <p>“Developing strategies for improving medical services to watchhouses, including psychiatric services” (p. 25)</p> <p>“Accelerated replacement and refurbishment of watchhouses across the State” (p. 25)</p>
<p>Multiple organisations in different sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		

<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 	<p>Yes</p>	<p>“Implementing initiatives to improve watchhouse management practices and the status of watchhouse staff” (p. 25)</p>
<p>Other (please describe)</p>		

2.13.4 Evaluation details

<p>Organisation that commissioned the evaluation</p>	<p>Not relevant – (the Criminal Justice Commission has the responsibility to continually monitor and review administration of criminal justice as per the <i>Criminal Justice Act, 1989</i>)</p>
<p>Organisation that conducted the evaluation</p>	<p>Criminal Justice Commission</p>
<p>To whom was the report/evaluation was delivered?</p>	<p>Not indicated</p>
<p>Purpose/aim of the evaluation</p>	<p>To “provide a progress report to Parliament on the responses by the Government” (p. 7) to the report <i>Report on Police Watchhouses in Queensland</i></p>
<p>Evaluation design</p>	<p>Not clear – feedback was sought from State Government Ministers and “relevant agencies likely to have responsibility for implementing the recommendations” (p. 25)</p>

Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	Not clear – the progress report was published 14 months after the report was tabled in parliament
How many people were in the evaluation team? Describe roles and responsibilities where possible	Not clear – “Chairperson of the CJC wrote to State Government Ministers and agencies likely to have responsibility for implementing the recommendations to ask them to advise the CJC of any action taken or proposed”(p. 25)
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	None given
How were evaluation data analysed?	Not indicated

2.13.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations										
Invitation for written submission										
Document/policy review										
Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures	Yes	Note – no clear indication all agencies/bodies contacted. Participants listed appear are mentioned in the report.	Number unclear – State Government Ministers, Queensland Health, Department of Justice,					1, Queensland Police Service		

		<p>All agencies nominated in the recommendations were written to “seek feedback on the implementation of any recommendations.” (p. 8)</p> <p>“A draft summary of responses was forwarded to agencies to allow them to check and update the information they had provided.” (p. 8)</p>								
Observation of practice										
Site visits/inspection										
Attend meetings										

Discussion/consultation										
Other (describe)										

2.13.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	Notable progress was made in the year following the tabling of the report in Parliament and the progress report. Thirteen of the 22 recommendations could be considered as substantially implemented. The "implementation of several other recommendations is at an early stage." <i>(p. 38)</i>	
What factors affected the implementation of recommendations?	<u>Facilitators</u>	<u>Barriers</u>
Was any relationship reported between those factors identified? If so, what was the relationship?	Not relevant	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not relevant	
What are the authors' notes about the success of the implementation of recommendations?	Not indicated	
What are the authors' notes about limitations of the evaluation?	None	

2.13.7 Reviewer's comments

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2.14 Data extraction form for the Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)

2.14.1 Extraction details

Person extracting data	MM
Date of data extraction	21/08/13
Author and year	Australian National Audit Office (2006)
Full citation of paper	ANAO Audit Report No.51 2005–06 Implementation of the Parliamentary Resolutions Arising From the <i>Review by the Parliamentary Service Commissioner of Aspects of the Administration of the Parliament</i>
Papers cited or referenced that may be eligible for review	None

2.14.2 Inquiry details

Name of inquiry	Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)
Inquiry jurisdiction (eg country, state, territory)	Australia (national)
Organisation that conducted the inquiry	Parliamentary Service Commissioner
Organisation that commissioned the inquiry	Presiding Officers – the President of the Senate and the Speaker of the House of Representatives
Institution under inquiry (if relevant)	Parliament of Australia
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Started as a review of security following September 11. Other aspects of Parliament, in addition to security, followed
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	To review the administration of Parliament
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	NA
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	NA

2.14.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>		
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 		
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>	yes	Recommendations targeted several departments within Parliament, under the following main areas: "security; management and corporate functions; purchasing; amalgamation of the three service departments; independence of the library; and the arrangements to manage the implementation process." (p. 11)

<p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in different sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		

2.14.4 Evaluation details

Organisation that commissioned the evaluation	Arose out of the advice by the Joint committee of Public Accounts and Audit (JCPAA)
Organisation that conducted the evaluation	Australian National Audit Office (ANAO)
To who was the report/evaluation was delivered?	The President of the Senate and the Speaker of the House of Representatives
Purpose/aim of the evaluation	Report on the “implementation status of the parliamentary resolutions and other actions arising out of the six recommendations made in the final PSC Report.” (p. 6) “The audit also broadly examined the impact of implementation of the parliamentary resolutions on aspects of: the level of services provided to the Parliament generally following amalgamation of the three former parliamentary departments into the Dept of Parliamentary Services; and accommodation space within Parliament House.” (p. 7)
Evaluation design	Audit
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	2005-2006
How many people were in the evaluation team? Describe roles and responsibilities where possible	2
Provide details of evaluation cost if available	Approximately \$260,000
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	Not indicated. The only word they used was ‘examined’

2.14.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual Service providers	Individual victims or relatives	Public	Other
Survey										
Interviews	yes	<p>“Interviews with key staff members from the Department of the House of Representatives and the Department of the Senate” (p. 25)</p> <p>Interviews with Department of Parliamentary Service Executives</p>	Number not indicated							
Focus groups										
Community consultations										
Invitation for written submission	yes	Seeking a submission from Dept of Parliamentary Services	Number not indicated							
Document/policy review	yes	Reviewing Dept of Parliamentary	Number not indicated							

		Services information and files "Analysis of performance information in annual reports of the departments, pre-amalgamation and post-amalgamation" (p.25)								
Literature review										
Analysis of existing quantitative data										
Request for specific information eg policies & procedures										
Other (describe)	yes	"Requested, via email, comment from Members and Senators in relation to the implementation of recommendations"(p. 25) Analysis of staffing numbers within the	Number not indicated							

		parliamentary departments								
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2.14.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry’s recommendations implemented?	The audit concluded that 8 of the 9 resolutions arising from the review have been partly or fully implemented	
What factors affected the implementation of recommendations?	<p><u>Facilitators</u></p> <p>Quick appointment of Dept of Parliamentary Services Secretary to “champion the initiative” (p. 36) (the amalgamation of 3 parliamentary depts.)</p> <p>“Special project team was established to further the proposal and implement the change managements process for the DPS restructure” (p. 41)</p> <p>“The establishment of the statutory office of the Parliamentary Librarian” (p. 26) as strengthened the independence of the role (note that establishing this office was a</p>	<p><u>Barriers</u></p> <p>“The auditors found that there was no formal consolidated implementation plan or strategy for the implementation of the parliamentary resolutions” (p. 39) (a factor that the auditors consider important in the successful implementation)</p> <p>“Responsibility for the oversights of the project was not specifically allocated to particular individual, or to an amalgamation, or joint implementation team” (p. 40) (as was recommended)</p>

	parliamentary resolution that was different to the recommendation arising from the review)	<p>The dept of parliamentary services cited a shortage of resources to explain why there was no implementation plan</p> <p>Allowing parliamentary departments to choose which financial management systems they used and as a result differing systems were selected. This “has not provided a foundation for the depts. To efficiently move toward a shared services centre in the future.”(p. 44)</p> <p>Delayed appointment of the Librarian is noted when the auditors stated that one of the resolutions has not been implemented</p>
Was any relationship reported between those factors identified? If so, what was the relationship?	Lack of resources was given as the reason (by govt members, not by auditors) for a lack of implementation plan	
Were the original inquiry’s recommendations found to be relevant to its findings? Y/N. Provide details	<p>For the most part</p> <ol style="list-style-type: none"> 1. The auditors did note that the review discussed strategic planning for security but a strategic plan “did not form part of the final parliamentary resolutions.”(p. 26) The auditors consider the development of a strategic plan an important step that would assist with the management of security. 	

	<ol style="list-style-type: none"> 2. The “resolutions did not address the issue of security service provision but the review proposed a governance model for parliamentary security” (p. 32) . Although not a resolution (and therefore not a recommendation), the auditors examined if the proposed model had been implemented 3. One recommendation was to appoint a dedicated implementation team but this was absent from the parliamentary resolutions 4. The review made two recommendations relating to the Senior management coordination group but these “did not form part of the parliamentary resolutions” (p. 26)
What are the authors’ notes about the success of the implementation of recommendations?	The audit report contains one recommendation (developed by the auditors) aimed at improving the measurement and reporting of dept of Parliamentary Services service levels. The auditors also identified some aspects of the administration of Parliament that would benefit from further strengthening
What are the authors’ notes about limitations of the evaluation?	Not indicated

2.14.7 Reviewer’s comments

A review was conducted and the reviewers made recommendations. Parliament then developed resolutions, which were implemented. The auditors comment on the review, the recommendations and the resolutions.

2.15 Data extraction form for the Review into the Treatment of Women at the Australian Defence Force Academy

2.15.1 Extraction details

Person extracting data	Sarah Hollingworth
Date of data extraction	22/8/13
Author and year	Australian Human Rights Commission (Commissioner Elizabeth Broderick) 2013
Full citation of paper	Audit Report: Review into the Treatment of Women at the Australian Defence Force Academy
Papers cited or referenced that may be eligible for review	

2.15.2 Inquiry details

Name of inquiry	Review into the Treatment of Women at the Australian Defence Force Academy
Inquiry jurisdiction (eg country, state, territory)	Australia
Organisation that conducted the inquiry	Australian Human Rights Commission
Organisation that commissioned the Inquiry	Department of Defence/ Minister for Defence
Institution under inquiry (if relevant)	Australian Defence Force Academy
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	To review the treatment of women in the Australian Defence Force Academy. To review the effectiveness of cultural change strategies in the ADF
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	Women in Australian Defence Force Academy

2.15.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>	No	
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	Yes	Needs to be a cultural change in DFA generally
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p>	No	

<p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in different sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 	No	
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 	Yes	ADFA
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		

Other (please describe)		
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2.15.4 Evaluation details

Organisation that commissioned the evaluation	Australian Human Rights Commission (The Review's terms of reference required "an independent audit of the implementation of the recommendations") (p. 1)
Organisation that conducted the evaluation	Australian Human Rights Commission
To whom was the report/evaluation was delivered?	Attorney-General (Mark Dreyfus)
Purpose/aim of the evaluation	Audit the "implementation of the recommendations in the Panel's Report by the Australian Defence Force Academy and the Australian Defence Force more broadly" (p. 3) Make " any further recommendations necessary to advance the treatment of women at the Australian Defence Force Academy and in the Australian Defence Force." (p. 3)
Evaluation design	Audit
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	September 2012 – February 2013 (6 months)
How many people were in the evaluation team? Describe roles and responsibilities where possible	Not indicated
Provide details of evaluation cost if available	Not indicated

Provide details of any other resources used in the evaluation	
How were evaluation data analysed?	

“ Where possible, the Audit triangulated evidence from documentation, qualitative data from focus groups and interviews and, where relevant, its own observations and/or survey data.” (p. 4)

2.15.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)								
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual Service providers	Individual victim or relatives	Public	Other	
Survey	Yes	Results of the 2012 ADFA Unacceptable Behaviour (UB) survey									ADFA undergraduates Specific groups and numbers not indicated
Interviews	Yes	Staff and undergraduates									50 individuals (combination of staff

										and undergraduates)
Focus groups	Yes	<ul style="list-style-type: none"> • Undergraduate focus groups • Staff focus groups 				<ul style="list-style-type: none"> • 12 x ADFA undergraduates groups • 4 x ADFA staff groups. Didn't specify actual numbers 				
Community consultations										
Invitation for written submission	Yes	“ Advertised through ADFA and the ADF and was placed on the Australian Human Rights Commission website” (p. 14)						Number not indicated		
Document/policy review										
Literature review										
Analysis of existing quantitative data										

Request for specific information eg policies & procedures	Yes	" Information regarding relevant policies and practices, including complaints handling, incidents of unacceptable behaviour and attitudes of cadets and officers." (p. 14)	Number not indicated			Number not indicated				
Observation of practice	yes	<ul style="list-style-type: none"> • Attending the Staff Induction and Instructor Preparation Course programs • Observing sessions of Familiarisation Training Program • Observing the Sexual Offences Support Persons Course • Observing the "roll out of elements of the ADFA citizenship package in 2013 e.g. social media and e-safety, equity and diversity and alcohol and drug 								

		<ul style="list-style-type: none"> education” (p. 14) • Attending the Ethical Decision Making Seminar 								
Site visits/inspection										
Attend meetings										
Discussion/consultation										
Observation										
A toll-free hotline was also established		<ul style="list-style-type: none"> • Calls from people who “ were unable to, or did not wish to, provide information in writing” (p. 14) 								

2.15.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	<p>31 recommendations</p> <ul style="list-style-type: none"> • 17 on-track • 14 implemented 	
What factors affected the implementation of recommendations?	<p><u>Facilitators</u></p> <p>“ The implementation of recommendations of the ADFA Report is managed by the Australian Defence College (ADC) Reviews Implementation Team (RIT) in collaboration with ADC and ADFA senior leadership. The RIT works closely with ADFA to support the implementation of recommendations. “ (p. 17)</p> <p>“The RIT meets with the COMDT weekly to provide a written report to COMADC. The Vice Chief of Defence Force is then briefed on key issues arising. On a six monthly basis the COMDT briefs the ADFA working group, which is a subset of the ADC Advisory Board. The COMDT also</p>	<p><u>Barriers</u></p> <p>“ The initial duration of the RIT was until the end of June 2013. However, it took some time to staff the RIT, and a considerable period of time was lost due to the staff ‘chill’ and the lack of response to a call for expressions of interest. The RIT was only fully staffed from February 2012.” (p. 18)</p> <p>“ Towards the end of 2012 the RIT and COMDT became concerned about the timeframe and ongoing resourcing of the RIT. An Agendum Paper was tabled at the COSC meeting in December 2012 to this effect. COSC agreed to continue to resource the RIT at current levels until the end of 2014.” (p. 18)</p>

	briefs the Chiefs of Service Committee every four months.” (p. 17)	
Was any relationship reported between those factors identified? If so, what was the relationship?		
Were the original inquiry’s recommendations found to be relevant to its findings? Y/N. Provide details		
What are the authors’ notes about the success of the implementation of recommendations?	<ul style="list-style-type: none"> • The “ Audit is confident that the recommendations are being implemented with a view to creating lasting change” (p. 22) • “ ADFA has made significant progress in implementing the Review’s recommendations” (p. 7) , but the Audit reports that “it is premature to make a definitive assessment of the success of implementation or the achievement of outcomes” (p. 16) (given ADF is in the process of cultural change and cultural change takes time). • RIT has “ vigorously pursued the reform agenda and there has been significant progress on the implementation of the recommendations” (p. 21) , but the Audit notes “ if the RIT remains the main driver of implementation and ADFA does not take active ownership, the change process could falter and fade.” (p. 22) 	
What are the authors’ notes about limitations of the evaluation?	<ul style="list-style-type: none"> • The Audit team was the same as the Review team and, “ given their role in the Review and in the generation of recommendations” (p. 5) , acknowledged the inherent risks of conducting the Audit (they looked at the advantages and disadvantages and, “ on balance, the advantages were assessed to outweigh the risks”). (p. 5) 	

	<ul style="list-style-type: none">• “ As part of its methodology the Audit requested to conduct interviews and focus groups with ADFA staff” (p. 1). Due to the busy time of year there were “ some communication issues which impacted on the Audit team’s access to staff and undergraduates” (p. 1) (issues were resolved).• The Unacceptable Behaviour Survey was revised in 2012 - the results of the survey in 2012 are not comparable to those of the results of the 2011 Review.
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2.15.7 Reviewer’s comments

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2.16 Data extraction form for the Royal Commission into Aboriginal Deaths in Custody, 1991 (v1s1)

2.16.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	23 August 2013
Author and year	Implementation Review Team, 2005
Full citation of paper	Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody. Review report. An initiative of the Victorian Aboriginal Justice Agreement. Victorian Department of Justice. 2005.
Papers cited or referenced that may be eligible for review	

Note: The report has been physically divided into a number of PDF documents. To help with any later checking or need for confirmation I've ended each of the following details with a reference to the relevant PDF document from which it was sourced.

2.16.2 Inquiry details

Name of inquiry	Royal Commission into Aboriginal Deaths in Custody, 1991 (<i>v1s1</i>)
Inquiry jurisdiction (eg country, state, territory)	All Australian jurisdictions (<i>v1s1</i>)
Organisation that conducted the inquiry	n/a A Royal Commission
Organisation that commissioned the inquiry	Commonwealth Government
Institution under inquiry (if relevant)	n/a
What was the political/economic context behind the inquiry? (<i>only if clearly stated</i>)	Not indicated
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	In response to calls by Indigenous advocacy groups and victims' families, and a growing public concern about Indigenous deaths in custody. (<i>v1s2</i>) Original purpose was to investigate why, and how, so many Aboriginal people were dying in custody. Terms of reference later amended to take account of social, cultural and legal factors bearing on the deaths. (<i>v1s2</i>)
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant	

(not names of individual, just description of the victim as a group, for eg children in foster care)	
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2.16.3 Target/level of the inquiry’s recommendations

Do any of the inquiry’s recommendations target the following (there may be more than one answer)

	Yes/No	Notes
Legislative change For eg Change to Law or an Act		
Broad systemic/systems level/system-wide change For eg Change needs to be made to whole sectors such as... <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	Yes	State, Territory and Commonwealth Governments and non-government agencies across a range of sectors.

<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p> <ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		
<p>Service providers/practitioners/practice level</p>		

For eg:		
<ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		
Other (please describe)		

2.16.4 Evaluation details

Organisation that commissioned the evaluation	Victorian Government and the Victorian Aboriginal Justice Forum (<i>Introduction</i>)
Organisation that conducted the evaluation	Implementation Review Team – 2 independent Chairs and Dept. of Justice support staff. (<i>Introduction</i>)
To whom was the report/evaluation delivered?	Not indicated.
Purpose/aim of the evaluation	<ul style="list-style-type: none"> • Examine the progress on how, if and when the depts and agencies implemented the recommendations from the Royal Commission. (<i>Introduction</i>) • Provide a response to each of the 339 recommendations, more extensively to those relevant to Victoria. (<i>Introduction</i>) • Consider the relevance of recommendations in today’s environment and identify new emerging issues. (v1s3)
Evaluation design	<p>A partnerships approach between the Victorian Govt and the Indigenous community.</p> <p>Three phases:</p>

	<ol style="list-style-type: none"> 1. Pre-consultation and planning 2. Community consultation 3. Analysis and reporting (v1s3) <p><i>(see Appendix 3 in v1supplementaryinfo for details)</i></p>
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	12 months
How many people were in the evaluation team? Describe roles and responsibilities where possible	<p>Implementation Review Team:</p> <p>2 x Chairperson</p> <p>1 x Project Manager</p> <p>1 x Assistant Manager</p> <p>2 x Research Officer</p> <p>Also a six-person Steering Committee <i>(Introduction)</i></p>
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	<p>Evaluation criteria:</p> <ul style="list-style-type: none"> - What is the policy position on each recommendation? - Who had implementation responsibility, and what actions had been put in place for implementation, and with what funding? - The extent of Indigenous participation in development and delivery of actions. - Compatibility with the Victorian Aboriginal Justice Agreement principles. - Whether opportunities for improvement could be identified. (v1s3)

	Of statistical data, both trend and comparative analysis. (v1s3)
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2.16.5 Evaluation informants and methods (all from v1s3)

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individuals victims or relatives	Public	Other
Survey										
Interviews										
Focus groups										
Community consultations	y	Yes, including pre-consultation discussions with community members to prepare. Approx 150 consultations/ meetings	Yes	Yes	Yes	Yes		Yes		
Invitation for written submission	y	*Yes, public call for submissions.	8	7				12	5	
Document/policy review	yes	Audit of self-assessment reports from Govt depts, with an opportunity later to review their reports.	Number not reported							

Literature review	y	Identification of best practice principles Participants not indicated								
Analysis of existing quantitative data	y	Statistical analysis from Census and other ABA survey data. Administrative data from Govt depts.	Not indicate							
Request for specific information eg policies & procedures										
Observation of practice										
Site visits/inspections										
Attend meetings										
Discussion/consultation	Yes	Discussion paper released Participants not indicated								
Other (describe)										

**Note: numbers are approximate. See Appendix 4*

2.16.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	<p>Total of 339 recommendations. According to Victorian Govt depts self-assessments:</p> <ul style="list-style-type: none"> - 40% of recommendations have been fully implemented - 32% partially implemented - 21% not relevant or not responsibility of Vic govt, - 7% no progress. (v1s7) 	
What factors affected the implementation of recommendations?	<u>Facilitators</u>	<u>Barriers</u>
	•	•
Was any relationship reported between those factors identified? If so, what was the relationship?	Not indicated	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	<p>Inconsistent and unclear language in recommendations eg to consider / to encourage / to support (v1s2)</p> <p>While the Commission was insistent that underlying issues needed to be addressed, in Victoria the Dept of Justice had responsibility for 27% of implementation and the Police had 20%. (v1s7)</p>	
What are the authors' notes about the success of the implementation of recommendations?	<ul style="list-style-type: none"> • Authors conclude that despite considerable effort, no change in the number of Aboriginal people in the criminal justice system, and little change in the underlying factors. (v1s2) • "Significant change is needed if the recommendations are to achieve their desired outcomes in Victoria. " (p. 4) (v1s1) 	

	<ul style="list-style-type: none"> • Victorian govt actively addressed the underlying influences that lead to Indigenous people's coming into contact with the criminal justice system (eg education, employment etc) (v1s1) • However, there is a shortfall in the provision of basic human rights and social justice principles. (v1s1)
<p>What are the authors' notes about limitations of the evaluation?</p>	<ul style="list-style-type: none"> • Not a wholly independent review: most of the material came from govt depts and agencies, as were the self-assessments. The review team had neither the time nor capacity to check those reports. (s1v7) • The Review decided to prioritise recommendations due to limited resources and the complexity of the issues. Closer attention was paid to those seen as top priority. (v1s3) • Early on there were misunderstandings about the nature of the Review, so a comprehensive communication strategy was developed. (v1s3) • Inadequacy of statistical data in some areas of govt limited the monitoring of progress on a number of Recs. (v1s3) • Statistical info complements self-assessment reports and community responses, but errors can occur in reporting/processing, leading to inaccurate interpretations. Also census data doesn't accurately reflect the true number of Aboriginal people in Australia. (v1s3) • Consultation with some key stakeholders didn't occur due to the timeframe. (v1s3)

2.16.7 Reviewer's comments

Difficulties involved in measuring implementation of recommendations

- Monitoring implementation on a recommendation-by-recommendation basis is problematic on many fronts:

- It's not ongoing (v1s7)
- It's not independent (v1s7)
- It assumes that all recommendations are of equal significance or importance; Commission gave limited guidance as to which Recs were of greatest priority (v1s3)
- Some Recs were suggestions, others highly specific, others required immediate action. (v1s3)
- Often can't respond to one Rec in isolation of others. (v1s3)
- There are often other reviews, initiatives and evaluations emerging (v1s7)
- Consultation with Aboriginal communities produced generalised assessments rather than focused on particular recommendations. (v1s1)
- Self-assessment reveals nothing about how was achieved, how it was achieved, and what outcomes (v1s7)
- May need a tandem approach that is outcomes-based and whole-of-government (v1s7)
- One submission pointed out the practical difficulties measuring implementation such as how to determine which recs are applicable to which jurisdiction, which depts are responsible for implementation, what to do about recs directed to NGOs and the private sector (v1s2)
- Language used in govt responses can be confusing and inconsistent; often there's an aggregation of Recs according to theme, rather than by Rec – hard to draw conclusions about specific Recs. (v1s2)
- Govts and other agencies have conflicting views of what constitutes implementation. (v1s2)
- No outcome measures from the Royal Commission. (v1s2)
- Definitions of the implementation status of recs have changed over the years. Therefore it's difficult to ascertain whether reported change in implementation status was due to a change in policy, change in categories or real change. (v1s7)
- To monitor implementation there's an assumption that processes and responsibility for implementation has been established. This is generally not the case. There is a lack of processes for allocating responsibility between various govt depts to ensure implementation action is taken (v1s7)

2.17 Data extraction form for the Working Group on Elder Abuse

2.17.1 Extraction details

Person extracting data	Kate Spalding
Date of data extraction	23 August 2013
Author and year	PA Consulting, 2009
Full citation of paper	PA Consulting. (2009). Review of the Recommendations of <i>Protecting Our Future: Report of the Working Group on Elder Abuse</i> . National Council on Ageing and Older People.
Papers cited or referenced that may be eligible for review	

2.17.2 Inquiry details

Name of inquiry	Working Group on Elder Abuse
Inquiry jurisdiction (eg country, state, territory)	Ireland
Organisation that conducted the inquiry	Working Group on Elder Abuse

Organisation that commissioned the inquiry	Minister for Health and Children
Institution under inquiry (if relevant)	n/a
What was the political/economic context behind the inquiry? <i>(only if clearly stated)</i>	Needed to address growing concerns about the prevalence of elder abuse in Ireland.
Reason for/purpose of inquiry (include here basic description of the issue or problem, for eg cover up of sexual abuse)	The Working Group was established “in response to a recommendation made by the National Council of Ageing and Older People in its report Abuse, Neglect and Mistreatment of Older People: An Exploratory Study.” (p. 9) The working group “embarked on a two year programme of work to develop its recommendations. As part of its work programme, it piloted draft policies, procedures and guidelines in two health board areas.” (p. 9)
Perpetrator(s) if relevant (not names of individual, just description of the perpetrator as a group, for eg teacher)	
Victim(s) if relevant (not names of individual, just description of the victim as a group, for eg children in foster care)	Older people

2.17.3 Target/level of the inquiry's recommendations

Do any of the inquiry's recommendations target the following (there may be more than one answer)?

	Yes/No	Notes
<p>Legislative change</p> <p>For eg</p> <p>Change to Law or an Act</p>	Yes	Strengthening of a number of pieces of legislation.
<p>Broad systemic/systems level/system-wide change</p> <p>For eg</p> <p>Change needs to be made to whole sectors such as...</p> <ul style="list-style-type: none"> • Federal government • The Department of Health • Early childhood education • The Catholic Church 	Yes	Change required within the broad health and social welfare sectors.
<p>Multiple organisations within the one sector (sector = health, education, Indigenous affairs, child welfare, housing etc)</p> <p>For eg</p>		

<ul style="list-style-type: none"> • All Victorian schools were investigated and three were identified as needing to change X • Health care facilities in the Barwon region 		
<p>Multiple organisations in difference sectors</p> <p>For eg</p> <ul style="list-style-type: none"> • The 2 health care facilities and 1 school in X region 		
<p>One organisation</p> <p>For eg</p> <ul style="list-style-type: none"> • St Andrews Church on 5th Street • Mt Buffalo Library 		
<p>Service providers/practitioners/practice level</p> <p>For eg:</p> <ul style="list-style-type: none"> • Teachers need to... • When taking blood samples, health professionals are required to follow X protocol 		
<p>Other (please describe)</p>		

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2.17.4 Evaluation details

Organisation that commissioned the evaluation	Department of Health and Children requested that the National Council on Ageing and Older People facilitate the evaluation.
Organisation that conducted the evaluation	PA Consulting
To whom was the report/evaluation delivered?	Not indicated
Purpose/aim of the evaluation	<p>Terms of reference:</p> <ul style="list-style-type: none"> • To explore what has been accomplished through implementation and what lessons can be learnt. • To “examine how well <i>Protecting Our Future</i> is working as a policy” (p. 13) • To areas not covered in <i>Protecting Our Future</i>, review the roles and functions of existing structures, and make recommendations for change.
Evaluation design	<p>Implementation and effectiveness evaluation.</p> <p>Phase 1: develop plan</p> <p>Phase 2: Consult with national stakeholders</p> <p>Phase 3: group and one-on-one consultation with regional and local level stakeholders; workshops; data analysis</p> <p>Phase 4: detailed analysis and development of findings</p>

	Phase 5: final draft of the report .
Evaluation timeframe (over how many weeks/months did it take to conduct the evaluation?)	18 months Dec 2008 – Jun 2009
How many people were in the evaluation team? Describe roles and responsibilities where possible	A Steering Group oversaw the review, and met on 7 occasions.
Provide details of evaluation cost if available	Not indicated
Provide details of any other resources used in the evaluation	Not indicated
How were evaluation data analysed?	Not indicated.

2.17.5 Evaluation informants and methods

	Yes/No	Describe	Participants (number of groups or individuals/ please indicate unit of measurement)							
			Government departments	Non-govt service providers	Experts/ academics	Specific communities/ groups	Individual service providers	Individual victims or relatives	Public	Other
Survey										
Interviews										

Focus groups										
Community consultations										
Invitation for written submission	Yes	Some of the organisations consulted also prepared written submissions	Yes	Yes	Yes	Yes				
Document/policy review	Yes	Review of policy documentation on the implementation process Participants not indicated								
Literature review										
Analysis of existing quantitative data	Yes	Incidence and management of elder abuse Participants not indicated								
Request for specific information eg policies & procedures										

Observation of practice										
Site visits/inspections										
Attend meetings										
Discussion/consultation	Yes	Consultations with organisations (approx. 45 in total)	Yes	Yes	Yes	Yes				
		One-on-one consultations Participants not indicated								
Other (describe)		Workshops Details not indicated								

2.17.6 Evaluation findings

	Describe (or not indicated)	
To what extent were the inquiry's recommendations implemented?	<ul style="list-style-type: none"> • Significant progress has been made, particularly in the health sector where structures dedicated to reporting and managing elder abuse are in place. • Progress least evident in the area of financial abuse which is a complex, multi-agency issue. 	
What factors affected the implementation of recommendations?	<p><u>Facilitators</u></p> <ul style="list-style-type: none"> • The establishment of dedicated implementation structures critical to success. Examples: <ul style="list-style-type: none"> ○ Elder Abuse National Implementation Group had 17 members from various sectors. Particular strengths were "its composition and wide ranging membership, and personal commitment by individual members" (p. 35) ○ An Office for Older People ○ Area Steering Groups ○ Dedicated Elder Abuse Officers ○ Senior Case Workers to deliver elder abuse services 	<p><u>Barriers</u></p> <ul style="list-style-type: none"> • Recommendations requiring a multi-agency approach were more challenging. • The health sector was undergoing a major program of change and restructure. • Difficult to ensure that agencies outside the health sector prioritise elder abuse. Some confusion about agencies' roles. Need protocols to guide interagency processes eg streamlining referral pathways for older people. • Stronger commitment at the individual level than the organisation level. • Barriers to interagency engagement: <ul style="list-style-type: none"> ○ Protecting our Future not enshrined in Government policy or legislation. Agencies therefore have discretion over the priority they give to elder abuse. Progress has relied on commitment of individual organisations. ○ Responsibility spread across many organisation with no ownership for progressing recommendations. • "Lapse of time between the recommendations and their implementation" (p. 32) , and changing

		<p>health structures, led to variations in how the recs ended up being implemented.</p> <ul style="list-style-type: none"> • Senior Case Worker positions not fully integrated with aged care services, not enough understanding of their role
Was any relationship reported between those factors identified? If so, what was the relationship?	Not identified	
Were the original inquiry's recommendations found to be relevant to its findings? Y/N. Provide details	Not identified	
What are the authors' notes about the success of the implementation of recommendations?	Not identified	
What are the authors' notes about limitations of the evaluation?	Not identified	

2.17.7 Reviewer's comments

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Appendix 3: Tabulated data extracted from scoping review reports

Table 1. Details of the inquiries investigated in the reports included in the scoping review.

Name of inquiry	Inquiry jurisdiction	Purpose of the inquiry	Inquiry commissioned by	Inquiry conducted by
1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)	Commonwealth of Australia	To “review the link between the use of antibiotics in food-producing animals and the emergence and selection of antibiotic resistant bacteria and their spread to humans” (p. 13)	The Commonwealth of Australia	Joint Expert Technical Advisory Committee on Antibiotic Resistance
2009 Victorian Bushfires Royal Commission	Victoria, Australia	In response to the deaths and damage caused by the 2009 ‘Black Saturday’ bush fires. To inquire into the causes and circumstances of the fires, the preparation and planning before the fires, the response to the fires, other matters considered appropriate.	Victorian Government	Victorian Bush Fires Royal Commission
Aboriginal Witnesses in Queensland’s Criminal Courts	Queensland	“Concerns raised by the ‘Pinkenba case’ and several other prominent Queensland cases involving Aboriginal people.” (p. 8)	Not indicated	Criminal Justice Commission
Basil Stafford Centre Inquiry	Queensland, Australia	Basil Stafford Centre (BSC) came under allegations of abuse and neglect of its clients (accommodation and care for people with intellectual disabilities, including children). Subsequent report recommended the centre’s closure	Not indicated	Criminal Justice Commission
Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)	Queensland	Not indicated	Not indicated	Criminal Justice Commission
Inquiry into policing into Indigenous communities (2007-2009)	Queensland	Police and Aboriginal and Torres Strait Islander people in Indigenous communities have had a difficult history. High crime rates and over- or under-policing lead to tensions between police and local people. Following the death of Cameron Doomadgee in 2007 and rioting against police, Qld Govt asked CMC to conduct an inquiry into issues relating to policing in Indigenous communities.	Queensland Government	Crime and Misconduct Commission

Name of inquiry	Inquiry jurisdiction	Purpose of the inquiry	Inquiry commissioned by	Inquiry conducted by
Inquiry into the handling of sexual offences by the criminal justice system	Queensland	The police investigation of swimming coach Scott Volkens, and the QLD Office of the Director of Public Prosecutions' subsequent decision to drop charges, generated public interest in the way the Queensland criminal justice system deals with sexual offences. It led to the Crime and Misconduct Commission's decision to "conduct a broader inquiry into the handling of sexual offence allegations by the Queensland criminal justice system (specifically the Queensland Police Service and the Office of the Director of Public Prosecutions)." (p. vii)	Crime and Misconduct Commission	Crime and Misconduct Commission
Inquiry into the Matters Arising from the Death of Stephen Lawrence	England	To inquire into the matters arising from the death of Stephen Lawrence and to identify the lessons to be learned from the investigation and prosecution of racially motivated crimes.	Not indicated	Not indicated
Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police	Western Australia, Australia	To investigate: <ul style="list-style-type: none"> • general concerns about WAPOL's property management eg "the disappearance of two sums of money, as well as drugs from WAPOL safekeeping" (p. 13) • "a police officer failed an integrity test conducted by the Commission in relation to the management of property" (p. 13) 	Not indicated	Western Australia Police and the Corruption and Crime Commission (jointly)
Lost Innocents and Forgotten Australians inquiries	All Australian jurisdictions	To investigate: <ul style="list-style-type: none"> • child migration to Australia from Britain in 20th century. • the treatment and care experienced by Australian children in out-of-home care. 	Senator Andrew Murray	Senate Community Affairs Committee
Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)	Queensland	a) "To examine any systemic factors contributing to the incidence of any abuse of children in foster care." (p. vii) b) "To examine the suitability of measures to protect children in foster care from abuse. (p. vii) c) "To make any recommendations as may be considered appropriate in relation to a) and b), including recommendations	Queensland Government	Crime and Misconduct Commission

Name of inquiry	Inquiry jurisdiction	Purpose of the inquiry	Inquiry commissioned by	Inquiry conducted by
		for any necessary changes to current policies, legislation and practices.” (p. vii)		
QPS–CMC review of Taser policy, training, and monitoring and review practices, 2009	Queensland	Initiated by the Minister for Police, Corrective Services and Emergency Services, a review in to the Queensland Police Department’s policy, procedures, training and monitoring processes. The review was in response to the death of a man after being tasered by Police in 2009.	Minister for Police, Corrective Services and Emergency Services	Queensland Police and Crime and Misconduct Commission (jointly)
Report on Police Watchhouses in Queensland	Queensland, Australia	The Criminal Justice Commission (CJC) and other agencies had identified problems in many QLD watchhouses. The report was commissioned to gain a better understanding of the magnitude of the problems. This included: overcrowding, “lengthy stays by prisoners awaiting placement in a prison” (p. 25) and inadequate conditions.	Not indicated	Criminal Justice Commission
Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)	Australia (national)	To review the administration of Parliament	Presiding Officers – the President of the Senate and the Speaker of the House of Representatives	Parliamentary Service Commissioner
Review into the Treatment of Women at the Australian Defence Force Academy	Australia	To review the treatment of women in the Australian Defence Force Academy. To review the effectiveness of cultural change strategies in the ADF	Department of Defence/ Minister for Defence	Australian Human Rights Commission
Royal Commission into Aboriginal Deaths in Custody, 1991 (v1s1)	All Australian jurisdictions (v1s1)	In response to calls by Indigenous advocacy groups and victims’ families, and a growing public concern about Indigenous deaths in custody. (v1s2) Original purpose was to investigate why, and how, so many Aboriginal people were dying in custody. Terms of reference later amended to take account of social, cultural and legal factors bearing on the deaths. (v1s2)	Commonwealth Government	n/a A Royal Commission

Name of inquiry	Inquiry jurisdiction	Purpose of the inquiry	Inquiry commissioned by	Inquiry conducted by
Working Group on Elder Abuse	Ireland	The Working Group was established “in response to a recommendation made by the National Council of Ageing and Older People in its report Abuse, Neglect and Mistreatment of Older People: An Exploratory Study.” (p. 9) The working group “embarked on a two year programme of work to develop its recommendations. As part of its work programme, it piloted draft policies, procedures and guidelines in two health board areas.” (p. 9)	Minister for Health and Children	Working Group on Elder Abuse

Table 2. Sectors investigated in the inquiries included in the scoping review.

Name of inquiry	Multiple sectors	Welfare	Health	Disability	Indigenous	Defence Forces	Accommodation services /out-of-home care	Crime and Justice	Government	Emergency
1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)			yes							
2009 Victorian Bushfires Royal Commission										yes
Aboriginal Witnesses in Queensland Criminal Courts	yes				yes			yes		
Basil Stafford Centre Inquiry	yes	yes		yes			yes			
Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct								yes		

Name of inquiry	Multiple sectors	Welfare	Health	Disability	Indigenous	Defence Forces	Accommodation services /out-of-home care	Crime and Justice	Government	Emergency
(Fitzgerald Inquiry)										
Inquiry into policing into Indigenous Communities	yes				yes			yes		
Inquiry into the handling of sexual offences by the criminal justice system								yes		
Inquiry into the Matters Arising from the Death of Stephen Lawrence								yes		
Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in								yes		

Name of inquiry	Multiple sectors	Welfare	Health	Disability	Indigenous	Defence Forces	Accommodation services /out-of-home care	Crime and Justice	Government	Emergency
Western Australia Police										
Lost Innocents and Forgotten Australians	yes	yes			yes					
Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)	yes	yes					yes			
Report on Police Watchhouses in Queensland	yes				yes			yes		
Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)									yes	
Review into the Treatment						yes				

Name of inquiry	Multiple sectors	Welfare	Health	Disability	Indigenous	Defence Forces	Accommodation services /out-of-home care	Crime and Justice	Government	Emergency
of Women at the Australian Defence Force Academy										
Royal Commission into Aboriginal Deaths in Custody, 1991 (v1s1)	yes				yes			yes		
QPS-CMC review of Taser policy, training, and monitoring and review practices, 2009								yes		
Working Group on Elder Abuse		yes								
Total	7	4	1	1	5	1	2	9	1	1

Table 3. Target of the recommendations arising from inquiries included in the scoping review.

Name of inquiry	Multiple targets	Legislation	Systemic	Multiple organisations within one sector	Multiple organisations within different sectors	One organisation	Service providers
1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)	yes		yes		yes	yes	
2009 Victorian Bushfires Royal Commission			Yes				
Aboriginal Witnesses in Queensland's Criminal Courts	Yes	Yes		Yes			Yes
Basil Stafford Centre	yes	yes	yes		yes	yes	
Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)						Yes	
Inquiry into policing into Indigenous communities (2007-2009)						Yes	
Inquiry into the handling of sexual offences by the	Yes	Yes			Yes		

Name of inquiry	Multiple targets	Legislation	Systemic	Multiple organisations within one sector	Multiple organisations within different sectors	One organisation	Service providers
criminal justice system							
Inquiry into the Matters Arising from the Death of Stephen Lawrence			Yes				
Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police	Yes	Yes				Yes	
Lost Innocents and Forgotten Australians inquiries	Yes		Yes				Yes
Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)	Yes	Yes	Yes			Yes	
QPS–CMC review of Taser policy, training, and monitoring and review practices, 2009						Yes	

Name of inquiry	Multiple targets	Legislation	Systemic	Multiple organisations within one sector	Multiple organisations within different sectors	One organisation	Service providers
Report on Police Watchhouses in Queensland	Yes	Yes		Yes			Yes
Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)				Yes			
Review into the Treatment of Women at the Australian Defence Force Academy	Yes		Yes			Yes	
Royal Commission into Aboriginal Deaths in Custody, 1991 (v1s1)		Yes					
Working Group on Elder Abuse	Yes	Yes	Yes				
Total	10	8	8	3	3	8	3

Table 4. Details of the evaluations included in the scoping review.

Name of inquiry	Evaluation commissioned by	Evaluation conducted by	Evaluation delivered to	Number of evaluators	Timeframe of evaluation	Cost of evaluation	Implementation evaluation or impact evaluation or both	Used multiple evaluation methods	Used multiple evaluation informants
1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)	The Senate	Senate Finance and Public Administration Committee Secretariat	The Senate	4	7 months	Not indicated	Implementation	yes	yes
2009 Victorian Bushfires Royal Commission	Victorian Government (implementation plans were part of the Commission's Terms of Reference)	Bushfires Royal Commission Implementation Monitor	Australian Senate and House of Representatives	4	Ongoing	Not indicated	Both	Yes	No
Aboriginal Witnesses in Queensland's Criminal Courts	Not relevant – (the Criminal Justice Commission has the responsibility to continually monitor and review administration of criminal justice as per the <i>Criminal Justice Act, 1989</i>)	Criminal Justice Commission	Not indicated	Not clear - the "Chairperson of the CJC wrote to all agencies nominated in the recommendations to seek their comments and feedback on the implementation	Not clear – the progress report was published 15 months after the report was tabled in parliament	Not indicated	Implementation	No	Yes

Name of inquiry	Evaluation commissioned by	Evaluation conducted by	Evaluation delivered to	Number of evaluators	Timeframe of evaluation	Cost of evaluation	Implementation evaluation or impact evaluation or both	Used multiple evaluation methods	Used multiple evaluation informants
				of any of the recommendations.” (p. 8)					
Basil Stafford Centre Inquiry	Not indicated	Criminal Justice Commission	Not indicated	4	Not indicated	Not indicated	Both	yes	yes
Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)	Parliamentary Criminal Justice Committee	Criminal Justice Commission	Minister for Justice and Attorney-General; Speaker of the Legislative Assembly; Parliamentary Criminal Justice Committee	10	Nearly 2 years	\$5 million for 1990/91 for police reform process, which was in addition to the running costs of the Fitzgerald Implementation Unit	Both	Yes	No
Inquiry into policing into Indigenous communities (2007-2009)	It was flagged in the inquiry’s report.	Crime and Misconduct Commission Queensland	Not indicated	7	Not indicated	Not indicated	Impact	Yes	Yes
Inquiry into the handling of sexual offences by the criminal justice system	The original inquiry recommended the CMC evaluate.	Crime and Misconduct Commission Queensland	Attorney-General and Minister for Justice; Speaker of the Legislative Assembly;	3	Not indicated	Not indicated	Implementation	yes	yes

Name of inquiry	Evaluation commissioned by	Evaluation conducted by	Evaluation delivered to	Number of evaluators	Timeframe of evaluation	Cost of evaluation	Implementation evaluation or impact evaluation or both	Used multiple evaluation methods	Used multiple evaluation informants
			Parliamentary Crime and Misconduct Committee.						
Inquiry into the Matters Arising from the Death of Stephen Lawrence (The Stephen Lawrence Inquiry Report)	Home Office, London	Policing and Reducing Crime Unit (PRC) in the Home Office Research, Development and Statistics Directorate	Not indicated	Not indicated	6 months	Not indicated	Impact	Yes	Yes
Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police	The Corruption and Crime Commission (required to monitor recommendations)	Western Australia Police and the Corruption and Crime Commission (jointly)	Legislative Council and Legislative Assembly of WA Parliament	4	Not indicated	Not indicated	Implementation	Yes	No
<i>Lost Innocents and Forgotten Australians</i>	Australian Senate	Senate Community	The Senate	Not indicated	Not indicated	Not indicated	Implementation	Yes	Yes

Name of inquiry	Evaluation commissioned by	Evaluation conducted by	Evaluation delivered to	Number of evaluators	Timeframe of evaluation	Cost of evaluation	Implementation evaluation or impact evaluation or both	Used multiple evaluation methods	Used multiple evaluation informants
		Affairs Committee							
Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)	A review in accordance with the intention expressed in the <i>Protecting children</i> report (final recommendation).	Crime and Misconduct Commission	Queensland Govt	Not indicated	Not indicated	Not indicated	Implementation	Yes	Yes
QPS–CMC review of Taser policy, training, and monitoring and review practices, 2009	Queensland Attorney-General and Minister for Industrial Relations	Crime and Misconduct Commission Queensland	Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State Speaker of the Legislative Assembly Parliamentary Crime and Misconduct Committee	4	Not indicated	Not indicated	Both	Yes	Yes
Report on Police	Not relevant – (the Criminal Justice Commission has the	Criminal Justice Commission	Not indicated	Not clear – “Chairperson of the CJC wrote to State	Not clear – the progress report was	Not indicated	Implementation	No	Yes

Name of inquiry	Evaluation commissioned by	Evaluation conducted by	Evaluation delivered to	Number of evaluators	Timeframe of evaluation	Cost of evaluation	Implementation evaluation or impact evaluation or both	Used multiple evaluation methods	Used multiple evaluation informants
Watchhouses in Queensland	responsibility to continually monitor and review administration of criminal justice as per the <i>Criminal Justice Act, 1989</i>)			Government Ministers and agencies likely to have responsibility for implementing the recommendations to ask them to advise the CJC of any action taken or proposed" (p. 25)	published 14 months after the report was tabled in parliament				
Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)	Arose out of the advice by the Joint committee of Public Accounts and Audit (JCPAA)	Australian National Audit Office (ANAO)	The President of the Senate and the Speaker of the House of Representatives	2	2005-2006	Approximately \$260,000	Both	Yes	No
Review into the Treatment of Women at the Australian Defence Force Academy	Australian Human Rights Commission (The Review's terms of reference required an independent audit of the implementation of	Australian Human Rights Commission	Attorney-General (Mark Dreyfus)	Not indicated	September 2012 – February 2013 (6 months)	Not indicated	Both	Yes	No

Name of inquiry	Evaluation commissioned by	Evaluation conducted by	Evaluation delivered to	Number of evaluators	Timeframe of evaluation	Cost of evaluation	Implementation evaluation or impact evaluation or both	Used multiple evaluation methods	Used multiple evaluation informants
	the recommendations)								
Royal Commission into Aboriginal Deaths in Custody, 1991	Victorian Government and the Victorian Aboriginal Justice Forum	Implementation Review Team – 2 independent Chairs and Dept. of Justice support staff.	Not indicated	6	12 months	Not indicated	Both	Yes	Yes
Working Group on Elder Abuse	Department of Health and Children requested that the National Council on Ageing and Older People facilitate the evaluation.	PA Consulting	Not indicated	A Steering Group oversaw the review, and met on 7 occasions.	Dec 2008 – Jun 2009	Not indicated	Both	Yes	Yes
Total							Implementation = 7 Impact = 2 Both = 8	15	12

Table 5. Implementation of recommendations, limitations of evaluations, and reviewer comments

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)	<p>In part</p> <p>Some recommendations implemented fully, some in part or not at all. Some recommendations were given voluntary status (ie not compulsory for all parties to implement change). Submissions indicate that most were not implemented fully</p> <p>Recommendation areas that were not well implemented – monitoring and surveillance, regulatory controls of antimicrobials, Recommendation areas that were implemented better than above – prevention strategies and hygiene,</p> <p>Area that was implemented the best, although not fully – education and research</p> <p>The government accepted only 6 of the 22 recommendations and accepted the intent of a further 3 but took a different implementation path to that in the report</p>	<p>Progress has been made, however recommendations were “not sufficiently implemented” (p. 26) “apparent lack of commitment to a response to antimicrobial resistance in Australia to date is of significant concern” (p. 27) “from the evidence received, it is clear that addressing only part of the antibiotic use is not a sufficiently comprehensive approach” (p. 27) “significant failures and many lost opportunities since JETACAR reported” (p. 48)</p>	Not indicated	<p>In this report, the evaluation is referred to as an inquiry.</p> <p>The committee conducting the evaluation developed a set of recommendations arising from their inquiry</p>
2009 Victorian Bushfires Royal Commission	Overall good progress made	Agencies made good progress. Some actions are long-term therefore in progress rather than complete. Some areas for concern.	Not indicated	None
Aboriginal Witnesses in Queensland's Criminal Courts	The original report was tabled in July 1996 and this progress report was published in November 1997. In that time several key agencies have expressed their support for the recommendations and their intention to implement them as time and resources permit.	Although some recommendations have been addressed, many other recommendations remain outstanding, particularly in relation to the obvious need for more interpreters who are qualified in Aboriginal languages. Another disappointing omission has been the failure so far to pilot the recommended Aboriginal court	Not indicated	None

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
	<p>Many recommendations, however, remain outstanding.</p> <p>The report made 38 recommendations for legislative and other change. Multiple agencies can be responsible for individual recommendations and thus an exact description of implementation is impossible given the varying responses from each agency. The following is a broad implementation summary of each of the 38 recommendations based on agency responses:</p> <p>Implemented or partly implemented – 6 To be implemented or under consideration – 4 Not implemented/Not likely to be implemented – 14 Unclear/No response for agencies – 14</p> <p>The following recommendations have been implemented or are in the process of implementation:</p> <ul style="list-style-type: none"> - Cross cultural training sessions for staff from the ODPP and LAQ; - "Trainee police prosecutor's courses will include a component on aboriginal cultural issues" (p. 9); - ODPP to "improve its services to victims of crime particularly in remote and rural areas" (p. 9); - The Evidence Act 1977 is under review by Department of Justice 	<p>liaison officer scheme. While many agencies are constrained by restricted funding, the CJC believes that many of the recommendations could be implemented at a relatively low cost, or by reallocation of existing funding.</p>		
Basil Stafford Inquiry	In part:	It is no longer proposed that the Centre should be closed. Instead, reforms and safeguards have been implemented but it "has not been ignored"	Most staff who were employed before or during the inquiry did	There are recommendations that relate to investigation

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
	<p>The two recommendations pertaining to legislation have not been implemented (ie no change to legislation)</p> <p>The first recommendation (immediate closure of the Centre) has not been implemented.</p> <p>Unclear from the report if recommendations pertaining to Investigation of Misconduct have been implemented</p> <p>Recommendations about staff – attempts made to improve recruitment but needs review.</p> <p>Improvements to ratio but needs to be checked against client needs. Staff appraisal only occurred in part</p> <p>Staff training. First aid training recommendation has been implemented. Training re hygiene implemented but needs to be ongoing. Ensure residential care workers are better equipped to carry out their work for the benefit of clients – unclear if met based on information in report but I think not.</p> <p>Improvement in medical services (two recommendations)</p> <p>Two recommendations regarding advocacy have been implemented</p> <p>The authors note that 3 recommendations were already implemented prior to the review</p>	<p>with measures taken to improve the culture of the Centre (measures implemented are noted on p9). The closure issue was the topic of a parliamentary debate and “requires close scrutiny” (p. 7). Number of clients did reduce from 122 to 69, with plans for more to be relocated</p> <p>“current departmental initiatives are director towards (deinstitutionalisation)....at the same time, there appears to be considerable respect for the views of some parents who prefer their relatives to remain at the Centre” (p. 7)</p> <p>Authors note that although recommendation to improve staff/client ratio has been implemented, the clients remaining at the Centre have higher needs than those that have been relocated.</p> <p>Authors recommend further investigation into ratios</p>	<p>not respond to the survey and “this is a serious loss for our review” (p. 4)</p>	<p>of misconduct by the Dept etc (eg external organisations).</p> <p>However, under the heading of Investigation of Misconduct recommendation, the review refers to initiatives taken to improve reporting and investigation of misconduct (eg by staff and centre) and barriers to such. Most of the information seems to be different to the idea of external bodies investigating allegations of misconduct that have occurred.</p> <p>Evaluation does not clearly state – recommendation X was implemented. Relies on % of survey responses and lot and some comments from survey. Talks about what has happened since the inquiry and also what still needs to happen.</p>

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)	Total of 125 recommendations. There has been substantial reform, and the bulk of recommendations implemented in full or part. Substantial movement towards the model set out by the Inquiry. Several outstanding issues particularly in community policing and related personnel and management changes.	QPS is now a more open, accountable and professional organisation (5 years from the Inquiry).	Impact of some reforms will only become apparent in the long term.	
Inquiry into policing into Indigenous communities (2007-2009)	Not indicated	There have been few changes to how the QPS uses, manages and supports Indigenous people in policing roles. The total number of Indigenous people in policing roles has decreased.	Low response rate to online survey. Unable to visit all Indigenous communities under review.	None
Inquiry into the handling of sexual offences by the criminal justice system	Good progress has been made. 17 fully implemented, 4 partially implemented, 6 rejected or not yet implemented. Police in particular made inroads with reforms. Office of Director of Public Prosecutions made some inroads.	Not indicated	The authors note that some changes are recent and may take time to show effect. Due to resource limitations, focused consultations mostly in South East Queensland.	None
Inquiry into the Matters Arising from the Death of Stephen Lawrence (The Stephen Lawrence Inquiry Report)	Not relevant – the report is a pilot evaluation trailing the viability of implementing the recommendations and trailing alternative methods of implementing specific recommendation elements. The trial was conducted across five sites covering a range of policing contexts.	The positive impact of the recommendations is still unlikely, on its own, to tackle sufficiently fairness and public confidence in stops and searches. Overall, it is clear that the recommendations of the Stephen Lawrence Inquiry, on their own, are “unlikely to produce sufficiently positive outcomes in relation to fairness and community confidence in stops and searches” (p. 12)	Not indicated	This report is a six month pilot evaluation of changes recommended to police ‘stops and searches’ processes arising from the Stephen Lawrence Inquiry Report. It does not report on implementation of

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
				recommendations outside the pilot study.
Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police	<ul style="list-style-type: none"> • 23 finalised • 12 progressing towards finalisation • 1 not able to be addressed • 6 no longer relevant 	Good progress has been made.	Only discussed recommendations with WAPOL, despite some responsibilities being shared with other agencies. New legislation enabling WAPOL to seize cars has significantly impact on WAPOL's property management workload.	None
Lost Innocents and Forgotten Australians	<p>Progress was made but much work remains to be done on both sets of recommendations.</p> <p>Commonwealth Govt on Lost Innocents:</p> <ul style="list-style-type: none"> • Commonwealth government took action on about 2/3 of the recommendations; some were rejected on the grounds that the govt would take alternative course of action. • Still a substantial need for funding for former child migrants to access specialist services, and to maintain links with overseas agencies. <p>Commonwealth Govt on Forgotten Australians</p> <ul style="list-style-type: none"> • Some areas of improvement, but implementation has been poor, particularly in areas requiring Commonwealth govt to recognise historical truths and to give a 	Some recommendations need to be revised to achieve the desired outcomes.	Not indicated	None

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
	<p>national response that delivers practical services.</p> <ul style="list-style-type: none"> Of 39 recommendations, govt rejected over half. Some explicitly and some on the basis that responsibility lies with the States or other agency. Some responses pointed to sufficient existing processes, some recommendations were just not acted upon. some involved a commitment to minor action. <p>State governments action across both inquiries:</p> <ul style="list-style-type: none"> States have sought to implement some recommendations, but greater action required. States are also underfunding services for care leavers Implementation inconsistent across States, leading to inequities faced by care leavers <p>Churches and religious agencies:</p> <ul style="list-style-type: none"> Poor acknowledgement of issues and absence of action 			
Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)	<p>110 recommendations</p> <ul style="list-style-type: none"> 98 implemented 11 partially implemented 1 not implemented <p>(Not implemented: “Recommendation 5.18 That the DCS prepare and promulgate a specific policy outlining the requirements for producing and approving ministerial correspondence and briefing material.” (p. 18)</p>	<p>Many of the CMC's recommendations have been implemented through policies instituted by the DCS or by amendments to the <i>Child Protection Act 1999</i>.</p> <p>There is more work to be done to keep pace with community expectations about how Queensland's child protection system should operate.</p> <p>“Full implementation of the recommendations will take time, and there are some obstacles still</p>	Not indicated	None

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
	<p>The January 2006 progress report from DCS reported that a specific policy outlining the requirements for producing and approving ministerial correspondence and briefing material had been implemented. However the document does not establish clear lines of accountability for the preparation of ministerial correspondence as we recommended.)</p>	<p>to be overcome." (p. vii) "CMC has continued to receive a few complaints about failures by the DCS to respond to children in need of protection," (p. vii) and it has "seen evidence to support some of these allegations. However, these appear to be isolated instances, and CMC reports it has no reason to believe that the complaints indicate any ongoing systemic problems" (p. vii) "The successful implementation of some recommendations is often interlinked, so difficulty in implementing one recommendation may hinder the implementation of several others (For example, some of the recommendations depended on the existence of independent community-based Indigenous organisations operating around the state.)" (p. 3)</p>		
<p>QPS–CMC review of Taser policy, training, and monitoring and review practices, 2009</p>	<ul style="list-style-type: none"> • 24 implemented, including all related to Taser policy and training • 3 continuing progress, relating to monitoring and continuous improvement processes 	<p>Good progress, but some areas of concern still remain (eg vulnerable groups; multiple Taser discharges)</p>	<p>Due to time and resource constraints, did not examine all possible sources of information eg CCTV footage or interviews with subjects. Could be inaccuracies and incompleteness in the existing data that was analysed. May be inaccuracies in the data downloaded from Tasers.</p>	<p>See Appendix 1 (p.105) for details about which information sources were used to address which evaluation questions.</p>

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
			<p>Incompetence or insufficient detail in some reports made it difficult to assess incidents reviewed</p> <p>Inaccuracies in some cases relating to whether officers had completed Taser training.</p> <p>Relying on information in a complaint file does not enable a detailed understanding of the nature of a complaint, and the files only contain a subjective account of an event.</p>	
Report on Police Watchhouses in Queensland	<p>Notable progress was made in the year following the tabling of the report in Parliament and the progress report. Thirteen of the 22 recommendations could be considered as substantially implemented. The "implementation of several other recommendations is at an early stage." (p. 38)</p>	Not indicated	Not indicated	
Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)	<p>The audit concluded that 8 of the 9 resolutions arising from the review have been partly or fully implemented</p>	<p>The audit report contains one recommendation (developed by the auditors) aimed at improving the measurement and reporting of dept of Parliamentary Services service levels. The auditors also identified some aspects of the</p>	Not indicated	<p>A review was conducted and the reviewers made recommendations. Parliament then developed resolutions,</p>

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
		administration of Parliament that would benefit from further strengthening		which were implemented. The auditors comment on the review, the recommendations and the resolutions.
Review into the Treatment of Women at the Australian Defence Force Academy	31 recommendations • 17 on-track • 14 implemented	The "Audit is confident that the recommendations are being implemented with a view to creating lasting change. "(p. 22) "ADFA has made significant progress in implementing the Review's recommendations" (p. 7) , but the Audit reports that "it is premature to make a definitive assessment of the success of implementation or the achievement of outcomes" (p. 16) (given ADF is in the process of cultural change and cultural change takes time). RIT has "vigorously pursued the reform agenda and there has been significant progress on the implementation of the recommendations (p. 21) , but the Audit notes "if the RIT remains the main driver of implementation and ADFA does not take active ownership, the change process could falter and fade." (p. 22)	The Audit team was the same as the Review team and, "given their role in the Review and in the generation of recommendations" (p. 5) , acknowledged the inherent risks of conducting the Audit (they looked at the advantages and disadvantages and, "on balance, the advantages were assessed to outweighed the risks)" (p. 5). "As part of its methodology the Audit requested to conduct interviews and focus groups with ADFA staff." (p. 1) Due to the busy time of year there were "some communication issues	None

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
			<p>which impacted on the Audit team's access to staff and undergraduates" (p. 1) (issues were resolved). The Unacceptable Behaviour Survey was revised in 2012- the results of the survey in 2012 are not comparable to those of the results of the 2011 Review.</p>	
<p>Royal Commission into Aboriginal Deaths in Custody, 1991</p>	<p>Total of 339 recommendations. According to Victorian Govt depts self-assessments:</p> <ul style="list-style-type: none"> - 40% of recommendations have been fully implemented - 32% partially implemented - 21% not relevant or not responsibility of Vic govt, - 7% no progress. (v1s7) 	<ul style="list-style-type: none"> • Authors conclude that despite considerable effort, no change in the number of Aboriginal people in the criminal justice system, and little change in the underlying factors. (v1s2) • Significant change is needed if the recommendations are to achieve their desired outcomes in Victoria. (v1s1) • Victorian govt actively addressed the underlying influences that lead to Indigenous people's coming into contact with the criminal justice system (eg education, employment etc) (v1s1) • However, there is a shortfall in the provision of basic human rights and social justice principles. (v1s1) 	<p>Not a wholly independent review: most of the material came from govt depts and agencies, as were the self-assessments. The review team had neither the time nor capacity to check those reports. (s1v7)</p> <p>The Review decided to prioritise recommendations due to limited resources and the complexity of the issues. Closer attention was paid to those seen as top priority. (v1s3)</p>	<p>None</p>

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
			<p>Early on there were misunderstandings about the nature of the Review, so a comprehensive communication strategy was developed. (v1s3)</p> <p>Inadequacy of statistical data in some areas of govt limited the monitoring of progress on a number of Recs. (v1s3)</p> <p>Statistical info complements self-assessment reports and community responses, but errors can occur in reporting/processing, leading to inaccurate interpretations. Also census data doesn't accurately reflect the true number of Aboriginal people in Australia. (v1s3)</p> <p>Consultation with some key stakeholders didn't occur due to the timeframe. (v1s3)</p>	

Name of inquiry	Extent of the implementation of recommendations	Success of the implementation of recommendations	Limitations of the evaluation	Reviewer's comments
Working Group on Elder Abuse	Significant progress has been made, particularly in the health sector where structures dedicated to reporting and managing elder abuse are in place. Progress least evident in the area of financial abuse which is a complex, multi-agency issue.	Not indicated	Not indicated	None

Table 6. Barriers and facilitators to implementation and relationships between these

Name of inquiry	Factors facilitating implementations	Barriers to implementations	Relationships between any facilitators/barriers
1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR)	Not indicated	Disbanding implementation and advisory committees Creating a new committee that only encompassed human health and not animal health (only half the issue) Lack of a body to coordinate consistent, timely, comprehensive surveillance across both human and animal health and imported products. Lack of integration between regulations relating the use of antimicrobials by humans and animals Lack of focus in medical and vet curricula and ongoing education Lack of centrally coordinate research facility or agenda Lack of epidemiological information about AMR trends	Disbanding of committees impacted the coordination of response to recommendations
2009 Victorian Bushfires Royal Commission	Not indicated	Some timeframes were overly optimistic, underestimating the complexity of tasks Some recommendations are 'inextricably bound up' with the Government's broader emergency management reforms, therefore delays have occurred Examples: Delays in funding for a National Fire Danger Rating have affected implementation Establishing Neighbourhood Safe Places difficult due to the challenge of finding suitable locations that meet the stringent requirements for NFPs No community fire refuge has been designated due to reported complexity of building standards etc	Not indicated
Aboriginal Witnesses in Queensland's Criminal Courts	Not indicated	The "CJC had recommended that the Aboriginal Justice Advisory Committee (AJAC) would be the most appropriate body to undertake a range of tasks. Since the report was tabled, AJAC has been disbanded and its functions have been absorbed into the Indigenous Advisory Council. There has been no indication from the Government about which body would be the most appropriate to oversee the implementation of the recommendations." (p. 9)	Not indicated
Basil Stafford Inquiry	Not indicated	Changing political parties, as well as public opinion, resulted in the Centre not closing Heavy workload for managers	Not indicated

Name of inquiry	Factors facilitating implementations	Barriers to implementations	Relationships between any facilitators/barriers
		<p>High staff client ratio</p> <p>Inadequate meetings between staff and supervisors was barrier to monitoring trainees</p> <p>Lack of formal qualifications obtained by residential care officers</p> <p>Dissatisfaction among staff with courses available</p> <p>Lack of opportunities for professional development</p>	
<p>Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)</p>	<p>Strong public and govt support for reform.</p> <p>Substantial change in senior management following the Fitzgerald inquiry.</p> <p>Many serving members acknowledged the need for change.</p>	<p>QPS a large, complex organisation .</p> <p>Resistant to external influences; a military-style structure of conformity rather than change and innovation.</p> <p>Magnitude and diversity of reforms.</p> <p>Perception in QPS that the reforms were punitive and imposed from outside.</p> <p>Budgetary constraints.</p> <p>There was a political imperative to reform the QPS, and the inquiry was overly optimistic. These led to a rapid pace of change. Speed led to some projects not being systematically planned.</p> <p>Other reforms also taking place.</p> <p>Many senior officers fired or resigned, leaving poor morale; the nature of the change not universally accepted.</p> <p>Continuing daily demands.</p> <p>Unresolved negotiations over industrial issues blocked change</p> <p>Some initiatives hampered by government policy (eg allowed mix of personnel).</p> <p>QPS Management of Implementation:</p> <p>Early patchy communication (including lack of feedback) about changes made many feel that it was tokenistic. Level of knowledge was subsequently widely varied across the QPS.</p> <p>Inadequate support for staff fearing for their job or career prospects.</p> <p>Consultation seen as not genuine, with little involvement of the ‘rank and file’.</p> <p>Problems with internal management of the implementation eg lack of necessary expertise, called away to operational demands.</p> <p>Internal monitoring was a checklist of which recommendations implemented – no attempt to explore whether the underlying problems had been addressed.</p>	<p>Size of the organisation presented communication difficulties.</p> <p>Poor morale made it difficult to ensure effective communication.</p> <p>Poor communication and sell of the reforms led to misunderstanding, rumours and suspicion.</p>

Name of inquiry	Factors facilitating implementations	Barriers to implementations	Relationships between any facilitators/barriers
		Incomplete implementation plans and lack of consultation.	
Inquiry into policing into Indigenous communities (2007-2009)	Not indicated	Not indicated	Not indicated
Inquiry into the handling of sexual offences by the criminal justice system	Not indicated	More time needed ODPP undergone several internal reviews since the inquiry report, and has been in a constant state of change in recent years. Some responses from QPS and ODPP were conflicting, suggesting they need to agree on responsibilities.	Not indicated
Inquiry into the Matters Arising from the Death of Stephen Lawrence (The Stephen Lawrence Inquiry Report)	Not indicated	Difficulties in developing definitions to “cover the range and variation of stop encounters” (p. 47) “The attempt to create recording rules that balanced the recording requirements of the recommendations with operational practicalities was not entirely successful” (p. 47) The requirement to record in ‘fleeting’ cases “was more likely to be seen as an intrusion on their own time, but also on that of the person stopped many officers used their discretion to selectively record.” (p. 47) “There was a tension between the provision of information for statistical monitoring purposes and as a basis for accountability, either to the person stopped or to a supervising.” (p. 47) “There was wide variety in the quality of written explanations for the reason and outcome of stops” (p. 47) Difficulties recording ethnic origin	Not indicated

Name of inquiry	Factors facilitating implementations	Barriers to implementations	Relationships between any facilitators/barriers
Joint Inquiry by Western Australia Police and the Corruption and Crime Commission into Property Management Practices in Western Australia Police	Not indicated	<p>Couldn't improve the Incident Management System in full because required resources proved to be prohibitive.</p> <p>Areas of least success are where approaches to the DPP or AG were required. WAPOL acted on them, but no changes made.</p> <p>Review of long held items required more time.</p>	Not indicated
Lost Innocents and Forgotten Australians	Not indicated	<p>Refusal to implement</p> <p>Failure to implement</p> <p>Partial implementation</p> <p>Changing circumstances</p>	Not indicated
Protecting Children: An Inquiry into Abuse of Children in Foster Care (January 2004)	<p>QLD Govt engaged a consultant to advise on how best to implement recommendations.</p> <p>Consultant set out a plan of action in a document (name included in 'Papers cited or referenced' section).</p> <p>January 2006 CMC received the <i>Two year report into the progress in reforming the Queensland child protection system</i>, prepared by the Department of Child Safety (DCS).</p>	<p>"There are not yet sufficient community-based Indigenous organisations that can provide effective services to children at risk or to foster carers." (p. vii)</p> <p>"The DCS also has problems in recruiting and retaining staff, particularly in remote areas, and this compounds the difficulty of ensuring that their workforce is well trained, committed and experienced." (p. 7)</p> <p>"Ensuring that staff comply with legislation and policy becomes very hard when there is a high staff turnover and difficulties in filling vacancies." (p. 3)</p> <p>Recommendations to be implemented in stages (as set out in Blueprint plan) because it was "necessary to achieve certain reforms before proceeding with further changes." (p. 1)</p>	
QPS–CMC review of Taser policy, training, and monitoring and	Not indicated	<p>One recommendation was reliant on the release of a Review of the National Guidelines on the Use of Force, by another agency.</p> <p>6-month trials of recording devices had to be extended because of low Taser deployment numbers.</p>	Not indicated

Name of inquiry	Factors facilitating implementations	Barriers to implementations	Relationships between any facilitators/barriers
review practices, 2009		A research collaboration between QPS and the CMC could not take place due to the CMC undertaking this evaluation.	
Report on Police Watchhouses in Queensland	Not indicated	Not indicated	Not indicated
Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament (PSC Review)	<p>Quick appointment of Dept of Parliamentary Services Secretary to “champion the initiative” (the amalgamation of 3 parliamentary depts.)</p> <p>Special project team was established to further the proposal and implement the change managements process for the restructure of the dept of parliamentary services</p> <p>The establishment of the statutory office of the Parliamentary Librarian as strengthened the independence of the role (note that establishing this office was a parliamentary resolution that was different to the recommendation arising from the review)</p>	<p>The auditors found that there was no formal consolidated implementation plan or strategy for the implementation of the resolutions (a factor that the auditors consider important in the successful implementation)</p> <p>Responsibility for the oversights of the project was not specifically allocated to particular individual or a joint implementation team (as was recommended)</p> <p>The dept of parliamentary services cited a shortage of resources to explain why there was no implementation plan</p> <p>Allowing parliamentary departments to choose which financial management systems they used and as a result differing systems were selected. This has not provided a foundation for the depts. To efficiently move toward a shared services centre in the future.</p> <p>Delayed appointment of the Librarian is noted when the auditors stated that one of the resolutions has not been implemented</p>	Lack of resources was given as the reason (by govt members, not by auditors) for a lack of implementation plan
Review into the Treatment of Women at the Australian Defence Force Academy	The implementation of recommendations of the ADFA Report is managed by the Australian Defence College (ADC) Reviews Implementation Team (RIT) in collaboration with ADC and ADFA senior leadership. The RIT works	<p>“The initial duration of the RIT was until the end of June 2013. However, it took some time to staff the RIT, and a considerable period of time was lost due to the staff ‘chill’ and the lack of response to a call for expressions of interest. The RIT was only fully staffed from February 2012.” (p. 18)</p> <p>“Towards the end of 2012 the RIT and COMDT became concerned about the timeframe and ongoing resourcing of the RIT. An Agendum Paper was tabled at</p>	Not indicated

Name of inquiry	Factors facilitating implementations	Barriers to implementations	Relationships between any facilitators/barriers
	<p>closely with ADFA to support the implementation of recommendations. “The RIT meets with the COMDT weekly to provide a written report to COMADC. The Vice Chief of Defence Force is then briefed on key issues arising. On a six monthly basis the COMDT briefs the ADFA working group, which is a subset of the ADC Advisory Board. The COMDT also briefs the Chiefs of Service Committee every four months.” (p. 17)</p>	<p>the COSC meeting in December 2012 to this effect. COSC agreed to continue to resource the RIT at current levels until the end of 2014.” (p. 18)</p>	
<p>Royal Commission into Aboriginal Deaths in Custody, 1991</p>	<p>Not indicated</p>	<p>Not indicated</p>	<p>Not indicated</p>
<p>Working Group on Elder Abuse</p>	<p>The establishment of dedicated implementation structures critical to success. Examples:</p> <ul style="list-style-type: none"> • Elder Abuse National Implementation Group had 17 members from various sectors. Particular strengths were its composition and wide ranging membership, and personal commitment of individual members. • An Office for Older People • Area Steering Groups • Dedicated Elder Abuse Officers 	<p>Recommendations requiring a multi-agency approach were more challenging. The health sector was undergoing a major program of change and restructure. Difficult to ensure that agencies outside the health sector prioritise elder abuse. Some confusion about agencies’ roles. Need protocols to guide interagency processes eg streamlining referral pathways for older people. Stronger commitment at the individual level than the organisation level. Barriers to interagency engagement:</p> <ul style="list-style-type: none"> • Protecting our Future not enshrined in Government policy or legislation. Agencies therefore have discretion over the priority they give to elder abuse. Progress has relied on commitment of individual organisations. • Responsibility spread across many organisation with no ownership for progressing recommendation. <p>“Lapse of time between the recommendations and their implementation” (p. 32), and changing health structures, led to variations in how the recs ended up being implemented.</p>	<p>Not indicated</p>

Name of inquiry	Factors facilitating implementations	Barriers to implementations	Relationships between any facilitators/barriers
	<ul style="list-style-type: none"> <li data-bbox="459 343 896 414">Senior Case Workers to deliver elder abuse services 	Senior Case Worker positions not fully integrated with aged care services, not enough understanding of their role	

Implementation of
recommendations arising from
previous inquiries of relevance to
the Royal Commission into
Institutional Responses to Child
Sexual Abuse

Final Report

Attachment B: Government Statements
of Implementation that did not
correspond to PRC Ratings

Parenting Research Centre

Commissioned by the Royal Commission into
Institutional Responses to Child Sexual Abuse



Parenting Research Centre
raising children well

This document is an attachment to the final report for the project titled 'Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse'.

Established in 1997, the **Parenting Research Centre** (PRC) is Australia's only national, independent non-profit research, development and implementation specialist organisation with an exclusive focus on parenting and families. The PRC is dedicated to gathering scientific knowledge of effective parenting and developing practical programs to help all parents raise happy, healthy children. The PRC's work focuses on supporting the efforts of practitioners, managers, organisations and governments to effectively and sustainably adopt and implement evidence-informed practices and programs.

Disclaimer

The views and findings expressed in this report are those of the author(s) and do not necessarily reflect those of the Royal Commission. Any errors are the author's responsibility.

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Royal Commission
into Institutional Responses
to Child Sexual Abuse

Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme eight.

The research program means the Royal Commission can:

- Obtain relevant background information
- Fill key evidence gaps
- Explore what is known and what works
- Develop recommendations that are informed by evidence and can be implemented, and respond to contemporary issues.

For more information on this program, please visit www.childabuseroyalcommission.gov.au/research

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Attachment B: Government Statements of Implementation that did not Correspond to PRC Ratings

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Attachment B: Government Statements of Implementation that did not Correspond to PRC Ratings

Note on implementation ratings

The PRC Project Team developed a 4-point rating scale describing the extent to which recommendations were implemented (implemented in full, partially implemented, not implemented, undetermined).

In many cases government jurisdictions did not give a rating of 'implemented', 'partially implemented' or 'not implemented'. Where this was the case, the implementation rating is noted as unspecified.

Table 1 Recommendations where the government statement of implementation was specified and did not correspond to the PRC rating.

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
ACT	2003	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)	6; Page xiv	The Committee recommends that the Government investigate and report on the feasibility of a secure residential treatment facility for young people engaging in sexually offending behaviour, with specialist staffing, by March 2004.	Implemented	Undetermined
ACT	2004	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT	8.6; Pages 156-157	The Review recommends that the Children and Young People Act be amended to provide the Children's Services Council with a specific overview role for care and protection services and to allow the Council to share the Territory Parent responsibility. Council members	Partial implementation	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				should be remunerated in accordance with their responsibilities.		
ACT	2004	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT	3.7; Pages 41-45	The Review recommends that a charter of rights be developed within the Children and Young People Act 1999; it should encapsulate the rights of children subject to the Act in relation to their health, wellbeing and Participation in decisions about their lives.	Implemented	Partially implemented
CTH	1998	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998	111; webpage (Table of Contents)	Markedly different views have been expressed to us by former child migrants about the issue of compensation payments. Many believe that such a measure might impede the provision of records if governments or agencies become unduly nervous about the financial consequences of irregularities or indiscretions contained therein. We therefore do not recommend a compensation payment. Matters concerning identity and background are much more important to former child migrants. However, we would expect the full weight of the law to be felt in cases where physical and sexual abuse against former child migrants can be proven, Courts should award the maximum possible damages when a conviction is obtained. We would like to see Statutes of Limitation suspended in all cases related to the abuse of former child migrants.	Implemented	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
CTH	1998	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998	113; webpage (Table of Contents)	We ask the governments of Canada, New Zealand and Australia to consider giving financial support to organisations in their respective countries who represent the interests of former child migrants.	Implemented	Undetermined
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	8; Page 232, 237-238	That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to: <ul style="list-style-type: none"> investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority; review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability; publicise the existence of Church-sponsored complaints mechanisms widely throughout the community. 	Implemented	Partially implemented
CTH	2011	Disability Care and Support: Productivity Commission Inquiry Report Volume 1, No. 54, 31 July 2011, Australian Government Productivity Commission	15.3; Page 87	Drawing on the system currently in place for working with children, Australian governments should ensure that police checks and other safeguards should be implemented that target the risk of abuse of vulnerable people with disabilities, and cover those relevant workers for a given period, rather than for a particular job.	Partial	Undetermined
NSW	2008	Special Commission of Inquiry into Child Protection Services in	23.4; Page 953	Information obtained by persons appointed by the Minister as official visitors should be available to the regulator/accreditor of OOHC with appropriate	Implemented	Partially implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		NSW (Wood Inquiry) (2008)		procedural fairness safeguards and s.8 of Community Services (Complaints, Reviews and Monitoring) Act 1993 and clause 4 of Community Services (Complaints, Reviews and Monitoring) Regulation 2004 should be amended to achieve this outcome.		
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	23.6; Page 954	DoCS should centralise its Allegations Against Employees Unit and receive sufficient funding to enable this restructure, and to resource it to enable it to respond to allegations in a timely fashion.	Implemented	Partially implemented
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations.	33; Page 9	That private homes be generally exempt from the community visitor program but be included if: <ul style="list-style-type: none"> • more than a specified number of unrelated children and young people, say four or more, are placed in the same foster home; and • a private home is providing accommodation for a child in care and a complaint has been made which hasn't been or cant reasonably and practicably be resolved by internal grievance processes; 	Implemented	Partially implemented
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	2; Page xiv	That a working party be established comprising Education Queensland, the Board of Teacher Registration, the Association of Independent Schools Queensland (AISQ), the Queensland Catholic Education Commission and the Children's Commission Queensland to develop appropriate policies for responding to suspicions or disclosures of child sexual abuse in non-government schools. This should be undertaken in consultation with Families Youth and Community Care	Implemented	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				Queensland and the QPS (see also Recommendations 11 and 15).		
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	7.28; Page 211	That the Department ensure that it has clear policies and procedures on disclosure of information and that it incorporate them in the training provided to Departmental and agency staff.	Implemented	Undetermined
SA	2002	Child Protection Review (Layton review) (2002)	97; Page 15.15-15.16	That the Evidence Act 1929 (SA) be amended to include a similar section to section 106 G Evidence Act (WA) which prevents an unrepresented defendant from directly cross-examining a child. Such amendment to be applicable to all children and not just those under 16 years of age.	Implemented	Partially implemented
SA	2002	Child Protection Review (Layton review) (2002)	145; Page 19.28-19.30	That representatives of non-Government education sectors including Independent Schools, Catholic Schools in conjunction with representatives of the Government education sector, FAYS, SAPOL and the proposed Commissioner for Children and Young Persons, develop guidelines which set out minimum standards to be applied across the schooling sector in relation to allegations of child sexual abuse by employees and volunteers. Such guidelines to be in keeping with the processes undertaken in the Government schooling sectors and should include an independent process both within employer organisations as well as an external independent process. The guidelines should clearly articulate the interaction with FAYS and SAPOL and the	Implemented	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				processes to be followed in relation to notification and reporting.		
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	2; Pages 368-371	That the self-protective training being taught by Second Story be reviewed to ensure that it covers the Keeping them safe: child protection curriculum developed for teaching all children in schools and is adapted to target specific needs and circumstances: <ul style="list-style-type: none"> • children and young people in care generally • Aboriginal children and young people in care • children and young people in care with disabilities. That such self-protective training is then delivered to children and young people in State care at their residential or secure care facility.	Implemented	Undetermined
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	6; Pages 371, 375	That Families SA extends its screening processes to cover known regular service providers to children and young people in care with disabilities, such as regular bus or taxi drivers.	Implemented	Undetermined
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	89; Page 224	The Committee recommends that the Attorney General review penalties for sexual offences to ensure that the sexual assault of a child is regarded as seriously as the sexual assault of an adult.	Implemented	Partially implemented
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	89; Page 515	The Government should amend the Child Wellbeing and Safety Act 2005 to establish a Commission for Children and Young People, comprising one commissioner appointed as the chairperson and such number of full-time and Partial-time additional commissioners as the	Implemented	Partially implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				Premier considers necessary to enable the Commission to perform its functions. Commissioners would be appointed by the Governor-in-Council. The Commission should have responsibility for overseeing and reporting to Ministers and Parliament on all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people. The Commission would hold agencies to account for meeting their responsibilities as articulated in the Vulnerable Children and Families Strategy and related policy documents. The Commission would also retain the current roles and functions of the Child Safety Commissioner. The Commission would be required by legislation to give priority to the interests and needs of vulnerable children. The Commission should have authority to undertake own-motion inquiries into systemic reforms necessary to improve the wellbeing of vulnerable children and young people. The specific powers granted to the Ombudsman under section 20 of the Children, Youth and Families Act 2005 should be transferred to the Commission.		
WA	1993	The Duty of Care Inquiry (1993)	3; Page 28	When a child has been assaulted or neglected by a foster carer an independent review should be conducted to clarify the circumstances and make appropriate recommendations to the Director General.	Implemented	Undetermined
WA	2006	Report on Allegations Concerning the Treatment of Children and Young People in	26; Page 14	Government establish a mechanism to provide for the monitoring and evaluation of relevant government and non-government agencies' employee disciplinary	Partial	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		Residential Care, Ombudsman Western Australia (2006)		processes where allegations of child maltreatment are involved.		

Table 2 Recommendations where the government statement of implementation was not specified as either ‘implemented’, ‘partially implemented’ or ‘not implemented’

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
ACT	2004	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT	2.2; Pages 16-17	The Review recommends that s. 161(3) of the <i>Children and Young People Act 1999</i> be amended so as to ensure that the Chief Executive <i>must</i> act in relation to a report made to him or her under s. 158 or s. 159 in relation to a child or young person for whom the Chief Executive has parental responsibility.	Unspecified	Implemented
CTH	1997	ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process (1997)	6; Paragraphs 7.33-7.43	Each State and Territory should ensure that there are appropriate mechanisms, vested in either newly established or existing bodies, to: <ul style="list-style-type: none"> • handle complaints by or on behalf of children concerning the conduct of that State's or Territory's authorities including conduct of employees and omissions or failures to act by authorities 	Unspecified	Undetermined
CTH	2005	Protecting Vulnerable Children – A National Challenge, second report of the inquiry into children in institutional or out-of-home care (2005)	17; Page 183-19	The Commonwealth establish a national commissioner for children and young people to drive a national reform agenda for child protection. In doing so, the national commission should: <ul style="list-style-type: none"> • bring together all stakeholders, including the States and Territories, child protection professionals and researchers and peak organisations, to establish an agenda for change including the identification of key areas of concern; • encourage the development of innovative models within the child protection system; and • encourage State and Territory Governments to work 	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				toward harmonising child protection legislation, including agreement on common definitions.		
CTH	2001	Lost Innocents: Righting the Record – Report on Child Migration (2001)	1; Page 2-5, 8-9	That the Commonwealth Government urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and that the Senate Social Welfare Committee’s 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.	Unspecified	Partially implemented
CTH	2004	Complaint by a young person (under the age of 18) of an incident involving unacceptable behaviour at a Navy training establishment in mid-1996 (2004)	4; Page 1	The RAN instructions in relation to the investigation of alleged sexual assault be revised to require that such cases be referred to the civilian police at an early stage	Unspecified	Implemented
CTH	2005	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)	4; Page 23, 33-34, 38, 40	That comprehensive and accurate information about the ADF’s duty of care for minors (and what this means within each service and training establishment, where appropriate) be provided for all potential enlistees who are minors, and their parents/guardians. This information should include examples of how the duty of care will be delivered day-to-day, as well as the limits of the ADF’s responsibilities.	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
CTH	2005	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)	7; Page 27-32, 40, 42-43	<p>That the ADF review accessibility of support arrangements for minors, including:</p> <ul style="list-style-type: none"> • Conducting surveys of the opinions of minors on current arrangements. Surveys should be anonymous, include minors who do not complete their training, and provide the option for free comment on barriers to access. Given that many minors lack broad life experience, it would also be appropriate to suggest options for improvement, on which they can comment. Examples could include greater access to their families (such as more opportunity for telephone contact) and tighter confidentiality when a problem is raised. • Analysing factors, which contribute to successful support arrangements for minors; and using these as a basis for developing a best practice model for application across the ADF. • Regularly seeking feedback from minors to ensure high standards set by the best practice model are maintained. Results from feedback should be consolidated across all services and form the basis of an annual report to the Chief of the Defence Force on the effectiveness of support arrangements for minors. 	Unspecified	Partially implemented
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	2; Page 181-198	That all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children, and the hurt and distress suffered by the children at the hands of those who were in charge of	Unspecified	Partially implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				them, particularly the children who were victims of abuse and assault.		
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	3; Page 199-205, 213	That State Governments review the effectiveness of the South Australian law and consider amending their own statutes of limitation legislation to achieve the positive outcomes for conducting legal proceedings that have resulted from the amendments in the South Australian jurisdiction. [NOTE: The South Australia law was the Criminal Law Consolidation (Abolition of Time Limit for the Prosecution of Certain Sexual Offences) Amendment Act 2003 (SA) which removed a 3 year limitation period for the prosecution of sexual offences committed between 1952-1982. It was used in 2004 to prosecute 9 people for child sexual abuse committed in the 1950s and 1960s)	Unspecified	Undetermined
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	4; Page 207, 213	That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.	Unspecified	Not implemented
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-	7; Page 228-238	That all internal Church and agency-related processes for handling abuse allegations ensure that: <ul style="list-style-type: none"> informal, reconciliation-type processes be available whereby complainants can meet with Church officials to 	Unspecified	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		home care as children (2005)		<p>discuss complaints and resolve grievances without recourse to more formal processes, the aim being to promote reconciliation and healing;</p> <ul style="list-style-type: none"> • where possible, there be independent input into the appointment of key personnel operating the schemes; • a full range of support and other services be offered as Partial of compensation/reparation packages, including monetary compensation; • terms of settlement do not impose confidentiality clauses on complainants; • internal review procedures be improved, including the appointment of external appointees independent of the respective Church or agency to conduct reviews; and • information on complaints procedures is widely disseminated, including on Churches' websites. 		
CTH	2005	Protecting Vulnerable Children – A National Challenge, second report of the inquiry into children in institutional or out-of-home care (2005)	17; Page 183-19	<p>The Commonwealth establish a national commissioner for children and young people to drive a national reform agenda for child protection. In doing so, the national commission should:</p> <ul style="list-style-type: none"> • bring together all stakeholders, including the States and Territories, child protection professionals and researchers and peak organisations, to establish an agenda for change including the identification of key areas of concern; • encourage the development of innovative models within the child protection system; and • encourage State and Territory Governments to work toward harmonising child protection legislation, including agreement on common definitions. 	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	4; Page 34-56, 212-214	The Committee recommends that the Commonwealth government pursue all available policy and political options to ensure that South Australia, New South Wales and Victoria establish redress schemes for people who suffered neglect and/or abuse in institutional settings or out-of-home care in the last century; and that the remaining States make provision to ensure continued receipt of redress claims.	Unspecified	Not implemented
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	5; Page 34-56, 212-215	The Committee recommends that the Commonwealth government pursue the establishment of State redress schemes through the Council of Australian Governments (COAG) and other appropriate national forums.	Unspecified	Not implemented
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	6; Page 57-62, 215-216	The Committee recommends that churches take steps to ensure that processes for handling abuse allegations are consistent across all jurisdictions; and that such processes conform to recommendation 7 of the Forgotten Australians report.	Unspecified	Undetermined
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	15; Page 223-226	The Committee recommends that the Ministerial Council for Police and Emergency Management (Police) develop and implement a national policy on the prosecution of, and data collection and sharing about, historical crimes of sexual and physical abuse of children in care; and that the establishment or further development of specialist State police units be considered as Partial of this policy development process.	Unspecified	Partially implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
CTH	2010	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)	25–1; Pages 1130-1136	State and territory sexual assault provisions should include a wide definition of sexual intercourse or penetration, encompassing: (a) penetration (to any extent) of the genitalia (including surgically constructed genitalia) or anus of a person by the penis or other body part of another person and/or any object manipulated by a person; (b) penetration of the mouth of a person by the penis of a person; and (c) continuing sexual penetration as defined in paragraph (a) or (b) above.	Unspecified	Undetermined
CTH	2010	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)	25–2; Pages 1136-114	Federal, state and territory sexual offence provisions should provide a uniform age of consent for all sexual offences.	Unspecified	Undetermined
CTH	2010	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)	25–8; Pages 1176-1181	State and territory legislation dealing with sexual offences should state that the objectives of the sexual offence provisions are to: (a) uphold the fundamental right of every person to make decisions about his or her sexual behaviour and to choose not to engage in sexual activity; and (b) protect children, young people and persons with a cognitive impairment from sexual exploitation.	Unspecified	Undetermined
NSW	2008	Special Commission of Inquiry into Child Protection Services in	11.1; Page 461	With respect to the Children and Young Persons (Care and Protection) Act 1998: vii. Section 29(1)(f) should be amended to permit the disclosure of the reporter’s details to a law enforcement agency pursuant to the investigation of a serious crime	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		NSW (Wood Inquiry) (2008)		committed upon a child or young person, where that might impact on the child's safety, welfare or well-being.		
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	23.8; Page 954	<p>The Commission for Children and Young People Act 1998 should be amended to require background checks as follows:</p> <ul style="list-style-type: none"> a. in respect of DoCS and other key human service agencies all new appointments to staff positions that work directly or have regular contact with children and young persons (that is, permanent, temporary, casual and contract staff held against positions including temporary agency staff) b. any contractors engaged by those agencies to undertake work which involves direct unsupervised contact to children and young persons, and, in the case of DoCS, access to the KiDS system or file records on DoCS clients c. students working with DoCS officers d. children's services licensees e. authorised supervisors of children's services f. principal officers of designated agencies providing OOH or adoption agencies g. adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers h. volunteers in high risk groups, namely those having extended unsupervised contact with children and young persons. 	Unspecified	Partially implemented
NSW	2012	NSW Ombudsman Report - Responding to Child	14; Page 82	That Community Services improves the guidance in the Mandatory Reporter Guide in relation to the reporting	Unspecified	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		Sexual Assault in Aboriginal Communities (2012)		of diagnosed STIs in children in light of our observations in Chapter 7 of this report.	(Under consideration)	
NSW	2012	NSW Ombudsman Report - Responding to Child Sexual Assault in Aboriginal Communities (2012)	76; Page 239	That the NSW Police Force conducts a review of the current capacity of individual local area commands to effectively manage their responsibilities in administering the Child Protection Register.	Unspecified (Under consideration)	Not implemented
NSW	2012	NSW Ombudsman Report - Responding to Child Sexual Assault in Aboriginal Communities (2012)	77; Page 239	That the NSW Police Force identifies best practice by local area commands in managing the Child Protection Register and develops a process for sharing information about successful initiatives across commands.	Unspecified (Under consideration)	Not implemented
NSW	2013	Prevention of abuse and safeguarding mechanisms in Ageing Disability and Home Care (21 January 2013)	2; Page 8	<p>Develop training modules for ADHC staff and managers that establish understanding, skills and capabilities in preventing and responding to abuse:</p> <p>Revise the ADHC induction program to include comprehensive information on the rights of people with a disability, what constitutes abuse and neglect, the impact of abuse and neglect on a person, enablers and staff accountabilities in preventing and responding to abuse.</p> <ul style="list-style-type: none"> • Develop a learning and development module focused on the practical requirements of the care and support role, Particularly in the provision of interventions that can require physical contact to prevent the incidence of inadvertent physical harm. • Develop a learning and development module focused on supporting managers in understanding and 	Unspecified (Under consideration)	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				<p>undertaking their role in the management and response to incidences of abuse and neglect and investigation procedures</p> <p>Re-introduce the requirement for the Code of Conduct to be signed on an annual basis, supported by mandatory information and education sessions prior to signing.</p>		
NSW	2013	Prevention of abuse and safeguarding mechanisms in Ageing Disability and Home Care (21 January 2013)	4; Page 9	<p>Collect new data on misconduct, abuse and neglect to inform organisational understanding, management and response. This should include:</p> <ul style="list-style-type: none"> • change the current categorisation of offence and misconduct to differentiate the types of misconduct • collect data that provides information and understanding of the contextual factors, causes, precursors and enablers associated with individual cases of misconduct, abuse and neglect • collect data on the outcomes of actions undertaken in the course of an investigation to support a person to report an allegation and respond to trauma and harm experienced by the victim • communicate the outcomes and findings of investigations into abuse and neglect across the organisation to reinforce awareness and demonstrate the consequences of misconduct and create a deterrent effect. 	Unspecified (Under consideration)	Not implemented
NT	2011	Report: Review of Vulnerable Witness Legislation (Department of Justice, June 2011)	8; 28	That an amendment be made to the Sexual Offences (Evidence and Procedure) Act in response to the High Court's decision in Crofts to provide clear guidance as to	Unspecified	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				the directions, if any, that should be given to the jury in relation to the timing of a complaint.		
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	4; Page xiv	That appropriate funding be provided to the Children's Commission Queensland to undertake a formal evaluation of the Coordinating Committee on Child Abuse (CCOCA) and Suspected Child Abuse and Neglect (SCAN) team procedures.	Unspecified (Relates to the Children's Commission, a separate entity to the State)	Undetermined
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	6; Page xvi	That the Children's Commission Queensland be granted sufficient funding to expand its trial data tracking project to examine the progress of individual cases of child sexual abuse through the criminal justice system with a view to: <ul style="list-style-type: none"> • gaining a comprehensive understanding of why child sex offence matters are withdrawn and discontinued at a higher rate than other offence types; • providing information about the effect of changes to legislation and court practices. This research should be commenced as soon as possible to enable information to be collected against which the effectiveness of any reforms can be measured. 	Unspecified (Relates to the Children's Commission, a separate entity to the State)	Undetermined
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	13; Page xvii	That the 12 month review of the proposed Commission for Children and Young People Act consider the following issues: <ul style="list-style-type: none"> • whether adequate screening has been applied to private childcare providers; • whether the legislation should enable voluntary applications for suitability notices for areas of child- 	Unspecified (Relates to the Children's Commission, a separate entity to the State)	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				related employment not covered by existing provisions; <ul style="list-style-type: none"> whether information in relation to disciplinary proceedings should be maintained by the Commission 		
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	17; Page xvii	That the Children's Commission Queensland consider the question of the accountability of church institutions when an allegation of child sexual abuse has been made involving a church employee, and consider whether the introduction of any official oversight mechanism might improve the response of churches.	Unspecified (Relates to the Children's Commission, a separate entity to the State)	Undetermined
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	19; Page xviii	That the Children's Commission Queensland explore mechanisms for improving accountability of childcare centres and other youth recreation and adventure groups to ensure that complaints handling policies are in place and enforced, and that allegations of child sexual abuse are brought to the attention of the appropriate authorities.	Unspecified (Relates to the Children's Commission, a separate entity to the State)	Undetermined
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	20; Page xviii	That the Children's Commission Queensland be adequately funded to enable it to document the services available for victims of child sexual abuse and identify any gaps in services provided.	Unspecified (Relates to the Children's Commission, a separate entity to the State)	Undetermined
QLD	2013	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June	4.2; Page xxvii	The Department of the Premier and Cabinet and the Department of Communities, Child Safety and Disability Services lead a whole-of-government process to: - review and consolidate all existing legislative reporting obligations into the Child Protection Act 1999	Unspecified (Still being considered)	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		2013, Queensland Child Protection of Inquiry		- develop a single 'standard' to govern reporting policies across core Queensland Government agencies - provide support through joint training in the understanding of key threshold definitions to help professionals decide when they should report significant harm to Child Safety Services and encourage a shared understanding across government.		
QLD	2013	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry	12.7; Page xxxviii	The role of the Child Guardian be refocused on providing individual advocacy for children and young people in the child protection system. The role could be combined with the existing Adult Guardian to form the Public Guardian of Queensland, an independent statutory body reporting to the Attorney-General and Minister for Justice.	Unspecified (Still being considered)	Not implemented
QLD	2013	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry	12.8; Page xxxviii	The role of Child Guardian — operating primarily from state-wide 'advocacy hubs' that are readily accessible to children and young people — assume the responsibilities of the child protection community visitors and re-focus on young people who are considered most vulnerable.	Unspecified (Still being considered)	Not implemented
QLD	2013	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry	12.9; Page xxxviii	Complaints about Departmental actions or inactions, which are currently directed to the Children's Commission, be investigated by the relevant Department through its accredited complaints-management process, with oversight by the Ombudsman.	Unspecified (Still being considered)	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	3; Pages 371-374	<p>That the application of section 8B of the Children’s Protection Act 1993 be broadened to include organisations as defined in section 8C. [NOTE: Section 8B required govt organisations and non-govt schools to obtain a criminal history, or police report for people holding, or to be appointed to, positions that involve regular contact with, proximity to, or access to records concerning children. Section s 8C applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or Partially for children and are govt Departments, agencies, instrumentalities, or local govt or non-govt organisations.]</p> <p>That consideration is given to reducing or waiving the fee for an organisation applying for a criminal history reporting order to comply with section 8B.</p> <p>That a criminal history report be defined as a report that includes information as to whether a person is on the Australian National Child Offender Register (ANCOR).</p>	Unspecified	Partially implemented
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	4; Pages 371-374	<p>That the Children’s Protection Act 1993 be amended to require organisations to lodge a copy of their policies and procedures established pursuant to section 8C(1) with the chief executive and that the chief executive be required to keep a register of those policies and procedures. [NOTE: Section 8C(1) required certain organisations to establish appropriate policies and procedures for ensuring that mandated reports of abuse were made and that child safe environments are established and maintained in the organisation. There</p>	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				was a penalty of \$10,000 for non compliance. It applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or Partially for children and are govt Departments, agencies, instrumentalities, or local govt or non-govt organisations.]		
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	5; Pages 371, 374-375	That Families SA, as Part of the screening process of employees, carers and volunteers, obtains information as to whether or not that person is on the Australian National Child Offender Register (ANCOR).	Unspecified	Undetermined
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	20; Pages 411-413	That the practice guidelines of the Special Investigations Unit (SIU) be amended to include specific guidelines concerning notifications and investigations of alleged sexual abuse of children and young people in care. In regard to notifications, it is recommended that the guidelines include requirements for mandatory notification of sexual abuse allegations by SIU to South Australia Police and the Guardian for Children and Young People immediately or within 24 hours, depending on the urgency of the circumstances. In regard to SIU investigations, it is recommended that the guidelines include requirements for: <ul style="list-style-type: none"> • a strategy discussion between SIU and SA Police before the start of any SIU investigation, with the GCYP given prior notification of the discussion and invited to attend • a written record signed by SIU and SA Police of the strategy discussion, outlining any actions to be taken by 	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				<p>each, with a copy provided to the GCYP within 24 hours</p> <ul style="list-style-type: none"> • SIU to only take action in accordance with what was agreed in writing at the strategy discussion • SIU to take no action that would prejudice a police investigation or potential prosecution. In particular, the SIU must not speak to the child, alleged perpetrator, potential witnesses or other potential complainants without seeking, and then gaining, approval in writing from SA Police • the GCYP to be kept informed by SIU and SA Police of the progress and outcome of the investigation. Both SIU and SA Police to provide the GCYP with information concerning the investigation on request and to respond within 24 hours to any request by the GCYP for information regarding the investigation. 		
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	23; Pages 418-420	<p>That the Children's Protection Act 1993 be amended to add a function to the Guardian for Children and Young People, namely to act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse.</p> <p>That in accordance with section 52B of the Act, the GCYP is provided with sufficient staff and resources to accomplish this function.</p>	Unspecified	Implemented
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	24; Page 420	That it be mandatory for the chief executive of the Department for Families and Communities or Commissioner of Police to notify the Guardian for Children and Young People when a child or young person under the guardianship or in the custody of the	Unspecified	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				Minister makes an allegation of sexual abuse. (Also refer Recommendation 20.)		
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	25; Page 421	That Families SA's new C3MS (Connection client and case management system) include a separate menu for allegations of sexual abuse of a child in State care, which would collate the names of all such children. That the system include a separate field in relation to each child in State care, which is dedicated to recording any information about allegations of sexual abuse, including when that information had been forwarded to the Guardian for Children and Young People.	Unspecified	Undetermined
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	37; Pages 433-437	That a panel of appropriately qualified people be formed to consider and establish a model for restorative justice in regard to complaints of child sexual abuse made by victims.	Unspecified	implemented
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	39; Pages 443-447	That the South Australian Government funds a free specialist service to adult victims of child sexual abuse (while in State care) as was provided by Respond SA. That the service is provided by an organisation that is independent of government and church affiliation, and has never provided institutional or foster care. That the organisation employs practitioners specially trained in the therapeutic response to adult victims of child sexual abuse.	Unspecified	Implemented
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	40; Pages 447-449	That a task force be established in South Australia to closely examine the redress schemes established in Tasmania, Queensland and Western Australia for victims of child sexual abuse; to receive submissions	Unspecified	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				from individuals and relevant organisations on the issue of redress for adults who were sexually abused as children in State care; and to investigate the possibilities of a national approach to the provision of services.		
SA	2008	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) lands (Mullighan Inquiry) (2008)	44; Page 250-251	That the Children's Protection Act or regulations be amended to add a function of the Guardian for Children and Young People to act as an advocate of an Anangu child or young person who is not in State care but is the subject of a Family Care Meeting Agreement and who has made a disclosure of sexual abuse.	Unspecified	Partially implemented
SA	2008	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) lands (Mullighan Inquiry) (2008)	21; Page 181-183, 222-224	That section 11 of the Children's Protection Act be amended to provide that it is an offence to prevent, obstruct or interfere with a person discharging or attempting to discharge the obligation of mandatory reporting pursuant to section 11(1) of that Act.	Unspecified	Implemented
SA	2008	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) lands (Mullighan Inquiry) (2008)	44; Page 250-251	That the Children's Protection Act or regulations be amended to add a function of the Guardian for Children and Young People to act as an advocate of an Anangu child or young person who is not in State care but is the subject of a Family Care Meeting Agreement and who has made a disclosure of sexual abuse.	Unspecified	Partially implemented
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Partial Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy,	Rec; Page 18.4	Investigation processes of Police be developed to higher best practice standards with respect to abuse of children in care	Unspecified	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		Commissioner for Children Tasmania, September 2003)				
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Partial Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 12.8	That the allegations of abuse are properly heard, received, acknowledged and acted upon	Unspecified	Partially implemented
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Partial Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 17.6	That the victim and their family be clearly informed avenues of redress available to them	Unspecified	Partially implemented
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Partial Two: Complaints Process for Abuse of Children in Care (Patmalar	Rec; Page 9.2	That the guidelines contain provisions for clear and independent interview and investigative procedures for children	Unspecified	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		Ambikapathy, Commissioner for Children Tasmania, September 2003)				
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Rights of Children with Disabilities and Services for Them (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 20.1	That specific provisions be contained within the Tasmanian Police Manual for dealing with child victims of sexual assault who are disabled	Unspecified	Not implemented
TAS	2004	Review of Claims of Abuse from Adults in State Care as Children (O'Grady Report) (2004)	3; Page 39	It is recommended that a unit be established within the Department of Health and Human Services to manage claims referred to it by the independent unit, including the provision of guided access to personal files, assessment of other needs and referral to appropriate services, and referral to an Independent Assessor for determining ex gratia payments.	Unspecified	Implemented
TAS	2004	Review of Claims of Abuse from Adults in State Care as Children (O'Grady Report) (2004)	6; Page 39	It is recommended that the Government liaise with church authorities to seek a contribution to the establishment of a private educational trust fund.	Unspecified	not implemented
TAS	2004	Review of Claims of Abuse from Adults in	7; Page 39	It is recommended that the Government liaise with church authorities to seek an apology for claimants who allege that they had been abused while in Approved	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
		State Care as Children (O'Grady Report) (2004)		Children's Homes run by the churches and who have specifically stated that they desire an apology.		
TAS	2006	Report on Child Protection Services in Tasmania (Jacob-Fanning Report) (2006)	10.3.1; Page 140	A unit dedicated to investigating and responding to complaints and serious issues relating to child protection services will be established as Partial of the overall organisational model, after further consultation with staff.	Unspecified	Not implemented
TAS	2006	Report on Child Protection Services in Tasmania (Jacob-Fanning Report) (2006)	10.3.4; Page 140	The Commissioner for Children should have responsibility for oversight of all complaints processes in relation to children. The Ombudsman should retain responsibility for the investigation of individual complaints if a person is dissatisfied with the internal response to the complaint.	Unspecified	Not implemented
TAS	2006	Who is listening to the children now? (Commissioner for Children Tasmania, October 2006).	2.10.3; Page 134	Recommendation 2.10.3; Page 134 It is recommended that the current Department of Health and Human Services policy relating to allegations of abuse in care, including quality of care matters, be reviewed to determine if it is consistent with contemporary practice.	Unspecified	Implemented
TAS	2010	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)	7.5; Page 12	That if the evaluation of the current Children's Visitors Pilot shows that children under the guardianship of the Secretary have obtained benefit from the Pilot that the Minister provide for the appointment of a Children's Visitor for each such child whether in OOHC, in their birth family or in kinship care, such Visitors to be engaged by a body independent of the Government.	Unspecified	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	28; Page 52	Police checks and assessments of kinship placements be prioritised to avoid a child suffering the emotional trauma of being placed with a stranger.	Unspecified	Implemented
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	41; Page 75	It is essential that adverse incidents and complaints are fully investigated and managed in a model that is responsive and transparent, similar to the Complaints Management Unit in Western Australian.	Unspecified Work has yet to commence)	Not implemented
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	62; Page 99	That there be a statutory obligation on community sector organisations who deliver out of home care residential services to comply with key standards and reporting criteria.	Unspecified	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	63; Page 100	The Working with Children check in Tasmania be implemented as a priority.	Unspecified	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	67; Page 102	Police checks for potential kinship carers should be expedited.	Unspecified	Implemented
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	77; Page 120	That Section of the Act be amended to ensure that it is clear that the Commissioner for Children has the power to require information from any Government Department or Agency where such information is, in the reasonable opinion of the Commissioner, necessary or convenient in the performance of his or her function. Such amendment should make it clear that in requiring	Unspecified	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				information, it is not necessary for the Commissioner to identify the specific head of power being exercised for the purposes of the inquiry. The Commissioner should also be able to specify a reasonable time frame for the satisfaction of the information request.		
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	79; Page 125	The role of the Commissioner for Children be expanded to enable the undertaking of own-motion inquiries within the proper function of the Commissioner for Children.	Unspecified	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	80; Page 125	Child advocacy services be strengthened as Partial of the planned amendments to the Children, Young Persons and Their Families Act .	Unspecified	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	82; Page 138	Counselling of a child suspected of being the victim of sexual abuse should be mandatory, not subject to parental agreement.	Unspecified	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	119; Page 164	Additional resourcing be provided to enable the expansion of Statewide trauma services for abused children and young people to ensure more than 30% of children in care can access such services.	Unspecified	Partially implemented
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	138; Page 198	The Charter of Rights for Children in Out of Home Care should be embedded into legislation governing child protection and out of home care.	Unspecified (Outcome is supported but implementation may be alternate	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
					to that prescribed)	
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	123; Page 29	The Committee recommends that child pornography legislation be created to provide that all commercial photographic processors and similar organisations, who have knowledge of, observe, or process and photographic image, negative or slide that depicts a child in a sexually explicit way, be mandated to report the offence to the police.	Unspecified	Not implemented
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	129; Page 309	The Committee recommends that protocols be developed within religious organisations to ensure that the SART is immediately notified of any suspected sexual assault.	Unspecified (Not our jurisdiction)	Undetermined
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	130; Page 313	The Committee recommends that religious organisations develop protocols to ensure evidence is not contaminated by internal investigations or inquiries.	Unspecified (Not our jurisdiction)	Undetermined
VIC	1996	Special Report no. 43. Protecting Victoria's Children: The Role of the Department of Human Services (1996)	7.82; Page 189	The overriding factor, in audit opinion is that the interests of the child are paramount. In this regard, audit strongly supports the Crime Preventions Committee's recommendation for legislative change, action which has been supported by the Government in its whole-of- government response to the Committee's Report. A review of the legislation is highly desirable in	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				order to address the current restrictions which are seen by the Victoria Police as giving rise to an imbalance of justice in favour of the alleged offender to the detriment of the child.		
VIC	1996	Victorian Auditors General's Office (VAGO) (1996). Protecting Victoria's Children: The Role of the Department of Human Services (special Report 43)	Audit opinion Parra 7.113; Page 197	On balance, audit considers the benefits of videotaping of evidence outweigh the potential impediments. However, in order to maximise these benefits, further research should be undertaken with a view to restricting the levels of trauma that a child should be exposed to within the legal system as a direct result of introducing videotaping, without compromising the basic rights of the accused.	Unspecified	Implemented
VIC	2006	Improving responses to allegations involving sexual assault (2006)	14; Page 31	That government agencies ensure that allegations of sexual assault made against employees and former employees are thoroughly investigated and that policies and practices, including recruitment practices, be reviewed by agencies to ensure they maintain an environment that will: a) minimise the risk of sexual assault; and b) encourage early reporting of sexual assault.	Unspecified	Implemented
VIC	2006	Improving responses to allegations involving sexual assault (2006)	15; Page 31	Where an employee has been accused of sexual assault, government agencies not agree to confidentiality clauses that prevent disclosure of information to future employers or complaint authorities in the negotiation of severance agreements.	Unspecified	Partially implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
VIC	2006	Improving responses to allegations involving sexual assault (2006)	16; Page 31	That the Department of Justice convene a working group comprising the Department of Human Services and the Department of Education and Training, Victoria Police and other relevant agencies to consider the implementation of pre-employment vetting that includes mandatory referee checking of previous employers for public sector employees. The Department of Justice should report on the outcomes within six months.	Unspecified	Partially implemented
VIC	2006	Improving responses to allegations involving sexual assault (2006)	7; Page 21 In the Compendium this is split into three recs: 7a & 7b	That government-funded agencies providing 24-hour care: a) collect data to identify the incidence of sexual assault; and b) provide information about a resident's previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.	Unspecified	Undetermined
VIC	2006	Improving responses to allegations involving sexual assault (2006)	8; Page 21 (In Compendium this is split into three recs; 8a, 8b & 8c)	That the Department of Human Services and the Department of Justice: a) allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour; b) collate data about the incidence of sexual assault in residential services and initiate action to reduce the incidence of sexual assault, including measures such as female-only residential facilities. These initiatives should be reviewed for their effectiveness; and	Unspecified	Undetermined

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				c) with the Children’s Court, review the effectiveness of amendments to the Magistrates’ Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment		
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	1; Page xxii	The purpose of the Sex Offenders Registration Act 2004 (Vic) should be amended as follows: <ul style="list-style-type: none"> • The purpose of the legislation is to protect children against sexual abuse from people who have been found guilty of sexually abusing children. 	Unspecified (Under consideration)	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	2; Page xxii	Part 5 of the Sex Offenders Registration Act 2004 (Vic), concerning child-related employment, should be removed from that Act and integrated with the Working with Children Act 2005 (Vic)	Unspecified (Under consideration)	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	3 (i); Page xxii	The Sex Offenders Registration Act 2004 (Vic) should outline the way it seeks to achieve the revised purpose, including by: <ul style="list-style-type: none"> (i) providing for monitoring and review of the operations of the sex offenders registration scheme and of this Act in order to assess whether the purpose is being achieved. 	Unspecified (Under consideration)	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	31; Page xxvi	Registered sex offenders should be required to report the names, ages and addresses of any children with whom they have ‘contact’, and the means of contacting those children.	Unspecified (Under consideration)	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	34; Page xxvi	Registered sex offenders should be required to: (a) within one day of the change, notify the police of any changes to information about their contact with children, and (b) within seven days of the change, provide a written child contact report to the police in person.	Unspecified (Under consideration)	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	41; Page xxvii	A child protection prohibition order should be able to prohibit the registered sex offender from: (a) associating with or contacting specified persons (b) being in specified locations (c) engaging in specified behaviour, and/or (d) engaging in specified employment.	Unspecified (Under consideration)	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	55; Page xxviii	The Chief Commissioner of Police and the Secretary of the Department of Human Services should be authorised to exchange information they hold about a registered sex offender when the Secretary is investigating any contact between that offender and a particular child or children.	Unspecified (Under consideration)	Not implemented
VIC	2011	Sexual Assault Reform Strategy: Final Evaluation Report, prepared for Department of Justice, January 2011	25; Page 222	We have also noted that there are some inequities in the level of access to the reforms. Specifically people from Aboriginal and Torres Strait Islander and from culturally and linguistically diverse backgrounds require special consideration in the implementation of the reforms and may require special measures and programs to aid their access to them. Our recommendation is: That consideration be given to the needs of ATSI and CALD communities in relation to the reporting of sexual assault and relationships developed between key criminal justice agencies and	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				relevant community organisations to develop culturally safe approaches to the reporting of sexual assault and the provision of support for people going through the criminal justice system		
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	44; Page 349	The Victorian Government should progressively gazette those professions listed in sections 182(1)(f) - (k) of the Children, Youth and Families Act 2005 that are not yet mandated, beginning with child care workers. In gazetting these groups, amendments will be required to the Children, Youth and Families Act 2005 and to the Children's Services Act 1996 to ensure that only licensed proprietors of, and qualified employees who are managers or supervisors of, a children's service facility that is a long day care centre, are the subject of the reporting duty.	Unspecified (Will be informed by outcome of another recommendation)	Not implemented
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	45; Page 349	The Department of Human Services should develop and implement a training program and an evaluation strategy for mandatory reporting to enable a body of data to be established for future reference. This should be developed and implemented in consultation with the representative bodies or associations for each mandated occupational group.	Unspecified (Will be informed by outcome of another recommendation)	Not implemented
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	47; Page 355	The Crimes Act 1958 (Vic) should be amended to create a separate reporting duty where there is a reasonable suspicion a child or young person who is under 18 is being, or has been, physically or sexually abused by an individual within a religious or spiritual organisation. The duty should extend to: <ul style="list-style-type: none"> • A minister of religion; and 	Unspecified (In progress)	Not implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
				<ul style="list-style-type: none"> A person who holds an office within, is employed by, is a member of, or a volunteer of a religious or spiritual organisation that provides services to, or has regular contact with, children and young people. An exemption for information received during the rite of confession should be made. A failure to report should attract a suitable penalty having regard to section 326 of the Crimes Act 1958 and section 493 of the Children, Youth and Families Act 2005. 		
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	51; Page 365	The Victorian Government should, consistent with other Australian jurisdictions, enact an internet grooming offence.	Unspecified (Under consideration)	Not implemented
WA	2002	Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) (2002)	144; Page 411	The Inquiry recommends that a Children's Commissioner be established which is independent and reports directly to the Premier. The Implementation Body should consider the structure and responsibilities of other children's commissioners to decide on the most appropriate model for Western Australia.	Unspecified	Partially implemented
WA	2002	Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) (2002)	186; Page 452	The Inquiry finds that there is a lack of information sharing between agencies in relation to family violence and child abuse, giving rise to considerable impediments in service delivery. The Inquiry recommends that further consideration be given to legislative and administrative changes to ensure information sharing between agencies	Unspecified	Implemented

Jurisdiction	Year	Inquiry/Report	Rec #; Page #	Recommendation	Government statement of implementation	Implementation rating PRC
WA	2002	Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) (2002)	189; Page 458	The Inquiry recommends that serious consideration be given to the requirement for medical personnel to report suspected abuse in children under 13 years as part of the consideration of the report on mandatory reporting for the Child Protection Council.	Unspecified	Implemented
WA	2007	Review of the Department of Community Development(Ford Review) (2007)	68; Page 119	The State Solicitors' Office in conjunction with the Department of Child Safety and Wellbeing consider whether Section 23(2) of the Children and Community Services Act 2004 is sufficient or whether further legislative amendment is needed to give protection to Department of Child Safety and Wellbeing staff if they provide information to other interested agencies, service providers or individuals to ensure the safety and wellbeing of a child or young person.	Unspecified	Implemented
WA	2012	Special Inquiry into the response of government agencies and officials to allegations of sexual abuse, Public Sector Commission (St Andrews Hostel) (2012)	3; Page 342	That, as part of the statutory review of the Children and Community Services Act 2004 (CCS Act) and of any further consideration by Government of the provisions of the CCS Act, consideration be given to including staff of the Authority as mandatory reporters for the purposes of the CCS Act.	Unspecified (Yet to be considered)	Not implemented

Implementation of
recommendations arising from
previous inquiries of relevance to
the Royal Commission into
Institutional Responses to Child
Sexual Abuse

Final Report

Attachment C: Full List of PRC-reviewed
Recommendations by Jurisdiction

Parenting Research Centre

Commissioned by the Royal Commission into
Institutional Responses to Child Sexual Abuse



Parenting Research Centre
raising children well

This document is an attachment to the final report for the project titled ‘Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse’.

Established in 1997, the **Parenting Research Centre** (PRC) is Australia’s only national, independent non-profit research, development and implementation specialist organisation with an exclusive focus on parenting and families. The PRC is dedicated to gathering scientific knowledge of effective parenting and developing practical programs to help all parents raise happy, healthy children. The PRC’s work focuses on supporting the efforts of practitioners, managers, organisations and governments to effectively and sustainably adopt and implement evidence-informed practices and programs.

Disclaimer

The views and findings expressed in this report are those of the author(s) and do not necessarily reflect those of the Royal Commission. Any errors are the author’s responsibility.

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Royal Commission
into Institutional Responses
to Child Sexual Abuse

Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme eight.

The research program means the Royal Commission can:

- Obtain relevant background information
- Fill key evidence gaps
- Explore what is known and what works
- Develop recommendations that are informed by evidence and can be implemented, and respond to contemporary issues.

For more information on this program, please visit www.childabuseroyalcommission.gov.au/research

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Attachment C: Full List of PRC-reviewed Recommendations by Jurisdiction

Australian Capital Territory

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
ACT	2003	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)	25; Page xix	9.22. The Committee recommends that the Government: i. Investigate ways to streamline the procedural mechanisms for mandatory reporting; ii. Develop and implement a protocol for responding to instances where mandated persons have failed to report abuse; and iii. Review the penalty within the Act for the offence of failing to report a suspected case of abuse.	Partially implemented
ACT	2003	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)	28; Page xix	9.56. The Committee recommends that the Government expand the “official visitor role” to all children and young people in residential facilities and consult with stakeholders, in Particular children and young people in these facilities, about a more appropriate name for this role.	Partially implemented
ACT	2003	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on	6; Page xiv	5.36. The Committee recommends that the Government investigate and report on the feasibility of a secure residential treatment facility for young people engaging in sexually offending behaviour, with specialist staffing, by March 2004.	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		Community Services and Social Equity, August 2003)			
ACT	2004	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT	2.2; Pages 16-17	The Review recommends that s. 161(3) of the <i>Children and Young People Act 1999</i> be amended so as to ensure that the Chief Executive <i>must</i> act in relation to a report made to him or her under s. 158 or s. 159 in relation to a child or young person for whom the Chief Executive has parental responsibility.	Implemented in full
ACT	2004	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT	8.24; Pages 185-187	The Review recommends that a statutory Commission for Children and Young People in the ACT be established with advocacy, investigation and intervention powers together with a Tribunal power.	Implemented in full
ACT	2004	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT	8.6; Pages 156-157	The Review recommends that the Children and Young People Act be amended to provide the Children's Services Council with a specific overview role for care and protection services and to allow the Council to share the Territory Parent responsibility. Council members should be remunerated in accordance with their responsibilities.	Not implemented
ACT	2004	Review of the Safety of Children in Care in the ACT and of ACT	3.7; Pages 41-45	The Review recommends that a charter of rights be developed within the Children and Young People Act 1999; it should encapsulate	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		Child Protection Management (Territory as parent), 14 May 2004, ACT		the rights of children subject to the Act in relation to their health, wellbeing and Participation in decisions about their lives.	
ACT	2004	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)	6.1	All Family Services records are separated from the Department of Education (this may occur as Child Protection and Youth Justice relocates to the Chief Minister's Department). The records should be located with, or adjacent to, the Centralised Intake Service. This would allow the CIS to access appropriate files when reports are received (to improve decision making) as well as allow caseworkers undertaking appraisals immediate access to client information. This should include all Family Services clients, both past and present, as well as Youth Justice files (in relation to record keeping and storage).	Implemented in full
ACT	2004	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)	6.3; Page xxiii	Training is provided to all workers regarding the importance of appropriate client file maintenance and the Centralised Intake Service. There needs to be consistent and accessible guidelines about the recording and storing of information and records management.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
ACT	2004	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)	8.4; Page xxv	"When a child is on an order and there is a report of harm being caused to them by an adult in the place of residence, a special appraisal needs to be conducted regardless of whether the child is living at home or in care."	Implemented in full
ACT	2004	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)	9.9; Page xxvii	"Investigation is undertaken to develop systems for employment screening, similar to 'Working With Children Checks' conducted by the NSW Commission for Children and Young People."	Implemented in full
ACT	2004	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)	9.13; Page xxvii	"There is a review of the Abuse in Care Policy and protocols with nongovernment agencies, Foster Care Association and CREATE Foundation. Develop protocols procedures in which Family Services and nongovernment agencies roles in assessing and actioning recommendations of concerns and abuse in care allegations are clearly defined and followed up."	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
ACT	2004	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)	6.5; Page xxiii	When a document or case note is entered on a client file, it should be automatically linked, or be able to be viewed, in all other sections.	Partially implemented

Commonwealth

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	1997	Management Response to Allegations of Paedophile Activity within the Foreign Affairs Portfolio: Report to the Public Service Commissioner, Pamela O'Neil, May 1997	12.1; Page 269 & 270	<p>I recommend that agencies, in consultation with the relevant staff associations and unions and the PSMPC, develop a complaints procedure, including a procedure for the handling of allegations of a breach of the Code of Conduct. The procedure should incorporate the following elements:</p> <ul style="list-style-type: none"> - an acknowledgement that there are ways of dealing with matters of personal behaviour, Particularly of a less serious nature, which do not involve employing the formal process prescribed by the Public Service Act; - the need to identify allegations which are of relevance to the employer. If the view is taken that an allegation is not of relevance to the employer the person making the allegation should be informed; - the need for respect for privacy and for the requirements of natural justice and procedural fairness to be observed in the handling of any allegations of misconduct; - the need for matters to be dealt with speedily. The facts need to be established before memories fade; - an allegation involving a possible breach of Australia criminal law, and which is of relevance⁵⁰⁹ to the employer, should be reported to the appropriate law enforcement authority; and - there should be a preference for regarding 	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				<p>an allegation of misbehaviour as a misconduct matter, in addition to any requirement for dealing with the matter in some other manner.</p> <p>Agencies should ensure that they have in place appropriate awareness programs to provide staff and, where appropriate, members of their households, with necessary information about personal behaviour, complaints mechanisms and related matters. Suitable induction programs and refresher programs should also be provided.</p>	
CTH	1997	Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997)	14; Pages 261-263	<p>That monetary compensation be provided to people affected by forcible removal under the following headings.</p> <ol style="list-style-type: none"> 1. Racial discrimination. 2. Arbitrary deprivation of liberty. 3. Pain and suffering. 4. Abuse, including physical, sexual and emotional abuse. 5. Disruption of family life. 6. Loss of cultural rights and fulfilment. 7. Loss of native title rights. 8. Labour exploitation. 9. Economic loss. 10. Loss of opportunities. 	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	1997	ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process (1997)	268; Paragraphs 20.90-20.9	The national standards on juvenile justice should provide that an Official Visitors scheme be attached to every juvenile detention centre and visit detention centres regularly, preferably fortnightly. Implementation. The Attorney-General through SCAG should encourage States and Territories to adopt these measures	Not implemented
CTH	1997	ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process (1997)	6; Paragraphs 7.33-7.43	Each State and Territory should ensure that there are appropriate mechanisms, vested in either newly established or existing bodies, to: <ul style="list-style-type: none"> • handle complaints by or on behalf of children concerning the conduct of that State's or Territory's authorities including conduct of employees and omissions or failures to act by authorities 	Undetermined
CTH	1998	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998	116; webpage (Table of Contents: s)	We urge the Federal Government of Australia to initiate an inquiry into post-war practices in institutions such as Bindoon and Neerkol, with a view to establishing the truth behind allegations of physical, mental and sexual abuse; discovering the names of any perpetrators; and prosecuting any surviving members of staff against whom evidence is available.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	1998	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998	111; webpage (Table of Contents)	Markedly different views have been expressed to us by former child migrants about the issue of compensation payments. Many believe that such a measure might impede the provision of records if governments or agencies become unduly nervous about the financial consequences of irregularities or indiscretions contained therein. We therefore do not recommend a compensation payment. Matters concerning identity and background are much more important to former child migrants. However, we would expect the full weight of the law to be felt in cases where physical and sexual abuse against former child migrants can be proven, Courts should award the maximum possible damages when a conviction is obtained. We would like to see Statutes of Limitation suspended in all cases related to the abuse of former child migrants.	Undetermined
CTH	1998	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998	113; webpage (Table of Contents)	We ask the governments of Canada, New Zealand and Australia to consider giving financial support to organisations in their respective countries who represent the interests of former child migrants.	Undetermined
CTH	2001	Inquiry into Immigration	1; Page 42	Australian Correctional Management Pty Ltd (ACM) should be asked to issue revised policy instructions to staff to incorporate the	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		Detention Procedures (Flood Inquiry), 2001		requirements of relevant State legislation on child welfare and sexual assault. The draft currently being prepared by ACM should be completed as quickly as possible and issued in all centres	
CTH	2001	Inquiry into Immigration Detention Procedures (Flood Inquiry), 2001	14; Page 43	The Contract with ACM should be amended to make it explicit that the reporting as such of allegations, instances or suspicion of child abuse has no impact whatsoever on performance payments. Performance payments should be affected by failure to report, failure to report in a timely way and of course by poor management of an allegation, instance or suspicion of child abuse.	Implemented in full
CTH	2001	Lost Innocents: Righting the Record – Report on Child Migration (2001)	1; Page 2-5, 8-9	That the Commonwealth Government urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and that the Senate Social Welfare Committee’s 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2004	Complaint by a young person (under the age of 18) of an incident involving unacceptable behaviour at a Navy training establishment in mid-1996 (2004)	4; Page 1	The RAN instructions in relation to the investigation of alleged sexual assault be revised to require that such cases be referred to the civilian police at an early stage	Implemented in full
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	1; Page 181-197	That the Commonwealth Government issue a formal statement acknowledging, on behalf of the nation, the hurt and distress suffered by many children in institutional care, particularly the children who were victims of abuse and assault; and apologising for the harm caused to these children.	Implemented in full
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	8; Page 232, 237-238	That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to: <ul style="list-style-type: none"> • investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority; • review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability; • publicise the existence of Church-sponsored complaints mechanisms widely throughout the community. 	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	4; Page 207, 213	That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	6; Page 214-227	<p>That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:</p> <ul style="list-style-type: none"> • the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately; • the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme; • a board be established to administer the scheme, consider claims and award monetary compensation; • the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred; • the board should have regard to whether legal redress has been pursued; • the processes established in assessing claims be non-adversarial and informal; and • compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings. 	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	2; Page 181-198	That all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children, and the hurt and distress suffered by the children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.	Partially implemented
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	11; Page 241-251	That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault, including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations; And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report's tabling, that the Commonwealth Government then, following consultation with state and	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				<p>territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission:</p> <ul style="list-style-type: none"> • be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; and • be narrowly conceived so as to focus within these institutions, on <ul style="list-style-type: none"> — the nature and extent of criminal physical assault of children and young persons, including assault leading to death; — criminal sexual assault of children and young persons; — and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations. 	

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	3; Page 199-205, 213	That State Governments review the effectiveness of the South Australian law and consider amending their own statutes of limitation legislation to achieve the positive outcomes for conducting legal proceedings that have resulted from the amendments in the South Australian jurisdiction. [NOTE: The South Australia law was the Criminal Law Consolidation (Abolition of Time Limit for the Prosecution of Certain Sexual Offences) Amendment Act 2003 (SA) which removed a 3 year limitation period for the prosecution of sexual offences committed between 1952-1982. It was used in 2004 to prosecute 9 people for child sexual abuse committed in the 1950s and 1960s)	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)	7; Page 228-238	<p>That all internal Church and agency-related processes for handling abuse allegations ensure that:</p> <ul style="list-style-type: none"> • informal, reconciliation-type processes be available whereby complainants can meet with Church officials to discuss complaints and resolve grievances without recourse to more formal processes, the aim being to promote reconciliation and healing; • where possible, there be independent input into the appointment of key personnel operating the schemes; • a full range of support and other services be offered as part of compensation/reparation packages, including monetary compensation; • terms of settlement do not impose confidentiality clauses on complainants; • internal review procedures be improved, including the appointment of external appointees independent of the respective Church or agency to conduct reviews; and • information on complaints procedures is widely disseminated, including on Churches' websites. 	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Protecting Vulnerable Children – A National Challenge, second report of the inquiry into children in institutional or out-of-home care (2005)	17; Page 183-19	<p>The Commonwealth establish a national commissioner for children and young people to drive a national reform agenda for child protection. In doing so, the national commission should:</p> <ul style="list-style-type: none"> • bring together all stakeholders, including the States and Territories, child protection professionals and researchers and peak organisations, to establish an agenda for change including the identification of key areas of concern; • encourage the development of innovative models within the child protection system; and • encourage State and Territory Governments to work toward harmonising child protection legislation, including agreement on common definitions. 	Implemented in full
CTH	2005	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)	2; Page 13-21, 38, 39	That legal advice on care for minors be used to develop a Defence Instruction (General) (DI(G)) that would define the ADF's responsibilities for the administration of minors. It should include examples of the risks associated with care of minors that must be covered in any service arrangements to give effect to the DI(G).	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)	3; Page 13-21, 38, 39	That, consistent with good administrative practice, each service develop its own Instruction identifying how minors will be managed within service personnel management and training structures. The DI(G) should address risks specifically associated with that service. It should inform the development of procedures to manage those risks within individual training establishments.	Partially implemented
CTH	2005	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)	4; Page 23, 33-34, 38, 40	That comprehensive and accurate information about the ADF's duty of care for minors (and what this means within each service and training establishment, where appropriate) be provided for all potential enlistees who are minors, and their parents/guardians. This information should include examples of how the duty of care will be delivered day-to-day, as well as the limits of the ADF's responsibilities.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)	7; Page 27-32, 40, 42-43	<p>That the ADF review accessibility of support arrangements for minors, including:</p> <ul style="list-style-type: none"> • Conducting surveys of the opinions of minors on current arrangements. Surveys should be anonymous, include minors who do not complete their training, and provide the option for free comment on barriers to access. Given that many minors lack broad life experience, it would also be appropriate to suggest options for improvement, on which they can comment. Examples could include greater access to their families (such as more opportunity for telephone contact) and tighter confidentiality when a problem is raised. • Analysing factors, which contribute to successful support arrangements for minors; and using these as a basis for developing a best practice model for application across the ADF. • Regularly seeking feedback from minors to ensure high standards set by the best practice model are maintained. Results from feedback should be consolidated across all services and form the basis of an annual report to the Chief of the Defence Force on the effectiveness of support arrangements for minors. 	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission	3-1, Page 26	The National Judicial College, the Judicial College of Victoria, the Judicial Commission of New South Wales and the state and territory law societies and bar associations should consider conducting educational programs about the policy underlying the approach of the uniform Evidence Acts to admissibility of evidence. The Inquiry also identified the following areas as warranting consideration: - the nature of sexual assault, including the context in which sexual offences typically occur, and the emotional, psychological and social impact of sexual assault.	Implemented in full
CTH	2005	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission	9-1; Page 29	9. The Opinion Rule and its Exceptions 9-1 - Section 79 of the uniform Evidence Acts should be amended to provide that, to avoid doubt, the provision applies to evidence of a person who has specialised knowledge of child development and behaviour (including specialised knowledge of the effect of sexual abuse on children and of their behaviour during and following the abuse), being evidence in relation to either or both of the following: (a) the development and behaviour of children generally; (b) the development and behaviour of children who have been the victims of sexual offences, or offences similar to sexual offences.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2005	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission	15-6; Page 33	15. Privilege: Other Privileges 15-6 - The sexual assault communications privilege should apply to any compulsory process for disclosure, such as pre-trial discovery and the production of documents in response to a subpoena and in non-curial contexts including search warrants and notices to produce documents, as well as court proceedings.	Partially implemented
CTH	2005	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission	18-2; Page 34	18. Comments, Warnings and Directions to the Jury 18-2 - The uniform Evidence Acts should be amended to include provisions dealing with warnings in respect of children's evidence similar to those contained in ss 165(6), 165A and 165B of the Evidence Act 1995 (NSW). Section 165B should be amended to make it clear that a trial judge is not to give a warning about the reliability of the evidence of a child solely on account of the age of the child.	Implemented in full
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	1; Page 13, 16-20, 208-210	The Committee recommends that the Commonwealth government issue a formal acknowledgement and expression of regret to former child migrants in accordance with recommendation 30 of the Lost Innocents report; and that this statement be issued in	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				conjunction with, or as a part of, a broader Commonwealth apology to people who experienced abuse and/or neglect in institutional or out-of-home care as children.	
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	3; page 15, 32-33, 57-62, 85, 87, 95-97, 116-117, 127-130, 141, 182, 197-200, 211-212	The Committee recommends that the Prime Minister write to relevant churches and religious agencies requesting that they provide formal statements concerning the need for such bodies to make reparation to children who suffered abuse and neglect in their care in the last century, and addressing in particular the issues of apology, redress and provision of services to care leavers, and the implementation of the recommendations of the Forgotten Australians report; the Committee further recommends that the Prime Minister cause the statements provided by churches and religious agencies to be collated and tabled in parliament.	Not implemented
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	4; Page 34-56, 212-214	The Committee recommends that the Commonwealth government pursue all available policy and political options to ensure that South Australia, New South Wales and Victoria establish redress schemes for people who suffered neglect and/or abuse in institutional settings or out-of-home care in the last century; and that the remaining States make provision to ensure continued receipt of redress claims.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	5; Page 34-56, 212-215	The Committee recommends that the Commonwealth government pursue the establishment of State redress schemes through the Council of Australian Governments (COAG) and other appropriate national forums.	Not implemented
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	15; Page 223-226	The Committee recommends that the Ministerial Council for Police and Emergency Management (Police) develop and implement a national policy on the prosecution of, and data collection and sharing about, historical crimes of sexual and physical abuse of children in care; and that the establishment or further development of specialist State police units be considered as part of this policy development process.	Partially implemented
CTH	2009	Lost Innocents and Forgotten Australians Revisited (2009)	6; Page 57-62, 215-216	The Committee recommends that churches take steps to ensure that processes for handling abuse allegations are consistent across all jurisdictions; and that such processes conform to recommendation 7 of the Forgotten Australians report.	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2010	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)	25–1; Pages 1130-1136	State and territory sexual assault provisions should include a wide definition of sexual intercourse or penetration, encompassing: (a) penetration (to any extent) of the genitalia (including surgically constructed genitalia) or anus of a person by the penis or other body part of another person and/or any object manipulated by a person; (b) penetration of the mouth of a person by the penis of a person; and (c) continuing sexual penetration as defined in paragraph (a) or (b) above.	Undetermined
CTH	2010	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)	25–2; Pages 1136-114	Federal, state and territory sexual offence provisions should provide a uniform age of consent for all sexual offences.	Undetermined
CTH	2010	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)	25–8; Pages 1176-1181	State and territory legislation dealing with sexual offences should state that the objectives of the sexual offence provisions are to: (a) uphold the fundamental right of every person to make decisions about his or her sexual behaviour and to choose not to engage in sexual activity; and (b) protect children, young people and persons with a cognitive impairment from sexual exploitation.	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2011	2011 Immigration detention at Villawood. Summary of observations from visit to immigration detention facilities at Villawood (Australian Human Rights Commission)	16; Page 32	DIAC should ensure that all relevant DIAC officers and staff members of detention service providers are provided with a localised policy setting out the requirements, procedures and contact details for making child welfare and protection notifications in relation to concerns that arise in respect of children in immigration detention in the location in which they work.	Implemented in full
CTH	2011	Report on the Review into the Treatment of Woman in the Australian Defence Force Academy - Phase 1 , October 2011, Australian Human Rights Commission	22	ADFA, in collaboration with an expert educator, provide cadets with interactive education on: <ul style="list-style-type: none"> a. respectful and healthy relationships, and sexual ethics b. the meaning, inappropriateness and impact of sexist language and sexual harassment c. the meaning of consent d. the appropriate use of technology e. stalking, controlling and threatening behaviours and evaluate the effectiveness of this education every two years with an external evaluator and assess it against key indicators that measure attitudinal and behaviour change. 	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2011	Report of the Review of allegations of sexual and other abuse in Defence - Facing the problems of the past: Volume 1 - General findings and recommendations, Rumble; McKean & Pearce, October 2011 (prepared for the Department of Defence)	2; Page 1	<p>The Review recommends that Phase 2 undertake discussions with Defence as a matter of urgency with a view to the clarification and, if necessary, amendment of DI(G) PERS 35-4 to permit administrative action to be taken in respect of actions which may constitute sex offences under applicable criminal law. The other DI(G)s that seem to be relevant to these issues should also be examined.</p> <p>Consideration should be given to having a DI(G) which directs the relevant Commanding Officer to consider taking administrative action even though the same incident has also been referred to civilian police and to review the status of the matter at regular intervals to see whether administrative action should be taken.</p> <p>Regard should be had to the desirability of Defence procedures following the APS model for running administrative processes during or after criminal processes for the same facts. A broader examination should be undertaken of the management of actions which may be sexual offences under applicable criminal law and 'unacceptable behaviour' and the relevant DI(G)s redrafted to provide simpler and appropriate advice and guidance to management. (page 145).</p>	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2011	Report of the Review of allegations of sexual and other abuse in Defence - Facing the problems of the past: Volume 1 - General findings and recommendations, Rumble; McKean & Pearce, October 2011 (prepared for the Department of Defence)	10; Page liii	<p>A suite of options should be adopted to provide means for affording reparation to persons affected by abuse in Defence comprising:</p> <ul style="list-style-type: none"> • public apology/acknowledgements; • personal apology; • capped compensation scheme; • facilitated meeting between victim and perpetrator; • health services and counselling. <p>A body or team should be tasked to develop detailed proposals for the suite of options, so that they may be presented for a decision on implementation.</p> <p>While the suite of options are being developed, there should be further external investigation of matters recommended in Volume 2 for further external investigation. There could be referral of matters recommended for internal/external referral. Volume 2 recommendations are limited to existing options.</p> <p>Accordingly, matters recommended for 'no further action' in Volume 2 should be 'held', pending the development of the proposals and then - where appropriate - considered for possible action under any new processes adopted. There should be appropriate communication to complainants as to what will happen during the transition stage and into Phase 2. (page 194)</p>	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
CTH	2011	Disability Care and Support: Productivity Commission Inquiry Report Volume 1, No. 54, 31 July 2011, Australian Government Productivity Commission	15.3; Page 87	Drawing on the system currently in place for working with children, Australian governments should ensure that police checks and other safeguards should be implemented that target the risk of abuse of vulnerable people with disabilities, and cover those relevant workers for a given period, rather than for a particular job.	Undetermined
CTH	2012	Report on the Review into the Treatment of Woman in the Australian Defence Force: Phase 2 Report - 2012, Australian Human Rights Commission	2 (3); Page 24	COSC should articulate and communicate a strong and unambiguous commitment to the effect that: <ul style="list-style-type: none"> • Every sexual offender and harasser will be held to account together with leaders who fail to appropriately address the behaviour. 	Implemented in full
CTH	2012	Report on the Review into the Treatment of Woman in the Australian Defence Force: Phase 2 Report - 2012, Australian Human Rights Commission	21; Page 37	COSC should amend all policies addressing the waiver of Initial Minimum Provision of Service and Return of Service Obligations to ensure that a member who has made a decision to discharge from the ADF because of sexual assault or sexual harassment, is able to do so expeditiously and without financial penalty, upon production of supporting evidence of physical, psychological or emotional trauma.	Implemented in full

New South Wales

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NSW	1997	Royal Commission into the New South Wales Police Service: Final Report - Volume V: The Paedophile Inquiry, Commissioner: The Hon Justice JRT Wood, August 1997	8; Page 1256; Volume V: The Paedophile Inquiry	The establishment by the Police Service of a comprehensive database and information system that will support officers working in the CPEA, permit a link through the Australian Bureau of Criminal Intelligence to intelligence available on a national basis (para. 6.134), facilitate modern investigative techniques based on intelligence matching, and provide appropriate security for sensitive information (so as to avoid the existence of enclaves of hidden intelligence) (para. 6.135).	Implemented in full
NSW	1997	Royal Commission into the New South Wales Police Service: Final Report - Volume V: The Paedophile Inquiry, Commissioner: The Hon Justice JRT Wood, August 1997	62; Page 1260; Volume V: The Paedophile Inquiry	Amendment of s. 22 (4) of the Children (care and Protection) Act 1987 to remove any ambiguity or inconsistency with s. 22 (3) of the Act (para. 10.29).	Implemented in full
NSW	1997	Royal Commission into the New South Wales Police Service: Final Report - Volume V: The Paedophile Inquiry, Commissioner: The	64; Page 1260; Volume V: The Paedophile Inquiry	Exercise of greater care to ensure accuracy and honesty in relation to the issue of certificates of service and references in relation to teachers who have resigned or been dismissed in the face of allegations of child sexual abuse, and to ensure that allegations or suspicions of sexual abuse are not answered by a transfer alone (paras. 10.115 & 10.154).	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		Hon Justice JRT Wood, August 1997			
NSW	1997	Royal Commission into the New South Wales Police Service: Final Report - Volume V: The Paedophile Inquiry, Commissioner: The Hon Justice JRT Wood, August 1997	117; Page 1266; Volume V: The Paedophile Inquiry	Encouragement be given to the establishment of a National Index of Intelligence concerning paedophile offenders for use by law enforcement agencies, through the agency of the Australia Bureau of Criminal Intelligence (paras. 18.141 & 18.147).	Implemented in full
NSW	2000	NSW Ombudsman Report – Handling of Child Abuse Allegations Against Employees (May, 2000)	1; Page 13 (In Compendium this is split into 3 recs: 1a, 1b & 1c)	The DET develop an appropriate legislative, policy and administrative framework to allow it to implement a timely and effective management response to allegations against staff in the area of child protection.	Implemented in full
NSW	2000	NSW Ombudsman Report – Handling of Child Abuse Allegations Against Employees (May, 2000)	3; Page 13	Consultation with key players The DET consult with key stakeholders and relevant experts in developing an appropriate model framework.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NSW	2000	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)	2; Page 13	The Minister for Education and Training approach other Ministers with responsibility for Departments with child protection responsibilities about developing a comprehensive and consistent public sector response to allegations of child abuse against staff.	Partially implemented
NSW	2005	Review of the Child Protection Register Report under s25(1) of the Child Protection (Offenders Registration) Act 2000 (CP Register Review) (2005)	6; Page 169	That NSW Police establish and implement minimum standards for assessing monitoring and managing of registered persons. These standards should provide clear direction about the expectations of local area commands in dealing with registered persons, with a focus on the monitoring of high risk persons.	Implemented in full
NSW	2005	Review of the Child Protection Register Report under s25(1) of the Child Protection (Offenders Registration) Act 2000 (CP Register Review) (2005)	9; Page 169	That NSW Police ensure that the protocols and evaluation criteria developed for the trial of the child protection watch teams take account of the principles and practices for disclosure and sharing of information about registered persons, as well as the resourcing and support provided by participating agencies.	Implemented in full
NSW	2006	NSW Joint Investigative Response Team (JIRT) Review, November 2006 (NSW Health; NSW Police &	6; Page 18	JIRT team member(s) should meet with the child to conduct a rapport-building session prior to the formal investigative interview in order to help the child feel comfortable, facilitate communication and enable JIRT staff to assess the child's readiness and capacity to disclose.	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		NSW Department of Community Services)			
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	8.1; Page 321	The JIRT Reform Program, as set out in the Implementation Plan should be completed.	Implemented in full
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	11.1; Page 461	With respect to the Children and Young Persons (Care and Protection) Act 1998: vii. Section 29(1)(f) should be amended to permit the disclosure of the reporter's details to a law enforcement agency pursuant to the investigation of a serious crime committed upon a child or young person, where that might impact on the child's safety, welfare or well-being.	Implemented in full
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	23.5; Page 954	The class or kind agreement between the NSW Ombudsman and DoCS should be revised to require DoCS to notify only serious allegations of reportable conduct and to impose timeframes within which DoCS will investigate those allegations.	Implemented in full
NSW	2008	Special Commission of Inquiry into Child Protection Services in	24.6; Page 1000	The Children and Young Persons (Care and Protection) Act 1998 should be amended to permit the exchange of information between human services and justice agencies, and	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		NSW (Wood Inquiry) (2008)		between such agencies and the nongovernment sector, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety, welfare and well-being of a child or young person in accordance with the principles set out in Chapter 24. The amendments should provide, that to the extent inconsistent, the provisions of the Privacy and Personal Information Protection Act 1998 and Health Records and Information Privacy Act 2002 should not apply. Where agencies have Codes of Practice in accordance with privacy legislation their terms should be consistent with this legislative provision and consistent with each other in relation to the discharge of the functions of those agencies in the area of child protection.	
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	8.3; Page 322	Pending amendment of the privacy laws as recommended in Chapter 24, a Privacy Direction should be issued in relation to the JIRT process so as to facilitate the free exchange of information between the NSW Police Force, NSW Health, each Area Health Service, The Children's Hospital at Westmead and DoCS.	Not implemented
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	8.4; Page 322	NSW Health should provide an appropriately trained workforce to provide forensic medical services where needed for children and young persons who have suffered sexual assault and physical injury.	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	23.4; Page 953	Information obtained by persons appointed by the Minister as official visitors should be available to the regulator/accreditor of OOHC with appropriate procedural fairness safeguards and s.8 of Community Services (Complaints, Reviews and Monitoring) Act 1993 and clause 4 of Community Services (Complaints, Reviews and Monitoring) Regulation 2004 should be amended to achieve this outcome.	Partially implemented
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	23.6; Page 954	DoCS should centralise its Allegations Against Employees Unit and receive sufficient funding to enable this restructure, and to resource it to enable it to respond to allegations in a timely fashion.	Partially implemented
NSW	2008	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)	23.8; Page 954	The Commission for Children and Young People Act 1998 should be amended to require background checks as follows: a. in respect of DoCS and other key human service agencies all new appointments to staff positions that work directly or have regular contact with children and young persons (that is, permanent, temporary, casual and contract staff held against positions including temporary agency staff) b. any contractors engaged by those agencies to undertake work which involves direct unsupervised contact to children and young persons, and, in the case of DoCS, access to the KiDS system or file records on DoCS clients c. students working with DoCS officers	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				d. children’s services licensees e. authorised supervisors of children’s services f. principal officers of designated agencies providing OOHC or adoption agencies g. adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers h. volunteers in high risk groups, namely those having extended unsupervised contact with children and young persons.	

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NSW	2010	NSW Ombudsman Report – Improving probity standards for funded organisations (December, 2010)	1; Page 27	<p>In consultation with the non-government sector and the Department of Health, the Department of Human Services should develop and implement a more consistent probity checking system for organisations that are funded in the health and human services sector. The development of such a system should:</p> <ul style="list-style-type: none"> a. explore the scope for clearly articulating critical baseline probity checking requirements, in order to promote consistent and efficient practice, and have regard to the observations outlined in section 3.3.1 of this report. b. include clear guidelines which promote good practice and deal with a range of practical issues including (but not necessarily limited to): <ul style="list-style-type: none"> i. who and what should be checked, and how the checks should be done. ii. assessing those risks which are identified from criminal record checks and past employment-related and referee checks: including factors to consider when determining whether any offences or other relevant conduct should affect the suitability of an applicant for a position and, where risks factors are identified and an appointment is still made, how to manage any related risks. iii. the expectations of employers in relation to completing and recording employment proceedings and disciplinary matters in cases where an employee who is the subject of serious allegations, resigns before a matter is finalised. iv. the requirements on, and expectations of, 	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				<p>previous employers who are asked to provide references; including details relating to what information they should (and should not) provide; and the need for full and frank disclosure.</p> <p>v. the requirements on, and expectations of, prospective employers in relation to carrying out previous employment and other referee checks, including the nature of the information that they should seek (and how best to obtain it).</p> <p>vi. processes for requiring declarations from those seeking appointments/employment as part of the pre-appointment checking process.</p> <p>vii. requirements in relation to accessing, recording and maintaining information from various sources during and after checking processes. These requirements should adequately reflect relevant privacy considerations and outline good practice in this regard, including the circumstances in which it is appropriate to obtain consent.</p> <p>viii. documenting decision-making processes.</p> <p>ix. critical procedural fairness requirements, and review mechanisms for individuals who have been refused employment on the basis of probity issues identified through criminal record or other probity checks."</p>	

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NSW	2010	NSW Ombudsman Report – Improving probity standards for funded organisations (December, 2010)	2; Page 28	As part of developing a more consistent, efficient and rigorous probity checking system, the Department of Human Services should: <ul style="list-style-type: none"> a. reach agreement with the non-government sector regarding the best strategies for: <ul style="list-style-type: none"> i. ensuring compliance with mandatory probity checking requirements. ii. promoting best practice not only in relation to probity checking but also in connection with strengthening risk management and accountability systems more generally, and iii. monitoring the implementation by funded agencies of practice requirements (and the adoption of best practice). b. have regard to the issues canvassed in section 3 of this report in relation to: <ul style="list-style-type: none"> i. additional or extended checking ii. criminal record checking of existing appointees iii. current triggers for checks, and iv. a centralised approach to probity checking." 	Implemented in full
NSW	2010	NSW Ombudsman Report – Improving probity standards for funded organisations (December, 2010)	6; Page 28	Ageing Disability and Home Care (ADHC), as an agency of the Department of Human Services, provide advice to Government on the best way of effectively dealing with the current shortcomings of the Community Services Regulation 2010, insofar as it fails to require that all existing licensees, licensed managers and direct care staff of licensed boarding houses be subject to criminal record checks.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NSW	2010	NSW Ombudsman Report – The need to better support children and young people in statutory care who have been victims of violent crime (June, 2010)	1; Page 14	Consider whether an amendment to s78 of the Children and Young Persons (Care and Protection) Act 1998 – which would require care plans to consider the issue of victims compensation – is warranted. If so, Community Services should pursue this issue with the Minister for Community Services.	Implemented in full
NSW	2010	NSW Ombudsman Report – The need to better support children and young people in statutory care who have been victims of violent crime (June, 2010)	2; Page 14	Review its practice guidelines in relation to children and young people who have been victims of violent crime. The review should ensure: <ul style="list-style-type: none"> a. the guidelines reflect the agency’s recent directive that legal officers are now required to identify children and young people with potential claims for victims compensation during care proceedings. b. the responsibilities of legal officers and other relevant staff, and the timeframes for identifying children with potential compensation claims, are clearly stated. c. the responsibilities and timeframes of legal officers and caseworkers for taking the claim forward once identified are clearly stated. 	Implemented in full
NSW	2012	NSW Ombudsman Report - Responding to Child Sexual Assault in Aboriginal Communities (2012)	14; Page 82	That Community Services improves the guidance in the Mandatory Reporter Guide in relation to the reporting of diagnosed STIs in children in light of our observations in Chapter 7 of this report.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NSW	2012	NSW Ombudsman Report - Responding to Child Sexual Assault in Aboriginal Communities (2012)	76; Page 239	That the NSW Police Force conducts a review of the current capacity of individual local area commands to effectively manage their responsibilities in administering the Child Protection Register.	Not implemented
NSW	2012	NSW Ombudsman Report - Responding to Child Sexual Assault in Aboriginal Communities (2012)	77; Page 239	That the NSW Police Force identifies best practice by local area commands in managing the Child Protection Register and develops a process for sharing information about successful initiatives across commands.	Not implemented
NSW	2013	Prevention of abuse and safeguarding mechanisms in Ageing Disability and Home Care (21 January 2013)	2; Page 8	<p>Develop training modules for ADHC staff and managers that establish understanding, skills and capabilities in preventing and responding to abuse:</p> <p>Revise the ADHC induction program to include comprehensive information on the rights of people with a disability, what constitutes abuse and neglect, the impact of abuse and neglect on a person, enablers and staff accountabilities in preventing and responding to abuse.</p> <ul style="list-style-type: none"> • Develop a learning and development module focused on the practical requirements of the care and support role, Particularly in the provision of interventions that can require physical contact to prevent the incidence of inadvertent physical harm. • Develop a learning and development module focused on supporting managers in understanding and undertaking their role in the management and response to incidences of 	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				abuse and neglect and investigation procedures Re-introduce the requirement for the Code of Conduct to be signed on an annual basis, supported by mandatory information and education sessions prior to signing.	
NSW	2013	Prevention of abuse and safeguarding mechanisms in Ageing Disability and Home Care (21 January 2013)	4; Page 9	<p>Collect new data on misconduct, abuse and neglect to inform organisational understanding, management and response. This should include:</p> <ul style="list-style-type: none"> • change the current categorisation of offence and misconduct to differentiate the types of misconduct • collect data that provides information and understanding of the contextual factors, causes, precursors and enablers associated with individual cases of misconduct, abuse and neglect • collect data on the outcomes of actions undertaken in the course of an investigation to support a person to report an allegation and respond to trauma and harm experienced by the victim • communicate the outcomes and findings of investigations into abuse and neglect across the organisation to reinforce awareness and demonstrate the consequences of misconduct and create a deterrent effect. 	Not implemented

Northern Territory

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	27; Page 44	Further consideration should also be given to the introduction of education on these issues into undergraduate and post-graduate legal training.	Implemented in full
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	28; Page 44	A recommendation regarding the inclusion of education on these issues in undergraduate and post-graduate legal training should be forwarded to the Northern Territory University Faculty of Law.	Implemented in full
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	18; Page 43	The Territory should provide specialist training for prosecutors concerning their role in relation to the victims of sexual assault, Particularly children	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	19; Page 43	The purpose of such training should be twofold: I. to ensure those involved in prosecuting sexual offences are appropriately skilled in this area of work, and able present matters before the courts competently and effectively; and II. to ensure those involved in the prosecution of sexual offences are aware of the dynamics and psychological aspects that apply to victims of sexual assault, particularly children.	Not implemented
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	20; Page 44	Such training should be structured and delivered with an awareness of the legal limitations placed upon prosecutors and their necessary objectivity in presenting materials before the court.	Not implemented
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	21; Page 44	Such training should recognise that the prosecutor cannot replace the support and assistance offered to victims of sexual assault through the Victim Support Unit.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	22; Page 44	The Territory should provide training for all legal and judicial officers aimed at ensuring an awareness of the dynamics and psychological aspects that apply to victims of sexual assault, particularly children. No suggestion, however, should be made that judges or magistrates are obliged to undertake any such training.	Not implemented
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	24; Page 44	Such training should also allow for the consideration of issues related to victims of sexual assault and the impact of: <ul style="list-style-type: none"> • cultural background; • physical ability; • intellectual disability; or • gender. 	Not implemented
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	25; Page 44	Training should be delivered in a manner that allows it to be accessed by legal and judicial officers located outside Darwin.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	26; Page 44	Training should be delivered by training providers, who have previous experience in the delivery of training regarding the dynamics and psychological aspects that apply to victims, including child victims of sexual assault, and in the delivery of training to legal and judicial officers.	Not implemented
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	29; Page 44	That in considering future appointments to the judiciary or magistracy the Attorney-General may consider inter alia, the potential capacity of any person (whether by training or personality) to understand and appreciate the special problems associated with cases of sexual assault.	Not implemented
NT	1999	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)	31; Page 53	That the Government sponsor a vigorous campaign to educate and alert the public to the tragedies and traumas experienced by victims of sexual assault, particularly children, to the means of identifying such cases and to the necessity to report such cases.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NT	2007	Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)	8; Pages 89, 93	That employment screening be mandatory for all employed persons and volunteers working with children as described in the draft Care and Protection of Children Bill 2007.	Implemented in full
NT	2007	Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)	9; Pages 89-91, 93	That a position of Commissioner for Children and Young People be established, with duties and responsibilities as described in the draft Care and Protection of Children Bill 2007. The Inquiry further recommends that: a. The Commissioner should have a broad role not limited to individual complaints handling with the power to conduct inquiries into any issues affecting children and young people in the Northern Territory, but with an emphasis on child protection and child abuse prevention	Implemented in full
NT	2010	Growing them strong, together: promoting the safety and wellbeing of the Northern Territory's Children (2010)	11.1; Page 428-430, 438-447	That the Act be amended to: 1. provide a workable framework that permits and encourages the exchange of information between public sector organisations, between these organisations, the non-government sector and, where appropriate, individual community members, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety and/ or wellbeing of a child or young person; and 2. provide that, to the extent that provisions are inconsistent, the Information Act (NT) should not apply.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NT	2010	Growing them strong, together: promoting the safety and wellbeing of the Northern Territory's Children (2010)	4.3; Page 129	That there is recognition in the Care and Protection of Children Act of the functions of an Aboriginal agency or agencies or other recognised entities.	Not implemented
NT	2010	Growing them strong, together: promoting the safety and wellbeing of the Northern Territory's Children (2010)	13.6; Page 527-529	That a community visitor model be implemented to involve a sampling of children in out of home care (OOHC) with a view to informing the Children's Commissioner about OOHC issues from the perspective of the visitor, and also from the children being visited.	Not implemented
NT	2010	Growing them strong, together: promoting the safety and wellbeing of the Northern Territory's Children (2010)	9.40; Page 371	That an independent body is auspiced to review investigations into allegations of 'abuse in care' undertaken by the Department of Health and Families. The Office of the Children's Commissioner would be an appropriate body to take on this role.	Partially implemented
NT	2011	A Life Long Shadow. Report of an investigation of the child protection authority (2011)	1; 56, 20	That Section 34 of the Care and Protection of Children Act (CPC Act) be amended to extend the authority of the CPA to request information: 'that may be relevant in connection with or incidental to a child's wellbeing', or 'relevant to information received about a child'.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
NT	2011	A Life Long Shadow. Report of an investigation of the child protection authority (2011)	2; Page 56, 207	That a provision is inserted into Section 34 of the CPC Act to allow the CEO: 'to make those inquiries of any other persons who may reasonably be expected to have information about a child'.	Implemented in full
NT	2011	A Life Long Shadow. Report of an investigation of the child protection authority (2011)	4; Page 101-102, 207	Further that Section 15(2) of the CPC Act define harm to include: 'A child or young person of school going age frequently does not attend school without a reasonable excuse'.	Not implemented
NT	2011	A Life Long Shadow. Report of an investigation of the child protection authority (2011)	5; Page 101-102	That Section 26 of the Care and Protection of Children Act be amended to extend the mandatory reporting requirement to frequent non-attendance at school without a reasonable excuse.	Not implemented
NT	2011	Report: Review of Vulnerable Witness Legislation (Department of Justice, June 2011)	8; 28	That an amendment be made to the Sexual Offences (Evidence and Procedure) Act in response to the High Court's decision in Crofts to provide clear guidance as to the directions, if any, that should be given to the jury in relation to the timing of a complaint.	Not implemented

Queensland

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations.	32; Page 9	That the title official visitor be changed to 'community visitor';	Implemented in full
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations.	34; Page 9	That the community visitor program be extended to cover children and young people who live in residential facilities but who aren't subject to statutory care orders;	Implemented in full
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act	35; Page 9	That the role and purpose of community visitors be to develop trusting relationships with children and young people in residential facilities to facilitate their ability to advocate on the child's or young persons behalf as necessary;	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		1996: Report and Recommendations.			
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations.	36; Page 9	That community visitors be authorised to facilitate 'on-site' resolution of complaints and to refer serious matters to the Commission in accordance with formal protocols and guidelines;	Implemented in full
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations.	37; Page 9	That community visitors be authorised to access otherwise confidential information held at residential facilities about the children and young people who reside there, subject to the same overarching principles and confidentiality requirements as other Commission staff;	Implemented in full
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act	38; Page 9	That the Act oblige the management and staff of residential facilities to cooperate with community visitors in the exercise of their functions;	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		1996: Report and Recommendations.			
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations.	33; Page 9	That private homes be generally exempt from the community visitor program but be included if: <ul style="list-style-type: none"> • more than a specified number of unrelated children and young people, say four or more, are placed in the same foster home; and • a private home is providing accommodation for a child in care and a complaint has been made which hasn't been or cant reasonably and practicably be resolved by internal grievance processes; 	Partially implemented
QLD	1999	Briton, J., Gordon, P., Parker, S., & Airo-Farulla, G. (1999). Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996: Report and Recommendations.	39; Page 9	That consideration be given to 'harmonising' the legislative and administrative frameworks applying to community visitor and like programs under the Children's Commission and juvenile justice Acts and envisaged adult guardianship and mental health legislation;	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	3; Page xiv	That the Government consider including, as a requirement of their accreditation, that non-government schools have in place adequate policies for responding to suspicions or disclosures of child sexual abuse (see also Recommendations 12 and 16).	implemented
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	8; Page xiv	That the Queensland Government commit greater resources to custody-based treatment programs for child sex offenders to enable all eligible inmates to participate in the program.	Implemented in full
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	9; Page xiv	That the Queensland Government increase funding for the Community Corrections Sex Offenders' program so that: <ul style="list-style-type: none"> • it will be more widely available as an option for courts to include as part of a community-based sentence in appropriate cases; and • it will provide more comprehensive treatment for offenders released from prison. 	Implemented in full
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	10; Page xiv	That the Government establish a working party including representatives from the Department of Corrective Services, the QPS and Families Youth and Community Care Queensland, and other relevant government and community agencies, to develop a coordinated response to the treatment, monitoring and supervision of child sex offenders in the community.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	11; Page xiv	That the working party referred to in Recommendation 2 also develops appropriate employment screening policies for non-government schools, taking into account the legislative requirements for other child-related employers under the proposed Commission for Children and Young People Act (see Recommendation 15).	Implemented in full
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	12; Page xiv	That the Government consider including, as a requirement of accreditation, that non-government schools have in place adequate policies for employment screening (see also Recommendations 3 and 16).	Implemented in full
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	18; xvii	That Sport and Recreation Queensland, in conjunction with the Children's Commission Queensland, Families Youth and Community Care Queensland and sporting organisations, develop child protection advisory material to assist sporting and recreation organisations to develop their own policies for addressing complaints against staff or volunteers.	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	2; Page xiv	That a working party be established comprising Education Queensland, the Board of Teacher Registration, the Association of Independent Schools Queensland (AISQ), the Queensland Catholic Education Commission and the Children’s Commission Queensland to develop appropriate policies for responding to suspicions or disclosures of child sexual abuse in non-government schools. This should be undertaken in consultation with Families Youth and Community Care Queensland and the QPS (see also Recommendations 11 and 15).	Undetermined
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	4; Page xiv	That appropriate funding be provided to the Children’s Commission Queensland to undertake a formal evaluation of the Coordinating Committee on Child Abuse (CCOCA) and Suspected Child Abuse and Neglect (SCAN) team procedures.	Undetermined
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	6; Page xvi	That the Children’s Commission Queensland be granted sufficient funding to expand its trial data tracking project to examine the progress of individual cases of child sexual abuse through the criminal justice system with a view to: <ul style="list-style-type: none"> • gaining a comprehensive understanding of why child sex offence matters are withdrawn and discontinued at a higher rate than other offence types; • providing information about the effect of changes to legislation and court practices. This research should be commenced as soon as 	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				possible to enable information to be collected against which the effectiveness of any reforms can be measured.	
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	13; Page xvii	That the 12 month review of the proposed Commission for Children and Young People Act consider the following issues: <ul style="list-style-type: none"> • whether adequate screening has been applied to private childcare providers; • whether the legislation should enable voluntary applications for suitability notices for areas of child-related employment not covered by existing provisions; • whether information in relation to disciplinary proceedings should be maintained by the Commission 	Undetermined
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	17; Page xvii	That the Children’s Commission Queensland consider the question of the accountability of church institutions when an allegation of child sexual abuse has been made involving a church employee, and consider whether the introduction of any official oversight mechanism might improve the response of churches.	Undetermined
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	19; Page xviii	That the Children’s Commission Queensland explore mechanisms for improving accountability of childcare centres and other youth recreation and adventure groups to ensure that complaints handling policies are in place and enforced, and that allegations of child	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				sexual abuse are brought to the attention of the appropriate authorities.	
QLD	2000	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)	20; Page xviii	That the Children's Commission Queensland be adequately funded to enable it to document the services available for victims of child sexual abuse and identify any gaps in services provided.	Undetermined
QLD	2003	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)	10; Page xxii	That the Queensland Police Service work closely with the Office of the Director of Public Prosecutions to expand the role of the Prosecution Review Committee. The role should include a review of: <ul style="list-style-type: none"> • all sexual offence matters that fail at committal (whether it be the responsibility of the police or the ODPP at that stage) • all sexual offence matters that are discontinued by the ODPP • all sexual offence matters that fail before the higher courts (including the Court of Appeal) • the role of the investigating/arresting officer in the matters • the role of the police prosecutor in the matters. 	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	2003	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)	11; Page xxii	That all legal staff and Victim Liaison Officers at the Office of the Director of Public Prosecutions receive training in aspects relevant to sexual offending, such as the nature and extent of abuse, child development, the disclosure and reporting of abuse, interviewing techniques and historic cases..	Implemented in full
QLD	2003	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)	17; Page xxiii	That the Department of Justice and the Attorney-General formally review the role and functions of Victim Liaison Officers employed by the Office of the Director of Public Prosecutions with a view to enhancing the response of the Office to complainants in sexual offence matters.	Implemented in full
QLD	2003	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)	20; Page xxiii	"That the definition of a 'prescribed sexual offence' contained in section 3 of the Criminal Law (Sexual Offences) Act 1978 (Qld) be deleted and replaced with a new definition modelled on the definition of a 'sexual offence' that appears in section 4 of South Australia's Evidence Act 1929."	Not implemented
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	4.1; Page 137	That a new Department of Child Safety be created to focus exclusively upon core child protection functions and to be the lead agency in a whole-of-government response to child protection matters.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	5.21; Page 161	That a position of Child Guardian, to be situated within the Commission for Children and Young People, be established, whose sole responsibility would be to oversee the provision of services provided to, and decisions made in respect of, children within the jurisdiction of the DCS.	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	5.23; Page 162	That the Community Visitor Program of the Commission for Children and Young People be extended to cover all children in the alternative care system, including those in foster care. This program should be administered by the Child Guardian.	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	6.13; Page 185	That mandatory reporting of child abuse be extended to registered Queensland nurses by legislating under the Health Act.	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	6.15; Page 185	That section 76K of the Health Act be amended to make it mandatory for doctors and nurses to notify the DCS about their suspicion of child abuse.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	7.1; Page 188	That the Department of Child Safety be responsible for receiving and investigating notifications of child abuse and neglect, and take over responsibility for the final assessment and certification of all carers, and for assessing the appropriateness of carers' re-approvals.	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	7.4; Page 192	That the Department of Child Safety: <ul style="list-style-type: none"> • monitor and evaluate residential care services 	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	7.11; Page 199	That the Child Protection Act 1999 be amended to regulate voluntary placements.	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	7.18; Page 204	That a framework be developed for supporting relative care that includes enhanced screening and monitoring of carers and the provision of training opportunities and other support for carers. There should be an extensive consultation process, especially with Indigenous communities, in the development of the framework.	implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	7.26; Page 210	That the Child Protection Act be amended to incorporate specific obligations on the part of the DCS to disclose relevant information to carers.	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	7.27; Page 210	That the Child Protection Act incorporate a general disclosure obligation on the DCS to inform other Departments, government agencies and non-government agencies (including AICCAs) of all information reasonably necessary to ensure their cooperation, assistance and participation within the child protection system. The Act should provide examples of what sort of information will be provided. The person to whom the disclosure is made (the 'receiver') will be bound by the confidentiality provision contained in section 188.	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)	9.2; Page 245	That the Child Protection Act be amended to ensure that it regulates the assessment and approval of all carers.	Implemented in full
QLD	2004	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse	7.28; Page 211	That the Department ensure that it has clear policies and procedures on disclosure of information and that it incorporate them in the	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		of Children in Foster Care (2004)		training provided to Departmental and agency staff.	
QLD	2013	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry	4.2; Page xxvii	The Department of the Premier and Cabinet and the Department of Communities, Child Safety and Disability Services lead a whole-of-government process to: <ul style="list-style-type: none"> - review and consolidate all existing legislative reporting obligations into the Child Protection Act 1999 - develop a single 'standard' to govern reporting policies across core Queensland Government agencies - provide support through joint training in the understanding of key threshold definitions to help professionals decide when they should report significant harm to Child Safety Services and encourage a shared understanding across government. 	Not implemented
QLD	2013	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry	12.7; Page xxxviii	The role of the Child Guardian be refocused on providing individual advocacy for children and young people in the child protection system. The role could be combined with the existing Adult Guardian to form the Public Guardian of Queensland, an independent statutory body reporting to the Attorney-General and Minister for Justice.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
QLD	2013	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry	12.8; Page xxxviii	The role of Child Guardian — operating primarily from state-wide ‘advocacy hubs’ that are readily accessible to children and young people — assume the responsibilities of the child protection community visitors and re-focus on young people who are considered most vulnerable.	Not implemented
QLD	2013	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry	12.9; Page xxxviii	Complaints about Departmental actions or inactions, which are currently directed to the Children’s Commission, be investigated by the relevant Department through its accredited complaints-management process, with oversight by the Ombudsman.	Not implemented

South Australia

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2002	Child Protection Review (Layton review) (2002)	130; Page 17.2-17.7	That a coordinated and comprehensive screening and monitoring system be developed in South Australia that is compatible with any National agreement or State/Territory system currently in operation.	Implemented in full
SA	2002	Child Protection Review (Layton review) (2002)	138; Page 19.14-19.15	That pending an Unsuitable Persons Register being set up as recommended in Chapter 17, the Teachers' Registration Board in consultation with all education sectors, progressively seek relevant police checks through SAPOL on all registered teaching personnel and that these police checks are updated each time renewal of registration is required.	Implemented in full
SA	2002	Child Protection Review (Layton review) (2002)	54; Page 10.11-10.13	That the Children's Protection Act 1993 be amended to include: <ul style="list-style-type: none"> • all church personnel including ministers of religion (except in confessionals) • all individuals in services providing care to or supervision of children • all volunteers who are working with children (including both volunteers working in a supervised and unsupervised settings) • all people who may supervise or be responsible for looking after children as part of a sporting, recreational, religious or voluntary organisation • as mandated notifiers. 	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2002	Child Protection Review (Layton review) (2002)	4; Page 5.11-5.12.13.5	<p>That a statutory Office of Children and Young Persons' Guardian be created and placed in the Office of the Commissioner, having a separate function namely:</p> <ul style="list-style-type: none"> • to ensure that children and young people under the Guardianship of the Minister are cared for in accordance with guidelines set out in a Charter of Rights of Children in Care to be developed consultatively and enshrined in legislation in similar fashion to section 74 and Schedule 1 of the Child Protection Act 1999 (Qld) • include functions similar to the "community visitors" set out in Part 4 of the Commission for Children and Young People Act 2000 (Qld) <p>That in addition, the functions of the guardian should include:</p> <ul style="list-style-type: none"> • monitoring the annual reviews of children and young people in long term care as discussed in Chapter 9 • receiving information from DHS/FAYS. <p>That FAYS have responsibility to inform the Children and Young Persons' Guardian on matters of significant concern regarding a child or young person in care. Such matters would include repeated placement breakdown, serious abuse in care, criminal conduct, chronic truancy, homelessness and major health problems.</p>	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2002	Child Protection Review (Layton review) (2002)	55; Page 10.13-10.14	That the DHS in conjunction with the Attorney-General's Department pursue the issue of establishing an appropriate agreed policy position between States, Territories and the Commonwealth on the exchange of information where there is a child protection concern ensuring appropriate coverage of relevant Commonwealth employees.	Not implemented
SA	2002	Child Protection Review (Layton review) (2002)	105; Page 15.33	That the Evidence Act 1929 (SA) be amended to permit answers given by a disabled child in response to leading questions, to be received if the judge is otherwise satisfied that the nature of the questioning does not give rise to the answers being unreliable answers.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2002	Child Protection Review (Layton review) (2002)	98; Page 15.17-15.18	<p>That Recommendation 100 of the ALRC Report No. 84 be implemented by amendment of the Evidence Act 1929 (SA) to allow the court to permit expert opinion evidence to be given in any civil or criminal proceeding in which abuse or neglect of a child is alleged. The parameters of such legislation to include matters covered by the New Zealand legislation.</p> <p>That such amendment specifically permit evidence to be given regarding any capacity or behavioural characteristics of a child with a mental disability or impairment. In addition, an amendment should permit generalised evidence to be given by an expert about patterns of children's disclosure in abuse cases and the effects of abuse on children's behaviour and demeanour in and out of court, without specific reference by that expert to the particular child.</p>	Not implemented
SA	2002	Child Protection Review (Layton review) (2002)	132; Page 17.14-17.15	<p>That all agencies who employ persons who work with or have access to children either in paid or a volunteer capacity should develop appropriate child protection policies and guidelines. All agencies funded by State Government agencies will be required to develop child protection policies and guidelines as a prerequisite to receiving Government funding.</p>	Partially implemented
SA	2002	Child Protection Review (Layton review) (2002)	97; Page 15.15-15.16	<p>That the Evidence Act 1929 (SA) be amended to include a similar section to section 106 G Evidence Act (WA) which prevents an unrepresented defendant from directly cross-</p>	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				examining a child. Such amendment to be applicable to all children and not just those under 16 years of age.	
SA	2002	Child Protection Review (Layton review) (2002)	94; Page 15.8-15	<p>That, in keeping with Recommendation 100 of the ALRC Report, the Evidence Act 1929 (SA) be amended to provide that corroboration of the evidence of a child witness whether sworn or unsworn, should not be required.</p> <p>That Judges be legislatively prohibited from warning or suggesting to a jury that children are an unreliable class of witness. An example of such legislation is section 106D of the Evidence Act 1906 (WA).</p> <p>That in accordance with Recommendation 100 of the ALRC Report, legislation provide that judicial warnings about the evidence of a particular child witness should be given only where</p> <ol style="list-style-type: none"> 1) a party requests the warning, and 2) that party can show that there are exceptional circumstances warranting the warning. <p>Such exceptional circumstances should not depend on the mere fact that the witness is a child, but on objective evidence that the particular child's evidence may be unreliable.</p> <p>That the warnings which are given should follow the formula in Murray v R to reduce the effect of an individual Judge's bias against, or general assumptions about, the abilities of children as witnesses.</p>	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2002	Child Protection Review (Layton review) (2002)	101; Page 15.22-15.27	<p>That the Evidence Act 1929 (SA) be amended to include the three models for taking of evidence in relation to a criminal trial involving sexual or violent offences against a child as provided in sections 106H to 106T of the Evidence Act (WA). That the burden of proof remain on the prosecution to prove the charges beyond reasonable doubt.</p> <p>That there is no requirement for a specialist court to sit on cases in which children are the alleged victims, instead the court must be comprised of Judges who have received special judicial training in respect of child development, victim responses and patterns of abusive behaviour.</p> <p>That a court-based child witness support system similar to the Western Australian model be set up in South Australia.</p> <p>That a committee(s) be set up to make recommendations as to the progressive implementation of strategically placed CCTV facilities and video rooms for courts using the Western Australian model as a basis. The design is to ensure the most cost effective manner of delivery of such services in South Australia.</p>	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2002	Child Protection Review (Layton review) (2002)	104; Page 15.32	That the Evidence Act 1929 (SA) be amended to include a section similar to section 106F of the Evidence Act 1929 (WA) to allow for appointment of a child communicator to assist as an interpreter for a child in appropriate circumstances. In addition, the section to be available to all children and not only those under the age of 16 years. Further, that Recommendation 118 of the ALRC Report be implemented by amendment of the Evidence Act 1929 (SA) to include that a court may permit other means of evidence being adduced in the particular case of children with disabilities.	Partially implemented
SA	2002	Child Protection Review (Layton review) (2002)	170; Page 23.19-23.20	That Section 10 of the Children's Protection Act 1993 be amended to reflect the suggested amendments to sub-sections 6 (1) and 6 (2) of the Act as set out in Recommendation 166. In particular, if the contents of sub-section 6 (2) (c) (d) and (e) (presently excluded from applying to mandatory notification), are still regarded as necessary to be articulated in the legislation, these circumstances should be relevant to mandatory notification. Further, subsection 6 (2) (e) of the Act should not be limited to children under 15 years, but to all children.	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2002	Child Protection Review (Layton review) (2002)	1; Page 5.8-5.9, 13.5	<p>That a statutory Office of Commissioner for Children and Young Persons be created to:</p> <ul style="list-style-type: none"> include the functions of advocacy, promotion, public information, research, develop screening processes for work with children and young persons be based largely on the model in the Children and Young People Act 2000 (Qld) as contained in sections 15 (c) to (j) and (l) to (o), 19, 90, 92 and Part 6, combined with the Commission for Children and Young People Act 1998 (NSW) sections 11 (a) to (h), 14, 15, 16, 17, 23, and 24 include sitting as a member of the South Australian Young Persons Protection Board be independent of Government report to Parliament. <p>That a statutory position of Deputy Commissioner of Young Persons be created and to be occupied by an Indigenous person.</p> <p>That a Joint Parliamentary Committee on child protection be created and statutorily mandated in a way similar to section 27 of Commission for Children and Young People Act 1998 (NSW).</p>	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2002	Child Protection Review (Layton review) (2002)	131; Page 17.7-17.13, 17.15-17.16	<p>That a working group be formed – the “Screening and Monitoring Working Group” to determine the most appropriate:</p> <ul style="list-style-type: none"> • legislation • policies, protocols and guidelines and • declarations process for SA taking into consideration the proposed National Paedophile Register to be developed. <p>That the working group consist of persons from the key agencies involved (SAPOL, Justice Department, DHS, Education sector, Non-Government, churches and Sport and Recreation, representatives of teachers’ unions and major unions covering employees including related employment and parent groups) and should involve the Commissioner for Children and Young Persons.</p> <p>That specific legislation be developed to deem certain persons as described in the legislation to be unsuitable persons from working with children and young people and to be placed on an Unsuitable Persons Register. Such legislation could be known as the Child Protection (Unsuitable Persons) Act. Legislation to include:</p> <ul style="list-style-type: none"> • specific provisions for the establishment and maintenance of an Unsuitable Persons Register, • provide for the conditions upon which a person is placed on the register and is thereby deemed unsuitable for employment in child related circumstances • provide for an independent process for a declaration from a District Court for removal of a 	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				<p>person from the register</p> <ul style="list-style-type: none"> • provide the requirements of employers when employing persons in child-related activities and that the provisions are mandatory for employees but discretionary in respect of volunteers • cover all Government agencies, non-Government agencies, church organisations, sporting and recreation clubs who provide employment in child-related activities • create offences with penalties for non-compliance. <p>Such legislation may in a general sense be modelled on the NSW scheme with particular modifications to minimise complexity and discretionary decision-making as well as placing the role of establishing and maintaining the register with SAPOL.</p> <p>Further, that the screening and monitoring working group consider the viability of providing persons screened and cleared a 'portable' photo card which can be used by employees.</p>	
SA	2002	Child Protection Review (Layton review) (2002)	145; Page 19.28-19.30	That representatives of non-Government education sectors including Independent Schools, Catholic Schools in conjunction with representatives of the Government education sector, FAYS, SAPOL and the proposed Commissioner for Children and Young Persons, develop guidelines which set out minimum standards to be applied across the schooling sector in relation to allegations of child sexual abuse by employees and volunteers.	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				Such guidelines to be in keeping with the processes undertaken in the Government schooling sectors and should include an independent process both within employer organisations as well as an external independent process. The guidelines should clearly articulate the interaction with FAYS and SAPOL and the processes to be followed in relation to notification and reporting.	
SA	2003	Report of the Joint Committee on Immunity from Prosecution for Certain Sexual Offences: Second Session, Fiftieth Parliament 2002-2003, Parliament of South Australia (28 May 2003, Hon. G.E. Gago, Chairperson)	4; Page 31	The Committee recommends investigating alternative methods of appropriately responding to allegations of sexual offences, to empower victims, and prevent re-offending, without minimising the serious nature of the crime.	Not implemented
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	23; Pages 418-420	That the Children's Protection Act 1993 be amended to add a function to the Guardian for Children and Young People, namely to act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse. That in accordance with section 52B of the Act, the GCYP is provided with sufficient staff and resources to accomplish this function.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	4; Pages 371-374	That the Children's Protection Act 1993 be amended to require organisations to lodge a copy of their policies and procedures established pursuant to section 8C(1) with the chief executive and that the chief executive be required to keep a register of those policies and procedures. [NOTE: Section 8C(1) required certain organisations to establish appropriate policies and procedures for ensuring that mandated reports of abuse were made and that child safe environments are established and maintained in the organisation. There was a penalty of \$10,000 for non compliance. It applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partially for children and are govt Departments, agencies, instrumentalities, or local govt or non-govt organisations.]	Implemented in full
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	20; Pages 411-413	That the practice guidelines of the Special Investigations Unit (SIU) be amended to include specific guidelines concerning notifications and investigations of alleged sexual abuse of children and young people in care. In regard to notifications, it is recommended that the guidelines include requirements for mandatory notification of sexual abuse allegations by SIU to South Australia Police and the Guardian for Children and Young People immediately or within 24 hours, depending on the urgency of the circumstances.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				<p>In regard to SIU investigations, it is recommended that the guidelines include requirements for:</p> <ul style="list-style-type: none"> • a strategy discussion between SIU and SA Police before the start of any SIU investigation, with the GCYP given prior notification of the discussion and invited to attend • a written record signed by SIU and SA Police of the strategy discussion, outlining any actions to be taken by each, with a copy provided to the GCYP within 24 hours • SIU to only take action in accordance with what was agreed in writing at the strategy discussion • SIU to take no action that would prejudice a police investigation or potential prosecution. In particular, the SIU must not speak to the child, alleged perpetrator, potential witnesses or other potential complainants without seeking, and then gaining, approval in writing from SA Police • the GCYP to be kept informed by SIU and SA Police of the progress and outcome of the investigation. Both SIU and SA Police to provide the GCYP with information concerning the investigation on request and to respond within 24 hours to any request by the GCYP for information regarding the investigation. 	
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	38; Pages 440-442	That the South Australian Government makes a formal acknowledgment and apology to those people who were sexually abused as children in State care.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	37; Pages 433-437	That a panel of appropriately qualified people be formed to consider and establish a model for restorative justice in regard to complaints of child sexual abuse made by victims.	implemented
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	39; Pages 443-447	That the South Australian Government funds a free specialist service to adult victims of child sexual abuse (while in State care) as was provided by Respond SA. That the service is provided by an organisation that is independent of government and church affiliation, and has never provided institutional or foster care. That the organisation employs practitioners specially trained in the therapeutic response to adult victims of child sexual abuse.	Implemented in full
SA	2008	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) lands (Mullighan Inquiry) (2008)	44; Page 250-251	That the Children's Protection Act or regulations be amended to add a function of the Guardian for Children and Young People to act as an advocate of an Anangu child or young person who is not in State care but is the subject of a Family Care Meeting Agreement and who has made a disclosure of sexual abuse.	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	3; Pages 371-374	<p>That the application of section 8B of the Children’s Protection Act 1993 be broadened to include organisations as defined in section 8C. [NOTE: Section 8B required govt organisations and non-govt schools to obtain a criminal history, or police report for people holding, or to be appointed to, positions that involve regular contact with, proximity to, or access to records concerning children. Section s 8C applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partially for children and are govt Departments, agencies, instrumentalities, or local govt or non-govt organisations.]</p> <p>That consideration is given to reducing or waiving the fee for an organisation applying for a criminal history reporting order to comply with section 8B.</p> <p>That a criminal history report be defined as a report that includes information as to whether a person is on the Australian National Child Offender Register (ANCOR).</p>	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	25; Page 421	That Families SA's new C3MS (Connection client and case management system) include a separate menu for allegations of sexual abuse of a child in State care, which would collate the names of all such children. That the system include a separate field in relation to each child in State care, which is dedicated to recording any information about allegations of sexual abuse, including when that information had been forwarded to the Guardian for Children and Young People.	Undetermined
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	6; Pages 371, 375	That Families SA extends its screening processes to cover known regular service providers to children and young people in care with disabilities, such as regular bus or taxi drivers.	Undetermined
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	5; Pages 371, 374-375	That Families SA, as Part of the screening process of employees, carers and volunteers, obtains information as to whether or not that person is on the Australian National Child Offender Register (ANCOR).	Undetermined
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	24; Page 420	That it be mandatory for the chief executive of the Department for Families and Communities or Commissioner of Police to notify the Guardian for Children and Young People when a child or young person under the guardianship or in the custody of the Minister makes an allegation of sexual abuse. (Also refer Recommendation 20.)	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	40; Pages 447-449	That a task force be established in South Australia to closely examine the redress schemes established in Tasmania, Queensland and Western Australia for victims of child sexual abuse; to receive submissions from individuals and relevant organisations on the issue of redress for adults who were sexually abused as children in State care; and to investigate the possibilities of a national approach to the provision of services.	Undetermined
SA	2008	Children in State Care (Mullighan Inquiry) (2008)	2; Pages 368-371	That the self-protective training being taught by Second Story be reviewed to ensure that it covers the Keeping them safe: child protection curriculum developed for teaching all children in schools and is adapted to target specific needs and circumstances: <ul style="list-style-type: none"> • children and young people in care generally • Aboriginal children and young people in care • children and young people in care with disabilities. That such self-protective training is then delivered to children and young people in State care at their residential or secure care facility.	Undetermined
SA	2008	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) lands (Mullighan Inquiry) (2008)	21; Page 181-183, 222-224	That section 11 of the Children's Protection Act be amended to provide that it is an offence to prevent, obstruct or interfere with a person discharging or attempting to discharge the obligation of mandatory reporting pursuant to section 11(1) of that Act.	Implemented in full

Tasmania

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 22.1	Increased screening and improved character checks of all foster carers	Implemented in full
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 26.3	That the Department and homes develop clear, comprehensive and transparent guidelines for responding to allegations of abuse in care, taking into account the relevant provisions of the United Nations Convention on the Rights of the Child and the Children, Young Persons and Their Families Act 1997, annexed to this Memorandum as Annexure A and Annexure B.	Implemented in full
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in	Rec; Page 18.4	Investigation processes of Police be developed to higher best practice standards with respect to abuse of children in care	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)			
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Rights of Children with Disabilities and Services for Them (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 20.1	That specific provisions be contained within the Tasmanian Police Manual for dealing with child victims of sexual assault who are disabled	Not implemented
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 12.8	That the allegations of abuse are properly heard, received, acknowledged and acted upon	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 17.6	That the victim and their family be clearly informed avenues of redress available to them	Partially implemented
TAS	2003	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)	Rec; Page 9.2	That the guidelines contain provisions for clear and independent interview and investigative procedures for children	Undetermined
TAS	2004	Review of Claims of Abuse from Adults in State Care as Children (O'Grady Report) (2004)	3; Page 39	It is recommended that a unit be established within the Department of Health and Human Services to manage claims referred to it by the independent unit, including the provision of guided access to personal files, assessment of other needs and referral to appropriate services, and referral to an Independent Assessor for determining ex gratia payments.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
TAS	2004	Review of Claims of Abuse from Adults in State Care as Children (O'Grady Report) (2004)	7; Page 39	It is recommended that the Government liaise with church authorities to seek an apology for claimants who allege that they had been abused while in Approved Children's Homes run by the churches and who have specifically stated that they desire an apology.	Implemented in full
TAS	2004	Review of Claims of Abuse from Adults in State Care as Children (O'Grady Report) (2004)	8; Page 40	It is recommended that the Commissioner for Children be asked by the Minister for Health and Human Services to investigate the 12 recent cases of alleged abuse referred to earlier in this report. The main purpose of the investigation should be to determine what action the Department had taken when the abuse was reported and whether the actions taken were appropriate. The investigation would also include a consideration of the selection of the foster families involved. The Commissioner should be asked to complete his investigation within a specific period and to ensure that the outcomes of his investigation are made public. Depending on the outcome of the Commissioner's investigation it may be necessary to conduct a more comprehensive audit of files of children currently on care and protection orders. At this stage, it would be inappropriate to make further s in respect of foster care until the results of the Commissioner's investigations are known.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
TAS	2004	Review of Claims of Abuse from Adults in State Care as Children (O'Grady Report) (2004)	6; Page 39	It is recommended that the Government liaise with church authorities to seek a contribution to the establishment of a private educational trust fund.	not implemented
TAS	2006	Who is listening to the children now? (Commissioner for Children Tasmania, October 2006).	2.10.3; Page 134	Recommendation 2.10.3; Page 134 It is recommended that the current Department of Health and Human Services policy relating to allegations of abuse in care, including quality of care matters, be reviewed to determine if it is consistent with contemporary practice.	Implemented in full
TAS	2006	Report on Child Protection Services in Tasmania (Jacob-Fanning Report) (2006)	10.3.1; Page 140	A unit dedicated to investigating and responding to complaints and serious issues relating to child protection services will be established as part of the overall organisational model, after further consultation with staff.	Not implemented
TAS	2006	Report on Child Protection Services in Tasmania (Jacob-Fanning Report) (2006)	10.3.4; Page 140	The Commissioner for Children should have responsibility for oversight of all complaints processes in relation to children. The Ombudsman should retain responsibility for the investigation of individual complaints if a person is dissatisfied with the internal response to the complaint.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
TAS	2010	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)	10.2; Page 13	THAT s.79 of the CYPTF Act be amended to give the Commissioner for Children such additional functions as will enable that Officer to fulfil the promise of “Preventing problems before they arise” including but not limited to: conducting audits both individually and generally of the circumstances of children and young people in the guardianship or custody of the Secretary.	Not implemented
TAS	2010	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)	8.2; Page 12	That the Secretary mandate that such visits be conducted with the child in the absence of any other person unless in the special circumstances of the case it is not practicable to arrange such a visit or it is not in the best interests of the child for reasons given.	Not implemented
TAS	2010	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)	7.5; Page 12	That if the evaluation of the current Children’s Visitors Pilot shows that children under the guardianship of the Secretary have obtained benefit from the Pilot that the Minister provide for the appointment of a Children’s Visitor for each such child whether in OOHC, in their birth family or in kinship care, such Visitors to be engaged by a body independent of the Government.	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	28; Page 52	Police checks and assessments of kinship placements be prioritised to avoid a child suffering the emotional trauma of being placed with a stranger.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	67; Page 102	Police checks for potential kinship carers should be expedited.	Implemented in full
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	41; Page 75	It is essential that adverse incidents and complaints are fully investigated and managed in a model that is responsive and transparent, similar to the Complaints Management Unit in Western Australian.	Not implemented
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	119; Page 164	Additional resourcing be provided to enable the expansion of Statewide trauma services for abused children and young people to ensure more than 30% of children in care can access such services.	Partially implemented
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	62; Page 99	That there be a statutory obligation on community sector organisations who deliver out of home care residential services to comply with key standards and reporting criteria.	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	63; Page 100	The Working with Children check in Tasmania be implemented as a priority.	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	77; Page 120	That Section of the Act be amended to ensure that it is clear that the Commissioner for Children has the power to require information from any Government Department or Agency where such information is, in the reasonable opinion of the Commissioner, necessary or	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				convenient in the performance of his or her function. Such amendment should make it clear that in requiring information, it is not necessary for the Commissioner to identify the specific head of power being exercised for the purposes of the inquiry. The Commissioner should also be able to specify a reasonable time frame for the satisfaction of the information request.	
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	79; Page 125	The role of the Commissioner for Children be expanded to enable the undertaking of own-motion inquiries within the proper function of the Commissioner for Children.	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	80; Page 125	Child advocacy services be strengthened as part of the planned amendments to the Children, Young Persons and Their Families Act .	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	82; Page 138	Counselling of a child suspected of being the victim of sexual abuse should be mandatory, not subject to parental agreement.	Undetermined
TAS	2011	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)	138; Page 198	The Charter of Rights for Children in Out of Home Care should be embedded into legislation governing child protection and out of home care.	Undetermined

Victoria

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	102; Page 256	The Committee recommends that the Children and Young Persons Act 1989, specified grounds for protection be extended to include children displaying early signs of sexually offending behaviour.	Implemented in full
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	106; Page 262	The Committee recommends that the Victoria Police establish and maintain the Victorian Sex Offender Registry.	Implemented in full
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	107; Page 263	The Committee recommends that the Attorney General and the Police Minister lobby for an extension of the sex offender registration program nationally.	Implemented in full
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	115; Page 276	The Committee recommends that prior to a person being employed, including voluntary employment, in a position which has a duty of care or supervision over children, a criminal history check must be undertaken to determine if they are a fit and proper person.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	116; Page 279	The Committee recommends that the Victoria Police be responsible for criminal history checks to determine if a prospective employee is a fit and proper person.	Implemented in full
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	118; Page 281	The Committee recommends that it be an offence to employ a person, in a position which has a duty of care or supervision over children, who has not passed a criminal history check by the Victoria Police	Implemented in full
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	120; Page 282	The Committee recommends that Health & Community Services implement and enforce the most stringent procedures for regulating and reviewing foster parents and institutions which provide care and supervision to children.	Implemented in full
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	121; Page 289	The Committee recommends that the Attorney General review the current definition of pornography to ensure that any sexually explicit depiction of a child including computer generated images, is covered.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	123; Page 29	The Committee recommends that child pornography legislation be created to provide that all commercial photographic processors and similar organisations, who have knowledge of, observe, or process and photographic image, negative or slide that depicts a child in a sexually explicit way, be mandated to report the offence to the police.	Not implemented
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	89; Page 224	The Committee recommends that the Attorney General review penalties for sexual offences to ensure that the sexual assault of a child is regarded as seriously as the sexual assault of an adult.	Partially implemented
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	105; Page 260	The Committee recommends that that all convicted adult sex offenders shall be registered with the Victorian Sex Offender Registry for life.	Partially implemented
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	129; Page 309	The Committee recommends that protocols be developed within religious organisations to ensure that the SART is immediately notified of any suspected sexual assault.	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	1995	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)	130; Page 313	The Committee recommends that religious organisations develop protocols to ensure evidence is not contaminated by internal investigations or inquiries.	Undetermined
VIC	1996	Special Report no. 43. Protecting Victoria's Children: The Role of the Department of Human Services (1996)	7.82; Page 189	The overriding factor, in audit opinion is that the interests of the child are paramount. In this regard, audit strongly supports the Crime Preventions Committee's recommendation for legislative change, action which has been supported by the Government in its whole-of-government response to the Committee's Report. A review of the legislation is highly desirable in order to address the current restrictions which are seen by the Victoria Police as giving rise to an imbalance of justice in favour of the alleged offender to the detriment of the child.	Implemented in full
VIC	1996	Victorian Auditors General's Office (VAGO) (1996). Protecting Victoria's Children: The Role of the Department of Human Services (special Report 43)	Audit opinion Parra 7.113; Page 197	On balance, audit considers the benefits of videotaping of evidence outweigh the potential impediments. However, in order to maximise these benefits, further research should be undertaken with a view to restricting the levels of trauma that a child should be exposed to within the legal system as a direct result of introducing videotaping, without compromising the basic rights of the accused.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	2004	Sexual Offences Final Report (2004)	185; Pages lxxiv - lxxv	<p>Sections 48 and 49 of the Crimes Act 1958 should include a non-exhaustive list of the relationships covered by the section including the relationships of:</p> <ul style="list-style-type: none"> • teacher and student; • foster parent, legal guardian, and the child for whom they are caring; • in the case of section 49 (which penalises non-penetrative sexual acts) parents, including step-parents and adoptive parents and their children; • religious instructors; • employers; • youth workers; • sports coaches; • counsellors; • health professionals and young people who are patients; and • police and prison officers and young people in custody. 	Implemented in full
VIC	2006	Improving responses to allegations involving sexual assault (2006)	10; Page 21	<p>That the Student Critical Incident Advisory Unit and the regional office within the Department of Education and Training provide support to principals to manage allegations of sexual assault within the school environment including the provision of independent investigators where appropriate and where police involvement has ceased. The role of the Student Critical Incident Advisory Unit should include a review of the school's processes to ensure the school environment is safe and is conducive to 45 early reporting of incidents of sexual assault.</p>	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	2006	Improving responses to allegations involving sexual assault (2006)	14; Page 31	That government agencies ensure that allegations of sexual assault made against employees and former employees are thoroughly investigated and that policies and practices, including recruitment practices, be reviewed by agencies to ensure they maintain an environment that will: a) minimise the risk of sexual assault; and b) encourage early reporting of sexual assault.	Implemented in full
VIC	2006	Improving responses to allegations involving sexual assault (2006)	3; Page 13	That compatible data collection systems be developed to enable the lawful sharing of information and a whole-of-government analysis of individual and systemic patterns of offending.	Partially implemented
VIC	2006	Improving responses to allegations involving sexual assault (2006)	15; Page 31	Where an employee has been accused of sexual assault, government agencies not agree to confidentiality clauses that prevent disclosure of information to future employers or complaint authorities in the negotiation of severance agreements.	Partially implemented
VIC	2006	Improving responses to allegations involving sexual assault (2006)	16; Page 31	That the Department of Justice convene a working group comprising the Department of Human Services and the Department of Education and Training, Victoria Police and other relevant agencies to consider the implementation of pre-employment vetting that includes mandatory referee checking of previous employers for public sector employees. The Department of Justice should report on the outcomes within six months.	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	2006	Improving responses to allegations involving sexual assault (2006)	7; Page 21 In the Compendium this is split into three recs: 7a & 7b	That government-funded agencies providing 24-hour care: a) collect data to identify the incidence of sexual assault; and b) provide information about a resident's previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.	Undetermined
VIC	2006	Improving responses to allegations involving sexual assault (2006)	8; Page 21 (In Compendium this is split into three recs; 8a, 8b & 8c)	That the Department of Human Services and the Department of Justice: a) allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour; b) collate data about the incidence of sexual assault in residential services and initiate action to reduce the incidence of sexual assault, including measures such as female-only residential facilities. These initiatives should be reviewed for their effectiveness; and c) with the Children's Court, review the effectiveness of amendments to the Magistrates' Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	2009	Own Motion Investigation into the Department of Human Services Child Protection Program, Victorian Ombudsman (2009)	9; Page 46	Conduct a review of the Department's handling of reports concerning children who are exposed to known sex offenders.	Implemented in full
VIC	2009	Own Motion Investigation into the Department of Human Services Child Protection Program, Victorian Ombudsman (2009)	16; Page 82	Conduct an audit of compliance with the Criminal Records Check Practice Advice for all open cases involving a kinship placement.	Implemented in full
VIC	2011	Whistleblowers Protection Act 2001: Investigation into the failure of agencies to manage registered sex offenders (2011)	2; Page 35	Conduct regular audits of the information received at the registry to ensure that offenders who have disclosed unsupervised contact with a child are being reported to the Department of Human Services.	Implemented in full
VIC	2011	Whistleblowers Protection Act 2001: Investigation into the failure of agencies to manage registered sex offenders (2011)	6; Page 35	Ensure that policy provides for the widest possible interpretation of unsupervised contact to ensure that all instances of contact with children whether phone, internet or in person, or number of days is provided for.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	2011	Sexual Assault Reform Strategy: Final Evaluation Report, prepared for Department of Justice, January 2011	25; Page 222	We have also noted that there are some inequities in the level of access to the reforms. Specifically people from Aboriginal and Torres Strait Islander and from culturally and linguistically diverse backgrounds require special consideration in the implementation of the reforms and may require special measures and programs to aid their access to them. Our recommendation is: That consideration be given to the needs of ATSI and CALD communities in relation to the reporting of sexual assault and relationships developed between key criminal justice agencies and relevant community organisations to develop culturally safe approaches to the reporting of sexual assault and the provision of support for people going through the criminal justice system	Implemented in full
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	1; Page xxii	The purpose of the Sex Offenders Registration Act 2004 (Vic) should be amended as follows: <ul style="list-style-type: none"> • The purpose of the legislation is to protect children against sexual abuse from people who have been found guilty of sexually abusing children. 	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	3 (i); Page xxii	The Sex Offenders Registration Act 2004 (Vic) should outline the way it seeks to achieve the revised purpose, including by: <ul style="list-style-type: none"> (i) providing for monitoring and review of the operations of the sex offenders registration scheme and of this Act in order to assess whether the purpose is being achieved. 	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	31; Page xxvi	Registered sex offenders should be required to report the names, ages and addresses of any children with whom they have 'contact', and the means of contacting those children.	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	34; Page xxvi	Registered sex offenders should be required to: (a) within one day of the change, notify the police of any changes to information about their contact with children, and (b) within seven days of the change, provide a written child contact report to the police in person.	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	41; Page xxvii	A child protection prohibition order should be able to prohibit the registered sex offender from: (a) associating with or contacting specified persons (b) being in specified locations (c) engaging in specified behaviour, and/or (d) engaging in specified employment.	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law Reform Commission (2011)	55; Page xxviii	The Chief Commissioner of Police and the Secretary of the Department of Human Services should be authorised to exchange information they hold about a registered sex offender when the Secretary is investigating any contact between that offender and a particular child or children.	Not implemented
VIC	2011	Sex offenders registration. Final Report, Victorian Law	2; Page xxii	Part 5 of the Sex Offenders Registration Act 2004 (Vic), concerning child-related employment, should be removed from that Act and integrated with the Working with Children Act 2005 (Vic)	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		Reform Commission (2011)			
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	46; Page 349	The Victorian Government should obtain the agreement of all jurisdictions, through the Council of Australian Governments or the Community and Disability Services Ministers' Conference, to undertake a national evaluation of mandatory reporting schemes with a view to identifying opportunities to harmonise the various statutory regimes.	Implemented in full
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	41; Page 338	The best interests principles set out in section 10 of the Children, Youth and Families Act 2005 should be amended to include, as section 10(3)(a), 'the need to protect the child from the crimes of physical abuse and sexual abuse'.	Not implemented
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	44; Page 349	The Victorian Government should progressively gazette those professions listed in sections 182(1)(f) - (k) of the Children, Youth and Families Act 2005 that are not yet mandated, beginning with child care workers. In gazetting these groups, amendments will be required to the Children, Youth and Families Act 2005 and to the Children's Services Act 1996 to ensure that only licensed proprietors of, and qualified employees who are managers or supervisors of, a children's service facility that is a long day care centre, are the subject of the reporting duty.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	45; Page 349	The Department of Human Services should develop and implement a training program and an evaluation strategy for mandatory reporting to enable a body of data to be established for future reference. This should be developed and implemented in consultation with the representative bodies or associations for each mandated occupational group.	Not implemented
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	47; Page 355	The Crimes Act 1958 (Vic) should be amended to create a separate reporting duty where there is a reasonable suspicion a child or young person who is under 18 is being, or has been, physically or sexually abused by an individual within a religious or spiritual organisation. The duty should extend to: <ul style="list-style-type: none"> • A minister of religion; and • A person who holds an office within, is employed by, is a member of, or a volunteer of a religious or spiritual organisation that provides services to, or has regular contact with, children and young people. An exemption for information received during the rite of confession should be made. A failure to report should attract a suitable penalty having regard to section 326 of the Crimes Act 1958 and section 493 of the Children, Youth and Families Act 2005. 	Not implemented
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	51; Page 365	The Victorian Government should, consistent with other Australian jurisdictions, enact an internet grooming offence.	Not implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
VIC	2012	Protecting Victoria's Vulnerable Children Inquiry (Cummins inquiry) (2012)	89; Page 515	<p>The Government should amend the Child Wellbeing and Safety Act 2005 to establish a Commission for Children and Young People, comprising one commissioner appointed as the chairperson and such number of full-time and part-time additional commissioners as the Premier considers necessary to enable the Commission to perform its functions. Commissioners would be appointed by the Governor-in-Council. The Commission should have responsibility for overseeing and reporting to Ministers and Parliament on all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people. The Commission would hold agencies to account for meeting their responsibilities as articulated in the Vulnerable Children and Families Strategy and related policy documents. The Commission would also retain the current roles and functions of the Child Safety Commissioner. The Commission would be required by legislation to give priority to the interests and needs of vulnerable children. The Commission should have authority to undertake own-motion inquiries into systemic reforms necessary to improve the wellbeing of vulnerable children and young people. The specific powers granted to the Ombudsman under section 20 of the Children, Youth and Families Act 2005 should be transferred to the Commission.</p>	Partially implemented

Western Australia

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	1993	The Duty of Care Inquiry (1993)	3; Page 28	When a child has been assaulted or neglected by a foster carer an independent review should be conducted to clarify the circumstances and make appropriate recommendations to the Director General.	Undetermined
WA	2002	Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) (2002)	186; Page 452	The Inquiry finds that there is a lack of information sharing between agencies in relation to family violence and child abuse, giving rise to considerable impediments in service delivery. The Inquiry recommends that further consideration be given to legislative and administrative changes to ensure information sharing between agencies	Implemented in full
WA	2002	Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) (2002)	189; Page 458	The Inquiry recommends that serious consideration be given to the requirement for medical personnel to report suspected abuse in children under 13 years as part of the consideration of the report on mandatory reporting for the Child Protection Council.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2002	Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) (2002)	79; Page 234	The Inquiry finds that sex offender programs should be available to all incarcerated persons, including juveniles, convicted of child sex offences.	Partially implemented
WA	2002	Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) (2002)	86; Page 243	The Inquiry finds that the Adolescent Sex Offender Intervention Program, or a similar program, is a necessary part of the service provided by Department of Justice. The Inquiry recommends that the program, or intensive individual counselling, be available to all incarcerated juvenile sex offenders.	Partially implemented
WA	2002	Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) (2002)	144; Page 411	The Inquiry recommends that a Children's Commissioner be established which is independent and reports directly to the Premier. The Implementation Body should consider the structure and responsibilities of other children's commissioners to decide on the most appropriate model for Western Australia.	Partially implemented
WA	2002	Mandatory Reporting of Child Abuse: Evidence and Options (2002)	3; Page 56	If there is a strong recommendation from the Gordon Inquiry that the reporting of, and help to, sexually abused children (in particular minors) can only be achieved within a mandatory system, consideration be given to how this might be accomplished in all or in some	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
				partl within the Health Act 1911. In this amended Act there is already an obligation for medical practitioners to report certain sexually transmitted infections - 300 (1); 301; 306; 307; 308. As Scott163 argues so cogently, child sexual abuse is a serious public health problem and needs to be conceptualised this way. We argue that developing a reporting system within the Health Act would assist to reduce the chances of the State Department for Community Development reinforcing its historical position as a surveillance body with already vulnerable communities.	
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	11.3; Page 62	It is recommended that the Department: <ul style="list-style-type: none"> -streamlines policy and process for duty of care notifications - simplifies process associated with recording and line management approval - simplifies the intake process - simplifies recording and line management approval throughout process - formulates a checklist that details the process for case managers and provides opportunity for quality assurance 	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	16.1; Page 76	It is recommended that all policy relating to child maltreatment allegations and abuse in care inquiries should detail authorisation of classification by a senior designated officer as well as a plan of action.	Implemented in full
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	15.3; Page 75	It is recommended that the Department establish clear policy on timeframes for reporting requirements. The average timeframe from a child maltreatment allegation to Director General authority on outcome reports should be on average 4 to 6 weeks.	Implemented in full
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in	11.2; Page 62	It is recommended that the Department ensures that initial planning occurs between caseworkers (including those undertaking the investigation), team leaders and other significant people (for example: Senior Officer Aboriginal Services, Duty of Care Unit, other service providers).	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		care - 1 April 2004 to 12 September 2005 (2005)			
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	13.1; Page 70	It is recommended that the Department ensures that safety plans are in place for all children in care and in particular for those children who have been abused in care and the plans are recorded within the Duty of Care Unit.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	10.1; Page 49	<p>It is recommended that there is an expansion of the Duty of Care Unit to incorporate</p> <ul style="list-style-type: none"> - Additional senior officers based in the Unit to undertake the assessment of allegations of abuse in care with case workers. The officers would attend at District Offices when allegations of abuse in care are received or notified. These officers would team with the case workers and lead the investigations of the allegations, assessment action, outcome findings and recommendations. The officers would be responsible for the documentation of the process and recording of the outcomes within the Duty of Care Unit. - The caseworker from the District Office would work alongside the senior officer and support the child or young person. The Placement officer within the District office would support the carer if this were needed. 	Implemented in full
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	11.4; Page 62	It is recommended that this is provided through a specialist Training, Mentoring and Support Unit (see also Recommendation 18).	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	18.2; Page 83	It is recommended that the Department employ additional specialist investigation officers to lead and work with caseworkers on the investigation and assessment of abuse in care notifications. These workers would be based in the Duty of Care Unit (see Duty of Care recommendation 10).	Implemented in full
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	17.1; Page 79	It is recommended that a model of participation is developed within the new Advocate for Children in Care position within the Department to enable children and young people subject to the child protection system to be involved in a meaningful way in decision making about their lives.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	18.3; Page 83	It is recommended that the CPSU proposal for additional permanent child protection workers, caseworkers, team leaders and support staff including psychologists be accepted by the Department and that a rationale be developed for the calculation of the required number of staff and that this is implemented as a matter of priority.	Implemented in full
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	17.2; Page 79	It is recommended that the Charter of Rights about children in care, that has apparently been developed with assistance of CREATE, be implemented as a matter of priority in 2006. This could also be overseen by the newly appointed Advocate for Children in Care.	Implemented in full
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in	17.3; Page 79	It is recommended that the Standards Monitoring Unit in collaboration with the recommended Training, Mentoring and Support Unit, undertake the monitoring and quality assurance of best practice standards.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		care - 1 April 2004 to 12 September 2005 (2005)			
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	11.1; Page 62	It is recommended that the Department provides training and competencies to caseworkers and specialists about the specific issues pertaining to children in care and abuse in care. The training package should include information about assessment and investigation procedures about abuse in care and the elements of best practice benchmarks in holistic assessment (this would relate to the involvement of the child, gathering of full information, assessment of all concerns regarding the subject child and other children in the placement where necessary, interviewing relevant parties, decision about outcomes, safety plans and feed-back.	Implemented in full
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in	12.1 , Page 68	It is recommended that the Department <ul style="list-style-type: none"> - provides mentoring in the workplace about how to manage abuse in care investigations - provides training to case workers about substantiation of child maltreatment allegations including recording - reviews and amends the CCSS system to allow easier recording of categories of harm. 	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
		care - 1 April 2004 to 12 September 2005 (2005)			
WA	2005	A duty of care to children and young people in Western Australia: Report on the quality assurance and review of substantiated allegations of abuse in care - 1 April 2004 to 12 September 2005 (2005)	15.2; Page 75	It is recommended that the CCSS or equivalent should automatically report allegations to the Duty of Care Unit and Director General.	Partially implemented
WA	2006	Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, Ombudsman Western Australia (2006)	6; Page 8	The Department undertake a review of its ACSS Critical Incident Form so that it includes a section for the child or young person to complete about their version of events; or requiring a person not involved in the incident, such as a Team Leader, Case Manager or someone of the young person's choice, to speak with the child or young person about the incident and record their version of events.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2006	Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, Ombudsman Western Australia (2006)	4; Page 7	The Department, in consultation with Direct Care Workers and other residential care staff, should develop mechanisms to give young people and others confidence in the complaint handling system in ACSS, for example, by developing guidelines which adhere to the principle of procedural fairness and relevant legislative protections for staff but which allow for feedback to young people and others raising concerns or complaints about a staff member.	Implemented in full
WA	2006	Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, Ombudsman Western Australia (2006)	18; Page 11	The Department include information on how allegations, and the investigation of those allegations, are an integral part of working in residential care, what it means if an allegation is made for an employee, and an outline of the assessment and investigation processes in its induction training for residential care staff and on its intranet.	Implemented in full
WA	2006	Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, Ombudsman Western Australia (2006)	24;Page 13	If the Department is to continue to apply child protection investigative processes within its residential care facilities, it should provide guidelines to investigators of allegations against Departmental staff so that their conduct of the investigation does not compromise the opportunity for the Department to pursue Public Sector Management Act 1994 disciplinary action if required.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2006	Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, Ombudsman Western Australia (2006)	22; Page 12	The Department take steps as a priority to streamline and rationalise policies and procedures on the handling of child maltreatment allegations against Departmental staff and to ensure that its practice is consistent and is reflected in these documents.	Implemented in full
WA	2006	Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, Ombudsman Western Australia (2006)	28; Page 14	Government consult with key stakeholders and relevant experts to develop an appropriate legislative, policy and administrative framework to allow for timely and effective management responses to allegations against staff in the area of child protection; and that Departments with child protection responsibilities develop a comprehensive and consistent Public Sector response to allegations of child abuse against staff.	Partially implemented
WA	2006	Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, Ombudsman Western Australia (2006)	26; Page 14	Government establish a mechanism to provide for the monitoring and evaluation of relevant government and non-government agencies' employee disciplinary processes where allegations of child maltreatment are involved.	Undetermined

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2007	Review of the Department of Community Development(Ford Review) (2007)	68; Page 119	The State Solicitors' Office in conjunction with the Department of Child Safety and Wellbeing consider whether Section 23(2) of the Children and Community Services Act 2004 is sufficient or whether further legislative amendment is needed to give protection to Department of Child Safety and Wellbeing staff if they provide information to other interested agencies, service providers or individuals to ensure the safety and wellbeing of a child or young person.	Implemented in full
WA	2008	Inquiry into the Prosecution of Assaults and Sexual Offences, Community Development and Justice Standing Committee, WA, 2008	5, Page 84	The Office of the Director of Public Prosecutions, the Western Australia Police, the Child Protection Unit, the Department of Health and the Child Interview Unit review a range of formalised interagency collaborative models for working with victims of child sex offences with a view to improving the quality and recording of interviews, evidence, and briefs.	Implemented in full

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2008	Inquiry into the Prosecution of Assaults and Sexual Offences, Community Development and Justice Standing Committee, WA, 2008	17, Page 110	An independent taskforce be established to analyse the incidence of withdrawal of complaints and make recommendations aimed at reducing such withdrawals. These recommendations should include the collection of data by police and the Office of the Director of Public Prosecutions regarding reasons as to why charges are withdrawn, charges not indicted or discontinuances entered. This taskforce should be established by the Attorney General drawing on the Office of the Director of Public Prosecutions, Western Australia Police, Sexual Assault Resource Centre, Victim Support Service and the Aboriginal Legal Service together with victims of sexual assault. The report of the taskforce be tabled in Parliament before the end of 2009 and thereafter in the annual report of each agency.	Not implemented
WA	2008	Inquiry into the Prosecution of Assaults and Sexual Offences, Community Development and Justice Standing Committee, WA, 2008	4, Page 78	That the Western Australia Police, the Office of the Director of Public Prosecutions, the Sexual Assault Resource Centre, the Victim Support Service, the Office of the Public Advocate, and the Courts design reliable and valid victim satisfaction instruments appropriate for each agency. The results must be published in each agency's annual report or equivalent.	Partially implemented

Jurisdiction	Year	Inquiry/Report	Recommendation #; Page #	Recommendation	Implementation rating
WA	2012	Special Inquiry into the response of government agencies and officials to allegations of sexual abuse, Public Sector Commission (St Andrews Hostel) (2012)	3; Page 342	That, as part of the statutory review of the Children and Community Services Act 2004 (CCS Act) and of any further consideration by Government of the provisions of the CCS Act, consideration be given to including staff of the Authority as mandatory reporters for the purposes of the CCS Act.	Not implemented

Implementation of
recommendations arising from
previous inquiries of relevance to
the Royal Commission into
Institutional Responses to Child
Sexual Abuse

Final Report
Appendices 1 to 11

Parenting Research Centre

Commissioned by the Royal Commission into
Institutional Responses to Child Sexual Abuse



Parenting Research Centre
raising children well

This document is the appendices to the final report for the project titled ‘Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse’.

Established in 1997, the **Parenting Research Centre** (PRC) is Australia’s only national, independent non-profit research, development and implementation specialist organisation with an exclusive focus on parenting and families. The PRC is dedicated to gathering scientific knowledge of effective parenting and developing practical programs to help all parents raise happy, healthy children. The PRC’s work focuses on supporting the efforts of practitioners, managers, organisations and governments to effectively and sustainably adopt and implement evidence-informed practices and programs.

Disclaimer

The views and findings expressed in this report are those of the author(s) and do not necessarily reflect those of the Royal Commission. Any errors are the author’s responsibility.

This project was commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse.

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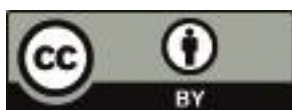
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Royal Commission
into Institutional Responses
to Child Sexual Abuse

Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme eight.

The research program means the Royal Commission can:

- Obtain relevant background information
- Fill key evidence gaps
- Explore what is known and what works
- Develop recommendations that are informed by evidence and can be implemented, and respond to contemporary issues.

For more information on this program, please visit www.childabuseroyalcommission.gov.au/research

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- Appendix 2** Stakeholder mapping chart
- Appendix 3** Interview information for participants
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- Appendix 11** Number of recommendations as categorised by subject

Appendix 1 Survey of Government Stakeholders

GOVERNMENT STAKEHOLDERS SURVEY

December 2013

The Royal Commission into Institutional Responses to Child Sexual Abuse is currently undertaking research to understand the factors that might facilitate or hinder the successful implementation of recommendations and, identify any unintended consequences that may occur as the result of recommendation made by Inquiries or Commissions. This will assist the Commission to avoid duplication and understand the adequacy of changes to laws, policies, systems and practices over time. The Parenting Research Centre (PRC) has been contracted to undertake this work.

The purpose of this survey is to better understand the experiences of government in implementing recommendations. The survey does not collect information on a specific Inquiry or Commission.

People we want to hear from

- Directors-General, Secretaries and/or Chief Executives (or their delegate) who can provide insights into the implementation of any of these recommendations (attached), or similar recommendations.
- It is not necessary for participants to have overseen the implementation of the recommendations that are under review as part of this project.
- We encourage more than one individual from each agency to participate. We ask that each participant complete the survey individually.
- Participants will not be identified, and the survey data will only be used for the purpose of this research project.

Survey content

- The first two questions ask participants to rate the significance of factors that can facilitate or hinder the implementation of recommendations. The factors are drawn from the findings of the PRC's review of previous evaluations of the implementation of inquiry recommendations.
- The final two questions ask participants to nominate any unintended consequences that may occur as the result of an Inquiry or Commission, and what can be done to address those consequences.
- Participants will not be required to refer to any departmental records.
- The survey is anonymous; the only demographic information gathered will be the relevant jurisdiction.

How the information will be used

The information from this survey will be collated by the project team at the PRC. It will be analysed together with the documents and data previously submitted by jurisdictions.

The survey can be conducted on paper, by telephone or face-to-face with a PRC team member. Telephone and face-to-face surveys will not be recorded. We anticipate that the survey will take approximately 15 minutes.

To complete this survey by telephone or in person, please contact one of the PRC staff to arrange a suitable time.

**If you prefer to complete the survey on paper,
please return it to one of the email addresses below.**

Annette Michaux
Director of Social Policy and Strategy
M: 0418 423 283
amichaux@parentingrc.org.au

Kate Spalding
Senior Policy Analyst
M: 0400 944 743
kspalding@parentingrc.org.au

Or call PRC reception on 03 8660 3500.

GOVERNMENT STAKEHOLDERS SURVEY

1. Please nominate agency jurisdiction: ACT CTH NSW NT QLD SA VIC WA TAS

2. In your experience, how important is each of the following factors in **FACILITATING** the successful implementation of recommendations? Please rate each factor on a scale of 1 to 5 where 1 is 'not at all important' and 5 is 'extremely important'. If you are unsure please choose that option.

	1	2	3	4	5	not sure
A project team overseeing implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Advice on how to implement (e.g. consultant, legal advice)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
An individual or designated position to champion the change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Making regular progress reports	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strong public or government support for reform	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Workforce enthusiastic for change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify) _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. How significant is each of the following factors in **HINDERING** the successful implementation of this recommendation? Please rate each factor on a scale of 1 to 5 where 1 is 'not at all significant and 5 is 'extremely significant'. If you are unsure please choose that option.

	1	2	3	4	5	not sure
Time constraints	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Budgetary constraints	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of human resources or existing workloads	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Internal organisational culture	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Underlying practice/service delivery issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The need for interagency or cross-sector collaboration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of an implementation plan or oversight group	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other reforms or changes happening concurrently	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conflicting policy or legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Complexity or scale of the change involved	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attributes of the recommendation itself	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify) _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Please name up to three unintended consequences that may arise as a result of implementing recommendations from an Inquiry or Commission.

1. _____

2. _____

3. _____

5. Please name up to three actions that Inquiries or Commissions could take to avoid such consequences, or to reduce their impact.

1. _____

2. _____

3. _____

6. Do you have any other comments in relation to the implementation of recommendations, that might assist the Royal Commission?

Thank you for your time.

Appendix 2 Stakeholder mapping chart

Interview priority: 1 high priority, 2 priority, 3 possibly interview, 4 low priority

Name	Organisation (if applicable)	Jurisdiction (specify state, Federal, international)	Area of knowledge e.g. - Child sexual abuse - HR - Probity & governance - Systems reform	Relevant Inquiries/ themes	Level of Authority (e.g. to make decisions that affect policy implementation) 1=Low, 5=High	Role in Implementation Process (check ✓ where appropriate)			
						Formulation of inquiry recommendations	Implementation of recommendations	Monitoring of implementation	Other influential stakeholder
 Policymakers / Government officials									
 Advisory/ regulatory bodies									
 Academics and other									

Name	Organisation (if applicable)	Jurisdiction (specify state, Federal, international)	Area of knowledge e.g. - Child sexual abuse - HR - Probity & governance - Systems reform	Relevant Inquiries/ themes	Level of Authority (e.g. to make decisions that affect policy implementation) 1=Low, 5=High	Role in Implementation Process (check ✓ where appropriate)			
						Formulation of inquiry recommendations	Implementation of recommendations	Monitoring of implementation	Other influential stakeholder
Non-government / private sector organisations									
Commission and Inquiry heads (possible category)									

Interview priority: 1 high priority, 2 priority, 3 possibly interview, 4 low priority

Appendix 3 Interview information for participants

Interview briefing kit

Dear xxxx

Thank you for agreeing to participate in an interview with the Parenting Research Centre. We appreciate you taking the time to talk to us, and assisting with our work for the Royal Commission into Institutional Responses to Child Sexual Abuse.

As you are aware, this Royal Commission is an extremely important Australian initiative. It will help heal the victims of institutional abuse and inform the development of strategies and reforms to protect vulnerable children. You have been approached because of your extensive experience in xxx.

This interview forms part of a methodology that the Parenting Research Centre is using to assess recommendations from previous Australian Inquiries that are of relevance to the Royal Commission.

The interview will be conducted in two sections:

Section one will consist of open-ended questions about a previous Australian inquiry where you have some knowledge about its implementation. Please note, it can be any Inquiry and does **not** have to be one of the xxx Inquiries listed in this document.

Section two will address general reflections or comments about previous Inquiries that you think might help the Commission in its deliberations.

More information about the interview process is listed under heading 2 of this document.

This briefing kit contains:

1. Information about the project
2. Information about the interview
3. What we need in advance
4. Your participation in the project
5. Parenting Research Centre project team

1. Information about the project

Background

In January 2013 a six-member Royal Commission was established to investigate Institutional Responses to Child Sexual Abuse. The Letters Patent of the Royal Commission set down a range of matters that are in scope. These include investigating where systems have failed to protect children and recommending how to improve laws, policies and practices to prevent and improve responses to child sexual abuse in institutions.

The Royal Commission is required to avoid duplication and consider the adequacy of the changes to laws, policies, systems and practices over time. A key aspect of this line of inquiry is to consider the findings and recommendations previous inquiries and the subsequent implementation of these recommendations.

The Parenting Research Centre has been commissioned to develop a suitable methodology for assessing the approximately 300 recommendations in previous identified inquiries.

Aim of the project

The aims of the project are to:

- verify the extent to which recommendations have been implemented;
- identify the factors that might determine or contribute to the successful implementation of each recommendation to be identified;
- identify the factors that might hinder successful implementation; and,
- ascertain any relationship between these factors.

Summary of the overall methodology

The Parenting Research Centre conducted a scoping review of past evaluations of Inquiry recommendations, and analysed the strengths and weaknesses of previous approaches. That data was used to develop a mixed methods design for assessing the recommendations under review. The methods are as follows:

- Surveys of government agencies to assess the extent to which recommendations have been implemented, and to explore the facilitators of, and barriers to, implementation.
- **Semi-structured interviews with key stakeholders, to elicit detailed information and opinions on the context of an inquiry and factors that may have affected the implementation of recommendations.**
- Audit of a range of government documents including policies and procedures and evaluation reports.
- Collation and examination of existing government administrative data.
- Verification of legislation.

Recommendations under review

The Parenting Research Centre is assessing the implementation of a total of xx recommendations from the following xx inquiries:

[insert inquiry details]

The Parenting Research Centre is also looking at approximately 250 recommendations from 58 previous Inquiries from other Australian states, territories and the Commonwealth. Your reflections on other jurisdictions are therefore most welcome.

2. Information about the interview

xxx from the Parenting Research Centre (refer to project team below) will conduct the interview in person at your office (*insert date and time of interview*).

The interview is in two sections. It consists of open-ended questions and we anticipate it will take approximately 60 minutes. The interview will be audio recorded with your permission.

Interview Section 1

We will ask you to focus on an inquiry that you feel most familiar with in terms of the implementation of its recommendations. Your role may have been as an advisor, implementer or evaluator of the recommendations. It does not have to be one of the inquiries listed above.

Please take the time, prior to the interview, to consider which inquiry and its recommendations you are most familiar with.

Questions regarding this Inquiry will include:

- **Aims and context of the Inquiry** (eg, who called the inquiry and why; key issues that the inquiry was aiming to address; previous initiatives, inquiries or reforms that had sought to address these issues)
- **Factors affecting the implementation of recommendations** (eg, policy factors; organisational or systems-level factors; economic or resource factors)
- **Leadership and stakeholder involvement** (eg, lead organisation for implementing the recommendations; effective leadership of organisation in implementing the recommendations; other organisations or individuals that might have improved the implementation of recommendations)
- **Monitoring and evaluation** (eg, organisations monitoring the implementation of recommendations; methods being used to monitor implementation; suggestions for monitoring and evaluating implementation of recommendations)
- **Overall assessment** (eg, additional actions, such as legislation/ professional development/ policies, that could have facilitated implementation of recommendations; positive changes as a result of the Inquiry; any unanticipated or unintended effects from the implementation of recommendations)
- **Key learnings** (eg, from the implementation/ partial/ non-implementation of recommendations).

Interview Section 2

Is a general questions and comments section where you will be asked if you have any further comments that might help the Commission in its deliberations. Please also consider if there is anyone else with detailed knowledge of these inquiries that you would suggest we talk to.

3. What we need in advance

We are also interested to know what other relevant Inquiries or Commissions you have been involved in over the last 5 years. If you could take the time to fill out the form in **Appendix 1** (listing no more than 10 Inquiries or Commissions) and email it back to xxx we would very much appreciate it.

4. Your participation in the project

Participation in this project is voluntary. If you do not wish to take part, you do not have to. If you decide to take part and later change your mind, you are free to withdraw from the project. If you decide you do want to take part, you will be asked to sign the consent section. By signing it you are telling us that you:

- understand what you have read
- consent to take part in the project
- consent to be involved in the procedures described
- consent to the use of personal information as described.

The audio files will be deleted after the interviewer reviews the recording and their notes and transcription is complete. The transcription and interviewers' notes will be password protected. This information will be accessible only to the Parenting Research Centre team mentioned below, for a period of 5 years in a secure location. After this time it will be destroyed.

No names or identifying information will be recorded, and all information will be de-identified in any reporting of this project's findings. You will be acknowledged as a participant at the beginning of the report.

In accordance with relevant Australian and/or Victorian privacy and other relevant laws, you have the right to access the information you have given. If you would like access to the information collected during the interview, please contact one of the Parenting Research Centre team.

Thank you.

Appendix 1

We are also interested to know what other relevant Inquiries or Commissions you have been involved in over the last 5 years. If you could take the time to fill out the form below (listing no more than 10) and email it back to xxx we would very much appreciate it.

Which previous Inquiries or Commissions have you played a role in? (go back five years)

Inquiry / Commission	Involvement (e.g. advisor/ implementation/ monitoring)

Appendix 4 Interview guide

ROYAL COMMISSION: ASSESSMENT OF RECOMMENDATIONS INTERVIEW GUIDE

This document is a guide to conducting stakeholder interviews to elicit detailed information and opinions on the context of an inquiry, resources available, economic, political, service systems issues, as well as other factors that may have facilitated, or been a barrier to, the implementation of recommendations.

Throughout the interview, a number of open ended questions will be asked. This may be followed by more specific questions aimed to clarify or confirm previous statements.

ABOUT THIS INTERVIEW GUIDE

This guide was adapted from an interview guide previously developed by the USAID Health Policy Initiative for the purpose of examining the implementation of policy (Bhuyan, Jorgensen, & Sharma, 2010). The USAID Health Policy interview guide included seven dimensions. These are listed below:

1. The policy, its formulation, and dissemination.
2. Social, political, and economic context.
3. Leadership for policy implementation.
4. Stakeholder involvement in policy implementation.
5. Implementation planning and resource mobilisation.
6. Operations and services.
7. Feedback on progress and results.

These stakeholder interviews are guided by the following factors:

- The formulation and implementation of inquiry recommendations cannot be removed from the context in which they were developed and implemented.
- Leadership is required to champion reforms and see them through to implementation.
- The extent to which different stakeholder groups are engaged in the implementation process varies, often requiring new collaborations that did not previously exist.
- Effective implementation requires planning and adequate resourcing.
- Implementation at the service delivery level can be complex, costly and time-consuming.

The interview questions have been tailored to fit the recommendations and/or inquiries being reviewed, to enhance the usefulness of the interviews and ensure a closer fit with the purpose of the current project.

Selection of key informants

Refer to the stakeholder mapping tool for a complete list of interviewees. The mapping exercise ensures that the pool of interviewees captures a diversity of experiences and involvement in the development, implementation or monitoring of Inquiry recommendations.

The selection of informants may include:

- Government agency representatives

- Monitoring agencies
- Academics and acknowledged experts
- Non-government representation from peak bodies

Structure of the interview

The questions are open-ended. Probing for additional information will provide a richer source of data. Interviewers will ask participants to explain their answers or to give examples where appropriate. Interviewers should familiarise themselves with the inquiries under review, the interviewee’s chosen inquiry and the context and terms of reference of the relevant inquiries.

Interview notes:

- *The “basic information” section should be completed prior to the interview.*
- *All questions or phrases to read aloud are in **bold** font.*
- *Instructions to interviewers are italicized and enclosed by blue boxes. They should not be read aloud.*
- *Ask each question as stated in the interview guide. If the key informant states that he/she does not really know the answer, write “DK” (“Don’t know”).*
- *Most questions request the key informant to specify or explain further. Please probe appropriately to obtain the underlying reasons. Interviewers are encouraged to probe in the case of open-ended questions.*
- *In some instances, a respondent may decline to answer a specific question. If so, write down “Declined,” then ask the respondent if it is okay to ask the next question. If the respondent agrees to continue, be sure to ask the next applicable question based on “Skip” instructions.*
- *In case questions arise, make sure you have the relevant recommendation/s in front of you.*

Basic information

Name	
Title	
Agency/organisation	
Inquiry	
Date of interview	
Contact number	
Returned consent form	
Name of lead interviewer	

INTRODUCTION

Thank you very much for making time for this interview. My name is [*state your name*] and I work for the Parenting Research Centre. We've been commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse, to develop a methodology for assessing recommendations from previous inquiries.

We're using a number of methods to assess the implementation of recommendations, including in-depth interviews with key stakeholders of which you're one. This interview consists of open-ended questions. We anticipate it will take about an hour to 90 minutes.

- Have you read the Interview Briefing and Consent Form?
- All information will be de-identified in any reports to the Royal Commission. Your name will be acknowledged as a participant at the beginning of the report.
- Can I have your verbal consent to record this interview?

[Verbal consent given]

- Do you have any questions about your participation?

A. Inquiry details

A1. If they haven't sent back form with list of previous Inquiries or Commissions in which they have played a role, prompt for form.

A2. I'd like to start by focusing on the implementation of recommendations from your chosen inquiry.

B. AIMS AND CONTEXT OF THE INQUIRY

You have chosen to focus on [*insert inquiry name*] today. Instigated by xxxx, the inquiry was about xxxxx and the key issues being addressed were xxxxx.

- B1. Had there been previous policy initiatives or previous inquiries or reforms that had sought to address these issues?

Thank you. I'd like now to discuss some of the factors that facilitated or hindered the implementation of recommendations of [*name of inquiry*].

C. FACTORS AFFECTING IMPLEMENTATION OF RECOMMENDATIONS

Note: For the following questions, make sure that you are clear at each stage whether they are talking about factors that **facilitated** or **hindered** the implementation of recommendations.

C1. In your opinion, which of the following policy factors facilitated or hindered the implementation of these recommendations? For example, policy environment or support for the reform.

Can we start with the policy factors that facilitated the implementation of recommendations in the [name of inquiry] and then move on to policy factors that hindered it.

- **the policy environment**
 - probe for further information eg which policies/agencies? how? why?
- **support or push for the reform**
 - probe for further information eg whose support? Who didn't support?
- **are there any other policy-related factors that you think affected implementation? How?**

Note: The policy environment refers to the socio-political context at the time of the inquiry. It includes government policies, laws, regulations, resourcing etc.

C2. In your opinion, did any of the following ORGANISATIONAL or SYSTEMS-LEVEL factors facilitate or hinder the implementation of these recommendations? For example: existing structures or processes, other reforms happening concurrently, organisational culture, an implementation plan, resources etc.

Again, can we start with the organisational or systems-level factors that facilitated the implementation of recommendations in the [name of inquiry] and then move on to policy factors that hindered it.

- **existing structures or processes**
 - probe for further information eg which structures helped? Which hindered?
- **other reforms/changes happening concurrently**
 - probe for further information eg what other change? What impact?
- **organisational culture**
 - probe for further information eg whose culture? Why did it affect implementation?
- **Implementation plan / oversight group**
 - probe for further information eg was there a plan/overseer? what impact?

Note: Organisational or systems level refers to organisational culture or systems across organisations at the time of the inquiry.

- **timeframes**
 - o *probe for further information eg whose timeframes? Which agencies? what impact?*
- **Resources, eg budgets, human resources / workload**
 - o *probe for further information eg whose budget? What impact?*
- **Are there any other organisational factors that you think affected implementation? How?**

D. LEADERSHIP AND STAKEHOLDER INVOLVEMENT

D1. Recommendations were made for changes to police practices, court procedures and rules of evidence to improve the experience for complainants. In your understanding, was there a lead organisation for implementing the recommendations? (If the answer is no, go to Question D4.)

D2. If so, which organisation?

D3. It has been nine years since the [name of inquiry] was released, how effective do you think that organisation's leadership was in implementing the recommendations?

D4. Do you think that the involvement of any other organisation or individual could have improved implementation of recommendations?

D5. If so, which organisation/individual? Why?

E. MONITORING AND EVALUATION

E1. To your knowledge, is any organisation monitoring the implementation of these recommendations? (If the answer is no, go to Question E4.)

E2. If so, which organisation?

E3. To your knowledge, what methods are being used to monitor implementation?
(*e.g. centralised tracking system, progress reports, meetings*)

E4. Is this an effective method of tracking the implementation of recommendations?

E5. Do you have any suggestions, beyond these methods, for how the implementation of recommendations could be monitored and evaluated?

F. OVERALL ASSESSMENT

F1. Are there any additional actions that could have facilitated the implementation of recommendations? (*eg legislation/training/policies/ champions etc*)

F2. What do you think are some of the positive changes that resulted from the Inquiry?

F3. Have you observed any unanticipated or unintended effects from the implementation of recommendations?

Thank you.

G. GENERAL QUESTIONS

G1. In your opinion, what makes a good or SMART recommendation (for example, a report on implementation)?

G2. Do you have any other comments that might help the Commission in its deliberations?

G3. Is there anyone else with detailed knowledge about any of these recommendations that you suggest we talk to?

Thank you and follow-up.

Please thank the respondent for their time, and provide your contact information for any follow-up questions or concerns. Describe the next steps for disseminating and discussing the results.

References

Bhuyan, A., Jorgensen, A., & Sharma, S. (2010). Taking the Pulse of Policy: The Policy Implementation Assessment Tool. U.S. Agency for International Development (USAID).

http://www.healthpolicyinitiative.com/policyimplementation/files/15_piat.html

Appendix 5 Interview consent form

Royal Commission Project: Stakeholder Interviews
Participant Consent form

I have read and I understand the purpose of this project and its associated procedures. I have had an opportunity to ask questions for clarification and I am satisfied with the answers I have received.

I agree to participate in the interview as described, and to have the interview recorded by an electronic device.

I understand that the recording will be destroyed after the interviewer reviews the recording and their notes and transcriptions are complete. I understand that the transcriptions and interviewer notes will be kept in a secure location and password protected for a period of five years.

I agree to the content of the interview being included in reports to the Royal Commission.

I understand that individual responses to interview questions will be aggregated and my responses will not be identifiable to the commission or in any subsequent public reports.

I understand that I can withdraw from the interview at any time while it is being conducted but that, once transcribed and aggregated with other interviews, I can no longer withdraw.

Participant’s name (printed):

Signature Date

Who can I contact?

For further information about this project or if you have any concerns related to your involvement in this project, you can contact xxx.

Please return the signed form to xxx.

Appendix 6 Data extraction form

Person extracting data

Date of extraction

Recommendation number

Enter numerical identifier

Commission/Inquiry of origin

Name (formal and informal, if applicable, in inverted commas) & date of inquiry

Recommendation made

Quote in full, in italics

Assessability of recommendation

Enter rating: Yes/ partial/ no/undetermined

Specify what can and cannot be assessed

Additional information request

Briefly describe request & gov response

Submitted document/ source details

Numbered list including title & date with confidential government response first

Add additional requested documentation if available & relevant

Relevant to at least one aspect of recommendation

Specify relevance of each document by number, and briefly why

Documentation currency

Date of relevant confidential government response

Reliability contribution of documents

High/Medium/Low/ Undetermined

Enter ratings for each relevant source (numbered list)

Implementation

Recommended actors involved

Describe or NA if actors unspecified

Recommended actors not involved

Describe or NA

Included actions

Describe or NA

Excluded actions

Describe or NA

When action was taken

Describe length of time for relevant stages of progress

Note which aspects were achieved or attempted first

Implemented as recommended?

Y/N

Government statement about status of implementation

Quote

Reason provided

Y/N and if Y, indicate by who and describe what

Implementation summary & provisional rating

Summarise briefly in words, using neutral descriptive language, and give **provisional rating in bold**

Appendix 7 Criteria to determine reliability of the documentation

Each document submitted by government, including their official responses to the Royal Commission's request for information, was given a reliability rating. Documents which command a very high level of accountability and form (or will form, when released) part of the public record were given a high reliability rating. Examples of these sources include legislation, regulation and cabinet documents. Medium reliability applied to documents or frameworks by an authoritative author for which there was inter-governmental endorsement, formal departmental endorsement and public knowledge. Examples include policy and practice guidelines. A rating of low reliability was given to internal government documents (such as training materials and discussion papers) and opinions expressed in confidence (such as the confidential government response to the Royal Commission). This does not reflect any expectation of inaccuracy or deception but acknowledges a lower level of public accountability.

The reliability rating criteria were as follows:

High reliability	Acts of parliament and subsidiary legislation (regulations, by-laws etc.). Legal opinion, case law/precedent, statutory interpretation (e.g. published legal advice). Cabinet briefings/decisions.
Medium reliability	Public document by an authoritative author (professionally relevant qualifications or experience) that provides information about government attitude, activity or policy in relation to the recommendation (e.g. public government response to Commission/Inquiry; peer reviewed paper). Jurisdictional strategic documents or frameworks for which there is inter-governmental endorsement (e.g. state-state cooperation), formal inter-departmental endorsement (e.g. department-department) or formal departmental endorsement of policy (e.g. procedure/policy). Bills of parliament (draft legislation not yet enacted).
Low reliability	Internal documents within government branches or departments (e.g. discussion paper). Opinion expressed in confidentiality (e.g. confidential government response to RC).
Undetermined	Incomplete or inconsistent information.

Each recommendation was rated according to standardised criteria, specifying the extent to which implementation of the recommendation could be assessed with documentary evidence within the scope of the project. The assessability criteria were as follows:

Assessable	Recommendation can be interpreted by investigator, applies to a specified actor or authority, specifies a standard or means of implementation & documentary evidence provides a valid measure or indicator of implementation
Partially assessable	Elements of recommendation meaning, responsibility/accountability, means or standards are not specified or apparent, are internally inconsistent or cannot be measured with validity through documentary evidence
Not assessable	The meaning, responsibility/accountability or means of implementation are not apparent and cannot be measured through documentary evidence.
Undetermined	Conflicting interpretations are unresolvable.

Appendix 8 The document audit method

1) Assumptions:

1. Texts are not data but can generate data for interpretation
2. We generate data by identifying meaningful units, patterns and structures in text
3. There is no definitive reading of a text, but the reliability of the interpretation can be assessed and verified
4. A reliable interpretation is replicable and valid in principle; it is a critical interpretation of the text that compares and contrasts possible interpretations within the context of the research and represents all interpretations within the scope of the research question
5. Verification establishes the consistency of the interpretation with the procedures and categories applying to the analysis

2) Research question:

To what extent has each national, state and territory recommendation from enquiries specified by the Royal Commission been implemented?

3) Scope:

Requested information from government sources will be analysed to inform decisions by current Royal Commissioners about making recommendations on institutional responses to child sexual abuse.

4) Methods:

Due to the need for a rapid response to the research question, methods have been adopted that balance the need for reliability and verification with the need for information within a short timeframe.

1. The validity and comprehensiveness of the documents for answering the research question is supported by the level of access to relevant information by the senior bureaucrats from whom it was requested and by the interests associated with their position in either demonstrating implementation or justifying an alternative approach. Increasing the perspectives and sources used in the analysis would increase the validity of the analysis but the concurrent increase in the amount of time required precludes this approach.
2. The bias inherent in the source's awareness of being observed is addressed by applying context-sensitive analytical constructs to compare and contrast the text with points of reference the source cannot influence. The analytical constructs to determine the relevance, verifiability and reliability of the information provided are:
 - Relevance to subject/s, objective/s and standards explicitly stated in the recommendation under review
 - Extent (not at all, partially, in full, undetermined) of implementation documented by the government response and its attachments, links and references (which does *not* include verification of the quality or impact of implementation)
 - Reliability of the verifying evidence (low, moderate, high, undetermined) in accordance with standardised criteria
3. The influence of measurement bias on results is addressed by the development of templates and guidelines, criteria for decisions and categorisations, a process for analysts to clarify and confer on the guidelines, procedures for discussing challenging or controversial decisions and use of standardised reporting tools to record data.
4. Inferences and extrapolations from the data will be based on patterns of difference and patterns of consistency. Identified patterns in the data and their potential significance, if any, will be discussed and a

procedure for interpretation and reporting of findings will be agreed. Findings will document the extent to which auditing indicates previous recommendations have been actioned and the level of confidence with which this assessment can be reported.

5. Consideration of timeframes means that verification tests for the auditing process will not be based on full duplication of data processing by a second analyst. Duplication will be limited to conferring processes to establish a baseline level of consistency and clarification of controversies and uncertainties, e.g. recording the consensus decision, or if necessary, the majority.
6. The conferring process to establish consistency involves auditors discussing and clarifying the application of the audit process and then independently completing responses for the same four recommendations to compare consistency. Responses are independently reviewed and the duplication process continues until a minimum of 80 per cent consistency is established. Spot checks will be undertaken to ensure ongoing consistency in extraction and audit responses.

5) Decision scheme:

1. Can implementation of the recommendation be audited using documentary evidence, at least in part?
Comment using assessability standard.
2. Is the documentation relevant to at least one aspect of the recommendation?
3. If yes, what documentary evidence is there that the recommendation under review has been implemented?
4. If documentary evidence exists, what standard of evidence is available? Describe using reliability criteria.
5. Was the recommendation addressed exactly as recommended?
6. If yes, describe in terms of recommended participants and actions
7. If no, describe in terms of involved and excluded participants and included and excluded actions
8. If no, was a reason given for non-implementation? Describe
9. Summarise what has been verified
10. After inclusion of findings from data extraction, document audit, data analysis, legislation checks and information request, apply the implementation rating scale.

6) Assessability standards: specify which category and which parts of it apply

Yes	Recommendation can be interpreted by investigator, applies to a specified actor or authority (if relevant), specifies a standard or means of implementation & documentary evidence provides a valid measure or indicator of implementation
Partial	Elements of recommendation meaning, responsibility/accountability, means or standards are not specified or apparent, are internally inconsistent or cannot be measured with validity through documentary evidence
No	Meaning, responsibility/accountability, means or standards are not apparent or applicable and cannot be measured with validity
Undetermined	Conflicting interpretations are unresolvable

7) Reliability rating standards:

High reliability	Acts of parliament and subsidiary legislation (regulations, by-laws etc.) Legal opinion, case law/precedent, statutory interpretation (e.g. published legal advice) Cabinet briefings/decisions
Medium reliability	Public document by an authoritative author (professionally relevant qualifications or experience) that provides information about government attitude, activity or policy in relation to the recommendation (e.g. public government response to commission/inquiry; peer reviewed paper) Jurisdictional strategic documents or frameworks for which there is inter-governmental endorsement (e.g. state-state cooperation), formal inter-departmental endorsement (e.g. department-department) or formal departmental endorsement of policy (e.g. procedure/policy) Bills of parliament (draft legislation not yet enacted)
Low reliability	Internal documents within government branches or departments (e.g. discussion paper) Opinion expressed in confidentiality (e.g. confidential government response to RC)
Reliability undetermined	Incomplete or inconsistent information

8) Implementation rating standards:

Implemented in full	Recommendation was implemented in a way consistent with directions
Partially implemented	Recommendation was implemented in a significantly modified or incomplete way
Not implemented	Documentary evidence exists to indicate recommendation was not implemented; including recommendations reported as being under consideration.
Implementation status undetermined	Unclear or insufficient relevant evidence was provided

Appendix 9 Legislation verification process and template

LEGISLATION VERIFICATION

The Parenting Research Centre has been commissioned by the Royal Commission to develop a suitable methodology for analysing 288 recommendations in previous identified inquiries. We have begun this work for recommendations from Victorian inquiries.

A combination of methods are being used to assess the implementation of recommendations. They vary according to the type of recommendation and the nature of the governmental response already received. One of the methods is the verification of relevant legislation.

Legislation verification

Eight recommendations have involved the introduction of, or amendment to, legislation. The aim of this method is to:

- ascertain if the legislation, whether introduced or amended, meets the intention of the recommendation; and/or
- verify the government's response in relation to implementation of the recommendation.

Instructions for legislation verification

Please complete a table for each of the eight recommendations, using the following decision scheme and implementation rating standards. Each table contains:

- Recommendation number
- Commission/ inquiry of origin
- Recommendation made
- Government response
- Document / Link to Act
- Implementation/ decision scheme/ implementation rating

Decision scheme:

11. Does the legislation address the recommendation exactly as recommended?
12. If yes, describe in terms of included content
13. If no, describe in terms of excluded content

Implementation rating standards:

Implemented in full Recommendation was implemented in a way fully consistent with directions

Partially implemented Recommendation was implemented in a significantly modified or incomplete way

Not Implemented Documentary evidence exists to indicate recommendation was not implemented; including recommendation reported as being under consideration

Implementation status undetermined Unclear or insufficient relevant evidence was provided

ATTACHMENTS FOR LEGISLATION CHECKS

Attachment name	Inquiry	Rec. No.
-----------------	---------	----------

INSERT NAME OF LEGISLATION HERE

Recommendation number *Insert recommendation number*

Commission/Inquiry of origin *Insert inquiry name and date*

Recommendation made *Insert recommendation text*

Government response *Insert government response in full*

Document name *Insert name of legislation (and section if relevant)*

Implementation

As recommended Y/N

Included content

Excluded content

Overall implementation rating

Appendix 10 Decision-making process for determining application of method to each recommendation

A DECISION-MAKING PROCESS FOR DETERMINING WHICH METHOD TO APPLY TO EACH RECOMMENDATION

The following methods comprise the multi-method design of this assessment project.

- Audit of documents provided by Government (“document audit”)
- Verification of relevant legislation (“legislation verification”)
- Analysis of administrative data (“data analysis”)
- Interviews with key stakeholders (“interviews”)
- A survey of senior Government executives

For each recommendation there will also be an assessment of the Government’s response to the Royal Commission.

The different methods aim to answer the evaluation questions as follows:

1. To what extent was each **individual recommendation** implemented?
 - Analysis of government response
 - Document audit
 - Legislation verification
 - Data analysis
 - Interviews (in a few rare instances e.g. recommendations targeting religious organisations)
2. What were the facilitators and barriers to the implementation of each **individual recommendation** under review?
 - Analysis of government response
3. What are the facilitators and barriers to implementation of **recommendations in general**?
 - Interviews with key stakeholders
 - Government survey

Following is a guide to deciding which method could be used to answer the first evaluation question: *to what extent was each individual recommendation implemented?*

1. Highlight the action or actions that the recommendation required; this will provide the parameters for assessment.
2. Has the Government provided any documentation to support its response to the Commission? If yes, and the documentation directly relates to the highlighted action/s required, one method of assessment will be a document audit. If no, consider whether any documentation needs to be requested. Documentation requested should sit within the parameters for assessment of the recommendation.

Note that due to the need to gather and assess information within a very short timeframe, the document audit will include **only** documents provided by the Government.

3. Does the recommendation require the introduction or amendment of legislation? If yes, one method of assessment will be the verification of legislation.
4. Does the government's response to the Commission refer to the introduction or amendment of legislation? If yes, one method of assessment will be the verification of legislation.
5. Consider whether the analysis of administrative data would assist the assessment of implementation. (Administrative data is information collected by government departments primarily for administrative, rather than research, purposes, such as record keeping.) Ensure that the data under consideration sits within the parameters for assessment of the recommendation. If yes, consider whether the government department/s in question collect that data. Seek input from PRC's academic partners on the likelihood of such data being available.
6. Is the recommendation directed to non-government bodies, such as religious organisations? If yes, consider whether a specific question about the implementation of that recommendation could be directed to a stakeholder with expert knowledge of the area.

See Table 25 on the following page for examples of the parameters of recommendations.

Table 25 Examples of the parameters of recommendations

	Example 1	Example 2	Example 3
Recommendation	It is recommended that DoCS establish an interagency committee, and that the committee develop guidelines for data collection.	It is recommended that DoCS establish an interagency committee, and that the committee develop guidelines for data collection. DoCS should implement a training program in the new guidelines.	It is recommended that DoCS establish an interagency committee, and that the committee develop guidelines. DoCS should implement a training program in the new guidelines, to ensure that data on the incidence of assault is collected.
Parameters (in scope)	<p>The parameters for assessment are:</p> <ul style="list-style-type: none"> - whether a committee was established; and - whether the committee had interagency-representation; and - whether the committee developed guidelines. 	<p>The parameters for assessment are:</p> <ul style="list-style-type: none"> - whether a committee was established; and - whether the committee had interagency-representation; and - whether the committee developed guidelines; and - whether a training program was implemented. <p>The extent to which data has been collected could be in scope, but is not strictly necessary for the assessment of implementation.</p>	<p>The parameters for assessment are:</p> <ul style="list-style-type: none"> - whether or not a committee was established; and - had interagency representation; and - whether that committee developed guidelines; and - whether a training program was implemented; and - that data has been collected.
Out of scope	How often the committee met; the extent to which the guidelines were implemented.	Whether data has been collected.	Whether data has been analysed to reveal trends.
		Whether data has been analysed to reveal trends.	Whether outcomes for children have changed as a result of the training.

Appendix 11 Number of recommendations as categorised by subject

Subject	Number of recommendations
Abuse in care	20
Child advocate	5
Child protection investigation	10
Child safe environments	1
Child sex offences	1
Child witness	6
Children's rights	10
Community education	1
Compensation	7
Complaints handling	12
Criminal justice system	12
Definition of sexual offences	3
Employment screening	27
Evaluation of procedures/process	1
Exchange of information	16
Handling allegation of abuse against staff	22
Management of client files	3
Mandatory reporting	28
Miscellaneous	6

Monitoring and oversight of children in OOHC	20
No subject specified	1
Offender services	5
OOHC Carer approval and monitoring	3
Promote wellbeing of children	6
Publically sharing information about alleged offenders or victims	1
Redress	16
Self protection education for children	1
Sex offender programs	6
Sex offender register	13
Training in child protection	17
Unknown	4
Victim services	4

Implementation of
recommendations arising from
previous inquiries of relevance to
the Royal Commission into
Institutional Responses to Child
Sexual Abuse

Final Report

Compendium A: Document audits

Parenting Research Centre

Commissioned by the Royal Commission into
Institutional Responses to Child Sexual Abuse



Parenting Research Centre
raising children well

This document is a compendium to the final report for the project titled ‘Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse’.

Established in 1997, the **Parenting Research Centre** (PRC) is Australia’s only national, independent non-profit research, development and implementation specialist organisation with an exclusive focus on parenting and families. The PRC is dedicated to gathering scientific knowledge of effective parenting and developing practical programs to help all parents raise happy, healthy children. The PRC’s work focuses on supporting the efforts of practitioners, managers, organisations and governments to effectively and sustainably adopt and implement evidence-informed practices and programs.

Disclaimer

The views and findings expressed in this report are those of the author(s) and do not necessarily reflect those of the Royal Commission. Any errors are the author’s responsibility.

This project was commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse.

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Royal Commission
into Institutional Responses
to Child Sexual Abuse

Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme eight.

The research program means the Royal Commission can:

- Obtain relevant background information
- Fill key evidence gaps
- Explore what is known and what works
- Develop recommendations that are informed by evidence and can be implemented, and respond to contemporary issues.

For more information on this program, please visit

www.childabuseroyalcommission.gov.au/research.

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DOCUMENT AUDIT: AUSTRALIAN CAPITAL TERRITORY

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	2.2
Commission/Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that s.161(3) of the Children and Young People Act 1999 be amended so as to ensure that the Chief Executive <u>must</u> act in relation to a report made to him or her under s.158 or s.159 in relation to a child or young person for whom the Chief Executive has parental responsibility.</i>
Assessability of recommendation	Yes. The legislation can be accessed to determine the current statutory obligations of the Director-general in relation to a child or young person for whom the DG has parental responsibility.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. <i>Children and Young People Act 2008</i>
Relevant to at least one aspect of recommendation	S.360 and S.507 of the Act relate to the actions the DG must take in relation to a report made to the DG about any child or young person.
Documentation currency	25 November 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Under the CYP Act the DG must consider each child concern report received, carry out an initial assessment and take the action that the DG considers appropriate (s 360).
Excluded actions	NA
When action was taken	S.360 commenced on 27 October 2008

Implemented as recommended?	Yes
Government statement about status of implementation	<p>Under the CYP Act the DG must consider each child concern report received, carry out an initial assessment and take the action that the DG considers appropriate (s 360).</p> <p>The CYP Act further stipulates that if the DG considers the concern report should be further assessed as a child protection report (an “appraisal”), and the DG holds daily care responsibility for the child or young person and has placed them in out of home care, the DG must provide a report to an external oversight authority, the ACT Public Advocate (s 507).</p> <p>Monthly meetings to review actions taken by the DG as a result of the appraisal are held between the Public Advocate and Care and Protection Services.</p>
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	3.7
Commission/Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that a charter of rights be developed within the Children and Young People Act 1999; it should encapsulate the rights of children subject to the Act in relation to their health, wellbeing and participation in decisions about their lives.</i>
Assessability of recommendation	Yes. The legislation can be accessed to establish if a charter of rights has been developed within the Act and whether it encapsulates the rights of children in relation to their health, wellbeing and participation in decisions.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. ACT Government Response 2. ACT Charter of Rights for Children and Young People in Out of Home Care.

http://www.communityservices.act.gov.au/ocyfs/act_charter_of_rights

3. *Children and Young People Act 2008*

Relevant to at least one aspect of recommendation

1. Relevant
2. Relevant – copy of charter
3. Relevant – indicates Charter is not in the Act.

Documentation currency

1. May 2013
2. Jan 2014
3. 25 November 2013

Reliability contribution of documents

1. Medium
2. Medium
3. High

Implementation

Recommended actors involved

NA

Recommended actors not involved

NA

Included actions

A Charter of Rights for Children and Young People in Out of Home Care has been developed.

Excluded actions

The Charter does not cover all children “subject to the Act”. It relates only to children and young people in out of home care.

The Charter has not been developed within the Act. There is no reference to a Charter within the Children and Young People Act 2008.

When action was taken

The Charter was launched by the Minister on 27 November 2009.

Implemented as recommended?

No

Government statement about status of implementation

Completed

On 27 November 2009 Minister for Community Services Directorate, Joy Burch launched the [ACT Charter of Rights for Children and Young People in Out of Home Care](#).

Reason provided

No reason given for why the Charter relates only to children in out of home care and not all children subject to the Act.

Implementation summary

Partially implemented

Recommendation was implemented in a significantly modified or incomplete way.

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	8.6
Commission/Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as Parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that the Children and Young People Act be amended to provide the Children’s Services Council with a specific overview role for care and protection services and to allow the Council to share the Territory Parent responsibility. Council members should be remunerated in accordance with their responsibilities.</i>
Assessability of recommendation	Yes. All aspects of the recommendation can be assessed by reference to the legislation.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response. 2. <i>Children and Young People Act 2008</i>
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant – explains government position re shared parental responsibility 2. Relevant - to the role of the Children’s Services Council including shared parental responsibility. 3. Relevant to the remuneration of Council members.
Documentation currency	<ol style="list-style-type: none"> 1. May 2013 2. 25 November 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	<ol style="list-style-type: none"> 1. The role of the Council is not an overview role for care and protection services. Reports to the Minister from the Council are limited to matters on which the Minister requests a report. 2. There is no provision in the Act for the Children and Youth Services Council to “share the Territory Parent responsibility” or similar provision.

	3. There is no reference in the Act to remuneration for members of the Council other than the Chair.
When action was taken	December 2005.
Implemented as recommended?	No
Government statement about status of implementation	<p>2004 response. The Government disagrees with that part of the recommendation suggesting that the 'Territory Parent' role be shared. Legislation allocates clear responsibilities and accountabilities to the Chief Executive and these must not be diluted through a division of those responsibilities.</p> <p>May 2013 response. Completed</p> <p>The Children and Young People Amendment Bill (no. 2) was introduced in the Legislative Assembly on 15 December 2005. The Bill retains the advisory role of the Council and provides for at least one member of the Council to be a carer and one member of the Council to represent the interests of Aboriginal and Torres Strait Islander people.</p>
Reason provided	See 2004 response above.
Implementation summary	<p>Not implemented</p> <p>None of the three components of the recommendation have been implemented. (See excluded actions above).</p>

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	8.24
Commission/Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as Parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that a statutory Commission for Children and Young People in the ACT be established with advocacy, investigation and intervention powers together with a Tribunal power.</i>
Assessability of recommendation	Yes. The establishment of a Commission and reference to its role and functions can be assessed by reference to the legislation.

Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. <i>Government response</i> 2. <i>Human Rights Commission Act 2005</i> (the Act).
Relevant to at least one aspect of recommendation	Relevant to the establishment of a Children and Young People Commissioner within the Human Rights Commission.
Documentation currency	<ol style="list-style-type: none"> 1. May 2013 2. 7 March 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>Section 3.5 of the <i>Human Rights Commission Act 2005</i> provides for a Children and Young People Commissioner within the Human Rights Commission.</p> <p>S.19B provides that the Children and Young People Commissioner has the following functions:</p> <p>(a) to exercise functions for the commission in relation to services for children and young people; and</p> <p>(b) to exercise any other function given to the commissioner under this Act or any other territory law.</p> <p>S.14 of the Act provides the functions of the Human Rights Commission and these include advocacy, investigation and intervention functions.</p> <p>The Human Rights Act provides the Human Rights Commissioner with the right to intervene in civil or criminal legal proceedings initiated by other parties, with the permission of the court or tribunal. S30.</p> <p>Division 4.4 of the Act provides that in considering complaints, the Commission has a power to ask for information, documents and other things; require the attendance of a person and provide privilege against self-incrimination.</p>
Excluded actions	NA

When action was taken	November 2006
Implemented as recommended?	Yes
Government statement about status of implementation	<p>Completed</p> <p>On 2 September 2005, the <i>Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005</i> was notified.</p> <p>The Children and Young People’s Commissioner is an independent statutory office created under the Human Rights Commission Act 2005 (the Act).</p> <p>Under the Act The Children and Young People’s Commissioner has the following functions (s19B):</p> <ul style="list-style-type: none"> • To exercise functions for the commission in relation to services for children and young people; and • to exercise any other function given to the commissioner under this Act or any other territory law. <p>Section 19B of the Act outlines that in exercising the children and young people commissioner’s functions the commissioner must endeavour to:</p> <ul style="list-style-type: none"> • Consult with children and young people; • listen to and seriously consider the views of children and young people; • ensure that the commission is accessible to children and young people; and • be sensitive to the linguistically and culturally diverse backgrounds of children and young people.
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	6
Commission/Inquiry of origin	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)

Recommendation made	<i>The Committee recommends that the Government investigate and report on the feasibility of a secure residential treatment facility for young people engaging in sexually offending behaviour, with specialist staffing, by March 2004.</i>
Assessability of recommendation	Yes. A copy of the report of the feasibility study should be the basis for assessing the recommendation.
Additional information request	A request was made for a copy of the feasibility study re a secure residential facility. The feasibility study report provide in response by the Department related to an intensive treatment and support initiative for people with dual disabilities, being a mental dysfunction and an intellectual disability.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Doc R6D. Service funding agreement between ACT Department of Disability, Housing and Community Services and Richmond Fellowship, including variation. 2. Doc R6I. Service funding agreement between ACT Department of Disability, Housing and Community Services and Australian Childhood Foundation 3. Doc R6J. Individual Support Placement Agreement between ACT Department of Disability, Housing and Community Services and Premier Youthworks. 4. Doc R6C. Department of Disability, Housing and Community Services ACT, Annual Report 2005-06 (Volume 1) Intensive Treatment and Support Service p16. 5. Not relevant documents submitted included: R6A, R6B, R6E, and R6F. 6. Doc R6G email re program 2007-11 – missing? 7. Not relevant. Feasibility study and implementation plan: Intensive treatment and support initiative for people with dual disabilities.
Relevant to at least one aspect of recommendation	<p>1, 2. and 3 Relevant - Documents R6D, R6I and R6J above relate to service & support agreements and confirm the feasibility of therapeutic approaches.</p> <p>4. Relevant – Document R6C refers to the feasibility study and confirms secure accommodation was being considered.</p>
Documentation currency	May 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Low 4. Medium
Implementation	

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The Recommendation only extends to feasibility study – a copy of which was not provided.
Excluded actions	
When action was taken	<p>The Department’s 2005-06 Annual Report shows the feasibility study was conducted in 2004 and work was to commence on a secure unit in 2006.</p> <p>Chapter 16 Care and protection—therapeutic protection of children and young people, Ss 530 – 635 commenced on 27 October 2008.</p>
Implemented as recommended?	
Government statement about status of implementation	<p>Recommendation implemented in full.</p> <p>In late 2004 Disability ACT undertook a feasibility study to assess the needs of clients who have a dual disability (intellectual disability and a mental disorder/dysfunction), high complex needs and are at risk of entering or re-entering the criminal justice system. Following recommendations from the study, the Intensive Treatment and Support service provides a transitional system of treatment and support that integrates ‘at risk’ clients back into the community. Work on the building of a secure ‘Step-up’ unit is expected to commence in late 2006. Staff recruitment was undertaken in May and June 2006 and the initial stages of the program’s implementation will commence in July 2006.</p>
Reason provided	No reason provided for not submitting a copy of the feasibility report.
Implementation summary	Undetermined. The feasibility study referred to is in relation to clients with a dual disability. It does not appear to be related to young people engaging in sexually offending behaviour. A copy of the recommended feasibility study has not been provided. Some other evidence indicating that a study was conducted has been provided although it is not clear if the feasibility study was for a “secure residential treatment facility” as recommended.
Person extracting data	Auditor 5

Date of extraction	29.01.2014
Recommendation number	25
Commission/Inquiry of origin	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)
Recommendation made	<p><i>The Committee recommends that the Government:</i></p> <p><i>i. investigate ways to streamline the procedural mechanisms for mandatory reporting;</i></p> <p><i>ii. develop and implement a protocol for responding to instances where mandated persons have failed to report abuse; and</i></p> <p><i>iii. review the penalty within the Act for the offence of failing to report a suspected case of abuse.</i></p>
Assessability of recommendation	All components of the recommendation are assessable.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. R25A Education and Training Annual Report 2003-2004 2. R25C Keeping children and young people safe – a shared community responsibility: a guide to reporting child abuse and neglect in the ACT. 3. R25D Care and Protection Services Child Concern Report reporter feedback sheet. 4. R25E ACT Health - Child Protection policy
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant
Documentation currency	May 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Medium 3. Low

4. Medium

Implementation

Recommended actors involved

Describe or NA if actors unspecified

Recommended actors not involved

Describe or NA

Included actions

i. Establishment of Centralised Intake Service in Family Services 2004 (now known as Care and Protection Services) as focal point for receipt of mandatory and community reports 24/7. In September 2006, the Children and Young People Act 1999 amendments provided further clarity regarding mandatory reporting.

Excluded actions

ii. Procedures regarding mandated reporters who fail to make a report have not been developed.
 iii. The penalty provisions for mandated reporters have not been changed. They remain as 50 penalty units, imprisonment for 6 months or both (s356).

When action was taken

Implemented as recommended?

N

Government statement about status of implementation

1. **Recommendation (i) – implemented in full.** Through the establishment of the Centralised Intake Service within Family Services in 2004 (now known as Care and Protection Services)*, Government developed a focal point for the receipt of mandatory and community reports. The Centralised Intake Service and the After Hours Crisis Service together provide a 24 hour child protection service. **Legislative Amendments** In September 2006, the *Children and Young People Act 1999* amendments provided further clarity regarding mandatory reporting responsibilities at s159*. This provision enables mandated people who know a child protection report has been made to Care and Protection Services on the same information and the same child or young person not to be required to make an additional report on the same information. This clarified the onus on mandated reporters and has reduced the administrative burden on Care and Protection Services staff.
2. **Recommendation (ii) – implemented in part.** The *Children and Young People Act 2008* at section 356 makes it an offence if a mandated reporter does not make a mandatory report when the thresholds for making a report are met. The maximum penalties for the offence are 50 penalty units, imprisonment for 6 months or both. Education remains the means by which mandated reporters are encouraged to make reports when the threshold for a mandated report is met.

	<p>Procedures regarding mandated reporters who fail to make a report have not been developed.</p> <p>On occasions when individuals may not have reported and this becomes known to Care and Protection Services, a letter from the Directorate outlining the legislative responsibilities of mandated reporters may be sent*.</p>
In part	<p>3. Recommendation (iii) – implemented in full. The review of the <i>Children and Young People Act 1999</i> considered the issue of penalties for mandated persons who were found guilty of not making a mandatory report. Government decided not to change the penalty provisions for mandated reporters. The penalties remain as 50 penalty units, imprisonment for 6 months or both (s356).</p>
Reason provided	<p>Government decided the penalty for mandated reporters who did not make a mandatory report. No further reason given.</p>
Implementation summary	<p>Re recommendation component 1: No evidence was submitted re any investigation of ways to streamline the procedural mechanisms. Evidence was submitted of changes that have been made to the procedures.</p> <p>Re recommendation component 2 : No protocol developed.</p> <p>Re recommendation component 3 : Government response indicates that the “review” of the Act considered the issue of penalties. A copy of the Review has not been available.</p> <p>Overall Rating: Partially implemented</p>

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	28
Commission/Inquiry of origin	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)
Recommendation made	<i>The Committee recommends that the Government expand the “official visitor role” to all children and young people in residential facilities and consult with stakeholders, in particular children and young people in these facilities, about a more appropriate name for this role.</i>

Assessability of recommendation	Both components of the recommendation are assessable.
Additional information request	<p>Details of consultation process.</p> <p>No evidence has been submitted relevant to the submission that limited consultation was conducted with children and young people about the name for the role.</p>
Submitted document/ source details	<ol style="list-style-type: none"> 1. Public Advocate of the ACT 2. Commissioners for Children and Young People, Health, Disability and Human Rights 3. Official Visitors Act 2012 Report of the review of statutory oversight agencies and community advocacy – Foundation for Effective markets and Governance (FEMAG) 4. Report of the review of statutory oversight agencies and community advocacy – Foundation for Effective markets and Governance (FEMAG) 5. The rights system for rights protection – An ACT Government position paper on the System of Statutory Oversight in the ACT 6. ACT Government Budget papers 2013-14 – Budget overview 7. Official Visitors Act 201 8. Three reports on the review of the Children & <ol style="list-style-type: none"> a. Young People Act 1999: 2005, 2006, 2007 9. Intensive Treatment and Support Initiative for People with Dual Disabilities
Relevant to at least one aspect of recommendation	<hr/> <p>Documents 1-6 are not relevant; document 8 is not relevant.</p> <p>The three review reports contain information about consultation.</p>
Documentation currency	May, 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Medium 3. Medium 4. Medium 5. Medium 6. High 7. Medium (three reports on C & YP Act) 8. Medium
Implementation	
Recommended actors involved	NA

Recommended actors not involved	NA
Included actions	<p>While the roles and functions of the Official Visitor (s14 of the <i>Official Visitors Act 2012</i> and s37 of the <i>Children and Young People Act 2008</i>) have not changed, the definition of a “visitable place” is such as to include “all residential substitute care facilities and refuges” as referred to in Report #3.</p> <p>Government submitted that limited consultation on the name took place through the consultation processes undertaken by the ACT Youth Coalition with children and young people in the review of the legislation. The name of the position has not changed.</p>
Excluded actions	
When action was taken	The <i>Official Visitors Act 2012</i> was passed by the ACT Legislative Assembly and commenced on 1 September 2013.
Implemented as recommended?	<p>No change has been made to the role and functions of the official visitor but the definition of a “visitable place” is such as to include “all residential substitute care facilities and refuges” as referred to in Report #3.</p> <p>No evidence has been submitted re the consultations with children and young people about the name of the position.</p>
Government statement about status of implementation	<p>Implemented in part.</p> <p>The <i>Official Visitors Act 2012</i> was passed by the ACT Legislative Assembly and commenced on 1 September 2013*. The Act establishes two Children and Young People Official Visitors, one position being an Aboriginal and Torres Strait Islander Official Visitor. The roles and functions of the Official Visitor (s14 of the <i>Official Visitors Act 2012</i> and s37 of the <i>Children and Young People Act 2008</i>) have not changed nor has the name of the position. The Official Visitor may visit a child or young person at a ‘visitable place’. These are: a detention place, a therapeutic protection place and a place of care.</p> <p>Limited consultation on the name took place through the consultation processes undertaken by the ACT Youth Coalition with children and young people in the review of the legislation.</p>
Reason provided	No
Implementation summary	In part – component 1.

Undetermined – component 2

Overall Rating –Partially implemented

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	6.1
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>All Family Services records are separated from the Department of Education. The records should be located with, or adjacent to, the Centralised Intake Service. This should include all Family Services clients, both past and present, as well as Youth Justice files (in relation to record keeping and storage).</i>
Assessability of recommendation	All components of the recommendation are assessable.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none">1. M6.1A Education and Training Annual Report 2003-2004 Pages 8, 23, 35,2. M6.1B DHCS Annual Report 2004-2005 (Vol2)Pages 1 and 1713. M6.1C DHCS Annual Report Summary 2005-06, Page 54. M6.1D DHCS Annual Report 2005-06 (Vol 1), Page 2415. M6.1E Information Update 1 Integrated Statutory Service
Relevant to at least one aspect of recommendation	<p>The documents 2-4 all refer to the processes of separating files from the department of Education, the establishment of the Miller St centre and the ongoing process of developing integrated file management systems as recommended, and the allocation of resources.</p> <p>Documents 1 and 5 were not accessible on the internet.</p>

Documentation currency May 2013

Reliability contribution of documents

1. NA
2. Medium
3. Medium
4. Medium
5. NA

Implementation

Recommended actors involved NA

Recommended actors not involved NA

Included actions See Government submission below.

Excluded actions NA

When action was taken See Government submission below

Implemented as recommended? Yes

Government statement about status of implementation **Recommendation implemented in full.**

In early 2004, Family Services was part of the Department of Education, Youth and Family Support. On 26 May 2004, Family Services became part of the Chief Minister's Department*. On 4 November 2004, Family Services were incorporated within the Department of Disability, Housing and Community Services (DHCS - now the Community Services Directorate)*. In August 2005*, Family Services and other areas of the Office for Children, Youth and Family Support Division of the Directorate moved to a single location at 11 Moore Street in Canberra City. This is the current location of most staff from Care and Protection Services. Since 2005, the Records Management Unit of the Directorate has been located at 11 Moore Street*. All client files held by previous Departments were gradually transferred to DHCS by early 2006. Files are readily available to Care and Protection Services staff. Files held in archives may be recalled within the day. The use of the Children and Young People System (CHYPS system) now includes 13 years of information. This is electronically available to all operational staff in Care and Protection Services and records their daily work with children, young people and families. The Office for Children, Youth and Family Support is intending to merge the provision of statutory services across the Office. This is intended to merge the provision of Youth Justice and Care and Protection Services work. As part of this transition, the records of both services will be shared among workers working with the same client*.

Reason provided	NA
Implementation summary	Implemented in full All of the available evidence indicated that action has been taken to implement the recommendation. The nature and scope of the changes to be made mean that it is an ongoing process.

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	6.3
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>Training is provided to all workers regarding the importance of appropriate client file maintenance and the Centralised Intake Service. There needs to be consistent and accessible guidelines about the recording and storing of information and records management.</i>
Assessability of recommendation	<ol style="list-style-type: none"> 1. Training for all workers re client file maintenance and the centralised intake system. Assessable by reference to training curricular and details of training availability and take-up. 2. The consistency and accessibility of guidelines are assessable.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. The ACT Government responses to The Territory's Children reports 1, 2 & 3 2. M6.3A Records management summary - DHCS Annual Report 2011 (webpage) Recordkeeping Guidelines for Managers and Staff Recordkeeping Procedures 3. M6.3B Care and Protection Services: 'Town Hall' Meeting Compulsory record-keeping training 4. M6.3C Records management (Publication) Your guide to recordkeeping (in the Department of Disability, Housing and Community Services) 5. M6.3D The Administration of Files: the How, Who, What, Why, When (Intranet Tips for staff)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Details progress made in relation to recommendation. 2. Reports on actions across a range of areas relevant to the recommendation. 3. Relates to compulsory core training. 4. Technical guidance in systems operation.

	5. Readily accessible Internet assistance re records keeping
Documentation currency	May 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Medium 3. Medium 4. Medium 5. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>Training in Record Keeping and Case Recording is part of core training for all Care and Protection Services case workers.</p> <p>The Community Services Directorate also provides core capability training in the area of Records Management.</p> <p>The CSD intranet provides information on record keeping for all staff including; current policies, procedures, advice sheets, help tips and templates.</p>
Excluded actions	NA
When action was taken	<p>Records management training was updated during 2011-12 for staff as part of suite of Core Capability training packages.</p> <p>The Records Management Training module commenced and was available to all staff in 2011-12</p>
Implemented as recommended?	Yes
Government statement about status of implementation	<p>Recommendation implemented in full and ongoing.</p> <p>Training in Record Keeping and Case Recording is part of core training for all Care and Protection Services case workers. This training is considered a priority 1 course for all new staff commencing work with Care and Protection Services. The Community Services Directorate also provides core capability training in the area of Records Management. In addition to this training the CSD intranet provides information on record keeping for all staff including; current policies, procedures, advice sheets, help tips and templates *.</p> <p>In addition, training about record keeping is offered to Care and</p>

Protection Services staff through Town Hall, generally on an annual basis. The last presentation occurred on 1 August 2012*.

Staff have direct access to the *Territory Records Act 2002*, available electronically to all staff on the ACT Legislation Register. The Records Management Unit assist staff with any specific record inquiries and a booklet entitled *Records Management – Your Guide to Recordkeeping* * is available to staff during their Orientation or at other training sessions.

The Integrated Management System for care and Protection Services will also include in the revised policies and procedures the requirements of case management records for children, young people and families.

Reason provided

NA

Implementation summary

Implemented in full

Person extracting data

Auditor 5

Date of extraction

29.01.2014

Recommendation number

6.5

Commission/Inquiry of origin

The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)

Recommendation made

When a document or case note is entered on a client file, it should be automatically linked, or be able to be viewed, in all other sections.

Assessability of recommendation

Yes

Additional information request

NA

Submitted document/ source details

1. The ACT Government responses to The Territory's Children reports 1p14, 2p16 & 3p20 (provided),
2. M6.5-A Establishment/launch of Family View function in CHYPS
3. M6.5-B ACT Budget Paper 3 2013-14

Relevant to at least one aspect of recommendation

1. Reflects progress being made on implementing the recommendation
2. Shows "family view" function operational
3. Shows commitment of funds for ongoing development

Documentation currency	May 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Low 3. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>On 21 July 2007, the establishment of the ‘family view’ functionality enabled child protection workers to access a summary of child protection reports, interventions and the number of progress notes with children in a family.</p> <p>Each child in the CHYPS has an individual identification number, enabling their records to be maintained separately from siblings.</p> <p>The proposed Integrated Management System development plans further changes to CHYPS system. The 2013-2014 ACT Government Budget has allocated \$250,000 over the next two years for a feasibility study of replacements to the Care and Protection data system and improvements to the existing CHYPS system.</p>
Excluded actions	Process not complete
When action was taken	<p>2007 the “family view” function.</p> <p>Development ongoing</p>
Implemented as recommended?	Not completed
Government statement about status of implementation	<p>Recommendation implemented to the extent possible within the existing system.</p> <p>The system had capacity in relation to issues the recommendation sought to address. The CHYPS system for the recording of Care and Protection Services interventions and the obtaining of data has been gradually improved since 2004. On 21 July 2007, the establishment of the ‘family view’ functionality further enabled child protection workers to access quickly a summary of child protection reports, interventions and the number of progress notes with children in a family. In addition, each child in the CHYPS system has an individual identification number, enabling their records to be</p>

maintained separately from those of other children in the family. As part of the Integrated Management System development within Care and Protection Services, changes are being introduced to the CHYPS system to further strengthen its capacities. In addition, the 2013-2014 ACT Government Budget has allocated \$250,000 in funding over the next two years for a feasibility study of replacements to the Care and Protection data system and for improvements to the...

Government statement about status of implementation

Reason provided Ongoing development

Implementation summary Development of the integrated management system is ongoing.
Partially implemented

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	8.4
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>When a child is on an order and there is a report of harm being caused to them by an adult in the place of residence, a special appraisal needs to be conducted regardless of whether the child is living at home or in care.</i>
Assessability of recommendation	Yes. While the term "special appraisal" is no longer used, the legislation specifies action required following receipt of a child concern report.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. M8.4A Care and Protection for Children and Young People: Interim Policy and Procedures for Legislative compliance in the ACT 2. M8.4B Chapter D12: Abuse in Care Reports (Appraisal) Policy and Procedures 3.M8.4C The Children and Young People Act 2008 – Section 507

Relevant to at least one aspect of recommendation 1. Yes
2. Yes
3. Yes

Documentation currency May 2013

Reliability contribution of documents 1. Medium
2. Medium
3. High

Implementation

Recommended actors involved NA

Recommended actors not involved NA

Included actions S.360 of the *Children and Young People Act 2008* (replaced *Children and Young People Act 1999*) provides that Director-general must consider all child concern reports and must carry out an initial assessment to of the matters raised in the report to decide if the child or young person may be in need of care and protection.

S. 361 provides that if the Director-general decides that a child concern report is a child protection report, then the Director-general must take the action that the Director-general considers appropriate in relation to the report.

S.506 provides that if the Director-general has daily care responsibility for a child or young person and the Director-general decides that a child concern report about the child or young person is a child protection report, and the Director-general then carries out a child protection appraisal for the child or young person, then the Director-general must give the public advocate a report about the incident and what action (if any) the Director-general has taken because of the appraisal.

Excluded actions NA

When action was taken Policy and procedure reviews starting 2004

Legislation 2008

Implemented as recommended? Yes. The provisions apply to all children.

Government statement about status of implementation

Reason provided NA

Implementation summary	Implemented in full
Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	9.9
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>Investigation is undertaken to develop systems for employment screening, similar to 'Working With Children Checks' conducted by the NSW Commission for Children and Young People.</i>
Assessability of recommendation	Yes by reference to the legislation.
Additional information request	NA
Submitted document/ source details	1. M9.9B <i>Working with Vulnerable People (Background Checking) Act 2011</i>
Relevant to at least one aspect of recommendation	1. Provides the legislative schema for the checks.
Documentation currency	May 2013
Reliability contribution of documents	High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The legislation sets requirements for people working with vulnerable people including children, young people, persons with a disability and aged persons. The provisions regarding the requirement for a WWVP check for people working with children and young people must be completed by those employed in the sector by 8 November 2013.
Excluded actions	NA

When action was taken	<p>September 2004, the Minister released a position paper on the roles and functions of the proposed Commissioner for Children and Young People.</p> <p>Consultation on the position paper concluded on 10 December 2004</p> <p>August 2010 Government tabled the <i>Working with Vulnerable People (Background Checking) Bill 2010</i></p> <p>Working with Vulnerable People (Background Checking) Act 2011 commenced in Nov 2012</p>
Implemented as recommended?	Yes
Government statement about status of implementation	<p>Recommendation implemented in full.</p> <p>In September 2004 the Minister for Children, Youth and Family Support released a position paper on the roles and functions of the proposed Commissioner for Children and Young People. The position paper referred to 'Working with Children Checks'*. In August 2010, the ACT Government tabled the <i>Working with Vulnerable People (Background Checking) Bill 2010*</i>. The Act was notified on 8 November 2011 and commenced on 8 November 2012.</p>
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	9.13
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>There is a review of the Abuse in Care Policy and protocols with non-government agencies, Foster Care Association and CREATE Foundation. Develop protocols procedures in which Family Services and non-government agencies roles in assessing and actioning recommendations of concerns and abuse in care allegations are clearly defined and followed up.</i>

Assessability of recommendation	<p>1. Yes – can assess whether a review of the Abuse in care Policy & Protocols was conducted.</p> <p>2. Yes - Can assess if the Foster Care Association and CREATE Foundation were involved.</p> <p>3. Yes – can assess if protocols and procedures have been developed and roles are clearly defined.</p>
Additional information request	NA
Submitted document/ source details	<p>1. M9.13-A The Foster Carers and Kinship Carers Guide –A Resource for Carers was developed in consultation with the Out of Home Care sector</p> <p>2. M9.13-B CPS IMS Bulletin, Vol 1, Issue 1 & Care and Protection Services Manual 2004-5</p>
Relevant to at least one aspect of recommendation	1. Yes. The Guide makes reference to the processes following the receipt of allegations made involving the carers. The Introduction states that the guide was produced in collaboration with the ACT Out of Home Care Sector.
Documentation currency	September 2010
Reliability contribution of documents	1. Medium
Implementation	
Recommended actors involved	Yes. Although the Foster Care Association and CREATE were not named specifically as collaborators in the production of the guide.
Recommended actors not involved	NA
Included actions	<p>In September 2004 and January 2005, the Care and Protection Services Manual was reviewed and updated.</p> <p>In September 2010, the first version of The Foster Carers and Kinship Carers Guide –A Resource for Carers was developed in consultation with the Out of Home Care sector.</p> <p>A copy of the Guide was provided to all carers and a revised version of the Guide is being finalised to replace the 2010 Guide.</p>
Excluded actions	NA
When action was taken	Recommendation July 2004

First review of policy and procedures September 2004 – others followed.

Current policy and procedures dated June 2011.

Implemented as recommended? Yes.

Government statement about status of implementation **Recommendation implemented.**

Since 2004 when the Murray report made the recommendation, reviews of policies and procedures concerning allegations of children and young people abused or neglected while in care have taken place. In September 2004 and January 2005*, the Care and Protection Services Manual was reviewed and updated. From that time onwards, there have been ongoing reviews of policies and procedures. The current policy and procedure is dated 2 June 2011*.

Currently, the Integrated Management System is reviewing all Care and Protection Policies and Procedures. This work is to be completed in March 2014*.

In September 2010, the first version of The Foster Carers and Kinship Carers Guide -A Resource for Carers was developed in consultation with the Out of Home Care sector*. The Guide makes reference to the processes following the receipt of allegations made involving the carers. A copy of the Guide was provided to all carers and a revised version of the Guide is being finalised to replace the 2010 Guide.

Reason provided NA

Implementation summary **Implemented in full**

Policy and procedures have been reviewed and revised manual released.

Although the Foster Care Association and CREATE were not named specifically as collaborators in the production of the guide it is reasonable to assume that both organisations were part of the ACT Out of Home Care sector that was involved.

DOCUMENT AUDIT: COMMONWEALTH

Person extracting data	Auditor 1
Date of extraction	13 September 2013
Recommendation number	14
Commission/Inquiry of origin	Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997)
Recommendation made	<i>That monetary compensation be provided to people affected by forcible removal under the following headings.1. Racial discrimination. 2. Arbitrary deprivation of liberty. 3. Pain and suffering. 4. Abuse, including physical, sexual and emotional abuse. 5. Disruption of family life. 6. Loss of cultural rights and fulfilment. 7. Loss of native title rights. 8. Labour exploitation. 9. Economic loss. 10. Loss of opportunities.</i>
Assessability of recommendation	Yes.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Link to Senate Standing Committee on Legal and Constitutional Affairs 2000 report - Healing: A Legacy of Generations – the Report of Inquiry into the Federal Government’s Implementation of the Recommendations made by the Human Rights and Equal Opportunity Commission in Bringing them Home (available at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/1999-02/stolen/report/contents)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2000
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High
Document details	
Recommended actors involved	Commonwealth Government
Recommended actors not involved	NA

Included actions and when	Recommendation not implemented. Related measures to address abuse in context of forcible removal outlined. These include establishment of RC into Institutional Responses to Child Abuse; establishment of the ATSI Healing Foundation; counselling, family tracing and reunion services such as Link Up; funding for oral history projects; and the Stolen Generations Working Partnership.
Excluded actions	Recommendation not implemented
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	This recommendation has not been implemented, but a number of other measures have resulted from it. The government of the day did not agree with this recommendation.
Reasons provided	Yes
Implementation summary	Not implemented

Person extracting data	Auditor 1
Date of extraction	13 November 2013
Recommendation number	6
Commission/Inquiry of origin	ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process (1997)
Recommendation made	<i>Each State and Territory should ensure that there are appropriate mechanisms, vested in either newly established or existing bodies, to:</i> <ul style="list-style-type: none"> • <i>handle complaints by or on behalf of children concerning the conduct of that State's or Territory's authorities including conduct of employees and omissions or failures to act by authorities.</i>
Assessability of recommendation	yes
Submitted documents/ source details	1. Government response Links to the following docs provided:

2. National Framework for Protecting Australia’s Children 2009-2020 of Children (available at: <http://www.aihw.gov.au/publication-detail/?id=60129544391>)
3. Communiqués of COAG meetings in Dec 2002, June 2005, July 2008, October 2008, & Nov 2008 (available at http://www.coag.gov.au/meeting_outcomes)
4. Protecting Vulnerable Children: A National Challenge, second report of the inquiry into children in institutional or out of home care (2005) Community Affairs References Committee (Rec 17) (available at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/index)
5. Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005) (Rec 8) (available at : http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/completed_inquiries/2004-07/inst_care/report/index.htm)

Relevant to at least one aspect of recommendation

1. Relevant
2. Relevant
3. Relevant
4. Relevant
5. Relevant

Documentation currency

1. Provided to the Royal Commission on request, 2013
2. April 2009
3. See dates above
4. 2005
5. 2005

Reliability contribution of document

1. Low
2. High
3. High
4. Medium
5. Medium

Document details

Recommended actors involved

Commonwealth, State and Territory Governments.

Recommended actors not involved

Recommendation should be put to each State and Territory government for information re state initiatives such as Children’s Commissioners or equivalent office. Not all these State/Territory bodies have the power to deal with individual complaints as envisaged by the recommendation

Included actions and when

National Children’s Commissioner appointed March 2013.

	Tardy response to this recommendation, recommendation in 2005 <i>Protecting Vulnerable Children</i> report, recommendation of UN Committee on the Rights of the Child 2005 country review, and key outcome identified by the National Framework for Protecting Australia's Children in 2009.
Excluded actions	The role of the National Commissioner, as outlined in the <i>Australian Human Rights Commission Amendment (National Children's Commissioner) Act 2012</i> (Cwth) does not extend to hearing individual complaints relating to services provided by Commonwealth instrumentalities (which State and Territory Commissioners have no power to deal with). Nor does it include the powers recommended in the <i>Forgotten Australians</i> report (rec 8 i.e., re hearing and mediating complaints made by children and young people relating to church processes).
When action was taken	See above
Implemented as Recommended?	N
Government statement about status of implementation	Not specified
Reasons provided	NA
Implementation summary	Undetermined – beyond the scope of the Commonwealth Government

Person extracting data	Auditor 1
Date of extraction	13 November 2013
Recommendation number	268
Commission/Inquiry of origin	ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process (1997)
Recommendation made	<i>The national standard on juvenile justice should provide that an Official Visitors scheme be attached to every juvenile detention centre and visit detention centres regularly, preferably fortnightly.</i> <i>Implementation. The Attorney-General through SCAG should encourage States and Territories to adopt these measures.</i>
Assessability of recommendation	Yes. While no actor is specified, the authors of the standards (the Australasian Juvenile Justice Administrators, which is made up of

	senior executive officers from Commonwealth, State, Territory and NZ governments) could be instructed by SCAG to implement the recommendation.
Submitted documents/ source details	Government response
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided to the Royal Commission on request, 2013
Reliability contribution of document	Low
Document details	
Recommended actors involved	Not specified. Standing Council of Attorney Generals (SCAG)?
Recommended actors not involved	NA
Included actions and when	NA
Excluded actions	National standards have not been amended (see standards at http://www.ajja.org.au/files/updated_october_2012_-_ajja_juvenile_justice_standards_2009_part_1_and_2.pdf)
When action was taken	NA
Implemented as Recommended?	N
Government statement about status of implementation	Not implemented. "On 17 September 2011, SCAG transitioned into the Standing Council on Law and Justice (SCLJ). A review of the past relevant Communiqués for SCLJ do not specifically refer to the implementation of recommendation 268."
Reasons provided	State responsibility; insufficient evidence.
Implementation summary	Not implemented

Person extracting data	Auditor 1
Date of extraction	13 November 2013
Recommendation number	12.1

Commission/Inquiry of origin	Management Response to Allegations of Paedophile Activity within the Foreign Affairs Portfolio: Report to the Public Service Commissioner, Pamela O'Neil, May 1997
Recommendation made	<p><i>12: I recommend that agencies, in consultation with the relevant staff associations and unions and the PSMPC, develop a complaints procedure, including a procedure for the handling of allegations of a breach of the Code of Conduct. The procedure should incorporate the following elements: - an acknowledgement that there are ways of dealing with matters of personal behaviour, particularly of a less serious nature, which do not involve employing the formal process prescribed by the Public Service Act; - the need to identify allegations which are of relevance to the employer. If the view is taken that an allegation is not of relevance to the employer the person making the allegation should be informed; - the need for respect for privacy and for the requirements of natural justice and procedural fairness to be observed in the handling of any allegations of misconduct; - the need for matters to be dealt with speedily. The facts need to be established before memories fade; - an allegation involving a possible breach of Australia criminal law, and which is of relevance to the employer, should be reported to the appropriate law enforcement authority; and - there should be a preference for regarding an allegation of misbehaviour as a misconduct matter, in addition to any requirement for dealing with the matter in some other manner.</i></p> <p><i>Agencies should ensure that they have in place appropriate awareness programs to provide staff and, where appropriate, members of their households, with necessary information about personal behaviour, complaints mechanisms and related matters. Suitable induction programs and refresher programs should also be provided.</i></p>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. APS Values and Code of Conduct (available at http://www.comlaw.gov.au/Series/C2004A00538) 3. Australian Public Service Commissioner's Directions 2013 (available at http://www.comlaw.gov.au/Details/F2013L00448) 4. Handling Misconduct – A human resources practitioner's guide to the reporting and handling of suspected and determined breaches of the APS Code of Conduct (Handling Misconduct) (available at http://www.apsc.gov.au/data/assets/pdf_file/0019/6175/misconduct.pdf)

Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. Came into effect March 1998 3. Came into effect 1 July 2013 4. 2008
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. Medium
Document details	
Recommended actors involved	Commonwealth agencies in Foreign Affairs portfolio, public service unions and PSMPC
Recommended actors not involved	Unknown whether Unions and PSMPC consulted in development of complaints regime.
Included actions and when	The documents referred to achieve the intended purpose of the recommendation, as outlined in the government response.
Excluded actions	NA
When action was taken	1998 to current
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full Refer to legislation verification. This was a line-ball decision. It was considered that the excluded content was minor and was not sufficient to lead to a 'partial' status.

Person extracting data	Auditor 1
Date of extraction	15 November 2013
Recommendation number	111

Commission/Inquiry of origin	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998
Recommendation made	<p><i>Markedly different views have been expressed to us by former child migrants about the issue of compensation payments. Many believe that such a measure might impede the provision of records if governments or agencies become unduly nervous about the financial consequences of irregularities or indiscretions contained therein. We therefore do not recommend a compensation payment. Matters concerning identity and background are much more important to former child migrants.</i></p> <p><i>However, we would expect the full weight of the law to be felt in cases where physical and sexual abuse against former child migrants can be proven, Courts should award the maximum possible damages when a conviction is obtained. We would like to see Statutes of Limitation suspended in all cases related to the abuse of former child migrants.</i></p>
Assessability of recommendation	<p>Partial. Question of funding services for former child migrants in lieu of compensation not clearly articulated. Unclear who recommendation is directed at. Questions of prosecution of sexual offences and quantum of damages are for state Directors of Public Prosecution. Inappropriate for any government to intervene in the prosecution of allegations of abuse and in the penalties awarded (doctrine of separation of powers). The review of awards of damages to victims under state law is beyond the scope of this inquiry. Assessing whether the “full weight of the law” is felt in relevant cases is beyond the scope of this project.</p>
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government Response 2. Australian Government Response to the British Government Response to the Recommendations of the British House of Commons Health Committee’s Report of it’s Inquiry into the Welfare of Former British Child Migrants (2000) (unable to locate) 3. Lost Innocents: Righting the Record Report (2001) (available at http://pandora.nla.gov.au/pan/36671/20030819-0000/www.aph.gov.au/senate/committee/clac_ctte/child_migrat/report/contents.htm) 4. Lost Innocents and Forgotten Australians Revisited Report (2009) (available at http://www.forgottenaustralians.org.au/PDF/senatereport2009.pdf)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant? (Unable to locate) 3. Relevant

	4. Relevant
Documentation currency	1. Provided to the Royal Commission on request, 2013 2. 2000 3. 2001 4. 2009
Reliability contribution of document	1. Low 2. Medium 3. Medium 4. Medium
Document details	
Recommended actors involved	Not specified
Recommended actors not involved	NA
Included actions and when	Commonwealth provides funding for programs to assist former child migrants to reconnect with family (see response to rec 113 below).
Excluded actions	Suspension of Statute of Limitations is a question for individual States.
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Implemented in full
Reasons provided	Yes – state responsibility
Implementation summary	Undetermined – a matter for the States

Person extracting data	Auditor 1
Date of extraction	15 November
Recommendation number	113
Commission/Inquiry of origin	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998
Recommendation made	<i>We ask the governments of Canada, New Zealand and Australia to consider giving financial support to organisations in their respective countries who represent the interests of former child migrants.</i>

Assessability of recommendation	Partial – actions of overseas governments beyond the scope of this project.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Find and Connect Records Access Documentation Project Information. Note: the links provided in the response don't appear to be current. The following address is the only online information I could find, and also does not appear to be current – see http://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/find-and-connect-services-and-projects
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. No current?
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Low
Document details	
Recommended actors involved	Commonwealth government
Recommended actors not involved	NA
Included actions and when	Response indicates that the Commonwealth provides funding for support organisations as listed. Note however that information on the DSS website (see http://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/find-and-connect-services-and-projects) does not appear to be current, making it difficult to assess the implementation. The Find and Connect service as described on the website, rather than an “Australia-wide coordinated family tracing and supportto locate ...files and assist them to reunite with members of their family”, appears to consist primarily of a web-resource, and additional funding for support agencies.
Excluded actions	NA
When action was taken	Unclear. Response to recommendation 116 suggests funding allocated in 2002. Find and Connect and other initiatives appear to have been developed 2010/2011.
	Actions of Canada and New Zealand governments beyond the scope of this project.

Implemented as recommended?	N
Government statement about status of implementation	Implemented in full
Reasons provided	
Implementation summary	Undetermined – Australian government appears to have implemented, however the others are unknown.
Person extracting data	Auditor 1
Date of extraction	15 November 2013
Recommendation number	116
Commission/Inquiry of origin	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998
Recommendation made	<i>We urge the Federal Government of Australia to initiate an inquiry into post-war practices in institutions such as Bindoon and Neerkol, with a view to establishing the truth behind allegations of physical, mental and sexual abuse; discovering the names of any perpetrators; and prosecuting any surviving members of staff against whom evidence is available.</i>
Assessability of recommendation	Partial. Questions of prosecution of perpetrators of abuse are for state Directors of Public Prosecutions. Assessment of prosecution of members of staff is beyond the scope of this project.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Lost Innocents: Righting the Record Report (2001) (see http://pandora.nla.gov.au/pan/36671/20030819-0000/www.aph.gov.au/senate/committee/clac_ctte/child_migrat/report/contents.htm) 3. Australian Government Response (13 May 2002) to the Lost Innocents: Righting the Record Report (2001) (unable to locate)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Unable to locate
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2001 3. 2001

Reliability contribution of document	1. Low 2. Medium 3. Medium
Document details	
Recommended actors involved	Federal Government
Recommended actors not involved	NA
Included actions and when	Inquiry conducted 2000/2001
Excluded actions	Terms of Reference of Inquiry did not extend to investigation of individual instances of abuse and pursuing perpetrators. Questions of prosecution of perpetrators of abuse relate to state Directors of Public Prosecutions.
When action was taken	See above
Implemented as Recommended?	Yes
Government statement about status of implementation	Implemented in full. This recommendation was implemented through the Lost Innocents: Righting the Record (2001).
Reasons provided	Yes
Implementation summary	Implemented in full – an Inquiry was conducted. The prosecution of members of staff is beyond the scope of the Commonwealth government.

Person extracting data	Auditor 1
Date of extraction	15 November 2013
Recommendation number	1
Commission/Inquiry of origin	Lost Innocents: Righting the Record – Report on Child Migration (2001)
Recommendation made	<i>That the Commonwealth Government</i> <ol style="list-style-type: none"> a) <i>urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and</i> b) <i>that the Senate Social Welfare Committee’s 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.</i>

Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Lost Innocents and Forgotten Australians Revisited Report (2009) (available at http://www.forgottenaustralians.org.au/PDF/senatereport2009.pdf) 3. Links to relevant state inquiries
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2009 3. Vic (2013); SA (2008); WA (2012); Tas (2004); NSW (current)
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Document details	
Recommended actors involved	Commonwealth, State and Territory Government
Recommended actors not involved	NA
Included actions and when	The government response is silent as to part b) of the recommendation. However the treatment of children in institutional care was again subject to scrutiny in the 2004 national report <i>Forgotten Australians</i> .
Excluded actions	Part a) of the recommendation has not been implemented.
When action was taken	Part b) - 2004
Implemented as Recommended?	Partial
Government statement about status of implementation	Unspecified
Reasons provided	<p>Yes – the Commonwealth asserts that it will not encourage state inquiries for the following reasons:</p> <ul style="list-style-type: none"> • Recommendation not re-endorsed by Committee involved in the 2009 Lost Innocents and Forgotten Australians Revisited Report (see 6.86); • There have been a number of state inquiries held since the recommendation.
Implementation summary	Partially implemented part B implemented

Person extracting data	Auditor 1
Date of extraction	15 November 2013
Recommendation number	1
Commission/Inquiry of origin	Inquiry into Immigration Detention Procedures (Flood Inquiry) 2001
Recommendation made	<i>Australian Correctional Management Pty Ltd (ACM) should be asked to issue revised policy instructions to staff to incorporate the requirements of relevant State legislation on child welfare and sexual assault. The draft currently being prepared by ACM should be completed as quickly as possible and issued in all centres.</i>
Assessability of recommendation	Yes, as it relates to current contractor
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. SERCO PPM for Immigration Detention Centre and Alternate Place of Detention (3/02/2011) (Attachment H) 3. SERCO PPM for Immigration Residential Housing (5/03/2010) (Attachment I) 4. SERCO PPM for Immigration Transit Accommodation (3/02/2010) (Attachment J) 5. MAXNetWork Child Protection Policy (September 2013) (Attachment K) 6. International Health and Medical Services (IHMS), Child Protection and Mandatory Reporting (July 2013) (Attachment L)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant 5. Relevant 6. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. February 2011 3. March 2010 4. February 2010 5. September 2013 6. July 2013
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium 5. Medium 6. Medium

Document details	
Recommended actors involved	Commonwealth Government and ACM
Recommended actors not involved	NA
Included actions and when	Policies implemented
Excluded actions	NA
When action was taken	Unclear whether version dates above correlate with when policies were implemented. Unclear whether similar policies were included in contract with ACM, the previous contractor which managed centres up until 2003 (when it handed over management to it's parent company Group 4 Securicor). SERCO has been contracted by the Australian Government to manage immigration detention facilities since 2009.
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full (in relation to current contractor)

Person extracting data	Auditor 1
Date of extraction	17 November 2013
Recommendation number	14
Commission/Inquiry of origin	Inquiry into Immigration Detention Procedures (Flood Inquiry) 2001
Recommendation made	<i>The Contract with ACM should be amended to make it explicit that the reporting as such of allegations, instances or suspicion of child abuse has no impact whatsoever on performance payments. Performance payments should be affected by failure to report, failure to report in a timely way and of course by poor management of an allegation, instance or suspicion of child abuse.</i>
Assessability of recommendation	Yes, as it relates to current contractor
Submitted documents/ source details	1. Government response

	2. Immigration Detention Centre Contract – Incident Reporting Abatement Metric (Attachment M)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided to the Royal Commission on request, 2013 2. Undated
Reliability contribution of document	1. Low 2. Medium
Document details	
Recommended actors involved	Commonwealth Government
Recommended actors not involved	NA
Included actions and when	‘Incident’ reporting and management requirements included in contract, however: <ul style="list-style-type: none"> contrary to assertion in Govt response, the document provided (matrix) does not clearly show how failure to meet these conditions affects performance payments. May need to refer to 2.2.3 of the contract; and no definition of ‘incident’ is provided
Excluded actions	NA
When action was taken	Unclear. No date provided for inclusion of conditions in contract. Unclear whether similar conditions included in contract with ACM, the previous contractor which managed centres up until 2003 (when it handed over management to its parent company Group 4 Securicor). SERCO has been contracted by the Australian Government to manage immigration detention facilities since 2009.
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full - in relation to current contractor
Person extracting data	Auditor 1
Date of extraction	17 November 2013

Recommendation number	15.3
Commission/Inquiry of origin	Disability Care and Support: Productivity Commission Inquiry Report Volume 1, No. 54, 31 July 2011, Australian Government Productivity Commission
Recommendation made	<i>Drawing on the system currently in place for working with children, Australian governments should ensure that police checks and other safeguards should be implemented that target the risk of abuse of vulnerable people with disabilities, and cover those relevant workers for a given period, rather than for a particular job.</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government Response 2. Refers to Commonwealth Submission on Issues Paper 1, but no document or link to document provided
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. ?
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium
Document details	
Recommended actors involved	Commonwealth, State and Territory Governments
Recommended actors not involved	NA
Included actions and when	The NDIS is working with Commonwealth, State & Territory governments to use existing quality and safeguard mechanisms.
Excluded actions	
When action was taken	
Implemented as Recommended?	
Government statement about status of implementation	Implemented in part
Reasons provided	

Implementation summary	<p>Undetermined – no evidence provided about the use of police checks and other safeguards in relation to vulnerable people with disabilities.</p> <p>Commonwealth submission referred to was not provided.</p>
Person extracting data	Auditor 1
Date of extraction	17 November 2013
Recommendation number	2
Commission/Inquiry of origin	Report of the Review of allegations of sexual and other abuse in Defence - Facing the problems of the past: Volume 1 - General findings and recommendations, Rumble, McKean & Pearce, October 2011 (prepared for the Department of Defence)
Recommendation made	<p><i>The Review recommends that Phase 2 undertake discussions with Defence as a matter of urgency with a view to:</i></p> <ol style="list-style-type: none"> <i>a. the clarification and, if necessary, amendment of DI(G) PERS 35-4 to permit administrative action to be taken in respect of actions which may constitute sex offences under applicable criminal law. The other DI(G)s that seem to be relevant to these issues should also be examined. Consideration should be given to having a DI(G) which directs the relevant Commanding Officer to consider taking administrative action even though the same incident has also been referred to civilian police and to review the status of the matter at regular intervals to see whether administrative action should be taken. Regard should be had to the desirability of Defence procedures following the APS model for running administrative processes during or after criminal processes for the same facts.</i> <i>b. A broader examination should be undertaken of the management of actions which may be sexual offences under applicable criminal law and 'unacceptable behaviour' and the relevant DI(G)s redrafted to provide simpler and appropriate advice and guidance to management. (page 145).</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Defence Instruction (General) PERS 35-4 – <i>Reporting and Management of Sexual Misconduct including Sexual Offences (Attachment C)</i> 3. Defence Instruction (General) ADMINISTRATION 45-2 - <i>Reporting Investigation of Alleged Offences within the Australian Defence</i>

	<p><i>Organisation</i> (following URL provided is invalid http://www.defence.gov.au/oscdf/afc/pdf/GA450.2.pdf)</p> <p>4. Defence Instruction (General) PERS 35-3 – Management and Reporting of Unacceptable Behaviour (Attachment D)</p>
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 28 August 2013 3. ? Unable to view document 4. 28 June 2009
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium
Document details	
Recommended actors involved	Department of Defence
Recommended actors not involved	NA
Included actions and when	Relevant policies appear to have been implemented as recommended.
Excluded actions	Note: these policies do not apply to cadets, some of whom may be under 18 years.
When action was taken	See above
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 1
Date of extraction	17 November 2013
Recommendation number	10
Commission/Inquiry of origin	Report of the Review of allegations of sexual and other abuse in Defence - Facing the problems of the past: Volume 1 - General

findings and recommendations, Rumble, McKean & Pearce, October 2011 (prepared for the Department of Defence)

Recommendation made

A suite of options should be adopted to provide means for affording reparation to persons affected by abuse in Defence comprising: • public apology/acknowledgements; • personal apology; • capped compensation scheme; • facilitated meeting between victim and perpetrator; • health services and counselling.

A body or team should be tasked to develop detailed proposals for the suite of options, so that they may be presented for a decision on implementation. While the suite of options are being developed, there should be further external investigation of matters recommended in Volume 2 for further external investigation. There could be referral of matters recommended for internal/external referral. Volume 2 recommendations are limited to existing options. Accordingly, matters recommended for 'no further action' in Volume 2 should be 'held', pending the development of the proposals and then - where appropriate - considered for possible action under any new processes adopted. There should be appropriate communication to complainants as to what will happen during the transition stage and into Phase 2. (page 194)

Assessability of recommendation

Yes

Submitted documents/ source details

1. Government response
2. Media Release, Government announcement of response to the DLA Piper Review of allegations of sexual and other abuse in Defence, 26 November 2012 (**Attachment E**)
3. Defence Abuse Response Taskforce First Interim Report to the Attorney-General and Minister for Defence, 14 March 2013
4. Defence Abuse Response Taskforce Second Interim Report to the Attorney-General and Minister for Defence, 20 June 2013 (available at <http://www.defenceabusetaskforce.gov.au/reports/Pages/default.aspx>)

Note: The Third Interim Report was submitted to the Minister for Defence and the Attorney-General on 4 October 2013 (available at same link)

Relevant to at least one aspect of recommendation

1. Relevant
2. Relevant
3. Relevant
4. Relevant

Documentation currency

1. Provided to the Royal Commission on request, 2013
2. 26 November 2012
3. 14 March 2013

	4. 14 March 2013
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Low 3. Medium 4. Medium
Document details	
Recommended actors involved	Department of Defence
Recommended actors not involved	NA
Included actions and when	<p>Defence Abuse Response Taskforce established 26 November 2012. The three interim reports of the Taskforce indicate the following:</p> <ul style="list-style-type: none"> • Capped reparations scheme has commenced • Restorative engagement process, involving facilitated meeting between victim and perpetrator developed further • Counselling services being sourced (but no other 'health services' provided as per recommendation) • A general apology to those who experienced abuse, delivered in the Australian Parliament by the Minister for Defence on behalf of the Government, and a general public apology made by the CDF • Personal apologies from appropriate Defence officers as part of restorative justice/conciliation processes • The Taskforce is hearing complaints where: <ul style="list-style-type: none"> ○ the complaint was made to DLA Piper and consent was subsequently given to refer it to the Taskforce; ○ new allegations and complaints were made to the Taskforce by the reporting deadline of 31 May 2013; and ○ the allegations and complaints refer to abuse that is alleged to have occurred prior to 11 April 2011.
Excluded actions	Provision of health services as well as counselling not reported
When action was taken	See above
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	No

Implementation summary

Implemented in full. Taskforce appears to have substantially addressed the options.

Person extracting data	Auditor 1
Date of extraction	19 November 2013
Recommendation number	4
Commission/Inquiry of origin	Complaint by a young person (under the age of 18) of an incident involving unacceptable behaviour at a Navy training establishment in mid-1996 (2004)
Recommendation made	<i>The RAN instructions in relation to the investigation of alleged sexual assault be revised to require that such cases be referred to the civilian police at an early stage.</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Defence Instruction (General) 35-4-PERSONNEL – <i>Management and Reporting of Unacceptable Behavior</i> 3. Defence Instruction (General) ADMINISTRATION 45-2 -Reporting and Investigation of Alleged Offences within the Australian Defence Organisation (available at http://www.defence.gov.au/oscdf/afc/pdf/GA45_02.pdf) 4. Defence Instruction (General) PERSONNEL 35-4 - Management and Reporting of Sexual Offences 5. Australian Defence Force Service Police Manual (Volume 2) (paragraphs 5.219 - 5.237)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. No longer relevant 3. Unsure as to relevance. Unable to view document – link not live 4. Relevant. Unable to view document – 2013 version not yet available on website 5. Relevant. Unable to view document – no doc or link provided
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 28 June 2009 3. Unknown. Unable to view document – link not live 4. Unknown. 2013 version not yet available 5. Unknown. Unable to view document – no doc or link provided
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium

5. Medium

Document details

Recommended actors involved Royal Australian Navy

Recommended actors not involved NA

Included actions and when DI(G) 35-4 first issued 2004. Unclear whether this was in response to recommendation. Direction to immediately report any incident of alleged sexual assault to the Australian Defence Force Investigative Service (ADFIS)

A revised version of DI(G)35-4 was said to have been released in July 2013 (no link to this version found so revised version not viewed) and is currently being further revised. Publication of complete revision early 2014. Claim that where the alleged victim is under 18 or is a cadet, revised version will require: immediate referral to State/Territory Child Protection Authority; preservation of crime scene and evidence and encouraging victim to report matter (including to civilian police).

Paragraphs 5.219 - 5.237 ADF Service Police Manual (Vol 2) requires ADFIS to immediately refer certain listed offences (including sexual assault and some offences involving young people) to civilian police.

Excluded actions Under DI(G) 35-4 a , no requirement for ADFIS to report alleged offence to civilian police promptly, or at all if not deemed appropriate, unless paragraphs 5.219 - 5.237 of the Australian Defence Force Service Police Manual (Volume 2) apply

When action was taken Unable to view relevant docs so cannot determine when actioned

Implemented as Recommended? Y

Government statement about status of implementation Unspecified

Reasons provided NA

Implementation summary **Implemented in full**

Person extracting data Auditor 1

Date of extraction 17 November 2013

Recommendation number 1

Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That the Commonwealth Government issue a formal statement acknowledging, on behalf of the nation, the hurt and distress suffered by many children in institutional care, particularly the children who were victims of abuse and assault; and apologising for the harm caused to these children.</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Link to text of formal apology to the Forgotten Australians and Former Child Migrants
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 16 November 2009
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High/Medium
Document details	
Recommended actors involved	Commonwealth Government
Recommended actors not involved	NA
Included actions and when	Formal apology delivered 16 November 2009
Excluded actions	NA
When action was taken	16 November 2009
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full
Person extracting data	Auditor 1, Auditor 2, Auditor 6
Date of extraction	19 November 2013
Recommendation number	2

Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children, and the hurt and distress suffered by the children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Links to formal apologies provided by State Governments: Qld – 1999; WA – 2005; Tas – 2005; Vic – 2006; SA – 2008; NSW – 2009.
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. See dates above
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium
Document details	
Recommended actors involved	All State Governments, churches and agencies involved in the provision of institutional care
Recommended actors not involved	NA
Included actions and when	Each State Government and some churches and other organisations involved in the provision of institutional care have issued formal apologies (see dates above)
Excluded actions	Extent to which churches and other agencies in all states have issued formal apologies.
When action was taken	See dates above
Implemented as Recommended?	Unclear
Government statement about status of implementation	Not specified
Reasons provided	Responsibility of States, Churches and other non-government agencies

Implementation summary	Partially implemented While there is insufficient evidence covering all States, Churches and agencies, evidence has been provided of the issuing of formal apologies by some States and Churches. Implementation therefore appears to be partial.
Person extracting data	Auditor 1
Date of extraction	19 November 2013
Recommendation number	3
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That State Governments review the effectiveness of the South Australian law and consider amending their own statutes of limitation legislation to achieve the positive outcomes for conducting legal proceedings that have resulted from the amendments in the South Australian jurisdiction. [NOTE: The South Australia law was the Criminal Law Consolidation (Abolition of Time Limit for the Prosecution of Certain Sexual Offences) Amendment Act 2003 (SA) which removed a 3 year limitation period for the prosecution of sexual offences committed between 1952-1982. It was used in 2004 to prosecute 9 people for child sexual abuse committed in the 1950s and 1960s)</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Government response to Forgotten Australians report http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Committees?url=clac_ctte/completed_inquiries/2004-07/inst_care/index.htm (note: URL no longer valid) 3. 'Lost Innocents and Forgotten Australians Revisited' report (2009) Available at: http://www.aph.gov.au/Senate/committee/clac_ctte/recs_lost_innocents_forgotten_aust_rpts/report/report.pdf
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2005 3. 2009
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Document details	

Recommended actors involved	State Governments
Recommended actors not involved	NA
Included actions and when	Issue previously considered
Excluded actions	Query whether this issue has been fully investigated and resolved. The Statute of limitations appears to still affect some historical cases in Victoria – see http://www.abc.net.au/news/2013-05-13/royal-commission-urged-to-address-victoria27s-statute-of-limit/4685150 . Note also that time limitations apply in relation to civil action for damages resulting from historical child abuse in most States and Territories.
When action was taken	NA
Implemented as Recommended?	N
Government statement about status of implementation	This recommendation is not directed at the Commonwealth.
Reasons provided	Yes. Recommendation not directed at Commonwealth Government, and response suggests that no other state imposes restrictions of the commencement of criminal proceedings relating to historic sexual crimes.
Implementation summary	Undetermined. Further information should be sought from State Governments.

Person extracting data	Auditor 6
Date of extraction	14 January 2014
Recommendation number	4
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.</i>
Assessability of recommendation	Yes – actor and action is specific and verifiable.

Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response to RC, 2013 2. Government response tabled to the Senate, 2005 (the government's link to this document was broken; I have requested a copy 14/1/14)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request 2013 2. 2005
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High – tabled in Parliament
Document details	
Recommended actors involved	"The Government"
Recommended actors not involved	NA
Included actions and when	The recommendation was considered and rejected.
Excluded actions	Changes to the corporations act.
When action was taken	
Implemented as recommended?	N
Government statement about status of implementation	Government did not support the recommendation.
Reasons provided	Requiring charities to be incorporated to receive tax concessions would not be feasible administratively or in terms of equity.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	14/01/14
Recommendation number	6
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that: • the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately;• the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme;• a board be established to administer the scheme,</i>

consider claims and award monetary compensation;• the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;• the board should have regard to whether legal redress has been pursued;• the processes established in assessing claims be non-adversarial and informal; and• compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.

Assessability of recommendation

Yes – actions and actors clearly specified

Submitted documents/ source details

Government response to RC, 2013

Relevant to at least one aspect of recommendation

Relevant

Documentation currency

Provided on request, 2013

Reliability contribution of document

Low

Document details

Recommended actors involved

The government

Recommended actors not involved

NA

Included actions and when

A national reparations fund was considered but rejected.

Excluded actions

Establishment of a national reparations fund.

When action was taken

Implemented as Recommended?

N

Government statement about status of implementation

This recommendation has not been implemented.

Reasons provided

Reparation for victims rests with those who managed or funded the institutions in questions. Redress schemes would be better established by States and Territories.

Implementation summary

Not implemented

Person extracting data

Auditor 2

Date of extraction

11.02.2014

Recommendation number

7

Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That all internal Church and agency-related processes for handling abuse allegations ensure that:• informal, reconciliation-type processes be available whereby complainants can meet with Church officials to discuss complaints and resolve grievances without recourse to more formal processes, the aim being to promote reconciliation and healing;• where possible, there be independent input into the appointment of key personnel operating the schemes;• a full range of support and other services be offered as part of compensation/reparation packages, including monetary compensation;• terms of settlement do not impose confidentiality clauses on complainants;• internal review procedures be improved, including the appointment of external appointees independent of the respective Church or agency to conduct reviews; and• information on complaints procedures is widely disseminated, including on Churches' websites</i>
Assessability of recommendation	Y; actions and outcome clearly specified, although the meaning of 'agency-related' is not clear
Submitted documents/ source details	1. Government Response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Churches and related agencies
Recommended actors not involved	NA
Included actions and when	
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	This recommendation was not directed to the Commonwealth.

Reasons provided	1. "This recommendation was not directed to the Commonwealth. The Commonwealth notes that the current Victorian inquiry is examining the processes by which religious organisations handle reports of child abuse and it will make finding relating to charges to practices, process and policies"
Implementation summary	Undetermined. Lack of information from other churches, and about agency processes, leaves this undetermined.

Person extracting data	Auditor 6
Date of extraction	14/01/14
Recommendation number	8
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to:• investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority;• review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability;• publicise the existence of Church-sponsored complaints mechanisms widely throughout the community.</i>
Assessability of recommendation	Yes – actions and actors clearly specified
Submitted documents/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of document	Low
Document details	
Recommended actors involved	National Commissioner for Children and Young People
Recommended actors not involved	NA
Included actions and when	Establishment of National CCYP as recommended (for the most part).

Excluded actions	Does not have role of monitoring individual complaints as recommended.
When action was taken	National Commissioner for Children and Young People appointed 25 February 2013 – 8 years after the Inquiry.
Implemented as recommended?	Y
Government statement about status of implementation	Key aspects of this recommendation were implemented.
Reasons provided	
Implementation summary	Partially implemented – see legislation verification

Person extracting data	Auditor 2
Date of extraction	12.02.2014
Recommendation number	11
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<p><i>That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault, including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations; And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report's tabling, that the Commonwealth Government then, following consultation with state and territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission:</i></p> <ul style="list-style-type: none"> <i>• be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; and</i> <i>• be narrowly conceived so as to focus within these institutions, on — the nature and extent of criminal physical assault of children and young persons, including assault leading to death;</i>

	<p>— <i>criminal sexual assault of children and young persons;</i></p> <p>— <i>and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations.</i></p>
Assessability of recommendation	Yes; Actions and outcome clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to the RC; 2013 2. Government response to Forgotten Australians and Protecting Vulnerable children reports (on website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request; 2013 2. Provided on request; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Commonwealth Government
Recommended actors not involved	
Included actions	<ol style="list-style-type: none"> 1. Response to Forgotten Australians and Protecting Vulnerable Children table in Senate 2. Royal Commission into Institutional responses into Child Sexual Abuse 3. Facilitated access to records through the Find and Connect Records Access Documentation Project. 4. Cash grants made available to organisations to manage documents relating to children in various kinds of out of home care between the 1920s and 1980s
Excluded actions	<ol style="list-style-type: none"> 1. Government did not find means to require charitable, church-run institutions and out-of-home care facilities to provide full cooperation with authorities investigating the nature and extent of criminal behaviour

	2. No evaluation or assessment undertaken to date as Records Access Documentation Project and the Royal Commission into Institutional Responses to Child Sexual Abuse have only recently begun
When action was taken	1. 2005 2. 2013 3. 2011-2012 4. 2011-2012
Implemented as recommended?	In part
Government statement about status of implementation	Implemented in part
Reason provided	
Implementation summary	Partially implemented

Person extracting data	Auditor 2
Date of extraction	12.02. 2014
Recommendation number	17
Commission/Inquiry of origin	Protecting Vulnerable Children – A National Challenge, second report of the inquiry into children in institutional or out-of-home care (2005)
Recommendation made	<i>The Commonwealth establish a national commissioner for children and young people to drive a national reform agenda for child protection. In doing so, the national commission should: • bring together all stakeholders, including the States and Territories, child protection professionals and researchers and peak organisations, to establish an agenda for change including the identification of key areas of concern; • encourage the development of innovative models within the child protection system; and • encourage State and Territory Governments to work toward harmonising child protection legislation, including agreement on common definitions.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	NA
Submitted document/ source details	1. Government Response to RC; 2013

Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on Request; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	The Commonwealth
Recommended actors not involved	NA
Included actions	<p>1. A National Children’s Commissioner was appointed, established within Australian Human Rights Commission, with the power to consult with broad powers for consultation including cross-jurisdictional matters</p> <p>2. Commonwealth refers to discussion regarding Commissioner in relation to ALRC Report 84, ‘Seen and Heard :Priority for Children and the Legal Process’(1987)</p>
Excluded actions	1. To soon for assessment or evaluation to be undertaken
When action was taken	1. 2013
Implemented as recommended?	Y
Government statement about status of implementation	Not specified
Reason provided	
Implementation summary	Implemented in full

Person extracting data	Auditor 2
Date of extraction	12.02.2014
Recommendation number	2
Commission/Inquiry of origin	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)
Recommendation made	<i>That legal advice on care for minors be used to develop a Defence Instruction (General) (DI(G)) that would define the ADF’s responsibilities for the administration of minors. It should include examples of the risks associated with care of minors that must be covered in any service arrangements to give effect to the DI(G).</i>

Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response; 2013 2. PERSONNEL 33-4 <i>Management and administration of Australian Defence Force members under 18 years of age</i> (on website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request; 2013 2. Provided on request; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Australian Defence Force (ADF)
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. ADF acknowledged that Defence Instruction (General) PERSONNEL 33-4 <i>Recruitment and employment of members under 18 years in the Australian Defence Force (05)</i> lacked instruction regarding duty of care to minors. 2. ADF incorporated legal advice, re-drafted instructions and released Defence Instruction (General) which addressed the full requirements of exercising the duty of care to minors 3. A training package was also created to accompany the new policy
Excluded actions	
When action was taken	<ol style="list-style-type: none"> 1. 2008
Implemented as recommended?	
Government statement about status of implementation	"This recommendation has been implemented in full"
Reason provided	NA

Implementation summary	Implemented in full - Policy was re-drafted to include duty of care to minors
Person extracting data	Auditor 2
Date of extraction	13.02.2014
Recommendation number	3
Commission/Inquiry of origin	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)
Recommendation made	<i>That, consistent with good administrative practice, each service develop its own Instruction identifying how minors will be managed within service personnel management and training structures. The DI(G) should address risks specifically associated with that service. It should inform the development of procedures to manage those risks within individual training establishments.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response; 2013 2. <i>Management and administration of Australian Defence Force members under 18 years of age</i> – on website
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	Provided; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low
Implementation	
Recommended actors involved	Australian Defence Forces (ADF)
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. DI(G) 33-4 Management and administration of Australian Defence Force member under 18 years of age is an overarching instruction that applies to entire ADF 2. When specific unit-level policy was not produced, management is in accordance with overarching policy (DI(G) 33-4.

	3. Numerous Units and training establishments within the Navy, Army and Air Force developed specific directives and instructions for the management and administration of ADF members under 18 years. Examples of separate policies and instruction can be provided on request.
Excluded actions	1. Is not clear if DI(G) 33-4 addresses risks specifically associated with each service
When action was taken	1. Unspecified 2. unspecified 3. unspecified
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation has been implemented in part”
Reason provided	“Defence took a different view on the treatment of each service”
Implementation summary	Partially implemented. Not all parts of ADF have own instruction on management of minors. Unclear if risk assessment of each service in covered in DI(G) 33-4

Person extracting data	Auditor 2
Date of extraction	17.02.2014
Recommendation number	4
Commission/Inquiry of origin	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)
Recommendation made	<i>That comprehensive and accurate information about the ADF’s duty of care for minors (and what this means within each service and training establishment, where appropriate) be provided for all potential enlistees who are minors, and their parents/guardians. This information should include examples of how the duty of care will be delivered day-to-day, as well as the limits of the ADF’s responsibilities.</i>
Assessability of recommendation	Yes; outcomes and actions are clearly specified.
Additional information request	NA
Submitted document/ source details	1. Government response to RC; 2013 2. DFR-RECF050 – <i>Important Information for General Entry and Officer Entry Candidates</i> (on website)

	3. DFR-RECF051. <i>Information for Reserves GE and OE candidates</i> (on website)
	4. DFR-RECF051. Important Information for Reserve Candidates (on website)
	5. DFR-FINPOL002 – <i>Candidate Travel Policy</i> (on website)
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p> <p>3. Relevant</p> <p>4. Relevant</p> <p>5. Relevant</p>
Documentation currency	<p>1. Provided on request; 2013</p> <p>2. Provided on request; 2013</p> <p>3. Provided on request; 2013</p> <p>4. Provided on request; 2013</p> <p>5. Provided on request; 2013</p>
Reliability contribution of documents	<p>1. Low</p> <p>2. Medium</p> <p>3. Medium</p> <p>4. Medium</p>
Implementation	
Recommended actors involved	Australian Defence Force (ADF)
Recommended actors not involved	NA
Included actions	<p>1. DI(G) PERSONNEL 33-4 <i>Recruitment and employment of member under 18 years in the Australian Defence Force</i> posted on website</p> <p>2. Information for prospective ADF members and parents/guardians available on website;</p> <ul style="list-style-type: none"> • DFR- RECF050 – Important Information for General Entry and Officer Entry Candidates • DFR-RECF051 - Information for Reserves in GE and OE candidates posted

	<ul style="list-style-type: none"> • DFR-RECREFO51. Important Information for Reserve Candidates • DFR-FINPOL002 – <i>Candidate Travel Policy</i>
	3. Specific information for parents also available on website; http://www.defencejobs.gov.au/RecruitmentCentre//supportAndDownloads/infoForParents
Excluded actions	NA
When action was taken	Unspecified
Implemented as recommended?	Y
Government statement about status of implementation	In response to the Commonwealth Ombudsman’s report, the ADF updates its website with relevant policy
Reason provided	
Implementation summary	Implemented in full. Information regarding duty of care of minors made available to minors and their parents/guardians on website

Person extracting data	Auditor 2
Date of extraction	17.02.2014
Recommendation number	7
Commission/Inquiry of origin	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)
Recommendation made	<p><i>That the ADF review accessibility of support arrangements for minors, including :</i></p> <ul style="list-style-type: none"> • <i>Conducting surveys of the opinions of minors on current arrangements. Surveys should be anonymous, include minors who do not complete their training, and provide the option for free comment on barriers to access. Given that many minors lack broad life experience, it would also be appropriate to suggest options for improvement, on which they can comment. Examples could include greater access to their families (such as more opportunity for telephone contact) and tighter confidentiality when a problem is raised.</i> • <i>Analysing factors, which contribute to successful support arrangements for minors; and using these as a basis for developing a best practice model for application across the ADF.</i>

	<ul style="list-style-type: none"> • <i>Regularly seeking feedback from minors to ensure high standards set by the best practice model are maintained. Results from feedback should be consolidated across all services and form the basis of an annual report to the Chief of the Defence Force on the effectiveness of support arrangements for minors.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	<ol style="list-style-type: none"> 1. the number of minors who responded to the Longitudinal ADF Study Evaluating Retention, at the time of entry into the organisation and at the specified interval thereafter, as a proportion of the total number of minors in the ADF; and 2. the number of minors who responded to the Longitudinal ADF Study Evaluating Resilience, at the time of entry into the organisation and at the specified intervals thereafter, as a proportion of the total number of minors in the ADF; and 3. two examples of the annual reports to the Chief of the Defence Force containing feedback from minors across all services
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC 2. Annex A 3. Additional Information requests; 1. 2. & 3.
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request; 2013 2. Provided on request; 2013 3. Provided on request; 2013 & 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Low
Implementation	
Recommended actors involved	ADF
Recommended actors not involved	NA

Included actions	<ul style="list-style-type: none"> a) Longitudinal ADF Study Evaluating Retention assesses attitudes, beliefs & expectations throughout individual member’s career. Those who leave during mandatory period are also surveyed. b) Longitudinal ADR Study Evaluating Resilience, follows members through first five years of career c) Cadets surveyed re; experience in ADF, communication & training d) Learning Culture Inquiry into the culture of ADF schools and training establishments, which lead to Defence Youth Policy Manual (YOUTHPOLMAN – edition 1; currently under internal review. When released will guide policy & procedure for young adults 12 to 25 yrs. e) Cadet Policy Manuel outlines good practice for dealing with under 18 yr olds f) Cadet Youth Development Framework developed with University of Melbourne
Excluded actions	<ul style="list-style-type: none"> b). Longitudinal ADF Study Evaluation Retention and Longitudinal ADR Study Evaluating Resilience do not record age. Participation is voluntary. c). Annual reports on consolidated feedback from minors across service not available as surveys do not record ages and are voluntary d. Information from minors varies according to training unit
When action was taken	<ul style="list-style-type: none"> a). 2007 b). 2009 c). 2007 & 2010 d). 2005 e). unspecified f). Unspecified
Implemented as recommended?	Partial
Government statement about status of implementation	Defence is utilising existing survey arrangement to obtain opinions from minors on appropriateness of their training
Reason provided	
Implementation summary	Partially implemented. Conflicting statements as to the capture of feedback from minors in longitudinal surveys

Person extracting data 17.02.2014

Date of extraction	Auditor 2
Recommendation number	3.1
Commission/Inquiry of origin	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission
Recommendation made	<p><i>The National Judicial College, the Judicial College of Victoria, the Judicial Commission of New South Wales and the state and territory law societies and bar associations should consider conducting educational programs about the policy underlying the approach of the uniform Evidence Acts to admissibility of evidence. The Inquiry also identified the following areas as warranting consideration:</i></p> <p><i>- Improper questioning; the admissibility of evidence of expert opinion; the cognitive behavioural development of children and the implications of this for the reliability of the evidence of child witnesses' the nature of sexual assault, including the context in which sexual offences typically occur, and the emotional, psychological and social impact of sexual assault.</i></p>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	NA
Submitted document/ source details	<p>1. Government response to the RC; 2013</p> <p>2. National Judicial College of Australia, <i>Information Concerning Judicial Education, September, 2013 (Attachment A)</i></p> <p>3. Uniform Evidence Law (ALRC Report 102) 2006</p> <p>http://www.alrc.gov.au/publications/3.%20Understanding%20the%20Uniform%20Evidence%20Acts/introduction</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p> <p>3. Relevant</p>
Documentation currency	<p>1. Provided; 2013</p> <p>2. Provided; 2013</p> <p>3. Provided; 2013</p>
Reliability contribution of documents	1. Low

2. Medium

3. Medium

Implementation

Recommended actors involved

- National Judicial College of Australia Council (NJCA)
- Judicial College of Victoria (JCV)
- Judicial Commission of New South Wales (JCNSW)
- State & territory law societies
- Bar associations

Recommended actors not involved

NA

Included actions

1. Attorney-General Ruddock wrote to Chair of National Judicial College of Australia Council expressing support for educational programmes about the policy behind the uniform Evidence Acts
2. Standing Council of Attorneys-General Evidence Working Group decided to connect relevant judicial college persons and re-engage them on the issue.
3. NJCA conducts Annual Orientation Program for Magistrates, includes a session on child witnesses.
4. The Travelling Judicial Professional Development Program included a session on the Uniform Evidence Act
5. Judicial officer from NT, SA, NSW, & Vic have attended Judicial seminars of child witnesses
6. NJCA will present a programme for judicial officer to better understand child development, children giving evidence in Courts, questioning techniques and capacity of children to give evidence
7. Annual Reports for the Judicial College of Victoria 08/09 & 09/10 & 2011, provide information on its activities with the Evidence Act and special rules of evidence in relations to sexual offences (on website)
8. Judicial Commission of New South Wales has published Benchbooks relating to the Evidence Act (on website)
9. Australasian Institute for Judicial Administration published Benchbook for Children Giving Evidence in Australian Courts

Excluded actions

When action was taken

1. 2007
2. 2008
3. Annual
4. 2006

	5. 2007 6. 2014 7. 08/09/010 & 2011 8. unspecified 9. 2011
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full. Educational programs about uniform Evidence Act were conducted

Person extracting data	Auditor 2
Date of extraction	17.02.2014
Recommendation number	9-1
Commission/Inquiry of origin	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission
Recommendation made	<i>The Opinion Rule and its Exceptions</i> <i>Section 79 of the uniform Evidence Acts should be amended to provide that, to avoid doubt, the provision applies to evidence of a person who has specialised knowledge of child development and behaviour (including specialised knowledge of the effect of sexual abuse on children and of their behaviour during and following the abuse), being evidence in relation to either or both of the following:(a) the development and behaviour of children generally;(b) the development and behaviour of children who have been the victims of sexual offences, or offences similar to sexual offences.</i>
Assessability of recommendation	Yes. Action and outcomes clearly specified
Additional information request	1. Legislation check; 1. Model Uniform Evidence Bill, s79(2) 2. <i>Evidence Act 1995 (Cth), s79(2) [amended by Evidence Amendment Act 2008, Schedule 1, item 38]</i>
Submitted document/ source details	1. Government response to RC; 2013

	2. Legislation check; 2013
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2014
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Legislation changed
Excluded actions	NA
When action was taken	2008
Implemented as recommended?	Y
Government statement about status of implementation	“In the Commonwealth jurisdiction, this recommendation has been implemented.”
Reason provided	
Implementation summary	Implemented in full – see legislation check

Person extracting data	17.02.2014
Date of extraction	Auditor 2
Recommendation number	15-6
Commission/Inquiry of origin	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission
Recommendation made	<i>Privilege: Other Privileges</i> <i>The sexual assault communications privilege should apply to any compulsory process for disclosure, such as pre-trial discovery and the production of documents in response to a subpoena and in non-curial contexts including search warrants and notices to produce documents, as well as court proceedings.</i>

Assessability of recommendation	Yes. Actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC; 2013 2. Communiqué, Standing Committee of Attorneys-General, May, 2010, p 3,4,10 & 11 (Attachment B)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided; 2013 2. Provided; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	1. Standing Council of Attorneys-General (SCAG) agreed to establish 7 principles as a minimum standard for protection of sexual assault counselling communications, where jurisdictions choose to legislate to restrict the disclosure of sexual assault counselling communications.
Excluded actions	<ol style="list-style-type: none"> 1. Single model for sexual assault counselling protection in Australia 2. Consideration has been given to progressing this at the Commonwealth level as a public interest immunity bases on South Australian Legislation. Provisions have been drafted for inclusion in an Evidence Amendment Bill 2010 but have not yet been implemented.
When action was taken	1. May, 2010
Implemented as recommended?	N
Government statement about status of implementation	Implemented in part. SCAG agreed that it is not appropriate to provide a single model for sexual assault counselling protection for Australia
Reason provided	Small number of Commonwealth offences for which counselling immunity would be relevant.

Implementation summary**Partially implemented**

Person extracting data	Auditor 2
Date of extraction	17.02.2014
Recommendation number	18-2
Commission/Inquiry of origin	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission
Recommendation made	<i>Comments, Warnings and Directions to the Jury The uniform Evidence Acts should be amended to include provisions dealing with warnings in respect of children’s evidence similar to those contained in ss 165(6), 165A and 165B of the Evidence Act 1995 (NSW). Section 165B should be amended to make it clear that a trial judge is not to give a warning about the reliability of the evidence of a child solely on account of the age of the child.</i>
Assessability of recommendation	Yes; actions and outcomes clearly stated
Additional information request	1. Legislation check; Evidence Act 1995 (Cth) s165A [amended by Evidence Amendment Act 2008]
Submitted document/ source details	1. Government Response to RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low - Government response 2. High - Legislation Check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Legislation changed
Excluded actions	NA
When action was taken	2008
Implemented as recommended?	Y

Government statement about status of implementation	Implemented in full.
Reason provided	
Implementation summary	Implemented in full – see legislation check

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	1
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Commonwealth government issue a formal acknowledgement and expression of regret to former child migrants in accordance with recommendation 30 of the Lost Innocents report; and that this statement be issued in conjunction with, or as a part of, a broader Commonwealth apology to people who experienced abuse and/or neglect in institutional or out-of-home care as children.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	NA
Submitted document/ source details	1. Government response to RC; 2013 2. Apology (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2013 2. Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	1. Commonwealth Government
Recommended actors not involved	NA
Included actions	1. Former Prime Minister, Kevin Rudd formally apologised.

Excluded actions	NA
When action was taken	1. Nov 16, 2009
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in Full
Reason provided	
Implementation summary	Implemented in full: Apology delivered

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	3
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Prime Minister write to relevant churches and religious agencies requesting that they provide formal statements concerning the need for such bodies to make reparation to children who suffered abuse and neglect in their care in the last century, and addressing in particular the issues of apology, redress and provision of services to care leavers, and the implementation of the recommendations of the Forgotten Australians report; the Committee further recommends that the Prime Minister cause the statements provided by churches and religious agencies to be collated and tabled in parliament</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to the RC; 2013 2. Report; Senate Committees; 2013 (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	

Recommended actors involved	1. Prime Minister of Australia 2. Relevant churches and religious agencies
Recommended actors not involved	
Included actions	1. Government response tabled in Senate 2. Government wrote to past care providers and consulted them in the lead up to the national apology to Forgotten Australians and former child migrants
Excluded actions	1. Statements from churches and religious agencies regarding redress or provision of services were not collated or tabled in parliament
When action was taken	1. 2009 2. unspecified
Implemented as recommended?	N
Government statement about status of implementation	“The government supported this recommendation in principle. However it was not implemented.”
Reason provided	Reparation is a matter for care providers
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	4
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Commonwealth government pursue all available policy and political options to ensure that South Australia, (COAG) New South Wales and Victoria establish redress schemes for people who suffered neglect and/or abuse in institutional settings or out-of-home care in the last century; and that the remaining States make provision to ensure continued receipt of redress claims.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to the RC; 2013

	2. Parliamentary Business, Senate Committee; 2013 (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	1. Commonwealth Government
Recommended actors not involved	
Included actions	1. Government response to Lost Innocents and Forgotten Australians Revisited report was tabled in Senate; in it: <ul style="list-style-type: none"> • the issue of redress was raised as a matter for each State & Territory • the issue was also raised at the Community and Disability Services Ministers' Conference (CDSMC), on 11 September 2009 • Government noted that a number of States and Territories and past care providers had provided redress 11 September, 2009
Excluded actions	1. Commonwealth did not pursue all available policy and political options to ensure South Australia, New South Wales and Victoria establish redress schemes and remaining states make provision for continues receipt of redress claims
When action was taken	1. November, 2009 2. 11 September, 2009
Implemented as recommended?	N
Government statement about status of implementation	Redress is a matter for each State and Territory government and past care providers to consider and questions in relation to it, needs to be put to them
Reason provided	
Implementation summary	Not implemented: Commonwealth government considers redress a matter for each State & Territory government and past care-givers to provide

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	5
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Commonwealth government pursue the establishment of State redress schemes through the Council of Australian Governments (COAG) and other appropriate national forums.</i>
Assessability of recommendation	Yes: actions & outcomes clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC; 2013 2. COAG Meeting Outcomes (on website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided; 2013 2. Provided; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – Government response 2. Medium – COAG report (on website)
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. Commonwealth Government
Recommended actors not involved	<ol style="list-style-type: none"> 1. States of Australia
Included actions	<ol style="list-style-type: none"> 1. Government response to Lost Innocents and Forgotten Australians Revisited report was tabled in Senate: 2. COAG has had ongoing discussions on how Commonwealth, States & Territories can improve child protection 3. COAG Communique of 30 April, 2009, released The National Framework for Protecting Australia’s Children
Excluded actions	State redress schemes were not pursued through COAG
When action was taken	<ol style="list-style-type: none"> 2. Nov, 2009 3. April, 2009

Implemented as recommended?	N
Government statement about status of implementation	
Reason provided	Redress is a matter for State and Territories
Implementation summary	Not implemented: State redress schemes through COAG were not pursued

Person extracting data	Auditor 2
Date of extraction	12.03..2014
Recommendation number	6
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that churches take steps to ensure that processes for handling abuse allegations are consistent across all jurisdictions; and that such processes conform to recommendation 7 of the Forgotten Australians report.</i>
Assessability of recommendation	Yes; actions and outcomes clearly
Additional information request	
Submitted document/ source details	1. Government response to RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Churches
Recommended actors not involved	N/A
Included actions	
Excluded actions	
When action was taken	
Implemented as recommended?	N

Government statement about status of implementation	This is not directed to the Commonwealth.
Reason provided	1. A matter for the churches to address
Implementation summary	Undetermined

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	15
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Ministerial Council for Police and Emergency Management (Police) develop and implement a national policy on the prosecution of, and data collection and sharing about, historical crimes of sexual and physical abuse of children in care; and that the establishment or further development of specialist State police units be considered as part of this policy development process.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation check; <ul style="list-style-type: none"> • <i>Crimes Amendment (Working With Children-Children History) Act 2010</i> • <i>Crimes Act 1914 (Cth)</i>
Submitted document/ source details	1. Government response to RC; 2013 2. National Framework for Protecting Australia's Children 2009-2010 (on website) 3. Memorandum of Understanding (MOU) between Commonwealth, State and Territory Governments (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Not Relevant 3. Relevant
Documentation currency	Provided; 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check 3. Medium - National Framework

	4. Medium - MOU
Implementation	
Recommended actors involved	1. Ministerial Council for Police and Emergency management (MCPEM)
Recommended actors not involved	NA
Included actions	<p>1. Amendments to the <i>Crimes Act 1914</i>, were introduced under the <i>Crimes Amendment (Working With Children-Criminal History) Act 2010</i>, permitting criminal history to be disclosed and considered when person is applying to work with children</p> <p>2. COAG agreed, in 2009, to a 12 month trial program for inter-jurisdictional exchange of criminal history information for screening people working with children. The program continues to operate under a MOU</p>
Excluded actions	<p>1. National policy on the prosecution of historical crimes of sexual and physical abuse of children in care has not been developed</p> <p>2. Specialist police units not established</p>
When action was taken	1. 2008
Implemented as recommended?	N
Government statement about status of implementation	<p>1. Recommendation was not implemented but the Commonwealth took steps to address the intent of the recommendation.</p> <p>2. Specialist Police units are a matter for individual States & Territories</p>
Reason provided	Yes.
Implementation summary	Partially implemented – see legislation check

Person extracting data	19.02.2014
Date of extraction	Auditor 2
Recommendation number	25-1
Commission/Inquiry of origin	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)
Recommendation made	<i>State and territory sexual assault provisions should include a wide definition of sexual intercourse or penetration, encompassing:</i>

(a) penetration (to any extent) of the genitalia (including surgically constructed genitalia) or anus of a person by the penis or other body part of another person and/or any object manipulated by a person;

*(b) penetration of the mouth of a person by the penis of a person;
and*

(c) continuing sexual penetration as defined in paragraph (a) or (b) above.

Assessability of recommendation

Yes; actions and outcomes clearly specified

Additional information request

Submitted document/ source details

1. Government response to RC; 2013

Relevant to at least one aspect of recommendation

1. Relevant

Documentation currency

1. Response Provided; 2013

Reliability contribution of documents

1. Low

Implementation

Recommended actors involved

States and Territories

Recommended actors not involved

NA

Included actions

1. Ministers at SCAG meeting agreed to develop a National Response to the ALRC Report

Excluded actions

No wide definition of sexual intercourse or penetration within State and territory sexual assault provisions

When action was taken

1. SCAG meeting 22 July, 2011

Implemented as recommended?

N

Government statement about status of implementation

This recommendation was not expressly directed to the Commonwealth and is within the responsibility of the State and Territory governments.

Reason provided

SCAG meeting agreed that States and Territories should assess Report as it applies to their own jurisdictions, as it relates to criminal procedures, evidence criminal law and child protection generally.

Implementation summary

Undetermined: No evidence of a National Response to ALRC Report. States & Territories have not been approached for a response

Person extracting data	Auditor 2
Date of extraction	19.02. 2014
Recommendation number	25-2
Commission/Inquiry of origin	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)
Recommendation made	<i>Federal, state and territory sexual offence provisions should provide a uniform age of consent for all sexual offences.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government Response to the RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Federal, State and Territories
Recommended actors not involved	NA
Included actions	1. Government response to ALRC report is being considered but has not been finally approved by Government. It anticipates it's response to this, to be tabled in Parliament in June-July 2013
Excluded actions	No uniform age of consent for sexual offences
When action was taken	unspecified
Implemented as recommended?	N
Government statement about status of implementation	This recommendation is the responsibility of the Commonwealth and the respective States and Territories separately
Reason provided	Relevant States and Territories will be best placed to provide further information to the Commission in relation to this recommendation
Implementation summary	Undetermined : insufficient relevant evidence provided of Commonwealth's response; States & territories not approached for response

Person extracting data	Auditor 2
Date of extraction	10.02.2014
Recommendation number	25-8
Commission/Inquiry of origin	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)
Recommendation made	<i>State and territory legislation dealing with sexual offences should state that the objectives of the sexual offence provisions are to: (a) uphold the fundamental right of every person to make decisions about his or her sexual behaviour and to choose not to engage in sexual activity; and (b) protect children, young people and persons with a cognitive impairment from sexual exploitation.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC;2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	State and Federal Territories
Recommended actors not involved	NA
Included actions	1. Government response to ALRC report is being considered but has not been finally approved by Government. It anticipated it's response to this to be tabled in Parliament in June-July 2013
Excluded actions	Describe or NA
When action was taken	Unspecified
Implemented as recommended?	N
Government statement about status of implementation	This recommendation is the responsibility of the Commonwealth and the respective States and Territories separately
Reason provided	Relevant States and Territories will be best placed to provide further information to the Commission in relation to this recommendation

Implementation summary	Undetermined: insufficient relevant evidence provided of Commonwealth's response; state & territories, not approached for a response
Person extracting data	Auditor 2
Date of extraction	19.02.2014
Recommendation number	16
Commission/Inquiry of origin	2011 Immigration detention at Villawood. Summary of observations from visit to immigration detention facilities at Villawood (Australian Human Rights Commission)
Recommendation made	<i>DIAC should ensure that all relevant DIAC officers and staff members of detention service providers are provided with a localised policy setting out the requirements, procedures and contact details for making child welfare and protection notifications in relation to concerns that arise in respect of children in immigration detention in the location in which they work.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government Response to RC; 2013 2. Attachment H – Serco PPM for Immigration Detention Centre and Alternate Place of Detention (3/02/2011 –Section 13 3. Attachment I – SERCO PPM for Immigration Residential Housing (5/03/2010) – Section 14 4. Attachment J – SERCO PPM for Immigration Transit Accommodation (3/02/2010) 5. Attachment K – MAXNetWork Child Protection Policy (September 2013) 6. Attachment L – International Health and Medical Service (IHMS), Child Protection and Mandatory Reporting (July 2013)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant 5. Relevant 6. Relevant

Documentation currency	<ol style="list-style-type: none"> 1. Provided; 2013 2. Provided; 2013 3. Provided; 2013 4. Provided; 2013 5. Relevant; 2013 6. Relevant; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium 5. Medium 6. Medium
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. DIBP (formerly DIAC) 2. DIBP staff 3. Detention Service Providers
Recommended actors not involved	NA
Included actions	<p>1. Australian Government responded in 2011. The response noted;</p> <ul style="list-style-type: none"> • DIBP policy is that any suspicion or allegations relating to child welfare should be immediately referred to relevant state/territory welfare authority regardless of whether or not mandatory reporting is a requirement • Regional Managers to escalate any child welfare issues, including allegation or suspicion of abuse or neglect, to Compliance & Case Resolution secretaries, depending on Detention Facility location, who will liaise with relevant state/ territory authorities • This is documented in Detention Service Manual, (updated 15 May, 2011) • DIBP staff advised or new or revised instruction by email • Serco advised by letter with copy of revised instruction • Since 2011, reported lines have changed but premise remains the same; in all matters regarding child welfare, DIBP & Detention Service provider staff must immediately escalate matter to senior staff and allegations reported to relevant State/Territory Child Protection agencies • DIBP requires Detention Service Providers to ensure child protection procedures are formed and implemented as part of their own policy and procedure. • Detention service provider must ensure all their staff receive training adhere to child protection procedures and remain aware of any potential instances of child abuse or neglect
Excluded actions	Describe or NA

When action was taken	1. 2011
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full DIBP (formerly DIAC) and Detention Service Providers are provided with policy, procedures and training regarding notification of child welfare and protection notifications.

Person extracting data	Auditor 2
Date of extraction	20.02.2014
Recommendation number	22
Commission/Inquiry of origin	Report on the Review into the Treatment of Woman in the Australian Defence Force Academy - Phase 1, October 2011, Australian Human Rights Commission
Recommendation made	<i>ADFA, in collaboration with an expert educator, provide cadets with interactive education on: a. respectful and healthy relationships, and sexual ethics; b. the meaning, inappropriateness and impact of sexist language and sexual harassment; c. the meaning of consent; d. the appropriate use of technology; e. stalking, controlling and threatening behaviours. And evaluate the effectiveness of this education every two years with an external evaluator and assess it against key indicators that measure attitudinal and behaviour change.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	i.) The total number of cadets attending the Australian Defence Force Academy annually post-inquiry ii.) The number of cadets who have received the Commencing the Australian Defence Force Academy Citizenship Package 8 annual post-inquiry
Submitted document/ source details	1. Government Response to RC; 2013 2. Information request; (email)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant

Documentation currency

1. Provided; 2013
2. Provided; i.) 2013 ii.) 2014

Reliability contribution of documents

1. Low
2. Medium

Implementation

Recommended actors involved ADFA

Recommended actors not involved

Included actions

- a.) Interim Healthy Relationships and Ethics Program
- b.) ADFA Commencing the Australian Defence Force Academy Citizenship Package (can be provided on request) covers points; a, b, c, d & e of the recommendation

Package includes:

- Equity & Diversity (provided on request)
- Sexual ethics (interim)
- E Safety Package (includes social media training by Australian Federal Police)

- c.) Inaugural Annual ethical Decision Making Seminar (collaboration with Group 8 Universities, AFP & Australian Institute of Sport)
- d.) Sexual Misconduct Prevention and Response Office (SeMPRO) is being established in part to provide an enterprise solution for sexual ethics. Further information on SeMPRO online; <http://www.defence.gov.au/sempro/about/default.asp>
- e.) Updating Equity & Diversity Package
- f.) Educators to validate interim ADFA Healthy Relationships and Sexual Ethics Program for endorsement
- g.) Following validation program will be roll out will commence, including other ADF training units
- h.) Evaluation scheduled
- i.) Information request
 - i.) Post-Inquiry; total number of cadets at ADFA; 877 (2012) & 878 (2013)
 - ii.) Post- Inquiry; no of cadets receiving Commencing the Australian DF Academy Citizenship Package 8

Excluded actions	<ul style="list-style-type: none"> • Healthy Relationships & Sexual Ethics provided to all cadets • Bystander & Intervention only received by 2nd year cadets in 2013, 1st year cadets will receive this in 2014 • 3rd year cadets will receive this as it is rolled out across ADF
When action was taken	<p>NA</p> <p>a.) from April 2012 b.) from Jan 2013 c.) April 2013 d.) unspecified e.) June 2013 f.) Sep 2013 g.) 2014 h.) 2016</p>
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full. "Defence has taken the following steps to implement this recommendation."
Reason provided	<p>Information request response:</p> <p>ii) "Defence has interpreted this request as referring to ADFA Healthy Relationships and Sexual Ethics Program which forms part of the ADFA Citizenship Package"</p>
Implementation summary	Implemented in full: Although too soon for evaluation recommendation has been enacted in full

Person extracting data	Auditor 2
Date of extraction	20.02.2013
Recommendation number	2(3)
Commission/Inquiry of origin	Report on the Review into the Treatment of Woman in the Australian Defence Force Academy - Phase 2, Report 2012, Australian Human Rights Commission
Recommendation made	<i>COSC should articulate and communicate a strong and unambiguous commitment to the effect that: • Every sexual offender and harasser will be held to account together with leaders who fail to appropriately address the behaviour.</i>
Assessability of recommendation	Yes; actions and outcome clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC.

	2. Attachment F ; Foundation Statement
Relevant to at least one aspect of recommendation	1. relevant 2. relevant
Documentation currency	1. Provided; 2013 2 Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	Chief of Service Committee (COSC)
Recommended actors not involved	
Included actions	1. COSC issued Foundation Statement stating strong and unambiguous commitment to every sexual offender and harasser being held to account with leaders who fail to address behaviour as a stated in <i>Review into the Treatment of Women in the Australian Defence Force: Phase 2</i>
Excluded actions	
When action was taken	1. 12, October, 2012
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full – commitment communicated and articulated

Person extracting data	Auditor 2
Date of extraction	20.02.2014
Recommendation number	21
Commission/Inquiry of origin	Report on the Review into the Treatment of Woman in the Australian Defence Force Academy - Phase 2 Report 2012, Australian Human Rights Commission
Recommendation made	<i>COSC should amend all policies addressing the waiver of Initial Minimum Provision of Service and Return of Service Obligations to</i>

	<i>ensure that a member who has made a decision to discharge from the ADF because of sexual assault or sexual harassment, is able to do so expeditiously and without financial penalty, upon production of supporting evidence of physical, psychological or emotional trauma.</i>
Assessability of recommendation	Yes, action and outcomes clearly specified.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC; 2013 2. Attachment G – Defence Instruction (General) PERS 33-5
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided; 2013 2. Provided; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Chief of Services Committee (COSC)
Recommended actors not involved	
Included actions	1. Defence Instruction (General) PERS 33-5 was re-issued in January 2013 and states; members who had reported sexual assault, sexual harassment or other significant workplace harassment would normally be allowed to separate without conditions
Excluded actions	NA
When action was taken	1. January 2013.
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full – policies amended

DOCUMENT AUDIT: NEW SOUTH WALES

Person extracting data	Auditor 2
Date of extraction	14.04.2014
Recommendation number	4
Commission/Inquiry of origin	Prevention of Abuse and Safeguarding Mechanisms in Ageing Disability and Home Care (21 January 2013)
Recommendation made	<i>Collect new data on misconduct, abuse and neglect to inform organisation understanding, management and response. This should include: - Change the current categorisation of offence and misconduct to differentiate the types of misconduct; - Collect data that provides information and understanding of the contextual factors, causes, precursors and enablers associated with individual cases of misconduct, abuse and neglect; - Collect data on the outcomes of actions and undertaken in the course of an investigation to support a person to report an allegations and respond to trauma and harm experienced by the victim; - Communicate the outcomes and findings of investigations into abuse and neglect across the organisation to reinforce awareness and demonstrate the consequences of misconduct and create a deterrent effect.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. NSW Government response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to the Royal Commission on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Describe or NA
Excluded actions	Describe or NA
When action was taken	

Implemented as recommended?	N
Government statement about status of implementation	'Still under consideration'
Reason provided	'This recommendation is still being considered for implementation. As part of the consolidation of its professional conduct functions, FACS is currently assessing case management systems options. Recommendation 4 will be considered in developing the case management system specifications. It is expected that the FACS case management system will be operational for professional conduct purposes in the first half of 2014.'
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	14.04.14
Recommendation number	2
Commission/Inquiry of origin	Prevention of Abuse and Safeguarding Mechanisms in Ageing Disability and Home Care (21 January 2013)
Recommendation made	<i>Develop training modules for ADHC staff and managers that establish understanding, skills and capabilities in preventing and responding to abuse: Revise the ADHC induction program to include comprehensive information on the rights of people with a disability, what constitutes abuse and neglect, the impact of abuse and neglect on a person, enablers and staff accountabilities in preventing and responding to abuse. Develop a learning and development module focused on the practical requirements of the care and support role, particularly in the provision of interventions that can require physical contact to prevent the incidence of inadvertent physical harm. Develop a learning and development module focused on supporting managers in understanding and undertaking their role in the management and response to incidences of abuse and neglect and investigations procedures. Re-introduce the requirement for the Code of Conduct to be re-signed on an annual basis, supported by mandatory information and education sessions prior to signing.</i>
Assessability of recommendation	Yes; action and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. NSW Government response

Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on Request; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	ADHC
Recommended actors not involved	NA
Included actions	
Excluded actions	<p>ADHC have made the decision not to implement part 2 of this recommendation, as it is considered that the learning and development strategies already in place are sufficient. These focus on the practical requirements of the care and support role, particularly in the provision of interventions that can require physical contact to prevent the incidence of inadvertent physical harm, and include face to face training, small group training and one-on-one coaching in the following areas: · PART (proactive response approach to the prevention and management of aggression in the workplace consistent with a positive support framework); · positive behaviour support; · manual handling; · restrictive practices; · mandatory reporting · nutrition and swallowing; · establishing boundaries and managing interactions with challenging clients; · communication strategies; · code of conduct and professional conduct; · first aid; · epilepsy management etc.</p> <p>Training and support is also provided by the Regional Behaviour Support Teams (behavioural specialists) on an as required basis.</p>
When action was taken	
Implemented as recommended?	N
Government statement about status of implementation	'Still under consideration'
Reason provided	Parts 1, 3 and 4 of this recommendation are still being considered for implementation.
Implementation summary	Not implemented
Person extracting data	Auditor 6

Date of extraction	28 October 2013
Recommendation number	8
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)
Recommendation made	<i>The establishment by the Police Service of a comprehensive database and information system that will support officers working in the CPEA, permit a link through the Australian Bureau of Criminal Intelligence to intelligence available on a national basis (para. 6.134), facilitate modern investigative techniques based on intelligence matching, and provide appropriate security for sensitive information (so as to avoid the existence of enclaves of hidden intelligence) (para 6.135).</i>
Assessability of recommendation	Partial The existence of a database/information system is assessable through documentation, however, ‘comprehensive’ would require a more subjective assessment. The extent to which such a database could facilitate modern investigate techniques would be challenging to assess. Provision of security is assessable, although ‘appropriate’ requires a more subjective assessment.
Additional information request	Attachment K4
Submitted document/ source details	<ol style="list-style-type: none"> 1. NSW government response 2. K1: Computerised Operational Policing System User Guide, December 2010 3. K2: Intelligence Note Issue 22, July 2010 4. K3: THE CHILD PROTECTION REGISTER AND DISCLOSURE OF REGISTRABLE PERSONS, April 2005 5. K4: NSW Information and Intelligence Centre for 2001 for Storage, Review & Destruction of COPS Information Reports
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – a detailed operating manual for the database 3. Relevant – overview of link between systems 4. Relevant - one paragraph on the national register 5. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. Original document April 1994; Most recent update September 2010 3. July 2010 4. April 2005 5. 2001

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Low 3. Low 4. Medium – authoritative author 5. Medium
Implementation	
Recommended actors involved	NSW Police; Police Australia-wide; Australian Crime Commission
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Government response <ul style="list-style-type: none"> • Information is stored in the COPS database; COPS is the sole repository of intelligence. • Intelligence is shared nationally through the Australian Criminal Intelligence Database • The National Child Offender System is for information about convicted sex offenders. 2. Computerised Operational Policing System User Guide Very brief overview of confidentiality arrangements. Options for accessing information vary according to rank and duties. 3. Intelligence Note Issue 22 In 2007, automated process was developed to transfer information from COPS to the national criminal intelligence database. 4. The Child Protection Register and Disclosure of Registrable Persons One very brief paragraph on the sharing of information between COPS and the national register.
Excluded actions	<ul style="list-style-type: none"> • No information as to whether the linking of intelligence systems might facilitate ‘modern investigative techniques’.
When action was taken	Linking of COPS to national database was in 2007 – a 10 year lapse.
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	N/A
Implementation summary	It is not possible to assess whether the COPS database is ‘comprehensive’ or whether security for sensitive information is ‘appropriate’. However, based on this documentation, the recommendation does appear to have been implemented through the linking of information systems and the grading of access to information. Implemented in full

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	62
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)
Recommendation made	<i>Amendment of s. 22(4) of the Children (Care and Protection) Act 1987 to remove any ambiguity or inconsistency with s. 22(3) of the Act (para. 10.29).</i>
Assessability of recommendation	
Additional information request	
Submitted document/ source details	
Relevant to at least one aspect of recommendation	
Documentation currency	
Reliability contribution of documents	
Implementation	
Recommended actors involved	
Recommended actors not involved	
Included actions	
Excluded actions	
When action was taken	
Implemented as recommended?	
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full - Refer to legislation check

Person extracting data	Auditor 6
Date of extraction	28 October 2013

Recommendation number	64
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)
Recommendation made	<i>Exercise of greater care to ensure accuracy and honesty in relation to the issue of certificates of service and references in relation to teachers who have resigned or been dismissed in the face of allegations of child sexual abuse, and to ensure that allegations or suspicions of sexual abuse are not answered by a transfer alone (paras. 10.115 & 10.154).</i>
Assessability of recommendation	Partial: ‘Exercise of greater care’ is poorly defined and difficult to assess with documentary evidence. The issue of certificates and references is assessable if data is available, as is the action taken in relation of allegations of sexual abuse.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. DEC Code of Conduct
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. Approved: 26 October 2009 ; Implementation date: 27 January 2010
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Department of Education
Recommended actors not involved	NA
Included actions	A database that flags the names of people who are not to be employed in any capacity by the Department. Names also provided to the Children’s Guardian. EPAC must be contacted prior to references being given.
Excluded actions	NA
When action was taken	Unclear
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented in full

Reason provided	NA
Implementation summary	Implemented Steps have been taken to ensure that all references, certificates of service etc be checked by a centralised unit.

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	117
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)
Recommendation made	<i>Encouragement be given to the establishment of a National Index of Intelligence concerning paedophile offenders for use by law enforcement agencies, through the agency of the Australian Bureau of Criminal Intelligence (paras. 18.141 & 18.147).</i>
Assessability of recommendation	All aspects are verifiable through documentation.
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Page 46 of the Implementation schedule for recommendations of the Wood Royal Commission Pedophile Inquir
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 1999
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. NSW Police 2. NSW Police
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Government response <ul style="list-style-type: none"> • Information about the COPS database and its links to the Australian Criminal Intelligence Database. • Enhancements have been made to the National Names Index (through Crimtrac). • “These changes to information system capabilities and policy obviate any requirement for a national index specific to child

	sex offenders as envisaged at the time of the Wood Royal Commission.”
	<ul style="list-style-type: none"> • Each jurisdiction also has a system for child offender registration, created under the umbrella of the National Child Offender System (NCOS). • Sharing of child sex offender information with overseas agencies is done through Interpol and the Federal Police.
	2. Feasibility study to establish a national sex offender register underway.
Excluded actions	NA
When action was taken	<ul style="list-style-type: none"> • Feasibility study re: national sex offender register undertaken in 1999. • Enhancement to allow automatic transfer of data from COPS to ACID was implemented in 2010 (a 13 year time lapse).
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	N/A
Implementation summary	The recommendation was that encouragement be given to a National Index of Intelligence. The government response and supporting documentation suggests that, through the use and fine-tuning of existing systems, intelligence on paedophile offenders is available at a national level. Implemented in full

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	1a
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)
Recommendation made	<p><i>Development of a model system by the DET for child protection:</i></p> <p><i>a. The DET should develop a proposal for an appropriate legislative, policy and administrative framework which should allow the DET to implement a timely and effective management response to allegations against, and concerns about, possible child abuse by teachers and other departmental staff involved in the care of children. The proposed framework should seek to overcome the deficiencies of the current system, which have been highlighted in this report and summarised above in 22.1* Summary of the problems. (In developing this proposal the DET should consider</i></p>

whether the new framework might be applicable to deal with a wider range of conduct issues.)

**Management action precluded by disciplinary requirements; standard of proof very high in adversarial approaches; limited responses available to substantiated allegations; monitoring is open to legal challenge.*

Assessability of recommendation

All elements of the recommendation are assessable through documentary evidence, although what constitutes a 'timely and effective management response' is open to subjective interpretation.

Additional information request

Briefly describe request & gov response

Submitted document/ source details

1. Government response.
2. Guidelines for the Management of Conduct and Performance.
3. Policy for responding to allegations against employees in the area of child protection.

Relevant to at least one aspect of recommendation

1. Relevant
2. Relevant
3. Relevant

Documentation currency

1. Provided to Royal Commission on request, 2013
2. Implemented 4 August 2006
3. First published 23 April 2004 (4 years after inquiry) and updated 11 June 2010.

Reliability contribution of documents

1. Low
2. High
3. High

Implementation

Recommended actors involved

Department of Education; Ombudsman

Recommended actors not involved

NA

Included actions

- 1. Government response**
 - A range of policy, legislative, administrative changes have taken place in consultation with the Ombudsman.
 - A 2006 review of employment legislation undertaken.
 - Streamlined disciplinary processes.
 - Risk assessment model recently reviewed and updated.
 - Procedures for investigating child protection allegations against employees were reviewed in 2003 and 2004.
- 2. Guidelines for the Management of Conduct and Performance**
 - Explains the legislative scheme, consisting of the Education Legislation Amendment (Staff) Act 2006 which replaced the Teaching Service Act 1980, the Technical and Further Education Commission Act 1990, and the Education (School Administrative and Support Staff) Act 1987.

- Has a section on timeliness (p.7) and timeframes (p.11).
- Circumstances in which to take remedial or disciplinary action, and the different types of action available.
- The stages in the disciplinary process and the investigatory stage.
- Dealing with a serious criminal offence.
- Contains a range of sample letters.

3. Responding to allegations against employees in the area of child protection.

- Detailed procedures for dealing with allegations in a variety of circumstances.
- Includes timeframes.
- Referring employee names to the CCYP.
- Disciplinary processes.
- Various forms.
- Guidelines for the Management of Conduct and Performance ‘do not apply to administrative staff in TAFE (who are employed under the Public Sector Employment and Management Act 2002) or to public servants who are employed under the same legislation. Nor do they apply to persons who are employed on a probationary, temporary or casual basis’.P4

Excluded actions

When action was taken

- Submission made to the Minister “following the release of the report”.
- Deputy Ombudsman wrote 7 September 2000
- At that stage the report that went to the Minister was still under consideration by the Minister’s office.

Implemented as recommended?

Y

Government statement about status of implementation

Implemented in full

Reason provided

NA

Implementation summary

Implemented in full

A legislative framework was developed enabling remedial (managerial) and/or disciplinary action in relation to a wide range of conduct issues including child abuse. Policy and administrative guidelines were developed in accordance with legislation.

Re: Management action precluded by disciplinary requirements; standard of proof; monitoring open to legal challenge

‘Remedial action can be taken under the Acts if an allegation is made that an officer or permanent employee may have engaged in misconduct. A determination that misconduct has occurred does not have to be made for remedial action to be imposed by a decision maker.’P19

Re: limited responses to substantiated allegations available

'The option to take remedial action, instead of disciplinary action, is also available in cases of misconduct and conviction of a serious offence at the discretion of the Director-General or delegate' Guidelines for the Management of Conduct and Performance, P6

Re: timeliness

'Managers are responsible for managing conduct and performance issues of employees in a fair, timely, expeditious and transparent manner.' P7

Some exclusion apply:

Guidelines for the Management of Conduct and Performance 'do not apply to administrative staff in TAFE (who are employed under the Public Sector Employment and Management Act 2002) or to public servants who are employed under the same legislation. Nor do they apply to persons who are employed on a probationary, temporary or casual basis'.P4

SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 1

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	1b
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)
Recommendation made	<i>Development of a model system by the DET for child protection:</i> <i>b. The DET should submit the proposed framework to the Minister for Education and Training for consideration as soon as possible. At the same time, the DET should provide us with a copy of the proposed framework provided to the Minister.</i>
Assessability of recommendation	Assessable through documentary evidence.
Additional information request	Briefly describe request & gov response
Submitted document/ source details	1. Government response 2. Submission to the A/D-G 5 December 2000
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant

Documentation currency	1. Provided to Royal Commission on request, 2013 2. 5 December 2000
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	Department and Minister of Education and Training Ombudsman
Recommended actors not involved	NA
Included actions	Refers to a submission made to the Minister about progress.
Excluded actions	NA
When action was taken	Before December 2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	Implemented in full SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 1

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	1c
Commission/Inquiry of origin	NSW Ombudsman Report – Handling of Child Abuse Allegations Against Employees (May 200)
Recommendation made	<i>Development of a model system by the DET for child protection: c. Upon receipt of the Minister’s response to the proposed framework, the DET should advise us of the Minister’s response.</i>
Assessability of recommendation	Assessable through documentary evidence.
Additional information request	Briefly describe request & gov response

Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Letter to NSW Deputy Ombudsman 5 December 2000 3. Letter from Assistant Ombudsman 29 August 2001
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 5 December 2000 3. 29 August 2001
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	Department, Minister, Ombudsman
Recommended actors not involved	NA
Included actions	<p>Update of the consultations and actions taken in relation to the Ombudsman's report.</p> <p>Ombudsman's input to the department on the progress made.</p>
Excluded actions	NA
When action was taken	2001
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	Implemented in full
	SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 1

Person extracting data	Auditor 6
Date of extraction	5 December 2013
Recommendation number	1 – overall ratings
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)

Recommendation made

Development of a model system by the DET for child protection:

- a. The DET should develop a proposal for an appropriate legislative, policy and administrative framework which should allow the DET to implement a timely and effective management response to allegations against, and concerns about, possible child abuse by teachers and other departmental staff involved in the care of children. The proposed framework should seek to overcome the deficiencies of the current system, which have been highlighted in this report and summarised above in 22.1 Summary of the problems. (In developing this proposal the DET should consider whether the new framework might be applicable to deal with a wider range of conduct issues.)*
- b. The DET should submit the proposed framework to the Minister for Education and Training for consideration as soon as possible. At the same time, the DET should provide us with a copy of the proposed framework provided to the Minister.*
- c. Upon receipt of the Minister's response to the proposed framework, the DET should advise us of the Minister's response.*

Assessability of recommendation**Partial**

All elements of the recommendation are assessable through documentary evidence, although what constitutes a 'timely and effective management response' is open to subjective interpretation. Full assessment is beyond the scope of this project.

Additional information request**Submitted document/ source details**

Relevant to at least one aspect of recommendation

Documentation currency

Reliability contribution of documents

Implementation

Recommended actors involved

Recommended actors not involved

Included actions

Excluded actions

When action was taken

Implemented as recommended?	Y
Government statement about status of implementation	
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	2
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)
Recommendation made	<i>Whole of government approach: The Minister for Education and Training should approach Ministers of departments with child protection responsibilities about developing a comprehensive and consistent risk management approach to govern the response by these departments to allegations of child abuse against their employees.</i>
Assessability of recommendation	Yes
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Letter to NSW Deputy Ombudsman 5 December 2000
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. December 2000
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Minister and Department of Education & Training; Premier's Department
Recommended actors not involved	Ministers of departments with child protection responsibilities
Included actions	The Minister for Education & Training wrote to Premier's Department about possible legislative change at a whole-of-

	government level. Senior Officers from the 2 departments met in 2000.
	The Department took part in drafting the Interagency Guidelines.
Excluded actions	No approach to Ministers of relevant departments.
When action was taken	2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in part
Reason provided	The Interagency Guidelines were signed off in September 2000.
Implementation summary	Partially implemented While the action of approaching Ministers was not taken, all relevant Departments were involved in the development of the Interagency Guidelines.

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	3
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)
Recommendation made	<p><i>Consultation with key players: For the purposes of the development of an appropriate model framework, the DET should consult with key stakeholders and relevant experts. The relevant players for the purposes of such consultation should include (but not necessarily be limited to):</i></p> <ul style="list-style-type: none"> <i>· Appropriate organisations representing the legitimate interests of teachers and other employees of the DET involved in the care of children appropriate organisations representing the legitimate interests of children and their parents or other guardians,</i> <i>· The interagency investigative forum established by us and the forum's working parties, and</i> <i>· People with other relevant expertise and experience in the area of child protection.</i> <p><i>The DET should also obtain appropriate advice on the legal issues involved in developing the proposed framework, from lawyers within and/or external to the DET. Appropriate external legal expertise</i></p>

	<i>might well be in the form of advice to the DET from the Crown Solicitor.</i>
Assessability of recommendation	Yes Consultation with key stakeholders and obtaining legal advice can both be evidenced through documentation.
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Outline of the consultation process and relevant letters
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. May 2000
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Department of Education and Training and a variety of relevant groups and associations.
Recommended actors not involved	NA
Included actions	<p>Letters were sent to a variety of stakeholders requesting time to consult with them about the inquiry's report.</p> <p>There are letters showing receipt of input from stakeholders.</p> <p>Regular liaison between DET and the Ombudsman.</p> <p>Legal advice sought and provided.</p>
Excluded actions	NA
When action was taken	December 2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	Implemented in full Consultation with key players was broad, and regular meetings between DET and the Ombudsman took place.

Legal advice was sought and provided.

Person extracting data	Auditor 6
Date of extraction	6 November 2013
Recommendation number	6
Commission/Inquiry of origin	Review of the Child Protection Register report under s25(1) of the Child Protection (Offenders Registration) Act 2000 (2005)
Recommendation made	<i>That NSW Police establish and implement minimum standards for assessing, monitoring and managing of registered persons. These standards should provide clear direction about the expectations of local area commands in dealing with registered persons, with a focus on the monitoring of high risk persons.</i>
Assessability of recommendation	Yes Establishment of standards, and the direction they provide, are assessable through documentation. The extent to which standards are implemented is more complex to assess and would require in-depth investigation, but if the standards were clear, implementation could be assessed.
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none">1. Government response2. Child Protection Register Standard Operating Procedures
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none">1. Relevant2. Relevant
Documentation currency	<ol style="list-style-type: none">1. Provided to the Royal Commission on request, 20132. Version 1 dated August 2001; Version 3 dated September 2005
Reliability contribution of documents	<ol style="list-style-type: none">1. Low2. Medium
Implementation	
Recommended actors involved	NSW Police
Recommended actors not involved	NA
Included actions	Detailed operating procedures for the Child Protection Register.
Excluded actions	NA

When action was taken	September 2005
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	Implemented in full: The standards are a clear guide for users in NSW Police.

Person extracting data	Auditor 6
Date of extraction	6 November 2013
Recommendation number	9
Commission/Inquiry of origin	Review of the Child Protection Register report under s25(1) of the Child Protection (Offenders Registration) Act 2000 (2005)
Recommendation made	<i>That NSW Police ensure that the protocols and evaluation criteria developed for the trial of the child protection watch teams take account of the principles and practices for disclosure and sharing of information about registered persons, as well as the resourcing and support provided by participating agencies.</i>
Assessability of recommendation	Fully: The extent to which protocols and evaluation criteria take account of certain principles and practices and resourcing/support is assessable by documentation.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Evaluation of the Child Protection Watch Team Trial in South Western Sydney: Draft Report to the Director-General of the Ministry of Police 3. MOU 4. CPWT Annual Report
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Not relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. February 2008 3. March 2013 4. NA

Reliability contribution of documents

1. Low
2. Medium
3. Medium
4. NA

Implementation

Recommended actors involved

CHILD PROTECTION WATCH TEAM
DIRECTOR-GENERAL OF THE MINISTRY FOR POLICE
Jan McClelland and Associates Pty Limited

Recommended actors not involved

NA

Included actions

The first interagency Child Protection Watch Team (CPWT) was established in 2004 on a trial basis in South West Sydney. Protocols included information-sharing principles and resourcing considerations. 'While the CPWT trial officially commenced in September 2004, the trial did not become operational until April 2005 after issues relating to the exchange of information between agencies had been resolved.' Doc 2 p12

The CPWT provides a formal structure for the interagency exchange of information in relation to certain high risk registrable persons.

An evaluation, conducted by the Ministry for Police in 2006 recommended that the trial be extended to seven regions throughout the state however this was not supported by a number of key agencies largely because of costs, logistical issues and the limited availability of expert staff.

An independent evaluation of the CPWT trial was conducted in 2007. 'The evaluation considered an extensive range of documentation including reference guides, procedural documents, case files and statistical information relating to the trial area, a comparison area in the Lower Hunter and state-wide. The evaluation also involved interviews with operational and policy staff of participating agencies as well as interviews with a number of registrable persons being managed by the CPWT trial.' Doc 2 p4.

Evaluation resulted in a recommendation to progressively implement a centrally co-ordinated state-wide interagency approach to the risk management of high risk registrable persons.

The state-wide roll out of the CPWT was complete by March 2010.

A Memorandum of Understanding (MOU) supports the operations of the CPWT state-wide, together with the Standard Operating Procedures or equivalent of each participating agency.

Excluded actions	NA
When action was taken	<p>Trial established 2004/2005</p> <p>First evaluation 2006 by Ministry of Police (not supported due to resource issues)</p> <p>Independent evaluation Feb 2008 (supported & covered resourcing and information sharing)</p> <p>State-wide roll out 2010</p>
Implemented as recommended?	Not one but two evaluations. At least one of these addressed resourcing and data-sharing principles and protocols as recommended.
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	<p>Implemented in full</p> <p>A trial was established the year of the inquiry, evaluated within a year and again in 2007. Evaluations and the subsequent roll out of CPWT refer to principles of information exchange and resourcing considerations:</p> <ul style="list-style-type: none"> • Non-personal information about strategies and options which may be useful in developing risk management plans; • Personal information (including health information) where any agency has reasonable grounds to suspect that there is a risk of substantial adverse impact. <p>The intention of the CPWT is that all relevant information in relation to an accepted person which is held by participating agencies is shared. Relevant types of information could include, though are not limited to:</p> <ul style="list-style-type: none"> • Whether the person is a client of the agency; • Whether the person is attending or has attended any TAFE courses; • Whether the person has any current disabilities that would qualify for FACS (Ageing, Disability and Home Care) assistance; • For those persons living in social housing provided by FACS (Housing NSW), whether any children reside in that house or in nearby houses.

Re: resourcing

After two evaluations, the following agencies are considered core agencies for the state roll out. These agencies determine if a person is to be accepted into the CPWT:

- NSW Police Force
- Corrective Services NSW
- FACS (Community Services)

Person extracting data	Auditor 6
Date of extraction	6 November 2013
Recommendation number	6
Commission/Inquiry of origin	NSW Joint Investigative Response Team (JIRT) Review, November 2006. (NSW Health; NSW Police & NSW Department of Community Services.
Recommendation made	<i>JIRT team member(s) should meet with the child or young person to conduct a rapport-building session prior to the formal investigative interview in order to help the child or young person to feel comfortable, facilitate communication and enable JIRT staff to assess the child or young person's readiness and capacity to disclose.</i>
Assessability of recommendation	Fully The development of policies, procedures or guidelines covering rapport-building sessions is assessable through documentation. The extent to which a rapport-building session is conducted prior to every investigative interview would rely on the relevant data being collected.
Additional information request	Requested submission of the missing attachment O-7: Agenda for JIRT Senior Management Group meeting on 14 October 2013.
Submitted document/ source details	<ol style="list-style-type: none">1. Government response2. O-1: JIRT Foundation Skills Course Facilitators Manual3. O-2: Extracts of power point slides provided to investigators from the 2010 JIRT Foundation Course Training Manual4. O-3: Extracts of training notes provided to investigators from the 2010 JIRT Foundation Course Training Manual5. O-4: Interview prompt sheet6. O-5: Agenda for JIRT Senior Management Group meeting on 2 September 2013

Relevant to at least one aspect of recommendation

7. O-6: Agenda for JIRT Senior Management Group meeting on 14 October 2013
1. Relevant – government response
2. Relevant – while the issue of training is not mentioned in the recommendation, training materials can provide insight into the process of rapport-building being taught to JIRT team members
3. Relevant – as above
4. Relevant – as above
5. Relevant
6. Relevant
7. Not relevant – an agenda, no information

Documentation currency

1. Provided to the Royal Commission on request, 2013
2. May 2013 – unclear whether previous versions existed closer to 2005
3. Undated
4. Undated
5. Undated
6. 2 September 2013 – no indication of why such a long delay
7. 14 October 2013

Reliability contribution of documents

1. Low
2. Low
3. Low
4. Low
5. Low
6. Medium – inter-departmental endorsement
7. Medium – inter-departmental endorsement

Implementation

Recommended actors involved

JIRT investigators

Recommended actors not involved

NA

Included actions

- Information on rapport-building through the JIRT Foundation Skills Course.
- Notes for investigators.
- Indication that the development of a rapport-building policy has not yet been completed; no explanation for why that is the case.

Excluded actions

Completion of relevant procedures/guidelines.

When action was taken

Only actions for 2013 are evident from the documentation provided.

Implemented as recommended?

N

Government statement about status of implementation

Implemented in part

Reason provided

No reasons for a delay provided.

Implementation summary**Partially implemented**

While the JIRT training clearly covers rapport-building, it is unclear when that was introduced. No reason is provided for why policies and procedures have not yet been finalised.

The PRC requested data showing the number of rapport-building sessions conducted. The government's response was as follows:

"In relation to recommendation 6 of the 2006 Review of JIRT by NSW Health, NSW Police and Community Services, you have asked for data showing the annual number of formal investigative interviews conducted post-review, and the annual number of rapport-building sessions conducted post-review. The JIRT partner agencies have advised that this information is not recorded centrally, and cannot be provided."

Person extracting data

Auditor 1

Date of extraction

11 November 2013

Recommendation number

1

Commission/Inquiry of origin

NSW Ombudsman (December 2010) Improving Probity Standards for Funded Organisations

Recommendation made**Recommendation:**

In consultation with the non-government sector and the Department of Health, the Department of Human Services should develop and implement a more consistent probity checking system for organisations that are funded in the health and human services sector. The development of such a system should:

- a. *Explore the scope for clearly articulating critical baseline probity checking requirements, in order to promote consistent and efficient practice, and have regard to the observations outlined in section 3.3.1 of this report.*
- b. *Include clear guidelines which promote good practice and deal with a range of practical issues including (but not necessarily limited to):*
 - i. *Who and what should be checked, and how the checks should be done.*
 - ii. *Assessing those risks which are identified from criminal record checks and past employment-related and referee checks: including factors to consider when determining whether any offences or other relevant conduct should affect the suitability of an applicant*

for a position and, where risks factors are identified and an appointment is still made, how to manage any related risks.

- iii. The expectations of employers in relation to completing and recording employment proceedings and disciplinary matters in cases where an employee who is the subject of serious allegations, resigns before a matter is finalised.*
- iv. The requirements on, and expectations of, previous employers who are asked to provide references; including details relating to what information they should (and should not) provide; and the need for full and frank disclosure.*
- v. The requirements on, and expectations of, prospective employers in relation to carrying out previous employment and other referee checks, including the nature of the information that they should seek (and how best to obtain it).*
- vi. Processes for requiring declarations from those seeking appointments/employment as part of the pre-appointment checking process.*
- vii. Requirements in relation to accessing, recording and maintaining information from various sources during and after checking processes. These requirements should adequately reflect relevant privacy considerations and outline good practice in this regard, including the circumstances in which it is appropriate to obtain consent.*
- viii. Documenting decision-making processes.*
- ix. Critical procedural fairness requirements, and review mechanisms for individuals who have been refused employment on the basis of probity issues identified through criminal record or other probity checks.*

[Auditor's note: 3.3.1 relates to how concerns identified through probity checking are responded to. Ombudsman does not support any system which generally excludes people on the basis of previous convictions (or past employment related disciplinary action) alone]

Assessability of recommendation **Assessable**

Consultation is assessable through documentary evidence, as is the implementation of a probity checking system. 'more consistent' is subjective, however the criteria outlined provide assessment criteria.. The extent to which such a system is implemented is assessable, but is beyond the scope of this current project.

The existence and clarity of guidelines are both assessable. A check of the listed issues in the guidelines is achievable.

Submitted documents/ source details

PART A:

1. Government response

Re FACS

2. Ageing, Disability and Home Care's (ADHC) current Funding Agreement (Doc A-01)

3. Position Statement on Probity in Employment for ADHC Funded Organisations (Doc A-02)
4. Standard Services Agreement (Dept of Family and Community Services) (Doc A-03)

Re Health

5. Policy Directive: Non-Government Organisation Grant Program – Operation Guidelines (Doc A-07)
6. PD2008_029 Employment Screening Policy (Doc A-08).
7. PD2005_626 Code of Conduct – NSW Health (Doc A-09).
8. PD2011_032 Recruitment and Selection of Staff of NSW Health (Doc A-10)

PART B:

6. Government response
7. 'It's Your Business Governance Resource' for ADHC services. Chapter 8: Probity in Employment (Doc A-04)
8. Media Release: National Regulation of Community Housing Begins (Doc A-05)
9. National Regulatory Code for the National Regulatory System for Community Housing (Doc A-06)

Relevant to at least one aspect of recommendation **PART A:**

1. Relevant
2. Relevant
3. Relevant
4. Relevant
5. Relevant
6. Relevant
7. Relevant
8. Relevant

PART B:

1. Relevant
2. Relevant
3. Minimal relevance
4. Relevant

Documentation currency

PART A:

1. Provided to the Royal Commission on request, 2013
2. May 2012
3. September 2011
4. Issue date not provided
5. 29 July 2011
6. 27 August 2013
7. 29 March 2012
8. 30 May 2012

PART B:

6. Provided to the Royal Commission on request, 2013
7. Date unknown
8. 5 July 2013
9. May 2013

Reliability contribution of document

PART A:

1. Low
2. Medium
3. Medium
4. Medium
5. Medium
6. Medium
7. Medium
8. Medium

PART B:

6. Low
7. Medium
8. Low
9. High

Additional information requested

Document details

Recommended actors involved

PART A:

Department of Human Services (Family and Community Services) in consultation with Department of Health & NGOs in these sectors. Commission for Children and Young People were given the task of leading the development of the regime.

PART B:

Department of Human Services (Family and Community Services) in consultation with Department of Health & NGOs in these sectors. Commission for Children and Young People were given the task of leading the development of the regime.

Recommended actors not involved

Query whether consultations were held with NGOS relating to baseline criteria for checks.

Included actions and when

PART A:

‘Probity checking’ is defined in the Ombudsman’s report as “a range of formal and informal processes ...to assess the integrity, character and honesty of prospective employees, board or management committee members and other volunteers...” These processes complement and are in addition to the WWC regime in determining whether a person is suitable to work with children.

Re FACS

Query whether ADHC has responsibility for all government-funded organisations in the human services sector.

Clause 4 of the position statement (Doc A-02) adopts the Ombudsman's suggested baseline checking word for word. The document is dated September 2011. The government response indicates that this is a policy agencies must comply with. However the status of the position statement is not clear (unlike Department of Health probity policies). Query whether this is a policy that agencies must comply with or guidelines that they must have regard to (as per 6.1 of funding agreement).

Doc A-02 doesn't provided any guidance on how agencies should respond to concerns arising from the check – guidance on this, and the Ombudsman's concerns at 3.3.1 of the report, are addressed in the government response to part 1(b) of the recommendation (see below).

Re Health

The various probity and pre-employment checking guidelines and policies (Docs A-05, 06, 07 & 08) applicable to funded agencies in the health sector are clear, comprehensive and compliance is mandatory.

PART B:

Re FACS

Doc A-04 provides some guidance on how ADHC-funded agencies should approach probity checking but does not in itself provide "clear guidelines" on the listed matters, or the degree of detail or comprehensiveness envisaged by the recommendations. Rather the resource is guide for agencies in developing probity policies and procedures. Links in the document to external resources, as well as training and other ADHC and NDS resources are provided to assist agencies to develop these procedures. Having guidelines contained in one document or suite of associated documents, with an unequivocal statement relating to their status - as is the case with health – would assist in achieving both consistency and clarity.

The new regulatory code relating to community housing (Doc A-06) requires providers to comply with probity requirements and commenced in July 2013.

Query whether, when taken together, the documents submitted cover the field of all government-funded organisations in the human services sector.

Re Health

The various probity and pre-employment checking guidelines and policies discussed for recommendation 1(a) (Docs A-05, 06, 07 & 08)

Excluded actions	appear to provide clear and comprehensive guidelines relating to the matters listed in the recommendation, and compliance is mandatory. See above
When action was taken	PART A: See queries above PART B: Re FACS - Supplementary chapter of <i>It's Your Business</i> produced by 2011. RE Health – 2011 to 2013
Implemented as recommended?	
Government statement about status of implementation	Is being implemented
Reasons provided	NA
Implementation summary	PART A: Implemented (subject to satisfaction as to the issues raised re FACS). PART B: Implemented. FACS' guidelines could be clearer and easier to use, and the mandatory compliance could be expressed more clearly. However, resources are in clearly place for agencies funded by FACS, Health. Overall Rating- Implemented in full

Person extracting data	Auditor 1
Date of extraction	11 November 2013
Recommendation number	2
Commission/Inquiry of origin	NSW Ombudsman (2010) Improving Probity Standards for Funded Organisations
Recommendation made	<i>As part of developing a more consistent, efficient and rigorous probity checking system, the Department of Human Services should:</i> <i>a. Reach agreement with the non-government sector regarding the best strategies for:</i>

- i. Ensuring compliance with mandatory probity checking requirements.*
- ii. Promoting best practice not only in relation to probity checking but also in connection with strengthening risk management and accountability systems more generally, and*
- iii. Monitoring the implementation by funded agencies of practice requirements (and the adoption of best practice).*

b. have regard to the issues canvassed in section 3 of this report in relation to:

- i. Additional or extended checking*
- ii. Criminal record checking of existing appointees*
- iii. Current triggers for checks, and*
- iv. A centralised approach to probity checking.*

Assessability of recommendation

Yes.

An agreement is assessable through documentary evidence, as are the efforts made to secure an agreement.

Additional information requested

Submitted documents/ source details

1. Government response
2. Letter to Participants Carer Screening Roundtable (Doc B-1)
3. Survey – Carer Screening Roundtable (Doc B-2)
4. Survey Results – Probity Roundtable Recommendations (Doc B-3)

Relevant to at least one aspect of recommendation

1. Relevant
2. Relevant
3. Relevant
4. Relevant

Documentation currency

1. Provided to the Royal Commission on request, 2013
2. June 2013
3. Undated (post June 2013)
4. Undated (post June 2013)

Reliability contribution of document

1. Low
2. Low
3. Low
4. Low

Document details

Recommended actors involved

Department of Human Services and the NGO human services

Recommended actors not involved

NA

Included actions and when	There has been consultation with the sector relating to out-of-home care (OOHC) and a degree of consensus reached on issues that will inform the development of a Carers register and assessment processes.
Excluded actions	<p>The government response does not indicate that consultation with the broader sector took place, or provide any documentary evidence in relation to that.</p> <p>Query whether the consultations relating to OOHC that took place addressed all the matters listed in the recommendation. For example, the discussion focussed only on <i>prospective</i> carers and members of their household and not of <i>existing</i> carers. In addition, the roundtable discussions omitted the question of when further assessment may be required when it is uncovered that a potential carer has a history of assault (Doc B-3)</p>
When action was taken	From September 2011 to current
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full While there are a few questions, the recommendation appears to have been substantially implemented.

Person extracting data	Auditor 2
Date of extraction	15.04.14
Recommendation number	6
Commission/Inquiry of origin	NSW Ombudsman Report (2010) Improving Probity Standards for Funded Organisations
Recommendation made	<i>Ageing Disability and Home Care (ADHC), as an agency of the Department of Human Services, provide advice to Government on the best way of effectively dealing with the current shortcomings of the Community Services Regulation 2010, insofar as it fails to require that all existing licensees, licensed managers and direct care staff of licensed boarding houses be subject to criminal record checks</i>
Assessability of recommendation	Yes; action and outcomes clearly specified
Additional information request	1. Legislation Check; Boarding Houses Act 2012 & Boarding Houses Regulation 2013

Submitted document/ source details	<ol style="list-style-type: none"> 1. NSW Government response 2. C1 - Boarding Houses Act 2012 3. C2 - Boarding Houses Regulations 2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on Request; 2013 2. 2013 3. 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. High
Implementation	
Recommended actors involved	NSW Government
Recommended actors not involved	
Included actions	<p>A new Act, <i>the Boarding Houses Act 2012</i> (refer to Attachment C-1) Was introduced. The Act, which was passed in October 2012 and commenced on 1 July 2013 together with the Boarding Houses Regulation 2013 (refer to Attachment C-2), regulates ‘general’ boarding houses, i.e.</p> <p>those accommodating 5 or more people for fee or reward, and ‘assisted’ boarding houses, i.e. those which accommodate 2 or more ‘people with additional needs’</p> <p>(previously these premises were known as licensed boarding houses).The Act replaced and repealed the <i>Youth and Community Services Act 1973</i> and the</p> <p><i>Youth and Community Services Regulation 2010</i>, which previously regulated licensed boarding houses. The provisions relating to assisted boarding houses require new and existing boarding house proprietors (whether as individuals or as members of a company, trust or unincorporated body), ‘close associates’, managers and staff members to undergo criminal record checks prior to commencing the position and every 3 years thereafter. A person applying to be a boarding house proprietor and any ‘close associates’ must also undergo financial probity checks. Referee checks and reference to any enforcement action taken in relation to relevant individuals is also taken into account.</p>

	<p>The Act also prohibits persons who have been convicted of a 'serious criminal offence' from being employed in an assisted boarding house.</p> <p>Records of staff probity checks are required to be kept by the boarding house operator for 7 years, and be made accessible to FACS enforcement officers on request.</p>
Excluded actions	
When action was taken	In April 2012, the NSW Government approved a final reform proposal for the regulation of boarding houses in NSW,
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented in Full
Reason provided	
Implementation summary	Implemented in full – see legislation check

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	8.1
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>The JIRT Reform Program, as set out in the Implementation Plan should be completed.</i>
Assessability of recommendation	<p>Yes</p> <p>Actions outlined in the JIRT Implementation Plan can be checked against recommendations from the 2006 review</p>
Submitted documents/ source details	<p>Document</p> <ol style="list-style-type: none"> 1. Confidential Government Response 2. JIRT Review 2006 (FACS Doc 1A) 3. JIRT Review 2007 Finalisation Report (FACS Doc 1B) 4. JIRT Foundation Training Documents – Training Package (FACS Doc 1C(a)) 5. JIRT Foundation Training– e-learning modules (FACS Doc 1C(b)) 6. JIRT Foundation Training – Facilitator’s Manual (FACS Doc 1C(c)) 7. JIRT Local Planning & Response Procedures (FACS Doc 1D) 8. JIRT – Working together to stop child abuse (brochure) (FACS Doc 1E) 9. JIRT Aboriginal Engagement Guidelines (FACS Doc 1F) 10. JIRT Aboriginal Consultation Guidelines (FACS Doc 1G) 11. JIRT Induction Training Package (FACS Doc 1H)

Relevant to at least one aspect of recommendation

12. JIRT CEO Report Card 2010/11 (2011/12 Report Card currently being finalised) (FACS Doc 1I) [Note: this document was incorrectly referred to as the 2009/10 Report Card]
13. JIRT Administration Guidelines – endorsed, but pending NSW Police signature (FACS Doc 1J)
14. Aboriginal Enhanced Services (FACS Doc 1K)
 1. Relevant
 2. Relevant – High level review of Joint Investigative Response Team (JIRT) mechanisms by NSW Police, Health and Community Services with recommendations directly referenced (but not described) in implementation plan
 3. Relevant. Overview of actions and degree of implementation of recommendations as at May 2013
 4. Relevant – re recommendations relating to training (12 & 13 JIRT Review) and supports other recommendations
 5. Relevant – as above
 6. Relevant – as above
 7. Relevant – see rec 8 JIRT Review
 8. Relevant- see rec 15 JIRT Review
 9. Relevant - see rec 15 JIRT Review
 10. Relevant - see rec 15 JIRT Review
 11. Relevant
 12. Relevant
 13. Relevant

Documentation currency

14. Relevant – Memorandum to JIRT partners
 1. Provided to Royal Commission on request, 2013.
 2. November 2006
 3. Created in 2007(?). Updated to include implementation status at 2012, but said to be current as at May 2013.
 4. Undetermined
 5. Undetermined
 6. Undetermined
 7. Undetermined
 8. Undetermined
 9. August 2008
 10. December 2009
 11. 14 November 2012
 12. Undetermined
 13. Undetermined
 14. 27 January 2012

Reliability contribution of document

1. Low
2. Medium
3. Medium
4. Medium
5. Medium
6. Medium
7. Medium
8. Medium
9. Medium
10. Medium
11. Medium

- 12. Medium
- 13. Medium
- 14. Low

Document details

Recommended actors involved	NSW Departments of Community Services and Health and NSW Police
Recommended actors not involved	NA
Included actions	<p>Implementation plan addresses all recommendations except 16</p> <ol style="list-style-type: none"> 1. Health an equal partner with DoCS and Police 2. Safety, welfare and wellbeing planning procedure 3. Benchmarks for timely action 4. Therapeutic response increased including 24 new senior staff with ongoing funding 5. Review of abuse criteria for JIRT acceptance 6. Rapport & support guidelines 7. End of reliance on disclosure of sexual abuse 8. Local Planning and Response standards and procedures established with continuous improvement planning 9. Services include forensic and medical counselling; training is provided; unclear what level of networking is established but this item noted as ongoing 10. Extensive operation management processes documented and approved by tripartite management structure 11. Common data and admin systems implemented 12. PD, support and supervision implemented 13. Interagency joint training for workers and managers 14. Support person available for Aboriginal clients 15. Pro-active engagement strategies include community information, organisational guidelines and community links 16. JIRT Aboriginal consultation protocol and Guidelines for utilising Aboriginal staff for JIRT demonstrate increased use of Aboriginal staff to advise and assist with Indigenous matters 17. consultation Aboriginal staff 18. Cultural awareness training provided to all JIRT staff 19. Review of LMG approaches with Aboriginal communities and trial of transport service
Excluded actions	None
Implemented as Recommended?	Y
Government statement about status of implementation	Each of the recommendations in the JIRT review has been actioned and is in the process of being implemented.

Reasons given	NA
When action was taken	2006-2012, ongoing
Implementation summary	Implemented in full Documentation dates back to 2005. It is unclear which actions were taken immediately following the inquiry or which actions were as a direct result of the inquiry but action evidently continued and was reported as ongoing in 2012. There is evidence of comprehensive implementation of the recommendations, including relevant evidence at the highest available standard to report action on all aspects of the 18 areas of the implementation plan.

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	8.3
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>Pending amendment of the privacy laws as recommended in Chapter 24, a Privacy Direction should be issued in relation to the JIRT process so as to facilitate the free exchange of information between the NSW Police Force, NSW Health, each Area Health Service, The Children's Hospital at Westmead and DoCS.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes.
Submitted documents/ source details	1. Confidential Government Response No documents submitted or sourced to support Confidential Government Response. However this recommendation actioned as part of recommendation 24.6 (see audit below).
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Not specified. (Attorney General's Department?)
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Interim Privacy Direction not issued.

When action was taken	Prior to amendments coming into effect on 30 October 2009. Not specified (but likely) that amendments resulted from this recommendation.
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reasons provided	The Government did not implement this interim recommendation as the legislative amendments relating to the exchange of information between agencies came into effect on 30 October 2009. This amendment, referred in recommendation 24.6, has been implemented, and is discussed in detail below.
Implementation summary	Not implemented

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	8.4
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>NSW Health should provide an appropriately trained workforce to provide forensic medical services where needed for children and young persons who have suffered sexual assault and physical injury.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Partial The recommendation is ill-defined (query what “ <i>appropriately trained</i> ” means) and does not specify action required or means by which implementation of the recommendation can be measured with any reliability.
Submitted documents/ source details	1. Confidential Government Response No documents submitted or sourced to support Confidential Government Response.
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	NSW Health

Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Workforce training relating to improved forensic medical services for child and youth victims of sexual assault available in metropolitan areas. No details relating to this training are provided; • Trialling of a new protocol for recording results of examination of children where abuse and neglect are suspected (current); • Child sexual assault counsellor positions (1 new, 7 recurrent funding) <p>Other actions reported relate to investigation into and /or trialling of generic (adult) service models, education and training and other professional development opportunities and incentive schemes.</p> <p>It is unclear which of these actions are as a result of the 2008 recommendation.</p>
Excluded actions	Workforce development relating to child forensic medical services in regional and remote areas.
When action was taken	Where date as are provided, most action appears to have occurred from 2010 to current.
Implemented as recommended?	In part
Government statement about status of implementation	Implemented in part
Reasons provided	<ul style="list-style-type: none"> • Lack of response to 2010 to request for tender for state-wide workforce development package (attributed to complexity of issues relating to forensic medical services); • No comprehensive training programs for forensic medical services available in NSW; • General lack of medical personnel in rural and remote regions
Implementation summary	<p>Partially implemented</p> <p>The government clearly made attempts to develop a forensic medical services workforce, however the results in rural and remote NSW were poor due to a range of difficulties.</p>

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	11.1
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008

Recommendation made	<i>With respect to the Children and Young Persons (Care and Protection) Act 1998: vii. D be Section 29(1)(f)[of the Children and Young Persons (Care and Protection) Act 1998] should be amended to permit the disclosure of the reporter’s details to a law enforcement agency pursuant to the investigation of a serious crime committed upon a child or young person, where that might impact on the child’s safety, welfare or well-being</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. <i>Children and Young Persons (Care and Protection) Act 1998, ss29(4A), (4B), (4C) and (6) (FACS Doc 2)</i>
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. Current
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High
Document details	
Recommended actors involved	Not specified. (Attorney General’s Department?)
Recommended actors not involved	NA
Included actions	<p>Sections 29(4A), (4B) &(4C) of the C&YP(C&P)A impose more restrictions on the ability to disclose the identity of persons who make reports of potential harm to a child, than envisaged in the recommendation, i.e.:</p> <ul style="list-style-type: none"> • The disclosure must be <i>necessary</i> for the “safety, welfare and wellbeing” of a child, rather than there being a possibility that the disclosure <i>might impact</i> on a child’s safety (subsection(4A)(b)); • There must be certification in writing that it is either impractical to obtain the consent of the person making the report to disclose their identity or to do so would prejudice the investigation (subsection(4B)); • The person disclosing the identity of the report must notify them of the disclosure unless it’s not reasonably practicable, or to do so or to do would prejudice the investigation (subsection(4C)). <p>However the exception to confidentiality is cast wider than that recommended in one respect, i.e., disclosure may be allowed where to do so is necessary to safeguard or promote the safety etc., of <i>any child</i>, and not only of the child victim</p>

Excluded actions	See limitations above.
Reasons given	NA
When action was taken	Prior to amendment coming into effect on 24 January 2010
Implemented as recommended?	Y
Government statement about status of implementation	Unspecified
Reasons provided	NA
Implementation summary	Implemented in full. Legislative amendment made.

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	23.4
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>Information obtained by persons appointed by the Minister as official visitors should be available to the regulator/accreditor of OOHC with appropriate procedural fairness safeguards and s.8 of Community Services (Complaints, Reviews and Monitoring) Act 1993 and clause 4 of Community Services (Complaints, Reviews and Monitoring) Regulation 2004 should be amended to achieve this outcome.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Section 8A Community Services (Complaints, Reviews and Monitoring) Act 1993 (FACS Doc 3)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. Current
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High
Document details	
Recommended actors involved	Not specified.
Recommended actors not involved	NA

Included actions	See Government response above in relation to the introduction of section 8A to the CS(C,R &M)A. The amendment goes further than that envisaged by the recommendation by <i>mandating</i> the disclosure of relevant information by Official Community Visitors
Excluded actions	Clause 4 of the CS(C,R &M) Regulation has not been amended to include the new function of Official Community Visitors introduced by section 8A of the CS(C,R &M)A. Neither the CS(C,R &M)A nor regulations made pursuant to the Act makes provision to ensure procedural fairness applies in relation to this function.
Government statement about status of implementation	Implemented in full
Reasons given	NA
When action was taken	24 Jan 2010
Implemented as recommended?	N
Reasons provided	NA
Implementation summary	Partially implemented. Legislative amendment made.

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	23.5
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>The class or kind agreement between the NSW Ombudsman and CS should be revised to require CS to notify only serious allegations of reportable conduct and to impose timeframes within which CS will investigate those allegations.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Class of a Kind Agreement between the NSW Ombudsman and the Department of Community Services - 2010 (FACS Doc 4) [Note: 3. Class of a Kind Agreement between the NSW Ombudsman and the Department of Community Services - 2012(FACS Doc 5) [Note: 4. Community Services' Managing Allegations Against Employees - Policies and Procedures (FACS Doc 6)

Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. Not current 3. Current 4. Current
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. High
Document details	
Recommended actors involved	NSW Ombudsman and the Department of Community Services
Recommended actors not involved	NA
Included actions	Determination by Ombudsman of classes of allegations exempt from reporting requirement and subsequent refinement of determination (see clause 3). Timeframes for investigations outlined (see p11 of fourth document)
Excluded actions	NA
Reasons given	NA
When action was taken	<p>First revised agreement endorsed February 2010. Second revised agreement endorsed February 2012.</p> <p>Draft policy approved April 2013, endorsed later in 2013. These documents formalised policies that have been in use since 2010.</p>
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full. Revised agreement in place.

Person extracting data	Auditor 1
Date of extraction	7 November 2013
Recommendation number	23.6
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008

Recommendation made	<i>DoCS should centralise its Allegations Against Employees Unit and receive sufficient funding to enable this restructure, and to resource it to enable it to respond to allegations in a timely fashion</i>
Additional information request	
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Draft policy – Managing Allegations of Reportable Conduct (FACS Doc 7) 3. Draft Project Brief – Review of the Centralised Management of Reportable Conduct (FACS Doc 7)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. 2013 (draft provided) 3. 2013 (draft provided)
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium - policy 3. Low
Document details	
Recommended actors involved	NSW Family and Community Services
Recommended actors not involved	NA
Included actions	Allegations Against Employees Unit centralised (into Reportable Conduct Unit, or RCU). Centralised function is supported by working policy which has been recently formalised.
Excluded actions	The Government recognises the delays taken to investigate matters and attributes this to the backlog of cases and staffing issues at the RCU. While some administrative strategies to address this are outlined, no evidence of increased resourcing (apart from using external investigators in some cases) is provided.
Government statement about status of implementation	Implemented in full
Reasons given	See above
When action was taken	<p>All Community Services investigative functions centralised 17 May 2010 and now carried out by RCU.</p> <p>Draft policy approved April 2013 and endorsed later in 2013. These documents formalised policies that have been in use since 2010.</p>
Implemented as recommended?	N
Reasons provided	NA

Implementation summary	Partially implemented While the Unit was centralised and received funding, insufficient resources were provided to enable the backlog to be cleared. Strategies are in place to address this issue.
Person extracting data	Auditor 1
Date of extraction	7 November 2013
Recommendation number	23.8
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>The Commission for Children and Young People Act 1998 should be amended to require background checks as follows:</i> <i>a. in respect of CS and other key human service agencies all new appointments to staff positions that work directly or have regular contact with children and young persons (that is, permanent, temporary, casual and contract staff held against positions including temporary agency staff)</i> <i>b. any contractors engaged by those agencies to undertake work which involves direct unsupervised contact to children and young persons, and, in the case of CS, access to the KiDS system or file records on CS client</i> <i>c. students working with CS officer</i> <i>d. children's services licensees</i> <i>e. authorised supervisors of children's services</i> <i>f. principal officers of designated agencies providing OOHC or adoption agencies</i> <i>g. adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers</i> <i>h. volunteers in high risk groups, namely those having extended unsupervised contact with children and young persons</i>
Additional information request	
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Auditor-General's Report Performance Audit – Working With Children Check (CCYP Doc 1). 3. Report on the Review of the NSW <i>Commission for Children and Young People Act 1998</i> (CCYP Doc 2).
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant only in that provides background information on the review of employee screening processes prior to implementation of the WWC Act.

Documentation currency	<ol style="list-style-type: none"> 3. Relevant only in that provides background information on the review of legislation relating to employee screening prior to implementation of the WWC Act. 1. Provided to Royal Commission on request, 2013. 2. 2010 3. June 2011
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. High
Document details	
Recommended actors involved	Not specified. (Attorney General's Department?)
Recommended actors not involved	NA
Included actions	<p>The new Child Protection (Working With Children) Act 2012 (WWC Act) which commenced on 15 June 2013 imposes a requirement for background checks for those categories of people listed in the recommendation that are engaged in child-related work via the following provisions:</p> <ol style="list-style-type: none"> a. All staff of Community Services and other key human service agencies, regardless of the form of their employment – see s6. Note: Given the prohibition of conducting “child-related work” without a clearance (s9), and the definition of “worker” in s5, the requirement relates to new <i>and existing</i> staff, including volunteers, and therefore is broader in scope than the recommendation; b. Contractors (including self-employed people) engaged by those agencies, whose work or role is listed in section 6, or who provides any other service that is prescribed by the regulations, are required to obtain clearance under the Act (see definition of “worker” in s5). Note: The definition of “child-related work” does not require that the work be unsupervised, and therefore is broader in scope than the recommendation; c. All workers, other than volunteers, who have access to confidential records or information relating to children and young persons “may” be required by an employer to obtain clearance under the Act – see s 7(2). While this provision brings a wider category of people with access to records within the scope of the legislation, it does not impose the mandatory requirement envisaged by the recommendation but leaves it up to the discretion of the employer, and specifically excludes volunteers; d. Students on placement as part of an educational or vocational course are covered, but younger students doing work experience are not - see definition of “worker “ in s5. e. Children’s services licensees - see s6 and definition of “worker “ in s5;

- f. Authorised supervisors of children’s services - see s6(3)(b)
- g. Principal officers of designated agencies providing OOHC or adoption agencies – see s6(3)(e) & (f);
- h. Adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers – see s10;
- i. Volunteers in high-risk groups, namely those having extended unsupervised contact with children and young persons – Section 12 allows for a volunteer engaged in child-related work to obtain a children check clearance. However employers may employ a volunteer who has not obtained a check where the volunteer has been engaged in that volunteer work for 30 consecutive days or less – see s12(2). While this provision brings a wider category of volunteers within the scope of the legislation, it does not ensure that a check is obtained at the outset.

Excluded actions	See comments above relating to b and c
Reasons given	NA
When action was taken	2009 & 2013
Implemented as recommended?	Y
Government statement about status of implementation	Unspecified
Reasons provided	NA
Implementation summary	Partially implemented See comments above relating to b and c.

Person extracting data	Auditor 1
Date of extraction	7 November 2013
Recommendation number	24.6
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>The Children and Young Persons (Care and Protection) Act 1998 should be amended to permit the exchange of information between human services and justice agencies, and between such agencies and the nongovernment sector, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety, welfare and well-being of a child or young person in accordance with the principles set out in Chapter 24. The amendments should provide that, to the extent inconsistent, the provisions of the Privacy and Personal Information</i>

Protection Act 1998 and Health Records and Information Privacy Act 2002 should not apply. Where agencies have Codes of Practice in accordance with privacy legislation their terms should be consistent with this legislative provision and consistent with each other in relation to the discharge of the functions of those agencies in the area of child protection.

Additional information request

Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. <i>Children and Young Persons (Care and Protection) Act 1998</i> NSW (FACS Doc 8) 3. KPMG Final Report: Keep them Safe Interim Review – Location Based Evaluation
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant (see Chapter 16A) 3. Relevant – provides evidence on the effectiveness of the information-sharing provisions.
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. Current 3. November 2012
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. Medium
Document details	
Recommended actors involved	Not specified. (Attorney General’s Department?)
Recommended actors not involved	NA
Included actions	Chapter 16A implements the recommendation in a more comprehensive and detailed way than envisaged. The Interagency Guidelines are consistent with the legislative requirements under Chapter 16A and promote consistency in practice.
Excluded actions	NA
Reasons given	NA
When action was taken	Prior to amendment being implemented on 20 October 2009
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 6
Date of extraction	28 February 2014
Recommendation number	14
Commission/Inquiry of origin	NSW Ombudsman report: <i>Responding to Child Sexual Assault in Aboriginal Communities (2012)</i>
Recommendation made	<i>That Community Services improves the guidance in the Mandatory Reporter Guide in relation to the reporting of diagnosed STIs in children in light of our observations in Chapter 7 of this report.</i>
Assessability of recommendation	Assessable
Additional information request	
Submitted documents/ source details	1. Confidential Government Response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Community Services
Recommended actors not involved	
Included actions	The NSW Government response to this report was due to be tabled on 31 July 2013.
Excluded actions	
Reasons given	Under consideration
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“The NSW Government is currently considering its response to the Ombudsman report. The Government has formed a Child Sexual Assault in Aboriginal Communities Reform Agenda Group, comprised of senior executives from across the NSW Public Service. This Group is chaired by the Director General of the Department of Premier and Cabinet and is charged with developing the Government response which is due to be tabled by 31 July 2013. The work of the Reform Agenda Group is being supported by a Project Team made up of Aboriginal community members and experts from across NSW and interstate.”
Reasons provided	As above
Implementation summary	Not implemented – under consideration

Person extracting data	Auditor 6
Date of extraction	28 February 2014
Recommendation number	76
Commission/Inquiry of origin	NSW Ombudsman report: <i>Responding to Child Sexual Assault in Aboriginal Communities (2012)</i>
Recommendation made	<i>That the NSW Police Force conducts a review of the current capacity of individual local area commands to effectively manage their responsibilities in administering the Child Protection Register.</i>
Assessability of recommendation	Assessable
Additional information request	
Submitted documents/ source details	1. Confidential Government Response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Community Services
Recommended actors not involved	
Included actions	The NSW Government response to this report was due to be tabled on 31 July 2013.
Excluded actions	
Reasons given	Under consideration
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“The NSW Government is currently considering its response to the Ombudsman report. The Government has formed a Child Sexual Assault in Aboriginal Communities Reform Agenda Group, comprised of senior executives from across the NSW Public Service. This Group is chaired by the Director General of the Department of Premier and Cabinet and is charged with developing the Government response which is due to be tabled by 31 July 2013. The work of the Reform Agenda Group is being supported by a Project Team made up of Aboriginal community members and experts from across NSW and interstate.”
Reasons provided	As above
Implementation summary	Not implemented – under consideration

Person extracting data	Auditor 6
Date of extraction	28 February 2014
Recommendation number	77
Commission/Inquiry of origin	NSW Ombudsman report: <i>Responding to Child Sexual Assault in Aboriginal Communities (2012)</i>
Recommendation made	That the NSW Police Force identifies best practice by local area commands in managing the Child Protection Register and develops a process for sharing information about successful initiatives across commands.
Assessability of recommendation	Assessable
Additional information request	
Submitted documents/ source details	1. Confidential Government Response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Community Services
Recommended actors not involved	
Included actions	The NSW Government response to this report was due to be tabled on 31 July 2013.
Excluded actions	
Reasons given	Under consideration
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“The NSW Government is currently considering its response to the Ombudsman report. The Government has formed a Child Sexual Assault in Aboriginal Communities Reform Agenda Group, comprised of senior executives from across the NSW Public Service. This Group is chaired by the Director General of the Department of Premier and Cabinet and is charged with developing the Government response which is due to be tabled by 31 July 2013. The work of the Reform Agenda Group is being supported by a Project Team made up of Aboriginal community members and experts from across NSW and interstate.”
Reasons provided	As above

Implementation summary**Not implemented** – under consideration

Person extracting data	Auditor 1
Date of extraction	12 November 2013
Recommendation number	1
Commission/Inquiry of origin	NSW Ombudsman: The Need to Better Support Children and Young People in Statutory Care who have been Victims of Violent Crime (2010)
Recommendation made	<i>Rec 1: Consider whether an amendment to s78 of the Children and Young Persons (Care and Protection) Act 1998 which would require care plans to consider the issue of victims compensation is warranted. If so, Community Services should pursue this issue with the Minister for Community Services.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes - consideration of an issue is assessable.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Community Service's Advice to NSW Ombudsman August 2010 regarding the handling of Victims Compensation Claims (Doc D-1)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. August 2010
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Low
Document details	
Recommended actors involved	Family and Community Services
Recommended actors not involved	NA
Included actions and when	Amendment considered
Excluded actions	Amendment determined to be unnecessary
When action was taken	Prior to August 2010
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full

Reasons provided	Amendment not deemed necessary. No impediment in Act to including the issue of victims compensation in a care plan and inclusion in the Act would create an unrealistic expectation of entitlement to compensation.
Implementation summary	Implemented in full

Person extracting data	Auditor 1
Date of extraction	12 November 2013
Recommendation number	2
Commission/Inquiry of origin	NSW Ombudsman: The Need to Better Support Children and Young People in Statutory Care who have been Victims of Violent Crime (2010)
Recommendation made	<p><i>Review its practice guidelines in relation to children and young people who have been victims of violent crime. The review should ensure:</i></p> <ol style="list-style-type: none"> <i>The guidelines reflect the agency's recent directive that legal officers are now required to identify children and young people with potential claims for victim's compensation during care proceedings.</i> <i>The responsibilities of legal officers and other relevant staff, and the timeframes for identifying children with potential compensation claims, are clearly stated.</i> <i>The responsibilities and timeframes of legal officers and caseworkers for taking the claim forward once identified are clearly stated.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> Government response Rights of the Victims of Crime procedure (Doc E-1) PowerPoint presentation for Training of CS Staff for Rights of Victims of Crime Procedure (Doc E-2) Victims of Crime Facilitators Guide Final (Doc E-3) Summary of Changes to the scheme (Doc E-4)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Relevant Relevant Minimal relevance Relevant Relevant

Documentation currency

1. Provided to the Royal Commission on request, 2013
2. 20 January 2012
3. 2011
4. 2011
5. Undated. Post May 2013

Reliability contribution of document

1. Low
2. Medium
3. Low
4. Low
5. Low

Document details

Recommended actors involved DoCS Case Workers, Managers, Legal Officers
Non-government agencies funded by DoCS

Recommended actors not involved NA

Included actions and when Procedures for identifying and progressing victims compensation claims are clear, as are timeframes.

The new directive that legal officers are **required** to identify children with potential claims is not clear.

Excluded actions Requirement that legal officers identify potential children during care proceedings – is that the same as a legal audit?

When action was taken By August 2010

Implemented as recommended? Y

Government statement about status of implementation Implemented in full

Reasons provided NA

Implementation summary **Implemented in full**

Further clarify about the role of legal officers would assist the assessment of implementation. Assumptions have been made that 'legal audit' refers to identifying children with potential claims.

DOCUMENT AUDIT: NORTHERN TERRITORY

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	8
Commission/Inquiry of origin	Department of Justice (2011) Report: Review of Vulnerable Witness Legislation
Recommendation made	That an amendment be made to the Sexual Offences (Evidence and Procedure) Act in response to the High Court's decision in Crofts to provide clear guidance as to the directions, if any, that should be given to the jury in relation to the timing of a complaint .
Assessability of recommendation	Yes – action and outcome clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Amendment to the Act.
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not specified.
Reason provided	Instead, has followed the recommendations of the 2010 Australian Law Reform Commission Report entitled 'Family Violence - a National Legal Response'.
Implementation summary	Not implemented. The High Court decision in Crofts has been criticised.

Person extracting data	Auditor 6
Date of extraction	16 January 2014
Recommendation number	1
Commission/Inquiry of origin	A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>That Section 34 of the Care and Protection of Children Act (CPC Act) be amended to extend the authority of the CPA to request information: ‘that may be relevant in connection with or incidental to a child’s wellbeing’, or ‘relevant to information received about a child’.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Proclamation of the Information Sharing amendments of the <i>Care and Protection of Children Act</i> . Led to much broader information gathering powers.
Excluded actions	NA
When action was taken	July 2012
Implemented as recommended?	
Government statement about status of implementation	Implemented in full.
Reason provided	
Implementation summary	Implemented – legislation check.

Person extracting data	Auditor 6
Date of extraction	16 January 2014
Recommendation number	2
Commission/Inquiry of origin	A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>That a provision is inserted into Section 34 of the CPC Act to allow the CEO: 'to make those inquiries of any other persons who may reasonably be expected to have information about a child'.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Proclamation of the Information Sharing amendments of the <i>Care and Protection of Children Act</i> . Led to much broader information gathering powers.
Excluded actions	NA
When action was taken	July 2012
Implemented as recommended?	
Government statement about status of implementation	Implemented in full.
Reason provided	
Implementation summary	Implemented in full – legislation check.

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	4
Commission/Inquiry of origin	Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>Further that Section 15(2) of the CPC Act define harm to include: 'A child or young person of school going age frequently does not attend school without a reasonable excuse'.</i>
Assessability of recommendation	Fully assessable
Additional information request	NA
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Amendments made to Part 4 of the NT <i>Education Act</i> provide greater power to authorised officers to achieve reengagement.
Excluded actions	This recommendation will not be implemented by a change to the Act.
When action was taken	Unclear
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	<p>"This recommendation will not be implemented by a change to the Act.</p> <p>The Act (s.15) defines 'harm' as a significant detrimental effect caused by any act, omission or circumstance on the child.</p> <p>Including failure to attend school in s.15 would expand mandatory reporting (s.26) to include failure to attend school.</p>

Implementation summary	While ensuring children attend school is a priority across NT Government, amending the Act in this way is not considered to be the appropriate mechanism.”
	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	5
Commission/Inquiry of origin	Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>That Section 26 of the Care and Protection of Children Act be amended to extend the mandatory reporting requirement to frequent non-attendance at school without a reasonable excuse.</i>
Assessability of recommendation	Fully assessable
Additional information request	NA
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>A guide for professionals on mandatory reporting in the NT has been developed and is available from the Department of Children and Families website. The publication guides decision making.</p> <p>To help all new health professionals in the NT understand the NT’s mandatory reporting provisions, a mandatory online training course has been developed and rolled out to 89 doctors and nurses. The course will form part of the mandatory orientation program for Department of Children and Families staff in early 2014.</p>

Excluded actions	This recommendation will not be implemented by a change to the Act.
When action was taken	Unclear
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	<p>“The Act (s. 15) defines ‘harm’ as a significant detrimental effect caused by any act, omission or circumstance on the child.</p> <p>Including failure to attend school in s.15 would expand mandatory reporting (s.26) to include failure to attend school.</p> <p>While ensuring children attend school is a priority across NT Government, amending the Act in this way is not considered to be the appropriate mechanism.”</p>
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	4.3
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory’s Children (2010)
Recommendation made	<i>That there is recognition in the Care and Protection of Children Act of the functions of an Aboriginal agency or agencies or other recognised entities.</i>
Assessability of recommendation	Fully assessable
Additional information request	NA
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Update <i>Care and Protection of Children Act</i>
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	This matter is still being considered as part of a suite of reforms to the Act.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	9.4
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory's Children (2010)
Recommendation made	<i>That an independent body is auspiced to review investigations into allegations of 'abuse in care' undertaken by the Department of Health and Families. The Office of the Children's Commissioner would be an appropriate body to take on this role.</i>
Assessability of recommendation	Assessable – action and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA

Recommended actors not involved	NA
Included actions	Two new pieces of legislation being introduced. Will result in Children’s Commissioner having the envisaged role.
Excluded actions	NA
When action was taken	October 2013
Implemented as recommended?	Y
Government statement about status of implementation	“In progress”
Reason provided	N
Implementation summary	Partially implemented – legislation currently being passed, will result in Children’s Commissioner having the envisaged role.

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	11.1
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory’s Children (2010)
Recommendation made	<p><i>That the Act be amended to:</i></p> <p><i>1. provide a workable framework that permits and encourages the exchange of information between public sector organisations, between these organisations, the non-government sector and, where appropriate, individual community members, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety and/ or wellbeing of a child or young person; and</i></p> <p><i>2. provide that, to the extent that provisions are inconsistent, the Information Act (NT) should not apply.</i></p>
Assessability of recommendation	Assessable – ‘workable framework’ is open to interpretation but all other actions and outcomes are specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant

Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear
Implemented as recommended?	Y/N
Government statement about status of implementation	'fully implemented': Amending legislation commenced 1 July 2012.
Reason provided	NA
Implementation summary	Implemented in full – legislation check

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	13.6
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory's Children (2010)
Recommendation made	<i>That a community visitor model be implemented to involve a sampling of children in out of home care (OOHC) with a view to informing the Children's Commissioner about OOHC issues from the perspective of the visitor, and also from the children being visited.</i>
Assessability of recommendation	Yes – actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Will not be implemented as recommended.
Reason provided	<ul style="list-style-type: none"> • CREATE Foundation undertakes an annual survey to find out about children and young people's experiences in out of home care. • In 2014, the NT Government, in accordance with all Australian States and Territories will carry out the first biennial survey of children and young people in out-of-home care.
Implementation summary	Not implemented.

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	8
Commission/Inquiry of origin	Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)
Recommendation made	<i>That employment screening be mandatory for all employed persons and volunteers working with children as described in the draft Care and Protection of Children Bill 2007.</i>
Assessability of recommendation	Yes – clearly specified action and outcome.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Ochre Card introduced
Excluded actions	
When action was taken	Unclear
Implemented as recommended?	Y
Government statement about status of implementation	<p>“The Working With Children Clearance - Ochre Card was one of a range of initiatives introduced under the Act to ensure the safety of children and young people in the community. It operates to prevent those people who may harm or exploit children from working with them in either a paid or voluntary capacity.</p> <p>It has been a requirement from 1 July 2011 that people engaged in child related employment apply for a Working With Children Clearance. “</p>
Reason provided	NA
Implementation summary	Implemented in full – legislation verification

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	9
Commission/Inquiry of origin	Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)
Recommendation made	<p><i>That a position of Commissioner for Children and Young People be established, with duties and responsibilities as described in the draft Care and Protection of Children Bill 2007. The Inquiry further recommends that:</i></p> <p><i>a. The Commissioner should have a broad role not limited to individual complaints handling with the power to conduct inquiries into any issues affecting children and young people in the Northern Territory, but with an emphasis on child protection and child abuse prevention.</i></p>

Assessability of recommendation	Yes – action and outcome clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Commission for Children and Young People established.
Excluded actions	NA
When action was taken	Commissioner commenced June 2008. Powers were expanded to cover all vulnerable children, July 2011.
Implemented as recommended?	Y
Government statement about status of implementation	‘Fully implemented’
Reason provided	NA
Implementation summary	Implemented in full – legislation check

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	18
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>The Territory should provide specialist training for prosecutors concerning their role in relation to the victims of sexual assault, particularly children</i>

Assessability of recommendation	Yes, clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • On 25 January 2000 AG wrote to DPP re: recommendation for specialist training for prosecutors. • On 13 June 2000 AG noted the ODPP was to be responsible for conducting and funding the training. • On 18 January 2001 AG wrote to DPP and informed the Director of the same. • In 2005-2006, funding was approved to employ two specialist sexual assault prosecutors, although only one was actually employed. • Further funding was requested in 2007-2008 and \$0.394 million ongoing for 2008-09 was approved to improve the prosecution of child sex offences.
Excluded actions	Training not provided.
When action was taken	
Implemented as recommended?	No
Government statement about status of implementation	Not implemented
Reason provided	To the extent that recommendations 18 to 21 were not implemented, it is not possible to answer they were not implemented as it would involve speculation.
Implementation summary	Not implemented

Date of extraction	5 January 2014
Recommendation number	19
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<p><i>The purpose of such training should be two fold:</i></p> <p><i>I. to ensure those involved in prosecuting sexual offences are appropriately skilled in this area of work, and able present matters before the courts competently and effectively; and</i></p> <p><i>II. to ensure those involved in the prosecution of sexual offences are aware of the dynamics and psychological aspects that apply to victims of sexual assault, particularly children.</i></p>
Assessability of recommendation	Yes – clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • On 25 January 2000 AG wrote to DPP re: recommendation for specialist training for prosecutors. • On 13 June 2000 AG noted the ODPP was to be responsible for conducting and funding the training. • On 18 January 2001 AG wrote to DPP and informed the Director of the same. • In 2005-2006, funding was approved to employ two specialist sexual assault prosecutors, although only one was actually employed. • Further funding was requested in 2007-2008 and \$0.394 million ongoing for 2008-09 was approved to improve the prosecution of child sex offences.
Excluded actions	Training not provided.

When action was taken	
Implemented as recommended?	No
Government statement about status of implementation	Not implemented
Reason provided	To the extent that recommendations 18 to 21 were not implemented, it is not possible to answer they were not implemented as it would involve speculation.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	20
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Such training should be structured and delivered with an awareness of the legal limitations placed upon prosecutors and their necessary objectivity in presenting materials before the court.</i>
Assessability of recommendation	Yes, clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> On 25 January 2000 AG wrote to DPP re: recommendation for specialist training for prosecutors. On 13 June 2000 AG noted the ODPP was to be responsible for conducting and funding the training.

Excluded actions	<ul style="list-style-type: none"> On 18 January 2001 AG wrote to DPP and informed the Director of the same. In 2005-2006, funding was approved to employ two specialist sexual assault prosecutors, although only one was actually employed. Further funding was requested in 2007-2008 and \$0.394 million ongoing for 2008-09 was approved to improve the prosecution of child sex offences. <p>Training not provided.</p>
When action was taken	
Implemented as recommended?	No
Government statement about status of implementation	Not implemented
Reason provided	To the extent that recommendations 18 to 21 were not implemented, it is not possible to answer they were not implemented as it would involve speculation.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	21
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Such training should recognise that the prosecutor cannot replace the support and assistance offered to victims of sexual assault through the Victim Support Unit.</i>
Assessability of recommendation	Yes – clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low

Implementation

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none">• On 25 January 2000 AG wrote to DPP re: recommendation for specialist training for prosecutors.• On 13 June 2000 AG noted the ODPP was to be responsible for conducting and funding the training.• On 18 January 2001 AG wrote to DPP and informed the Director of the same.• In 2005-2006, funding was approved to employ two specialist sexual assault prosecutors, although only one was actually employed.• Further funding was requested in 2007-2008 and \$0.394 million ongoing for 2008-09 was approved to improve the prosecution of child sex offences.
Excluded actions	Training not provided.
When action was taken	
Implemented as recommended?	No
Government statement about status of implementation	Not implemented
Reason provided	To the extent that recommendations 18 to 21 were not implemented, it is not possible to answer they were not implemented as it would involve speculation.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	22
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>The Territory should provide training for all legal and judicial officers aimed at ensuring an awareness of the dynamics and psychological aspects that apply to victims of sexual assault, particularly children. No suggestion, however, should be made that judges or magistrates are obliged to undertake any such training.</i>

Assessability of recommendation	Yes, action and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented.
Reason provided	<p>Recommendation 22 to 26-judicial and legal officer training</p> <ul style="list-style-type: none"> • The recommendations were placed on the agenda for the Supreme Court Judges Meeting of 2 March 2000 • Chief Justice wrote to the Attorney-General on March 2000 and noted the following: <p>"The training of judicial officers (Recommendation 21) is a vexed issue. As the Committee says, no suggestion should be made that judicial officers are obliged to undergo such training. The conduct of criminal trials in this jurisdiction is before a jury. The presiding Judge is involved to make rulings and provide instruction on matters of law. It is up to the parties to provide evidence to the Court, if it is relevant, going to the 'dynamics and psychological aspects' applying to victims of sexual assault. A Judge could not introduce any such matter into the trial process of his or her own volition. So far as I am aware, there have been no complaints made concerning members of this Court in regard to their conduct of such trials. Until a verdict of guilty is returned by the jury, the Judge must remain circumspect, although making allowance for any distress. That regularly occurs. It</p>

must be remembered, in this context, that an accused person is presumed to be innocent until found otherwise and that until such time as that happens, the person upon whom the sexual offence is said to have been committed cannot strictly be categorised as a 'victim'."

We are informed that members of the Judiciary regularly attend conferences and training sessions, of which topics such as greater awareness in dealing with the victims of sexual assault, particularly children, child sexual abuse and vulnerable witnesses in general are regularly addressed.

On 25 January 2000 the Attorney-General wrote to His Honour Chief Magistrate Mr Hugh Bradley. We are informed that Magistrates have in the past attended conferences and training sessions in which child sex abuse was a topic. On 13 June 2000 the former Attorney-General has signed a Ministerial approving liaison with the Law Society in relation to a Continuing Legal Education seminar to address the training of 'other legal officers' on the basis that the Law Society was to be responsible for conducting and funding their own training. A Ministerial Briefing was prepared for the Acting Attorney-General, Mr Mike Reed, enclosing a letter to the Law Society proposing a Continuing Legal Education Seminar on the 'various intricacies and difficulties involved in dealing with sexual assault matters'. We have been unable to locate a signed copy of the Ministerial or letter.

To the extent that recommendations 22 to 26 were not implemented, it is not possible to answer why they were not implemented as it would involve speculation.

Implementation summary

Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	24
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Such training should also allow for the consideration of issues related to victims of sexual assault and the impact of:</i> <ul style="list-style-type: none"> • cultural background; • physical ability; • intellectual disability; or • gender
Assessability of recommendation	Yes, action and outcomes clearly specified.

Additional information request

Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low

Implementation

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented.

Reason provided

Recommendation 22 to 26-judicial and legal officer training

- The recommendations were placed on the agenda for the Supreme Court Judges Meeting of 2 March 2000
- Chief Justice wrote to the Attorney-General on March 2000 and noted the following:

"The training of judicial officers (Recommendation 21) is a vexed issue. As the Committee says, no suggestion should be made that judicial officers are obliged to undergo such training. The conduct of criminal trials in this jurisdiction is before a jury. The presiding Judge is involved to make rulings and provide instruction on matters of law. It is up to the parties to provide evidence to the Court, if it is relevant, going to the 'dynamics and psychological aspects' applying to victims of sexual assault. A Judge could not introduce any such matter into the trial process of his or her own volition. So far as I am aware, there have been no complaints made concerning members of this Court in regard to their conduct of such trials. Until a verdict of guilty is returned by the jury, the Judge must remain circumspect, although making allowance for any distress. That regularly occurs. It must be remembered, in this context, that an accused person is

presumed to be innocent until found otherwise and that until such time as that happens, the person upon whom the sexual offence is said to have been committed cannot strictly be categorised as a 'victim'."

We are informed that members of the Judiciary regularly attend conferences and training sessions, of which topics such as greater awareness in dealing with the victims of sexual assault, particularly children, child sexual abuse and vulnerable witnesses in general are regularly addressed.

On 25 January 2000 the Attorney-General wrote to His Honour Chief Magistrate Mr Hugh Bradley. We are informed that Magistrates have in the past attended conferences and training sessions in which child sex abuse was a topic. On 13 June 2000 the former Attorney-General has signed a Ministerial approving liaison with the Law Society in relation to a Continuing Legal Education seminar to address the training of 'other legal officers' on the basis that the Law Society was to be responsible for conducting and funding their own training. A Ministerial Briefing was prepared for the Acting Attorney-General, Mr Mike Reed, enclosing a letter to the Law Society proposing a Continuing Legal Education Seminar on the 'various intricacies and difficulties involved in dealing with sexual assault matters'. We have been unable to locate a signed copy of the Ministerial or letter.

To the extent that recommendations 22 to 26 were not implemented, it is not possible to answer why they were not implemented as it would involve speculation.

Implementation summary

Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	25
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Training should be delivered in a manner that allows it to be accessed by legal and judicial officers located outside Darwin.</i>
Assessability of recommendation	Yes, action and outcomes clearly specified.
Additional information request	

Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented.
Reason provided	<p>Recommendation 22 to 26-judicial and legal officer training</p> <ul style="list-style-type: none"> • The recommendations were placed on the agenda for the Supreme Court Judges Meeting of 2 March 2000 • Chief Justice wrote to the Attorney-General on March 2000 and noted the following: <p>"The training of judicial officers (Recommendation 21) is a vexed issue. As the Committee says, no suggestion should be made that judicial officers are obliged to undergo such training. The conduct of criminal trials in this jurisdiction is before a jury. The presiding Judge is involved to make rulings and provide instruction on matters of law. It is up to the parties to provide evidence to the Court, if it is relevant, going to the 'dynamics and psychological aspects' applying to victims of sexual assault. A Judge could not introduce any such matter into the trial process of his or her own volition. So far as I am aware, there have been no complaints made concerning members of this Court in regard to their conduct of such trials. Until a verdict of guilty is returned by the jury, the Judge must remain circumspect, although making allowance for any distress. That regularly occurs. It must be remembered, in this context, that an accused person is presumed to be innocent until found otherwise and that until such time as that happens, the person upon whom the sexual offence is</p>

said to have been committed cannot strictly be categorised as a 'victim'."

We are informed that members of the Judiciary regularly attend conferences and training sessions, of which topics such as greater awareness in dealing with the victims of sexual assault, particularly children, child sexual abuse and vulnerable witnesses in general are regularly addressed.

On 25 January 2000 the Attorney-General wrote to His Honour Chief Magistrate Mr Hugh Bradley. We are informed that Magistrates have in the past attended conferences and training sessions in which child sex abuse was a topic. On 13 June 2000 the former Attorney-General has signed a Ministerial approving liaison with the Law Society in relation to a Continuing Legal Education seminar to address the training of 'other legal officers' on the basis that the Law Society was to be responsible for conducting and funding their own training. A Ministerial Briefing was prepared for the Acting Attorney-General, Mr Mike Reed, enclosing a letter to the Law Society proposing a Continuing Legal Education Seminar on the 'various intricacies and difficulties involved in dealing with sexual assault matters'. We have been unable to locate a signed copy of the Ministerial or letter.

To the extent that recommendations 22 to 26 were not implemented, it is not possible to answer why they were not implemented as it would involve speculation.

Implementation summary

Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	26
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Training should be delivered by training providers, who have previous experience in the delivery of training regarding the dynamics and psychological aspects that apply to victims, including child victims of sexual assault, and in the delivery of training to legal and judicial officers.</i>
Assessability of recommendation	Yes, action and outcomes clearly specified.

Additional information request

Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low

Implementation

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented.

Reason provided

Recommendation 22 to 26-judicial and legal officer training

- The recommendations were placed on the agenda for the Supreme Court Judges Meeting of 2 March 2000
- Chief Justice wrote to the Attorney-General on March 2000 and noted the following:

"The training of judicial officers (Recommendation 21) is a vexed issue. As the Committee says, no suggestion should be made that judicial officers are obliged to undergo such training. The conduct of criminal trials in this jurisdiction is before a jury. The presiding Judge is involved to make rulings and provide instruction on matters of law. It is up to the parties to provide evidence to the Court, if it is relevant, going to the 'dynamics and psychological aspects' applying to victims of sexual assault. A Judge could not introduce any such matter into the trial process of his or her own volition. So far as I am aware, there have been no complaints made concerning members of this Court in regard to their conduct of such trials. Until a verdict of guilty is returned by the jury, the Judge must remain circumspect, although making allowance for any distress. That regularly occurs. It must be remembered, in this context, that an accused person is

presumed to be innocent until found otherwise and that until such time as that happens, the person upon whom the sexual offence is said to have been committed cannot strictly be categorised as a 'victim'."

We are informed that members of the Judiciary regularly attend conferences and training sessions, of which topics such as greater awareness in dealing with the victims of sexual assault, particularly children, child sexual abuse and vulnerable witnesses in general are regularly addressed.

On 25 January 2000 the Attorney-General wrote to His Honour Chief Magistrate Mr Hugh Bradley. We are informed that Magistrates have in the past attended conferences and training sessions in which child sex abuse was a topic. On 13 June 2000 the former Attorney-General has signed a Ministerial approving liaison with the Law Society in relation to a Continuing Legal Education seminar to address the training of 'other legal officers' on the basis that the Law Society was to be responsible for conducting and funding their own training. A Ministerial Briefing was prepared for the Acting Attorney-General, Mr Mike Reed, enclosing a letter to the Law Society proposing a Continuing Legal Education Seminar on the 'various intricacies and difficulties involved in dealing with sexual assault matters'. We have been unable to locate a signed copy of the Ministerial or letter.

To the extent that recommendations 22 to 26 were not implemented, it is not possible to answer why they were not implemented as it would involve speculation.

Implementation summary

Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	27
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Further consideration should also be given to the introduction of education on these issues into undergraduate and post-graduate legal training.</i>
Assessability of recommendation	Yes – action clearly specified

Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	“The Faculty of Law at Charles Darwin University advised that at present, the criminal law unit, which is taught to undergraduate law students, covers the under-reporting of sexual assault including the reasons for under-reporting, the prevalence and difficulty of conducting successful prosecutions and how the rules/laws of evidence clash with the multiple vulnerabilities of the complainants. Material on the development of new offences (such as Maintaining a Relationship with a Child), along with the policy reasons for them, and the successes and failures of the criminal justice system are also addressed.”
Excluded actions	NA
When action was taken	AG wrote to VC of NTU on 25 January 2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented.
Reason provided	NA
Implementation summary	Implemented in full
Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	28

Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>A recommendation regarding the inclusion of education on these issues in undergraduate and post-graduate legal training should be forwarded to the Northern Territory University Faculty of Law.</i>
Assessability of recommendation	Yes – action clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	“Attorney-General wrote to the Vice Chancellor of the Northern Territory University in relation to recommendation 27 and 28 on 25 January 2000 suggesting that consideration be given to introducing education on the special needs of victims of sexual assault and the particular dynamics of such cases.”
Excluded actions	NA
When action was taken	AG wrote to VC of NTU on 25 January 2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented.
Reason provided	NA
Implementation summary	Implemented in full
Person extracting data	Auditor 6
Date of extraction	5 January 2014

Recommendation number	29
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>That in considering future appointments to the judiciary or magistracy the Attorney-General may consider inter alia, the potential capacity of any person (whether by training or personality) to understand and appreciate the special problems associated with cases of sexual assault.</i>
Assessability of recommendation	Yes, actions clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	“Under section 32 of the Supreme Court Act, the prescribed pre-requisite for appointment of a judicial officer is that an individual has been a legal practitioner for at least 10 years. When considering suitability for appointment to the judiciary or magistracy, the Attorney-General has regard to a number of matters, including the experience of each candidate.

	To the extent that this recommendation was not implemented, it is not possible to answer why it was not implemented as it would involve speculation.”
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	31
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>That the Government sponsor a vigorous campaign to educate and alert the public to the tragedies and traumas experienced by victims of sexual assault, particularly children, to the means of identifying such cases and to the necessity to report such cases.</i>
Assessability of recommendation	Yes, action and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Sexual assault issues were integrated into domestic violence campaigns such as the Let’s Stop It...Now campaign in 2002. Specific sexual assault community education materials were produced as part of this campaign. • In December 2003 a Sexual Assault Taskforce was created to operate for 12 months and develop a Sexual Assault Prevention Plan. A public education booklet was also produced ‘Step Forward – Getting Help About Sexual Violence’.

Excluded actions	In June 2000, AG did not approve the public education campaign proposal. Reasons are not known.
When action was taken	2002, 2003
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	Government will not speculate as to reasons why.
Implementation summary	Not implemented

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Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	32
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the title official visitor be changed to ‘community visitor’.</i>
Assessability of recommendation	Yes – outcome clearly specified
Additional information request	NA
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Name changed through the Commission Children & Young People Act 2000
Excluded actions	NA
When action was taken	2000
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”
Reason provided	NA
Implementation summary	Implemented in full – see also legislation verification

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	33
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That private homes be generally exempt from the community visitor program, but be included if: More than a specific number of unrelated children and young people, say four or more, are placed in the same foster home; and A private home is providing accommodation for a child in care and a complaint has been made which hasn’t been or can’t reasonably and practicably be resolved by internal grievance processes.</i>
Assessability of recommendation	Yes, outcomes clearly specified
Additional information request	1. Legislation Check; Commission for Children and Young People and Children Guardian Act 2000
Submitted document/ source details	1. Government response to RC provided 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation Check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	See legislation verification for full details
Excluded actions	The Act does not require a specific number of unrelated children to be present in a private home in order for it to become a visitable site. Nor does it require an unresolved complaint to have been made in a private home in order for it to become a visitable site.
When action was taken	
Implemented as recommended?	Partially
Government statement about status of implementation	“Implemented in full”

Reason provided

Implementation summary

Partially implemented –see excluded actions

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	34
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the community visitor program be extended to cover children and young people who live in residential facilities but who aren’t subject to statutory care orders</i>
Assessability of recommendation	Yes, action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Extended community visitor program.
Excluded actions	NA
When action was taken	Unclear when legislation was updated. Community visitors program began in 2001.
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”
Reason provided	NA

Implementation summary**Implemented in full** - See also legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	35
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the role and purpose of community visitors be to develop trusting relationships with children and young people in residential facilities to facilitate their ability to advocate on the child’s or young person’s behalf as necessary.</i>
Assessability of recommendation	Yes, outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”.
Reason provided	NA
Implementation summary	Implemented in full

See also legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	36
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That community visitors be authorised to facilitate 'on site' resolution of complaints, and to refer serious matters to the Commission in accordance with formal protocols and guidelines.</i>
Assessability of recommendation	Yes, outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full".
Reason provided	NA
Implementation summary	Implemented in full. See also legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	37
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That community visitors be authorised to access otherwise confidential information held at residential facilities about the children and young people who reside there, subject to the same overarching principles and confidentiality requirements as other Commission staff.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”.
Reason provided	NA
Implementation summary	Implemented in full See also legislation verification.

Person extracting data	Auditor 6
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Date of extraction	3 January 2014
Recommendation number	38
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	That the Act oblige the management and staff of residential facilities to cooperate with community visitors in the exercise of their functions.
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”.
Reason provided	NA
Implementation summary	Implemented in full See also legislation verification.
Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	39

Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That consideration be given to ‘harmonising’ the legislative and administrative frameworks applying to community visitor and the programs under the Children’s Commission and Juvenile Justice Acts and envisaged adult guardianship and mental health legislation.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Role of the adult guardian not covered by the CCYP Act.
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	“Partially implemented”.
Reason provided	NA
Implementation summary	Partially implemented See also legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	2
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)

Recommendation made	<i>That a working party be established comprising Education Queensland, the Board of Teacher Registration, the Association of Independent Schools Queensland (AISQ), the Queensland Catholic Education Commission and the Children’s Commission Queensland to develop appropriate policies for responding to suspicions or disclosures of child sexual abuse in non-government schools. This should be undertaken in consultation with Families Youth and Community Care Queensland and the QPS (see also Recommendations 11 and 15).</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to the RC, 2013 2. Minutes of the Non-State School Authorities Council meeting, April 2002
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request, 2013 2. April 2002
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low
Implementation	
Recommended actors involved	Queensland Catholic Education Commission, Children’s Commission Queensland.
Recommended actors not involved	Families Youth and Community Care Queensland, and the QPS. Education Queensland, Board of Teacher Registration, Association of Independent Schools Queensland.
Included actions	Working party established November 2002. Run by the Non-State School Authorities Council.
Excluded actions	Unclear whether all of the mentioned organisations were involved in the Working Party. Unclear whether the recommended consultation took place. Unclear whether policies were developed by the Working Party.
When action was taken	Began November 2002.
Implemented as recommended?	N
Government statement about status of implementation	“Implemented in full”.

Reason provided	NA
Implementation summary	Undetermined. A working party was established but its membership, work and consultation mechanisms have not been provided.

Person extracting data	Auditor 6
Date of extraction	02.01.2014
Recommendation number	3
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government consider including, as a requirement of their accreditation, that non-government schools have in place adequate policies for responding to suspicions or disclosures of child sexual abuse (see also Recommendations 12 and 16).</i>
Assessability of recommendation	Yes – clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to the RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Enacted the <i>Education (Accreditation of Non-State School Regulation) 2001</i>.
Excluded actions	NA
When action was taken	2001
Implemented as recommended?	Y

Government statement about status of implementation	“Implemented in full”.
Reason provided	Y
Implementation summary	Implemented in full – see legislation verification

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	4
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That appropriate funding be provided to the Children’s Commission Queensland to undertake a formal evaluation of the Coordinating Committee on Child Abuse (CCOCA) and Suspected Child Abuse and Neglect (SCAN) team procedures.</i>
Assessability of recommendation	Yes, action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	1. Government response provided to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N

Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	6
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Children’s Commission Queensland be granted sufficient funding to expand its trial data tracking project to examine the progress of individual cases of child sexual abuse through the criminal justice system with a view to: • gaining a comprehensive understanding of why child sex offence matters are withdrawn and discontinued at a higher rate than other offence types; • providing information about the effect of changes to legislation and court practices. This research should be commenced as soon as possible to enable information to be collected against which the effectiveness of any reforms can be measured.</i>
Assessability of recommendation	Yes, for the most part clearly specified actions and outcomes. “Comprehensive understanding” could be open to interpretation.
Additional information request	NA
Submitted document/ source details	Government response provided to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA

Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	8
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Queensland Government commit greater resources to custody-based treatment programs for child sex offenders to enable all eligible inmates to participate in the program</i>
Assessability of recommendation	Yes, action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Funding for sex offender programs increased as recommended. Programs now available in 3 additional correctional facilities. Six

	different programs now available for different needs/target groups. Numbers completing a program each year have risen from 125 in 2006 to 522 in 2013.
Excluded actions	NA
When action was taken	New programs and/or injection of funds in 2001, 2005, 2007-2014
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”.
Reason provided	Y
Implementation summary	Implemented in full. Funding for additional programs in place, and numbers of sex offenders completing programs substantially increased.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	9
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Queensland Government increase funding for the Community Corrections Sex Offenders’ program so that: • it will be more widely available as an option for courts to include as part of a community-based sentence in appropriate cases; and • it will provide more comprehensive treatment for offenders released from prison.</i>
Assessability of recommendation	In part. Most actions and outcomes clearly specified. However, ‘more comprehensive’ is open to interpretation, and it is unclear what is meant by it.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of documents	Low

Implementation

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Reported increase in funding and number of programs available. 16 dedicated program staff across the State. Larger numbers of offenders have completed programs.
Excluded actions	Whether the increased program availability has led to 'more comprehensive treatment'. Further evidence of increased funding could have been provided.
When action was taken	Dedicated teams established 2006.
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full".
Reason provided	NA
Implementation summary	Implemented in full. Programs do appear to have been put in place following this Inquiry. Evidence beyond the governmental response could have been provided.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	10
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government establish a working party including representatives from the Department of Corrective Services, the QPS and Families Youth and Community Care Queensland, and other relevant government and community agencies, to develop a coordinated response to the treatment, monitoring and supervision of child sex offenders in the community.</i>
Assessability of recommendation	Yes – action, actors and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant

Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation Check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Working party chaired by Dept of Premier & Cabinet, with all relevant agencies represented. Coordinated response included new legislation for the monitoring of offenders, a National Offender Register; MOUs between government agencies; the operation of a Serious Offenders Committee ; establishment of a Sexual Offender and Dangerous Offender Unit; an Interagency Public Protection Committee.
Excluded actions	NA
When action was taken	2003 onwards
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”.
Reason provided	NA
Implementation summary	Implemented in full. See Legislation check

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	11
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the working party referred to in Recommendation 2 also develops appropriate employment screening policies for non-government schools, taking into account the legislative requirements for other child-related employers under the proposed Commission for Children and Young People Act (see Recommendation 15).</i>
Assessability of recommendation	Yes – action and outcomes clearly specified.
Additional information request	

Submitted document/ source details	1. Government response, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Various legislative requirements.
Excluded actions	No evidence of employment screening policies for non-government schools.
When action was taken	2000 onwards
Implemented as recommended?	N
Government statement about status of implementation	“Implemented in full.”
Reason provided	N
Implementation summary	Implemented in full. Working party established, and a range of screening mechanisms in place.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	12
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government consider including, as a requirement of accreditation, that non-government schools have in place adequate policies for employment screening (see also Recommendations 3 and 16).</i>
Assessability of recommendation	Yes – action and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Government response, 2013

Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Various legislative requirements. Various screening mechanisms in place.
Excluded actions	
When action was taken	2000 onwards
Implemented as recommended?	N
Government statement about status of implementation	“Implemented in full.”
Reason provided	N
Implementation summary	Implemented I full. Screening mechanisms in place for non-state schools.

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	13
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the 12 month review of the proposed Commission for Children and Young People Act consider the following issues: • whether adequate screening has been applied to private childcare providers; • whether the legislation should enable voluntary applications for suitability notices for areas of child-related employment not covered by existing provisions; • whether information in relation to disciplinary proceedings should be maintained by the Commission</i>
Assessability of recommendation	Yes, actions clearly specified
Additional information request	NA

Submitted document/ source details	Government response provided to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	17
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Children’s Commission Queensland consider the question of the accountability of church institutions when an allegation of child sexual abuse has been made involving a church employee, and consider whether the introduction of any official oversight mechanism might improve the response of churches.</i>
Assessability of recommendation	Yes, action clearly specified.
Additional information request	

Submitted document/ source details	1. Government response provided to RC, 2013 2. Government response provided to RC, 2013, Attachment 1.1
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. 2013 2. 2013
Reliability contribution of documents	1. Low 2. Low

Implementation

Recommended actors involved	Children's Commissioner
Recommended actors not involved	NA
Included actions	Offered help to major religious institutions to develop child protection policies.
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	"This recommendation concerns the Children's Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation."
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	18
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That Sport and Recreation Queensland, in conjunction with the Children's Commission Queensland and FYCCQ, encourage sport and recreation organisations to develop child protection policies for addressing complaints against staff or volunteers.</i>
Assessability of recommendation	Yes – action and outcomes clearly specified and measurable.
Additional information request	

Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Commission, Sport & Rec
Recommended actors not involved	NA
Included actions	Commission extended Working with Children Check to volunteers. S&R has conducted a number of workshops on Child Protection.
Excluded actions	No evidence of S&R consulting with the Commission (due to timeframe for holding public records).
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“Partly implemented”.
Reason provided	N
Implementation summary	Partially implemented – see excluded actions

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	19
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Children’s Commission Queensland explore mechanisms for improving accountability of childcare centres and other youth recreation and adventure groups to ensure that complaints handling policies are in place and enforced, and that allegations of child sexual abuse are brought to the attention of the appropriate authorities.</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	NA

Submitted document/ source details	Government response provided to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	20
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Children’s Commission Queensland be adequately funded to enable it to document the services available for victims of child sexual abuse and identify any gaps in services provided.</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	NA
Submitted document/ source details	Government response provided to RC, 2013

Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	12 February 2014
Recommendation number	10
Commission/Inquiry of origin	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)
Recommendation made	<i>That the Queensland Police Service work closely with the Office of the Director of Public Prosecutions to expand the role of the Prosecution Review Committee. The role should include a review of: • all sexual offence matters that fail at committal (whether it be the responsibility of the police or the ODPP at that stage) • all sexual offence matters that are discontinued by the ODPP • all sexual offence matters that fail before the higher courts (including the Court of Appeal) • the role of the investigating/arresting officer in the matters • the role of the police prosecutor in the matters.</i>

Assessability of recommendation	Yes
	Means of implementation, outcome, and actors specified.
Additional information request	
Submitted document/ source details	1. Government response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Queensland Police Service; Office of the Director of Public Prosecutions
Recommended actors not involved	NA
Included actions	Introduction of Failed Sexual Offences Prosecutions Working Party
Excluded actions	Prosecution Review Committees not considered to be achieving the intent of the recommendation
When action was taken	2005 onwards
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	A number of different approaches were tried, to improve work between QPS and ODPP.
Implementation summary	Implemented in full: A 2008 CMC report found that communication between ODPP and QPS had been strengthened but there was room for improvement. Since then the organisations do appear to be making efforts to improve communication and address failed sexual offence matters.

Person extracting data	Auditor 2 & Auditor 6
Date of extraction	10.02.2014 & 12.02.2014
Recommendation number	11
Commission/Inquiry of origin	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)

Recommendation made	<i>That all legal staff and Victim Liaison Officers at the Office of the Director of Public Prosecutions receive training in aspects relevant to sexual offending, such as the nature and extent of abuse, child development, the disclosure and reporting of abuse, interviewing techniques and historic cases.</i>
Assessability of recommendation	Yes, action and outcome clearly specified.
Additional information request	<ol style="list-style-type: none"> 1) Please supply the sections of the training program that relate to sexual offending (eg a facilitator's manual). 2) Please supply data indicating the number of legal staff and the number of Victim Liaison Officers that have attended training (annual data for 2010, 2011, 2012, 2013) as a proportion of the total numbers of legal staff and Victim Liaison Officers.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, 2013 2. Seeking Justice An Inquiry into How Sexual Offence Are Handled By The Queensland Criminal Justice System, June 2003 3. How the Criminal Justice System Handles Allegations of Sexual Abuse; A Review of the Implementation of the Recommendations of the Seeking Justice Report, 2008 4. Understanding Sexual Offences Training Forum, Resources Folder, submitted to RC, Jan 2014 5. Additional government response to RC, 22/11/2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant 5. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. 2013 2. 2013 3. 2013 4. 2014 5. 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Low 5. Low
Implementation	

Recommended actors involved	Office of the Director of Public Prosecutions (ODPP)
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Understanding Sexual Offences Training Forum (USOT) provided to 220 ODPP staff in 2009, including VLOs. • Ongoing training program for all legal staff, including sessions on sexual offences
Excluded actions	
When action was taken	2009 and ongoing.
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full.
Reason provided	
Implementation summary	Implemented in full: The ODPP does not record the position titles of staff attending professional development so could not provide data for 2010-2013

Person extracting data	Auditor 2
Date of extraction	10.02.2014
Recommendation number	17
Commission/Inquiry of origin	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)
Recommendation made	<i>That the Department of Justice and the Attorney-General formally review the role and functions of Victim Liaison Officers employed by the Office of the Director of Public Prosecutions with a view to enhancing the response of the Office to complainants in sexual offence matters.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, 2013 2. Seeking Justice An Inquiry into How Sexual Offence Are Handled By The Queensland Criminal Justice System, June 2003 3. How the Criminal Justice System Handles Allegations of Sexual Abuse; A Review of the Implementation of the Recommendations of the Seeking Justice Report, 2008

Relevant to at least one aspect of recommendation	1. relevant 2. relevant 3. relevant
Documentation currency	1. 2013
Reliability contribution of documents	1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	1. Department of Justice and Attorney-General (JAG)
Recommended actors not involved	
Included actions	Review was undertaken
Excluded actions	Review did not result in any changes in VLO role or function
When action was taken	2006
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in Full
Reason provided	
Implementation summary	Implemented in full - Role of VLO was reviewed

Person extracting data	Auditor 6
Date of extraction	7 January 2014
Recommendation number	20
Commission/Inquiry of origin	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)
Recommendation made	<i>"That the definition of a 'prescribed sexual offence' contained in section 3 of the Criminal Law (Sexual Offences) Act 1978 (Qld) be deleted and replaced with a new definition modelled on the definition of a 'sexual offence' that appears in section 4 of South Australia's Evidence Act 1929."</i>
Assessability of recommendation	Yes, action and outcome clearly specified.

Additional information request	
Submitted document/ source details	1. Government response 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Not implemented
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented. The AG advised the CMC in 2006 that the recommendation was rejected, with no explanation provided.
Reason provided	N
Implementation summary	Not implemented. Recommendation rejected.

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	4.1
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That a new Department of Child Safety be created to focus exclusively upon core child protection functions and to be the lead agency in a whole-of-government response to child protection matters.</i>
Assessability of recommendation	Yes, outcomes clearly specified.
Additional information request	n/a

Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Blueprint for implementing the recommendations of the January 2004 Crime & Misconduct Commission Report 3. Reform of Queensland’s Child Protection System – One year on 4. Progress in reforming the Qld child protection system 5. Reforming child protection in Qld: A review of the implementation of recommendations contained in the CMC’s Protecting Children report
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – an implementation plan 3. Relevant – implementation progress report 4. Relevant - implementation progress report 5. Relevant – CMC’s review of implementation
Documentation currency	<ol style="list-style-type: none"> 1. Government response supplied to RC, 2013 2. Undated 3. March 2005 4. January 2006 5. June 2007
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium –jurisdictional strategic document with formal departmental endorsement 3. Medium –jurisdictional strategic document with formal departmental endorsement 4. Medium –jurisdictional strategic document with formal departmental endorsement 5. Medium –jurisdictional strategic document with formal departmental endorsement
Implementation	
Recommended actors involved	Department of Premier & Cabinet; newly established Department of Child Safety
Recommended actors not involved	NA
Included actions	<p>Action taken to establish a Department of Child Safety and to determine its role and responsibilities as having a child protection focus. Department of Families closed down.</p> <p>CMC implementation review report:</p> <p>“The Department of Child Safety (DCS) was created in February 2004, although the new department did not become fully functional until December of that year. The Department of Families ceased to exist, and its staff and functions were taken up by either the DCS or the Department of Communities. The new department’s primary focus on child protection matters is demonstrated by the legislative</p>

	responsibilities of its minister and the structure of the new department.”
Excluded actions	NA
When action was taken	Began in 2004, new Dept became functional in December 2004.
Implemented as recommended?	Y
Government statement about status of implementation	“implemented in full”
Reason provided	NA
Implementation summary	Implemented in full New Department established as recommended.

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	5.21
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That a position of Child Guardian, to be situated within the Commission for Children and Young People, be established, whose sole responsibility would be to oversee the provision of services provided to, and decisions made in respect of, children within the jurisdiction of the DCS.</i>
Assessability of recommendation	Yes – actions and outcomes clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Various reports from the Children’s Guardian (via website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – indicates Guardian’s role
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. Various from 2002 onwards
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Medium – public annual reports, formal departmental endorsement
Implementation	
Recommended actors involved	Commission for Children & Young People; Children’s Guardian
Recommended actors not involved	NA

Included actions	Incorporated Guardian into existing Commission for Children & Young People
Excluded actions	NA
When action was taken	New legislation introduced 2004
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented”.
Reason provided	NA
Implementation summary	Implemented in full (see also legislation verification)

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	5.23
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Community Visitor Program of the Commission for Children and Young People be extended to cover all children in the alternative care system, including those in foster care. This program should be administered by the Child Guardian.</i>
Assessability of recommendation	Yes – outcomes clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Various reports from the Children’s Guardian (via website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – indicates Guardian’s role
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. Various from 2002 onwards
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Medium – public annual reports, formal departmental endorsement
Implementation	
Recommended actors involved	Commission for Children & Young People and Children’s Guardian
Recommended actors not involved	NA

Included actions	Expanded the Community Visitor Program seven-fold, recruited 150 new Visitors.
Excluded actions	NA
When action was taken	Unclear
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented”
Reason provided	NA
Implementation summary	Implemented in full – more evidence could have been provided but it appears to have been implemented.

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	6.13
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That mandatory reporting of child abuse be extended to registered Queensland nurses by legislating under the Health Act.</i>
Assessability of recommendation	Yes – outcome clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Queensland Child Protection Guide
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Web link not accessible
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. Web link not accessible
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Web link not accessible
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Legislation updated
Excluded actions	NA

When action was taken	2005
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented”
Reason provided	NA
Implementation summary	Implemented in full – see also legislation verification

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	6.15
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That section 76K of the Health Act be amended to make it mandatory for doctors and nurses to notify the DCS about their suspicion of child abuse.</i>
Assessability of recommendation	Yes – action and outcome clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Public Health Act 2005
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. 2005
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. High - legislation
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Legislation updated
Excluded actions	
When action was taken	2005, the following year
Implemented as recommended?	Y

Government statement about status of implementation	“Implemented”
Reason provided	NA
Implementation summary	Implemented in full – see all legislation verification

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	7.1
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Department of Child Safety be responsible for receiving and investigating notifications of child abuse and neglect, and take over responsibility for the final assessment and certification of all carers, and for assessing the appropriateness of carers’ reapproval’s.</i>
Assessability of recommendation	Yes – action and outcome clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Dept of Child Safety “Matters of Concern” policy 3. Chapter 4 of the Child Protection Act 1999
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Web link not accessible 3. Web link not accessible
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. Web link not accessible 3. Web link not accessible
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Web link not accessible 3. Web link not accessible
Implementation	
Recommended actors involved	Department of Child Safety
Recommended actors not involved	NA
Included actions	Department policy and relevant legislation updated
Excluded actions	NA
When action was taken	Unclear
Implemented as recommended?	Y

Government statement about status of implementation	“Implemented”
Reason provided	NA
Implementation summary	Implemented in full – while other organisations can carry out screening and assessment of carers, final approval rests with the Department of Child Safety. See also legislation verification .

Person extracting data	Auditor 6
Date of extraction	12 February 2014
Recommendation number	7.4
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Department of Child Safety: • identify the extent of the need for residential care services • identify the type of children who would most benefit from these services • identify the skills and training required by staff • develop service models that meet needs in this area • monitor and evaluate residential care services</i>
Assessability of recommendation	Yes – all actions specified clearly
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC provided 2013 2. Evaluation of residential care services, 2004-2007 3. Evaluation of the Therapeutic Residential Care services, 2010
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – fourth point of recommendation 3. Relevant – fourth point of recommendation
Documentation currency	<ol style="list-style-type: none"> 1. Provided to RC in 2013 2. 2007 3. 2010
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Low
Implementation	
Recommended actors involved	Department of Child Safety
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Extent of need – provided in government’s response to RC and in the 2004-2007 Evaluation Report. • Children who would benefit – explored in the 2004-2007 Evaluation Report.

Excluded actions	<ul style="list-style-type: none"> • Required skills & training for staff – 2004-2007 Evaluation Report has some info about the training provided, but not really an exploration of the skills/training needed. • Service models – covered in the 2010 “ A Contemporary Model of Residential Care for Children and Young People in Care” • Monitor & evaluate – Evaluations in 2004-2007 and 2010
When action was taken	2004 - 2010
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	
Implementation summary	Implemented in full: All aspects of the recommendation were addressed.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	7.11
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act 1999 be amended to regulate voluntary placements.</i>
Assessability of recommendation	Yes
Additional information request	NA
Submitted document/ source details	
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA

Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	Implemented in full – see legislation verification.

Person extracting data	Auditor 2
Date of extraction	10.02.2014
Recommendation number	7.18
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That a framework be developed for supporting relative care that includes enhanced screening and monitoring of carers and the provision of training opportunities and other support for carers. There should be an extensive consultation process, especially with Indigenous communities, in the development of the framework.</i>
Assessability of recommendation	Yes actions and outcomes are clearly specified, although ‘other support’ for carers, is not specified
Additional information request	<ul style="list-style-type: none"> • Please supply details of the consultation process undertaken, including which organisations, groups and/or communities were consulted. • Legislation Check; Chapter 4 Children Protection Act 1999
Submitted document/ source details	1. Government response to RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Government response; 2013 2. Kinship Care consultation, provided Jan 2014
Reliability contribution of documents	1. Low – Government response 2. Low - Kinship Care consultation

	2. High – Legislation check
Implementation	
Recommended actors involved	1. Communities Queensland
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Licensing and approval of carers in the Child Protection Act 1999 2. Child Safety Practice Manual on website 3. Framework for staff to identify out-of-home care options on website 4. Information on Assessment and Approval of Foster and Kinship carers on website 5. Training material for optional training for kinship carers on website; also some required training for foster carers 6. Targeted and extensive consultation, including many Indigenous stakeholders.
Excluded actions	NA
When action was taken	Not stated
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented
Reason provided	
Implementation summary	Implemented in full : Legislative changes made, community consultation broad; training in place.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	7.26
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act be amended to incorporate specific obligations on the part of the DCS to disclose relevant information to carers.</i>

Assessability of recommendation	Yes
Additional information request	NA
Submitted document/ source details	
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	Implemented in full – see legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	7.27
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act incorporate a general disclosure obligation on the DCS to inform other departments, government agencies and non-government agencies (including AICCAAs) of all information reasonably necessary to ensure their cooperation, assistance and participation within the child protection system. The Act should provide examples of what sort of information will be provided. The person to whom the disclosure is made (the 'receiver')</i>

	<i>will be bound by the confidentiality provision contained in section 188.</i>
Assessability of recommendation	Yes
Additional information request	NA
Submitted document/ source details	
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	Implemented in full – see legislation verification.

Person extracting data	Auditor 2
Date of extraction	10.02.2014
Recommendation number	7.28
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the department ensure that it has clear policies and procedures on disclosure of information and that it incorporate them in the training provided to departmental and agency staff.</i>
Assessability of recommendation	Yes; actions and outcomes are clearly specified

Additional information request	1. Legislation Check; Child Protection Act 1999
Submitted document/ source details	1. Government response to RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	Currency; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Communities Queensland
Recommended actors not involved	NA
Included actions	1. The Child Safety Practice Manual (on website) sets out procedures for information sharing
Excluded actions	1. There is no evidence that the procedures are incorporated into training for departmental and agency staff
When action was taken	Not stated
Implemented as recommended?	N
Government statement about status of implementation	Implemented
Reason provided	
Implementation summary	Undetermined Legislation changes made but no evidence of training provided.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	9.2
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act be amended to ensure that it regulates the assessment and approval of all carers.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.

Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented"
Reason provided	NA
Implementation summary	Implemented in full. See legislation verification.

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	4.2
Commission/Inquiry of origin	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry
Recommendation made	<i>The Department of the Premier and Cabinet and the Department of Communities, Child Safety and Disability Services lead a whole-of-government process to: - review and consolidate all existing legislative reporting obligations into the Child Protection Act 1999; - develop a single 'standard' to govern reporting policies across core Queensland Government agencies; - provide support through joint training in the understanding of key threshold definitions to help professionals decide when they should report significant harm to</i>

	<i>Child Safety Services and encourage a shared understanding across government.</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Still being considered
Reason provided	
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	12.7
Commission/Inquiry of origin	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry
Recommendation made	<i>The role of the Child Guardian be refocused on providing individual advocacy for children and young people in the child protection system. The role could be combined with the existing Adult Guardian</i>

	<i>to form the Public Guardian of Queensland, an independent statutory body reporting to the Attorney-General and Minister for Justice.</i>
Assessability of recommendation	Yes, outcome and potential actions clearly specified.
Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Still being considered
Reason provided	
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	12.8
Commission/Inquiry of origin	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry
Recommendation made	<i>The role of Child Guardian — operating primarily from state-wide ‘advocacy hubs’ that are readily accessible to children and young people — assume the responsibilities of the child protection</i>

	<i>community visitors and re-focus on young people who are considered most vulnerable.</i>
Assessability of recommendation	Yes – actions and outcomes clearly specified. ‘Advocacy hubs’ is open to interpretation.
Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Still being considered
Reason provided	
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	12.9
Commission/Inquiry of origin	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry
Recommendation made	<i>Complaints about departmental actions or inactions, which are currently directed to the Children’s Commission, be investigated by</i>

the relevant department through its accredited complaints-management process, with oversight by the Ombudsman.

Assessability of recommendation	Yes, outcome and actions clearly specified
Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA

Implementation

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Still being considered
Reason provided	
Implementation summary	Not implemented

DOCUMENT AUDIT : SOUTH AUSTRALIA

Person extracting data	Auditor 2
Date of extraction	13.01.2014
Recommendation number	1
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p>1. That a statutory Office of Commissioner for Children and Young Persons be created to: • include the functions of advocacy, promotion, public information, research, develop screening processes for work with children and young persons • be based largely on the model in the Children and Young People Act 2000 (Qld) as contained in sections 15 (c) to (j) and (l) to (o), 19, 90, 92 and Part 6, combined with the Commission for Children and Young People Act 1998 (NSW) sections 11 (a) to (h), 14, 15, 16, 17, 23, and 24 • include sitting as a member of the South Australian Young Persons Protection Board • be independent of Government • report to Parliament.</p> <p>2. That a statutory position of Deputy Commissioner of Young Persons be created and to be occupied by an Indigenous person.</p> <p>3. That a Joint Parliamentary Committee on child protection be created and statutorily mandated in a way similar to section 27 of Commission for Children and Young People Act 1998 (NSW).</p>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. confidential government response, 2013
Relevant to at least one aspect of recommendation	1. relevant
Documentation currency	1. provided on request, 2013
Reliability contribution of documents	1. low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The South Australian Government established a number of separate mechanisms for advocacy, review and monitoring of children's

	interests that range from covering individual issues through to providing overarching systemic advice:
Excluded actions	<ol style="list-style-type: none"> 1. Council for the Care of the Children 2. Guardian for Children and Young People 3. Child Death and Serious Injury Review Committee 4. Proposal for a State Commissioner continues to be discussed <ul style="list-style-type: none"> • Statutory office of Commission for Children and Young Persons was not established. • Statutory position of Deputy Commissioner of Young Person to be occupied by an Indigenous Person was not established. • Joint Parliamentary Committee on child protection was not established.
When action was taken	<ol style="list-style-type: none"> 1. Council for the Care of Children was established in April 2006 after an amendment to the <i>Children's Protection Act (1993)</i> - the <i>Children's Protection Amendment Act (2005)</i> - was proclaimed on Feb 1, 2006. 2. The Guardian for Children and Young People -unspecified 3. The Child Death and Serious Injury Review Committee - unspecified
Implemented as recommended?	
Government statement about status of implementation	"The recommendation has been implemented in part"
Reason provided	<p>"Whilst a South Australian Commissioner for Children and Young Persons was not established, Families SA was cognizant of the importance of having mechanisms in place that ensure transparency and quality of services. As part of its response to the recommendation from the Layton Review, the South Australian Government established a number of separate mechanisms for advocacy, review and monitoring of children's interests that range from covering individual issues through to providing over arching systemic advice."</p> <p>Additionally;</p> <p>"South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date."</p>
Implementation summary	Partially implemented Three separate mechanisms were established as alternatives to a Commissioner

Person extracting data	Auditor 2
Date of extraction	23.01.14
Recommendation number	4
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p><i>That a statutory Office of Children and Young Persons' Guardian be created and placed in the Office of the Commissioner, having a separate function namely:</i></p> <ul style="list-style-type: none"> • to ensure that children and young people under the Guardianship of the Minister are cared for in accordance with guidelines set out in a Charter of Rights of Children in Care to be developed consultatively and enshrined in legislation in similar fashion to the Child Protection Act 1999 (Qld) • include functions similar to the "community visitors" set out in the Commission for Children and Young People Act 2000 (Qld) <p><i>Also:</i></p> <ul style="list-style-type: none"> • monitoring the annual reviews of children and young people in long term care as discussed in Chapter 9 • receiving information from DHS/FAYS. <p><i>That FAYS have responsibility to inform the Children and Young Persons' Guardian on matters of significant concern regarding a child or young person in care. Such matters would include repeated placement breakdown, serious abuse in care, criminal conduct, chronic truancy, homelessness and major health problems.</i></p>
Assessability of recommendation	Yes, actions and outcomes clearly specified
Additional information request	<p>1. Information request; For FAYS policy on informing the Guardian on matters of significant concern. Provided Jan, 2014</p> <p>2. Legislation Check: Children's Protection Act, 1993, amendment 2006 and Schedule 1 Children Protection Act 199 QLD Community Visitors in Part 4 Commission for Children & Young People Act 2000 (QLD)</p>
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response;2013 2. Management of Care Concerns: Manual of Practice, 2010
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. provided on request, 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. low - Government response 2. low - Manual of Practice 3. high - Legislation Check
Implementation	

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The Guardian for Children and People was established
Excluded actions	
When action was taken	The Guardian for Children and Young People had been engaged in anticipation of the change in legislation, and was then appointed on December 1 st , 2005, day the <i>Children Protection Amendment Act (2005)</i> was passed, three years after the Layton Inquiry.
Implemented as recommended?	Y
Government statement about status of implementation	“The recommendation has been implemented. “
Reason provided	
Implementation summary	Implemented in Full The office for Children & Young People’s Guardian was established.

Person extracting data	Auditor 2
Date of extraction	24.01.2013
Recommendation number	54
Commission/Inquiry of origin	<i>Review of Child Protection in South Australia (Layton review) (2002)</i>
Recommendation made	<i>That the Children’s Protection Act 1993 be amended to include: • all church personnel including ministers of religion (except in confessionals) • all individuals in services providing care to or supervision of children • all volunteers who are working with children (including both volunteers working in a supervised and unsupervised settings) • all people who may supervise or be responsible for looking after children as part of a sporting, recreational, religious or voluntary organisation • as mandated notifiers.</i>
Assessability of recommendation	Yes – clearly specified action and outcome.
Additional information request	1. Legislation check: Children’s Protection Act 1993
Submitted document/ source details	1. Confidential Government response 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	Provided on request; 2013

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low - Government Response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	See Leg Check
Excluded actions	NA
When action was taken	Section 11 of the Children’s Protection Act 1993 was amended in 2006, for years after the Layton inquiry.
Implemented as recommended?	Y
Government statement about status of implementation	“The recommendation has been implemented.”
Reason provided	
Implementation summary	Implemented in Full: The Children’s Protection Act was amended to include a broader range of mandatory notifiers.

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	55
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the DHS in conjunction with the Attorney-General’s Department pursue the issue of establishing an appropriate agreed policy position between States, Territories and the Commonwealth on the exchange of information where there is a child protection concern ensuring appropriate coverage of relevant Commonwealth employees.</i>
Assessability of recommendation	Yes; action and outcome clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Government response , 2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	1. Department of Human Services 2. Attorney-General's Department 3. States, Territories & Commonwealth
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has not been completed."
Reason provided	There is no agreed policy position between the States, Territories and the Commonwealth regarding this recommendation. However, an <i>Information Sharing Protocol between the Commonwealth and child protection agencies</i> commenced in February 2009.
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	29.01.2014
Recommendation number	94
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p><i>That, in keeping with Recommendation 100 of the ALRC Report, the Evidence Act 1929 (SA) be amended to provide that corroboration of the evidence of a child witness whether sworn or unsworn, should not be required.</i></p> <p><i>That Judges be legislatively prohibited from warning or suggesting to a jury that children are an unreliable class of witness. An example of such legislation is section 106D of the Evidence Act 1906 (WA).</i></p> <p><i>That in accordance with Recommendation 100 of the ALRC Report, legislation provide that judicial warnings about the evidence of a particular child witness should be given only where 1) a party requests the warning, and 2) that party can show that there are exceptional circumstances warranting the warning.</i></p>

Such exceptional circumstances should not depend on the mere fact that the witness is a child, but on objective evidence that the particular child's evidence may be unreliable.

That the warnings which are given should follow the formula in Murray v R to reduce the effect of an individual Judge's bias against, or general assumptions about, the abilities of children as witnesses.

Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation check; Evidence Act 1929 (SA)
Submitted document/ source details	1. Confidential Government Response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	1. Changes were made to the Evidence Act 1929 (SA) <ul style="list-style-type: none"> • Warning of unreliability of child witnesses prohibited • Judicial warning re; evidence of particular child witness limited • Warnings to follow Murray v R
Excluded actions	1. No change to the Evidence Act was made regarding <ul style="list-style-type: none"> • Corroboration of evidence of child witness not required • Act does not require a party asking for a warning to be able to show objective evidence that the particular child's evidence may be unreliable
When action was taken	Changes to the <i>Evidence Act 1929 (SA)</i> were made by the <i>Statutes Amendment (Evidence and Procedure) Act 2008</i>
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has been implemented in part."
Reason provided	"12A, a new section was inserted into the <i>Evidence Act 1929 (SA)</i> by the <i>Statutes Amendment (Evidence and Procedure) Act 2008</i> provides that, in a criminal trial, a judge must not warn the jury that it is

Implementation summary	<p>unsafe to convict on a child’s uncorroborated account unless such a warning is required by cogent reasons in particular case or a party requests the warning and in giving any such warn, the judge is not to make any suggestion that children’s evidence is inherently less credible or reliable than that of adults.”</p> <p>Partially implemented Not all recommended changes to the Evidence Act 1929, were made.</p>
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Person extracting data	Auditor 2
Date of extraction	21.01.2014
Recommendation number	97
Commission/Inquiry of origin Recommendation made	Review of Child Protection in South Australia (Layton review) (2002) <i>That the Evidence Act 1929 (SA) be amended to include a similar section to section 106 G Evidence Act (WA) which prevents an unrepresented defendant from directly cross-examining a child. Such amendment to be applicable to all children and not just those under 16 years of age.</i>
Assessability of recommendation	Yes. Action and outcomes are clearly specified.
Additional information request	<ol style="list-style-type: none"> 1. Legislation check: Evidence Act 1929 (SA) 2. 106 G Evidence Act (WA)
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response, 2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant
Documentation currency	Provided on request; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low - Government response 2. High - Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Section 13B (1) provides that a defendant in a criminal trial may not cross-examine a witness who is the alleged victim of a serious offence unless the cross examination is by Counsel. <p>In a vulnerable witness is to give evidence in Criminal proceedings, and the vulnerable witness is a child of or under the age of 16 years</p>

	and who is the alleged victim of a sexual offence-the court must order that an audio visual record be made of the witness's evidence before the court. Section 13A (2)(b));
Excluded actions	1. A child is defined under the Evidence Act 1929 as a person under the age of 18 years. The vulnerable witness provision only apply to children 16 years and younger.
When action was taken	Amendments were made by <i>the Statutes Amendment (Evidence and Procedure) Act 2008</i>
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has been implemented."
Reason provided	Section 13, 13 A & 13B of the <i>Evidence Act 1929 (SA)</i> provides appropriated protection for child witness evidence in court.
Implementation summary	<p>Partially implemented</p> <p>Summary - See Legislation check</p> <p>Additional Summary: South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	98
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That Recommendation 100 of the ALRC Report No. 84 be implemented by amendment of the Evidence Act 1929 (SA) to allow the court to permit expert opinion evidence to be given in any civil or criminal proceeding in which abuse or neglect of a child is alleged. The parameters of such legislation to include matters covered by the New Zealand legislation. That such amendment specifically permit evidence to be given regarding any capacity or behavioural characteristics of a child with a mental disability or impairment. In addition, an amendment should permit generalised evidence to be given by an expert about patterns of children's disclosure in abuse cases and the effects of abuse on children's behaviour and demeanour in and out of court, without specific reference by that expert to the particular child.</i>

Assessability of recommendation	Yes. Actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Confidential Government Response,; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	<i>Evidence Act 1929 (SA)</i> was not amended
When action was taken	
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has not been included."
Reason provided	"The SA Government had concerns about aspects of the recommendation (in particular, children having to give evidence under the scrutiny of 'experts' who will then tell the court whether the child's evidence is consistent with that expert's view of the expected behaviour of an abused child). It was also felt that sufficient powers already exist."
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	30 .01.2014
Recommendation number	101
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the Evidence Act 1929 (SA) be amended to include the three models for taking of evidence in relation to a criminal trial involving</i>

sexual or violent offences against a child as provided in sections 106H to 106T of the Evidence Act (WA).

That the burden of proof remain on the prosecution to prove the charges beyond reasonable doubt.

That there is no requirement for a specialist court to sit on cases in which children are the alleged victims, instead the court must be comprised of Judges who have received special judicial training in respect of child development, victim responses and patterns of abusive behaviour.

That a court-based child witness support system similar to the Western Australian model be set up in South Australia.

That a committee(s) be set up to make recommendations as to the progressive implementation of strategically placed CCTV facilities and video rooms for courts using the Western Australian model as a basis. The design is to ensure the most cost effective manner of delivery of such services in South Australia.

Assessability of recommendation

Yes. Actions and outcomes clearly specified

Additional information request

1. Legislation check: Evidence Act 1929 (SA)
Evidence Act (WA)

Submitted document/ source details

1. Confidential Government Response; 2013

Relevant to at least one aspect of recommendation

1. Relevant

Documentation currency

1. Provided on request 2013

Reliability contribution of documents

1. Low – Government response
2. High – Legislation check

Implementation

Recommended actors involved

NA

Recommended actors not involved

NA

Included actions

1. Section 13C (Evidence and Procedure) Act 2008 provides, in the case of a vulnerable witness who is a child of or under the age of 16 years and who is the alleged victim of a sexual offence, that the court must order that an audio visual record be made of the witness's evidence before the court (unless an order has already been made under s13A). The section further provides that in the case of any

other vulnerable witness the court may, on application by the prosecution, order that an audio visual record be made of the witness's evidence before the court. Such audio-visual records may be used at any re-trial.

2. Section 13 and 13A provide wide general powers of a court to make special arrangements to protect and assist both witnesses in general and vulnerable witnesses in particular. These general powers allow for the use of closed-circuit tv, the taking of evidence outside the trial court and audio recording, and the taking and pre-recording the evidence of children as a special arrangement.

3. The Government submitted that all District Courts have CCTV facilities.

Excluded actions

- The burden of proof on the prosecution to prove the charges beyond reasonable doubt, remains unchanged
- Judges did not receive special training in respect of child development, victim response and patterns of abusive behaviour but the South Australian Government's Disability Justice Plan, which is currently being developed, will ensure staff who work with vulnerable witnesses in the criminal justice system are appropriately trained
- A court-based child witness support system, similar to the Western Australia model was not set up, but the Office of the Director of Public Prosecutions (ODPP) operates a Witness Assistance Service (WAS). While not a service specifically for children, funding to specially trained social workers to provide services to child witnesses has been provided.

When action was taken

Amendment to the Evidence Act 1929 (SA) was made in 2008

Implemented as recommended?

N

Government statement about status of implementation

"This recommendation has been partly implemented"

Reason provided

"The court has wide general powers to make special arrangements to protect and assist vulnerable witnesses. These general powers would allow the taking and pre-recording of the evidence of children as a special arrangement."

Implementation summary

Partially implemented

Summary – see Legislation check

Additional Summary South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.

Person extracting data	Auditor 2
Date of extraction	30.01.2014
Recommendation number	104
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the Evidence Act 1929 (SA) be amended to include a section similar to section 106F of the Evidence Act 1929 (WA) to allow for appointment of a child communicator to assist as an interpreter for a child in appropriate circumstances. In addition, the section to be available to all children and not only those under the age of 16 years. Further, that Recommendation 118 of the ALRC Report be implemented by amendment of the Evidence Act 1929 (SA) to include that a court may permit other means of evidence being adduced in the particular case of children with disabilities.</i>
Assessability of recommendation	Yes. Actions and outcomes clearly specified
Additional information request	1. Legislation check; Evidence Act 1929 (SA)
Submitted document/ source details	1. Confidential Government Response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on Request; 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	1. New section 13(2)(f) provides that if a vulnerable witness suffers from a physical or mental disability, the court can make an order that the evidence be taken in a particular way (to be specified by the court) that will, in the court’s opinion, facilitate the taking of evidence from the witness or minimise the witness's embarrassment or distress”

Excluded actions	<ol style="list-style-type: none"> 1. There is not legislative reference to a child communicator. 2. Provision relating to vulnerable children apply to children of 16 years or less.
When action was taken	New section 13 was inserted in the <i>Evidence Act 1929 (SA)</i> by the <i>Statutes Amendment (Evidence and Procedure) Act 2008</i> .
Implemented as recommended?	N
Government statement about status of implementation	“The recommendation has been partly implemented.”
Reason provided	“The wide general powers of a court to make special arrangements to protect and assist both witnesses in general and vulnerable witnesses in particular should be noted. These general powers would allow the use of an interpreter or intermediary for a child witness in a suitable case for children with physical or intellectual disabilities.”
Implementation summary & provisional rating	<p>Partial</p> <p>Summary – see legislation check</p> <p>Additional Summary South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	105
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the Evidence Act 1929 (SA) be amended to permit answers given by a disabled child in response to leading questions, to be received if the judge is otherwise satisfied that the nature of the questioning does not give rise to the answers being unreliable answers.</i>
Assessability of recommendation	Yes, actions and outcome clearly specified.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Government response; 2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request; 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	
Excluded actions	<i>Evidence Act 1929</i> was not amended.
When action was taken	
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation has not been implemented.”
Reason provided	<p>“The SA Government could not see how a judge could determine in advance whether the ‘nature of the questioning does not give rise to the answers being unreliable answers’. The Government determined that a better approach the issue identified in recommendation 105 was to allow the court to hear that child’s evidence by unconventional means, in the way the Government approached its response to recommendation 104.</p> <p>The South Australian Government’s Disability Justice Plan, which is currently being developed, will:</p> <ul style="list-style-type: none"> • Introduce into Parliament changes to the <i>Evidence Act 1929</i> to improve the way the criminal justice system responds to vulnerable victims and witnesses • Develop guidelines for the taking of evidence by vulnerable victims and witnesses.”
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	130
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That a coordinated and comprehensive screening and monitoring system be developed in South Australia that is compatible with any National agreement or State/Territory system currently in operation.</i>

Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Confidential government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	South Australian Government
Recommended actors not involved	NA
Included actions	THE DCSI Screening Unit was established in 2007 pursuant to the <i>Children's Protection Act 1993</i> , and the <i>Children's Protection Regulations 2010</i> to conduct child-related employment screening.
Excluded actions	
When action was taken	THE DCSI Screening Unit was established in 2007.
Implemented as recommended?	Y
Government statement about status of implementation	"The recommendation has been implemented."
Reason provided	"No comprehensive intergovernmental system for child-related employment screening currently exists however, in May 2013, the National Operators' Forum, a group comprising Australia's screening units agreed to work towards more comprehensive information sharing arrangements, in particular, instances where negative notices were provided."
Implementation summary	<p>Implemented in full Comprehensive child- related pre-employment screening now exists in SA.</p> <p>Additional Summary: South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>
Person extracting data	Auditor 2
Date of extraction	30.01.2014

Recommendation number	131
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p><i>That a working group be formed – the “Screening and Monitoring Working Group” to determine the most appropriate: • legislation • policies, protocols and guidelines and • declarations process for SA taking into consideration the proposed National Paedophile Register to be developed.</i></p> <p><i>That the working group consist of persons from the key agencies involved (SAPOL, Justice Department, DHS, Education sector, Non-Government, churches and Sport and Recreation, representatives of teachers’ unions and major unions covering employees including related employment and parent groups) and should involve the Commissioner for Children and Young Persons.</i></p> <p><i>That specific legislation be developed to deem certain persons as described in the legislation to be unsuitable persons from working with children and young people and to be placed on an Unsuitable Persons Register. Such legislation could be known as the Child Protection (Unsuitable Persons) Act. Legislation to include: • specific provisions for the establishment and maintenance of an Unsuitable Persons Register, • provide for the conditions upon which a person is placed on the register and is thereby deemed unsuitable for employment in child related circumstances • provide for an independent process for a declaration from a District Court for removal of a person from the register • provide the requirements of employers when employing persons in child-related activities and that the provisions are mandatory for employees but discretionary in respect of volunteers • cover all Government agencies, non-Government agencies, church organisations, sporting and recreation clubs who provide employment in child-related activities • create offences with penalties for non-compliance.</i></p> <p><i>Such legislation may in a general sense be modelled on the NSW scheme with particular modifications to minimise complexity and discretionary decision-making as well as placing the role of establishing and maintaining the register with SAPOL.</i></p> <p><i>Further, that the screening and monitoring working group consider the viability of providing persons screened and cleared a ‘portable’ photo card which can be used by employees.</i></p>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation check; Child Sex Offenders Registration Act 2006

Submitted document/ source details	1. Confidential Government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low - Confidential Government response 2. High – Legislation check 3. Medium - Standards for Dealing with Information about the Criminal of Employees and Volunteers Who Work with Children; issued by the Chief Executive, Department for Communities and Social Inclusion. 4. Medium - The Screening Unit of the Department for Communities and Social Inclusion is authorised under the <i>Children’s Protection Regulations 2010</i> to conduct Child-Related Employment Screening for people who work with children and young people
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. A working group was to be formed – the “Screening and Monitoring Working Group.” The Working group was to consist of persons from key agencies; <ul style="list-style-type: none"> • SAPOL • Justice Department • DHS • Education sector • Non-Government • Churches and Sport and Recreation • Representatives of Teacher’s unions and major unions covering employees including related employment and parent groups • Commissioner for Children and Young Persons
Recommended actors not involved	NA
Included actions	
Excluded actions	<ol style="list-style-type: none"> 1. No unsuitable persons register in place 2. No portable card based system used.
When action was taken	A (i) Child-Related Employment Screening, for people who work with children and young people, conducted by the Screening Unit of the DCSI, was authorised by the <i>Children’s Protection Regulations 2010</i>
Implemented as recommended?	Y
Government statement about status of implementation	“This recommendation has been implemented in part”
Reason provided	1. <i>Unsuitable Persons Register</i>

“Currently no specific Unsuitable Person Register exists. However, the comprehensive records maintained by the Screening Unit, which includes information as to whether or not a person has previously been denied a clearance to work with children, serves as a defection register of this kind in South Australia. All individuals registered on the *Australian National Child Offender Register* pursuant to the *Child Sex Offenders Registration Act 2006* are prohibited from applying to work in child-related employment and South Australia Police are notified immediately if/when an individual on ANCOR applies for child-related employment screening through the Screening Unit.

2. *Portable Card Based System*

The Screening Unit currently provides clearances to people by way of a letter on special security paper and does not issue a card. Card-based systems are no longer considered best practice, and have been supplanted by a live internet database in some jurisdictions.”

Implementation summary

Partially implemented – see legislation check

South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.

Person extracting data	30.01.2014
Date of extraction	Auditor 2
Recommendation number	132
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That all agencies who employ persons who work with or have access to children either in paid or a volunteer capacity should develop appropriate child protection policies and guidelines. All agencies funded by State Government agencies will be required to develop child protection policies and guidelines as a prerequisite to receiving Government funding.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Confidential Government Response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request; 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	1. All agencies who employ persons who work with or have access to children either in paid or a volunteer capacity 2. All agencies funded by State Government agencies
Recommended actors not involved	NA
Included actions	1. <i>The Children's Protection Act 1993</i> was amended in 2005, to include provisions relating to child safe environments 2. In 2009, the Act was further amended to require organisation to lodge a statement about their policies and procedures with the Chief Executive, DECD
Excluded actions	
When action was taken	1. The Act was amended in 2005 2. The Act was further amended in 2009
Implemented as recommended?	In part
Government statement about status of implementation	"This recommendation has been implemented in part."
Reason provided	
Implementation summary	Partially implemented No requirement for agencies to provide guidelines as a pre-requisite for State funding Additional Summary South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	138
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That pending an Unsuitable Persons Register being set up as recommended in Chapter 17, the Teachers' Registration Board in consultation with all education sectors, progressively seek relevant police checks through SAPOL on all registered teaching personnel and that these police checks are updated each time renewal of registration is required.</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified

Additional information request	<ol style="list-style-type: none"> 1. Data on the number of teacher registrations approved and the number of police checks requested year on year since 2004. 2. Legislation check; Teachers Registration Act 2004
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response; 2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request, 2013 2. Data on Teacher Registrations provided; Feb 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – Government response 2. Low - Data from Teachers Registration Board 3. High – Legislation check
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. The Teachers Registration Board 2. All education sectors 3. SAPOL
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Teacher Registration Board changed requirements for registration 2. Registration and police check data provided from 2004 – 2012.
Excluded actions	NA
When action was taken	Changes to function of the Teachers Registration Board occurred in 2004 under the <i>Teachers Registration and Standards Act 2004</i>
Implemented as recommended?	Y
Government statement about status of implementation	“The recommendation has been implemented.”
Reason provided	
Implementation summary	<p>Implemented in full The Teacher’s Registration Board seeks police checks on all registered teaching personal, which are updated when registration is renewed.</p> <p>South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	24.01.2014

Recommendation number	145
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That representatives of non-Government education sectors including Independent Schools, Catholic Schools in conjunction with representatives of the Government education sector, FAYS, SAPOL and the proposed Commissioner for Children and Young Persons, develop guidelines which set out minimum standards to be applied across the schooling sector in relation to allegations of child sexual abuse by employees and volunteers. Such guidelines to be in keeping with the processes undertaken in the Government schooling sectors and should include an independent process both within employer organisations as well as an external independent process. The guidelines should clearly articulate the interaction with FAYS and SAPOL and the processes to be followed in relation to notification and reporting.</i>
Assessability of recommendation	Yes
Additional information request	1. Actions and outcomes are clearly specified.
Submitted document/ source details	1. Confidential Government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. Representative of non-Government Education sector <ol style="list-style-type: none"> i) Independent schools ii) Catholic schools 2. Representatives of Government Education Sector 3. FAYS 4. SAPOL 5. The proposed Commissioner for Children and Young Persons
Recommended actors not involved	Commissioner for Children and Young Persons was not involved as it was not established. The Guardian for Children and Young People, established in lieu of the Commissioner, was involved in the revision of the Interagency Code of Practice.
Included actions	1. Interagency Code of Practice. Investigation of suspected child abuse and neglect was re-written with the explicit inclusion

	<p>of the Government and non-Government education sectors as key partners.</p> <ol style="list-style-type: none"> 2. Protective Practices for Staff; Manual for Government and non-government 3. Mandatory notification training for staff and volunteers in Government and Non-government education sector was introduced by the Children’s Protection Amendment Bill in December, 2005
Excluded actions	<ol style="list-style-type: none"> 1. It is not clear that an ‘external independent process was established.
When action was taken	<ol style="list-style-type: none"> 1. Interagency Code of Practice was initially produced in 2001 and revised in 2009. 2. Protective Practices for Staff guidelines were released in 2005 3. Mandatory Notification training for staff and volunteers; Responding to Abuse and Neglect -Education and Care Training. It is not clear when this training commenced.
Implemented as recommended?	Y
Government statement about status of implementation	“The recommendation has been implemented”
Reason provided	
Implementation summary	<p>Undetermined As there is no clear evidence of an external independent process</p> <p>South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	30.01.2014
Recommendation number	170
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That Section 10 of the Children’s Protection Act 1993 be amended to reflect the suggested amendments to sub-sections 6 (1) and 6 (2) of the Act as set out in Recommendation 166. In particular, if the contents of sub-section 6 (2) (c) (d) and (e) (presently excluded from applying to mandatory notification), are still regarded as necessary to be articulated in the legislation, these circumstances should be relevant to mandatory notification. Further, subsection 6 (2) (e) of the Act should not be limited to children under 15 years, but to all children.</i>

Assessability of recommendation	Yes; actions and outcomes are clearly specified
Additional information request	1. Legislation check; Children’s Protection Act 1993 Children’s Protection Act 1999 (Qld)
Submitted document/ source details	1. Confidential government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	“Section 11 regarding mandatory notification was amended to expand persons identified as mandated notifiers as per Recommendation 54 of the Layton Review.”
Excluded actions	1. The amended definition of ‘at risk’ has not been included as part of the statutory criteria for mandatory notification. The Government submitted that it was not feasible to require notifiers to make notifications in relation to events of future abuse or neglect that had not yet occurred. 2. Section 6 (2) (e) was not expanded to include all children under 18 years.
When action was taken	Section 10 of <i>the Children’s Protection Act 1993</i> , which relates to mandatory notification, was amended in 2006
Implemented as recommended?	In Part
Government statement about status of implementation	“This recommendation was has been implemented in part.”
Reason provided	The expansion of Section 6 to include a definition of a child “at serious risk of significant harm” shifts the focus away from an incident based system. It was not considered feasible to require notifiers to make notifications in relation to events of future abuse or neglect that had not yet occurred.

	No amendments were made in relation to children of compulsory school age and homeless children under the age of 15. It was considered that this would have unnecessarily expanded the criteria for mandatory notification.
Implementation summary	Partially implemented See Legislation check

Person extracting data	03.02.2014
Date of extraction	Auditor 2
Recommendation number	4
Commission/Inquiry of origin	Report of the Joint Committee on Immunity from Prosecution for Certain Sexual Offences: Second Session, Fiftieth Parliament 2002-2003, Parliament of South Australia (28 May 2003, Hon. G.E. Gago, Chairperson) (2003)
Recommendation made	<i>the Committee recommends investigating alternative methods of appropriately responding to allegations of sexual offences, to empower victims, and prevent re-offending, without minimising the serious nature of the crime.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Confidential Government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	
Excluded actions	NA
When action was taken	

Implemented as recommended?	N
Government statement about status of implementation	“The recommendation has not been implemented at all.”
Reason provided	“We can find no record of there being a decision not implement recommendation 4, however as noted about, the Joint Committee acknowledged that recommendation 4 was beyond the Committee’s Terms of Reference.”
Implementation summary	Not implemented

Person extracting data	03.02. 2014
Date of extraction	Auditor 2
Recommendation number	2
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the self-protective training being taught by Second Story be reviewed to ensure that it covers the Keeping them safe: child protection curriculum developed for teaching all children in schools and is adapted to target specific needs and circumstances: • children and young people in care generally • Aboriginal children and young people in care • children and young people in care with disabilities. That such self-protective training is then delivered to children and young people in State care at their residential or secure care facility</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	Yes. a) Information provided on 30.01.2014, regarding The Second Story Training Review and Recommendations b) Information requested on the number of training session for children and young people run in state care residential facilities; not provided to date
Submitted document/ source details	1. Government Response; 2013 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008

2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct* September 2008
3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2009
4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2010
5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2011
6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2012
7. Documents in Response to Requests for Additional Information; Jan 2014; Attachments: a) i-viii
 - i. Action Plan; The Second Story Youth Health Service Children in State Care Commission of Inquiry
 - ii. Workforce Development and Training For Community Residential Care Workers Consultation Meeting; Agenda, 24.03.09
 - iii. Workforce Development and Training for Community Residential (non-family based) Care Workers Working Party Proposal, March 2009
 - iv. Women's and Children's Health Network, The Second Story Youth Primary Health Care Service Service Framework 2011-2016
 - v. Women's and Children's Health Network Local
 - vi. Procedure; The Second Story Youth Health Service Health Assessment for Residential Care (HARC) Clients
 - vii. Vulnerable Youth Advisory Group Terms of

Reference

viii. Health Summary Exert; Rec 2

Relevant to at least one aspect of recommendation

1-6. Relevant

7. Documents provided

- Relevant: i, ii, iii, viii,
- Not relevant; iv, v, vi, vii,

Documentation currency

1. Provided on request; 2013
2. Additional Information Requested;
 - a) i-viii provided on 30.01.2014
 - b. not provided to date

Reliability contribution of documents

1. 1 to 12: Medium
2. Attachments: Low

Implementation

Recommended actors involved

Department of Education and Child Development (DECD)

Recommended actors not involved

Included actions

A review of the self protective training being taught to children in state care by Second Story was undertaken. The review made a number of recommendations to strengthen self protective training being taught to children in State care; and

- Ensuring the children and young people in Community Residential Care (CRC's) receive an ongoing service response to health issues (including self protective behaviours).
- A multi-agency working party was established to oversee the implementation of the review findings.

Excluded actions

Self protective behaviours training does not appear to have been adapted to target the specific needs and circumstances of;

- Aboriginal children and young people in care;
- children and young people in care with disabilities;

or has been delivered to children and young people in secure care facilities

When action was taken

Review of self-protective training undertaken in Sep 2008 and completed in Nov 2009.

	By 2011 and 2012 training was an established part of The Second Story's ongoing service delivery. Program is subject to ongoing review.
Implemented as recommended?	N
Government statement about status of implementation	"COMPLETED"
Reason provided	
Implementation summary	Undetermined
	The review did not appear to target Aboriginal children, or those who had disabilities, who were in state care.
	It is not clear if self protective training was delivered to children and young people in secure care facilities.
	Numbers of children who attended training were not provided

Person extracting data	Auditor 2
Date of extraction	04.02.2014
Recommendation number	3
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<p><i>1. That the application of section 8B of the Children's Protection Act 1993 be broadened to include organisations as defined in section 8C. [NOTE: Section 8B required govt organisations and non-govt schools to obtain a criminal history, or police report for people holding, or to be appointed to, positions that involve regular contact with, proximity to, or access to records concerning children. Section s 8C applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children and are govt departments, agencies, instrumentalities, or local govt or non-govt organisations.]</i></p> <p><i>2. That consideration is given to reducing or waiving the fee for an organisation applying for a criminal history reporting order to comply with section 8B.</i></p> <p><i>3. That a criminal history report be defined as a report that includes information as to whether a person is on the Australian National Child Offender Register (ANCOR).</i></p>

Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation Check; section 8B of the Children’s Protection Act, 1993
Submitted document/ source details	<ol style="list-style-type: none"> 1. SA Government response; 2013 2. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 3. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 4. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 5. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 6. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 7. Fourth Annual Progress Report in response to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1-6; Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Changes were made to the Act
Excluded actions	The legislation does not require that a criminal history include information as to whether a person is on the Australian National Child Offender Register
When action was taken	Implemented from 2009 with a one year phasing in period
Implemented as recommended?	<ol style="list-style-type: none"> 1. Yes 2. Yes

	3. No
Government statement about status of implementation	“The Minister for Families and Communities introduced the Children’s Protection (Implementation of Report Recommendations) Amendment Bill 2009 into Parliament on 16 July 2009. The Bill was then released for a period of public consultation.”
Reason provided	
Implementation summary	Partially implemented - See legislation check

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	4
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the Children’s Protection Act 1993 be amended to require organisations to lodge a copy of their policies and procedures established pursuant to section 8C(1) with the chief executive and that the chief executive be required to keep a register of those policies and procedures. [NOTE: Section 8C(1) required certain organisations to establish appropriate policies and procedures for ensuring that mandated reports of abuse were made and that child safe environments are established and maintained in the organisation. There was a penalty of \$10,000 for non compliance. It applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children and are govt departments, agencies, instrumentalities, or local govt or non-govt organisations.]</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	Legislation Check required; Children’s Protection (Implementation Report Recommendations) Amendment Bill 2009
Submitted document/ source details	1. SA Government response; 2013 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008

3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2009
4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2010
5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2011
6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2012

Relevant to at least one aspect of recommendation

1-7; Relevant

Documentation currency

1. Provided on request; 2013

Reliability contribution of documents

1-6. Medium – Government response
2. High – Legislation check

Implementation

Recommended actors involved

NA

Recommended actors not involved

NA

Included actions

Amendments made to require organisation to lodge a copy of their policies and procedures with the Chief Executive and a register of these be kept

Excluded actions

NA

When action was taken

Act amended in 2009

Implemented as recommended?

Y

Government statement about status of implementation

“The Minister for Families and Communities introduced the Children’s Protection (Implementation of Report Recommendations) Amendment Bill, 2009 into Parliament on 16 July 2009. The Bill was then released for a period of consultation.”

Reason provided

Implementation summary

Implemented in full

Person extracting data	05.02.2014
Date of extraction	Auditor 2
Recommendation number	5
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That Families SA, as part of the screening process of employees, carers and volunteers, obtains information as to whether or not that person is on the Australian National Child Offender Register (ANCOR).</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	Yes; Families SA to provide employment & volunteer screening process guidelines
Submitted document/ source details	<p>1. SA Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012 7. Response to request for additional information: <ol style="list-style-type: none"> i) Child Safe Environments: Standards for Dealing with information obtained about the criminal history of employees and volunteers who work with children ii) Intergovernmental Agreement For a National Exchange of Criminal History Information For People Working With Children

Relevant to at least one aspect of recommendation	1-6. Relevant 12. i) Relevant iii) Relevant
Documentation currency	1. Provided on request; 2013 2. Provided on request; 2014
Reliability contribution of documents	1. Medium i) Low ii) Low
Implementation	
Recommended actors involved	Families South Australia
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> Standards for Dealing with information about the criminal history of employees was established Intergovernmental agreement for a national exchange for criminal history information made
Excluded actions	NA
When action was taken	ii) version 2012 ii) 2009
Implemented as recommended?	Y
Government statement about status of implementation	“The Children’s Protection Act 1993 Families SA already obtains a criminal history check for each employee, carer, volunteer or contractor working with or around children or their records. This does not include information as to whether the person is on the national register, as under national arrangements, the of names of people recorded on the ANCOR register are not publicly released. However, information from national police databases about any criminal offences that would cause a person to be entered on the ANCOR register is provided in a persons criminal history report. This information is taken into account as part of the screen process for Families SA employees, carers and volunteers.”
Reason provided	
Implementation summary	Undetermined Statements regarding implementation appear to be conflicting.

Person extracting data	Auditor 2
Date of extraction	05.02.2014

Recommendation number	6
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That Families SA extends its screening processes to cover known regular service providers to children and young people in care with disabilities, such as regular bus or taxi drivers.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	<ol style="list-style-type: none"> 1. Legislation Check – Passenger Transport Regulations 2009 2. Provide <ul style="list-style-type: none"> • updated information on progress with screening checks conducted annually for regular service providers to children and young people in care with disabilities from 2009. • advise on the transport regulations due to be updated, July, 2013
Submitted document/ source details	<ol style="list-style-type: none"> 1. SA Government response; 2013 <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012 <p>Response to request for additional information;</p> <ol style="list-style-type: none"> i) Passenger transport Variation Regulations 2013 ii) Government response

Relevant to at least one aspect of recommendation	1-6. Relevant – SA Government response 7. Relevant – Supporting documents i) relevant ii) relevant
Documentation currency	1. Provided on request; 2013 2. Provided on request; 2014
Reliability contribution of documents	1. Medium - SA Government response 2. High- Legislation check 3. Low - Supporting Documents
Implementation	
Recommended actors involved	2.Families SA
Recommended actors not involved	NA
Included actions	1. Bus and taxi driver screening was transitioned to DCSI screening process for background screening and criminal history check. 2. Drivers for the Department of Education and Child Development, (DECD) are now accredited 3. Passenger Transport Variation Regulations 2013 was gazetted on Nov, 2013 to commence on Jan, 2014
Excluded actions	
When action was taken	1. Transition commenced on 1 July, 2011. 2. Stated in the Annual Report, 2012 3. Passenger Transport Variations gazetted Nov, 2013
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	
Implementation summary	Undetermined Refer to legislation check.
Person extracting data	Auditor 2
Date of extraction	05.02.2014

Recommendation number	20
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<p><i>That the practice guidelines of the Special Investigations Unit (SIU) be amended to include specific guidelines concerning notifications and investigations of alleged sexual abuse of children and young people in care. In regard to notifications, it is recommended that the guidelines include requirements for mandatory notification of sexual abuse allegations by SIU to South Australia Police and the Guardian for Children and Young People immediately or within 24 hours, depending on the urgency of the circumstances.</i></p> <p><i>In regard to SIU investigations, it is recommended that the guidelines include requirements for:</i></p> <ul style="list-style-type: none"> <i>• a strategy discussion between SIU and SA Police before the start of any SIU investigation, with the GCYP given prior notification of the discussion and invited to attend</i> <i>• a written record signed by SIU and SA Police of the strategy discussion, outlining any actions to be taken by each, with a copy provided to the GCYP within 24 hours</i> <i>• SIU to only take action in accordance with what was agreed in writing at the strategy discussion</i> <i>• SIU to take no action that would prejudice a police investigation or potential prosecution. In particular, the SIU must not speak to the child, alleged perpetrator, potential witnesses or other potential complainants without seeking, and then gaining, approval in writing from SA Police</i> <i>• the GCYP to be kept informed by SIU and SA Police of the progress and outcome of the investigation. Both SIU and SA Police to provide the GCYP with information concerning the investigation on request and to respond within 24 hours to any request by the GCYP for information regarding the investigation.</i>
Assessability of recommendation	Yes; actions and outcomes are clearly specified
Additional information request	
Submitted document/ source details	<p>1. South Australian Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of

Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2009

4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2010
5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2011
6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2012

Relevant to at least one aspect of recommendation

1 - 6. Relevant

Documentation currency

1. Provided on request; 2013

Reliability contribution of documents

1-6. Medium

Implementation

Recommended actors involved

1. Special Investigations Unit (SIU) of the Department for Families and Communities (SIU)

Recommended actors not involved

NA

Included actions

1. "The Special Investigations Unit (SIU) has amended its guidelines to ensure that the Guardian for Children and Young People (GCYP) is notified where a child or a young person in care makes an allegation of sexual abuse.

2. Interagency Code of Practice: Investigation of Suspected Child Abuse and Neglect was revised to include new working practices between the SIU, The GCYP and SAPOL.

Excluded actions

1. "The direction contained within the Code of Practice has negated the need to implement a specific Memorandum of Understanding between SIU and South Australia Police."

When action was taken

1. The amended guidelines were operational in October, 2008
2. Interagency Code of Practice revised in 2009.

Implemented as recommended?

Y

Government statement about status of implementation

Reason provided

Implementation summary	Implemented in full The SIU have amended guidelines for its investigation of sexual abuse allegation concerning a young person in care, which include working with SAPOL and The Guardian for Children and Young People.
Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	23
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the Children's Protection Act 1993 be amended to add a function to the Guardian for Children and Young People, namely to act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse. That in accordance with section 52B of the Act, the GCYP is provided with sufficient staff and resources to accomplish this function.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation Check; The Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009
Submitted document/ source details	<p>1. SA Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011

	6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	Provided on request; 2013
Reliability contribution of documents	1. High - Legislation 1-6. Medium – Government response
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The Children’s Protection (Implementation of Report Recommendations) Amendment Bill 2009 amends the Children’s Protection Act 1993 as to the power and function of the Guardian for Children and Young People to act as an advocate for a child in care who has disclosed sexual abuse.
Excluded actions	NA
When action was taken	Bill was amended in 2009.
Implemented as recommended?	Y
Government statement about status of implementation	“The Minister for Families and Communities introduced the Children’s Protection (Implementation of Report Recommendations) Amendment Bill 2009 into Parliament on 16 July 2009. The Bill was then released for a period of public consultation.”
Reason provided	
Implementation summary	Implemented in full <i>The Children’s Protection Act 1993</i> is now amended to allow The Guardian for Children and Young to act as an advocate for children and young people in state care who have disclosed sexual abuse.

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	24

Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That it be mandatory for the chief executive of the Department for Families and Communities or Commissioner of Police to notify the Guardian for Children and Young People when a child or young person under the guardianship or in the custody of the Minister makes an allegation of sexual abuse. (Also refer Recommendation 20.)</i>
Assessability of recommendation	Yes; actions and outcomes are clearly specified
Additional information request	
Submitted document/ source details	<p>1. SA Government Response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	Provided on request; 2013
Reliability contribution of documents	1-6. Medium
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. Department for Families and Communities 2. SAPOL

Recommended actors not involved	
Included actions	<ol style="list-style-type: none"> 1. Guidelines for Special Investigations Unit (SIU) were amended 2. Interagency Code of Practice: Investigations of Suspected Child Abuse and Neglect was revised accordingly
Excluded actions	1. It was not made mandatory that the Commissioner of South Australia Police notify the Guardian when a child or young person under Guardianship or in custody of the Minister makes an allegation of police.
When action was taken	Department of Families and Communities policies and procedures were amended in October 2008
Implemented as recommended?	N
Government statement about status of implementation	1. "The Special Investigations Unit (SIU) has amended its guidelines to ensure that the Guardian for Children and Young People is notified where a child or young person in care makes an allegation of sexual abuse."
Reason provided	
Implementation summary	Undetermined The Department of Families and Communities policies and procedures were amended, but no evidence that the South Australia Police made any amendment has been received.

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	25
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That Families SA's new C3MS (Connection client and case management system) include a separate menu for allegations of sexual abuse of a child in State care, which would collate the names of all such children. That the system include a separate field in relation to each child in State care, which is dedicated to recording any information about allegations of sexual abuse, including when that information had been forwarded to the Guardian for Children and Young People.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	NA

Submitted document/ source details	<p>1. SA Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1 - 6. Relevant
Documentation currency	1- 6. Provided on request; 2013
Reliability contribution of documents	1- 6. Medium
Implementation	
Recommended actors involved	1. Families SA
Recommended actors not involved	NA
Included actions	Department for Families and Communities made changes to the Connected Client and Case Management System (C3MS)
Excluded actions	
When action was taken	Changes commenced in July 2009. Full implementation was expected to take three years
Implemented as recommended?	Y
Government statement about status of implementation	"The Department for Families and Communities has commenced implementation C3MS across Families SA District Centres. Once fully implemented, C3MS will have the capacity to record information

	about allegations of sexual abuse of children in care. It will also record information about whether the Guardian for Children and Young People was notified about the allegation.”
Reason provided	
Implementation summary	Undetermined No evidence of implementation of C3MS has been received.
Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	37
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That a panel of appropriately qualified people be formed to consider and establish a model for restorative justice in regard to complaints of child sexual abuse made by victims.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	A report of Report of the Restorative Justice was requested
Submitted document/ source details	<p>1. SA Government Response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012

7. Restorative Justice for Victims of Sexual Abuse

Relevant to at least one aspect of recommendation 1-7. Relevant

Documentation currency 1-6. Provided on request; 2013

7. Provided on request; March 2014

Reliability contribution of documents 1-7. Medium

Implementation

Recommended actors involved NA

Recommended actors not involved NA

Included actions “A Restorative Justice Reference Group was established to consider a model of restorative justice in regard to complaints of child sexual abuse made by victims.”

Excluded actions

When action was taken Late 2008

Implemented as recommended? Y

Government statement about status of implementation “The Government established a Restorative Justice Reference Group in late 2008. The Group met with a number of key people, who have provided the Group with information on existing arrangements within the South Australian criminal justice (including restorative justice practices) and views on the appropriateness of a restorative justice approach for victims of sexual assault. The Group has conducted an extensive literature review on this topic, including information on relevant practices, processes and legislation in other jurisdictions. The Group will deliver a report to the Attorney-General for consideration by Cabinet by the end of 2009.

Reason provided

Implementation summary **Implemented in full** – panel was formed and framework for model recommended

Person extracting data Auditor 2

Date of extraction 05.02.2014

Recommendation number **38**

Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the South Australian Government makes a formal acknowledgment and apology to those people who were sexually abused as children in State care.</i>
Assessability of recommendation	Yes; specific actions and outcomes are clear
Additional information request	NA
Submitted document/ source details	<p>1. SA Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1-6. Medium
Implementation	
Recommended actors involved	South Australian Government
Recommended actors not involved	NA

Included actions	An apology was made by the Premier of South Australia on behalf of the then current and previous Parliaments of South Australia to those who had been abused as children while in State care.
Excluded actions	
When action was taken	June 12, 2008
Implemented as recommended?	Y
Government statement about status of implementation	“The South Australian Government has implemented this recommendation.”
Reason provided	
Implementation summary	Implemented in full An apology was made by the Premier of South Australia

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	39
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the South Australian Government funds a free specialist service to adult victims of child sexual abuse (while in State care) as was provided by Respond SA. That the service is provided by an organisation that is independent of government and church affiliation, and has never provided institutional or foster care. That the organisation employs practitioners specially trained in the therapeutic response to adult victims of child sexual abuse.</i>
Assessability of recommendation	Yes; actions and outcome are clearly specified
Additional information request	NA
Submitted document/ source details	1. SA Government Response; 2013 <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of

Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2009

4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2010
5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2011
6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2012

Relevant to at least one aspect of recommendation

1-6. Relevant

Documentation currency

Provided on Request; 2013

Reliability contribution of documents

1-6. Medium

Implementation

Recommended actors involved

South Australian Government

Recommended actors not involved

NA

Included actions

1. A position was funded co-ordinate services for adults who had been sexually abuse in State care for a three year period.
2. Government widely promoted this service to care-leavers.
2. Relationships Australia (SA) was funded to provide maintain a register of trained practitioners who were not affiliated to churches or government.
3. The register was made available on the Relationships Australia (SA) website
4. The South Australian government funded Relationships Australia (SA) to provide training to practitioners providing therapeutic services to those leaving care
5. In 2009 this training was offered in metropolitan and regional areas of South Australia. Training was also planned for 2010

Excluded actions

NA

When action was taken

2009

Implemented as recommended?

Y

Government statement about status of implementation	“The Department of Families and Communities (Post Care Services) has employed a senior social worker to co-ordinate the service linking adults who have experienced child sexual assault while in care to free, specialist counselling and related support services.”
Reason provided	
Implementation summary	Implemented in full: A free, specialist, post-care service, independent of church and state organisations was provided to adults who had experienced child sexual assault while in State care.

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	40
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That a task force be established in South Australia to closely examine the redress schemes established in Tasmania, Queensland and Western Australia for victims of child sexual abuse; to receive submissions from individuals and relevant organisations on the issue of redress for adults who were sexually abused as children in State care; and to investigate the possibilities of a national approach to the provision of services.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	<ol style="list-style-type: none"> 1. Legislation Check; Victims of Crime Act 2001 2. Task force report on redress schemes for victims of child sexual assault was requested – but not provided
Submitted document/ source details	<ol style="list-style-type: none"> 1. SA Government response;2013 <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009

4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2010
5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2011
6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2012

Relevant to at least one aspect of recommendation

1-6. Relevant

Documentation currency

Provided on request; 2013

Reliability contribution of documents

1. High – Legislation check
2. Medium – Government response
3. Low – Provided documents

Implementation

Recommended actors involved

South Australian Government

Recommended actors not involved

NA

Included actions

1. Taskforce was established
2. Amendment to the Victims of Crime Act 2001

Excluded actions

NA

When action was taken

1. Taskforce in 2008
2. Amendment to Act in 2009

Implemented as recommended?

Undetermined

Government statement about status of implementation

“The taskforce has provided its report to Government. Common Law claims arising from sexual abuse can apply for *ex gratia* payments pursuant to the Victims of Crime Act 2001 as an alternative to litigation.”

Reason provided

Implementation summary

Undetermined Task force was formed and appropriate changes made to legislation, but there is insufficient evidence to indicate the nature of the inquiry undertaken by the task force or their findings

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	21
Commission/Inquiry of origin	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) Lands Commission of Inquiry (Mullighan Inquiry) (2008)
Recommendation made	<i>That section 11 of the Children's Protection Act be amended to provide that it is an offence to prevent, obstruct or interfere with a person discharging or attempting to discharge the obligation of mandatory reporting pursuant to section 11(1) of that Act.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation check; Children's Protection Act 1993
Submitted document/ source details	<p>1. SA Government Response; 2013</p> <p>1. Reconciliation to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry <i>A Report into Sexual Abuse</i> July 2008</p> <p>2. Implementation Statement by the Minister for Families and Communities to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry <i>A Report into Sexual Abuse</i> Oct 2008</p> <p>3. First Annual Report to the Parliament of South Australia by the Minister for Families and Communities on the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – <i>A Report into Sexual Abuse</i>, Nov 2009</p> <p>4. Second Annual Report to the Parliament of South Australia by the Minister for Families and Communities on the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – <i>A Report into Sexual Abuse</i>, Nov, 2010</p> <p>5. Third Annual Implementation Report by the Minister for Education and Child Development, Nov 2011</p> <p>6. Fourth Annual Report by the Minister for Education and Child Development to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry, <i>A Report into Sexual Abuse</i> Nov, 2012</p>
Relevant to at least one aspect of recommendation	1-6. Relevant

Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1. Medium - Government Response 2. High - Legislation check 3. Low – provided documents?
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Children’s Protection (Implementation of Report Recommendations) Amendment Bill 2009 was introduced into Parliament
Excluded actions	NA
When action was taken	16 July, 2009
Implemented as recommended?	Y
Government statement about status of implementation	“The Minister for Families and Communities introduced the Children’s Protection (Implementation of Report Recommendations) Amendment Bill 2009 into Parliament on 16 July 2009. The Bill was then released for a period of public consultation. “
Reason provided	
Implementation summary	Implemented in full

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	44
Commission/Inquiry of origin	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) Lands Commission of Inquiry (Mullighan Inquiry) (2008)
Recommendation made	<i>That the Children’s Protection Act or regulations be amended to add a function of the Guardian for Children and Young People to act as an advocate of an Anangu child or young person who is not in State care but is the subject of a Family Care Meeting Agreement and who has made a disclosure of sexual abuse.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	

Submitted document/ source details	<p>1. SA Government Response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Aboriginal Affairs and Reconciliation to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry <i>A Report into Sexual Abuse</i> July 2008 2. Implementation Statement by the Minister for Families and Communities to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry <i>A Report into Sexual Abuse</i> Oct 2008 3. First Annual Report to the Parliament of South Australia by the Minister for Families and Communities on the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – <i>A Report into Sexual Abuse</i>, Nov 2009 4. Second Annual Report to the Parliament of South Australia by the Minister for Families and Communities on the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – <i>A Report into Sexual Abuse</i>, Nov, 2010 5. Third Annual Implementation Report by the Minister for Education and Child Development, Nov 2011 6. Fourth Annual Report by the Minister for Education and Child Development to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry, <i>A Report into Sexual Abuse</i> Nov, 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	1. Provided on Request;
Reliability contribution of documents	1-6. Medium
Implementation	
Recommended actors involved	SA Government
Recommended actors not involved	NA
Included actions	NA
Excluded actions	No amendment was made to the Children’s Protection Act 1993 or any other regulations

When action was taken

2010

Implemented as recommended?

Partial

Government statement about status of implementation

“The current arrangements for advocacy and support of children on the APY Lands have been examined and found to address the intent of this recommendation. These processes are always subject to internal review.”

Reason provided

Implementation summary

Partially implemented No amendments to legislation or regulations were made, however support and advocacy of children on APY Lands appear to have been addressed, through the Guardian

DOCUMENT AUDIT: TASMANIA

Person extracting data	Auditor 5 (& Auditor 6 – update Feb 2014)
Date of extraction	03.2.2014
Recommendation number	3
Commission/Inquiry of origin	Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) 2004
Recommendation made	<i>It is recommended that a unit be established within the Department of Health and Human Services to manage claims referred to it by the independent unit, including the provision of guided access to personal files, assessment of other needs and referral to appropriate services, and referral to an Independent Assessor for determining ex gratia payments.</i>
Assessability of recommendation	Yes. All components of the recommendation are assessable.
Additional information request	<p>Please supply: A narrative response to this recommendation. Documentary evidence of unit being established to manage claims in a way outlined in the recommendation or reason for non-establishment of unit. Please provide document page number or relevant section.</p> <p><i>Provided:</i></p> <ul style="list-style-type: none"> • <i>another copy of document 17 (below)</i> • <i>official government response received Feb 2014</i>
Submitted document/ source details	<ul style="list-style-type: none"> • Doc 16. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN REPORT 2004 • Doc 17. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN FINAL REPORT – PHASE 2 Tasmanian Ombudsman June 2006 • Official government response, Feb 2014
Relevant to at least one aspect of recommendation	<p>Neither document 16 nor 17 is relevant. They are simply the documents from which the recommendations came.</p> <p>Government response - relevant</p>
Documentation currency	<ul style="list-style-type: none"> • 2004 • 2006 • 2014
Reliability contribution of documents	<ul style="list-style-type: none"> • Medium • Medium • Low
Implementation	

Recommended actors involved	Department of Health and Human Services
Recommended actors not involved	NA
Included actions	A unit was established. Referrals were made to an independent assessor in relation to ex gratia payments.
Excluded actions	No mention of the provision of guided access to personal files, assessment of other needs and referral to appropriate services.
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	<p>“In all four rounds of the Tasmanian Abuse in Care Review a unit within the Department of Health and Human Services existed to respond to recommendations relating to claims of abuse. In the first two rounds the recommendations were made by the Ombudsman. In later rounds the DHHS review team assessed claims themselves and made recommendations to an Independent Assessor to make decisions regarding ex gratia payments. Evidence of the establishment of the Unit is referred to in the Review of Claims of Abuse from Adults in State Care as Children - Final Report - Phase 2, Tasmanian Ombudsman, June 2006 on page 2 where the Ombudsman acknowledges "The DHHS Review Team for their research and advisory support and for following through on the Ombudsman's recommendations"</p>
Reason provided	NA
Implementation summary	<p>Implemented in full</p> <p>The government’s response suggests that a unit was established to manage claims as recommended. However, no documentary evidence was provided to support the response, and there is no mention of the aspects of the unit’s work recommended such as provision of guided access to personal files, assessment of other needs and referral to appropriate services.</p> <p>The government refers to evidence which is an acknowledgement from the Ombudsman of the DHHS Review Team’s ‘following through on recommendations’ rather than providing any evidence about the existence and work of a specific unit.</p> <p>On balance, the rating is that the recommendation was substantially implemented, albeit with gaps in the evidence.</p>

Person extracting data	Auditor 5 (& update – Auditor 6)
Date of extraction	03.02.2014
Recommendation number	6
Commission/Inquiry of origin	Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) 2004
Recommendation made	<i>It is recommended that the Government liaise with church authorities to seek a contribution to the establishment of a private educational trust fund.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	Please supply: a narrative response for this recommendation by clarifying whether or not the Government and the church authorities liaised to seek a contribution to the private education trust fund. Please supply evidence of this contribution if possible. <i>Provided: government response received Feb 2014</i>
Submitted document/ source details	<ol style="list-style-type: none"> 1. Doc 16. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN REPORT 2004 2. Doc 17. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN FINAL REPORT – PHASE 2 Tasmanian Ombudsman June 2006 3. Official Government response, Feb 2014
Relevant to at least one aspect of recommendation	Neither document 16 nor 17 is relevant. They are simply the documents from which the recommendations came. Government response is relevant.
Documentation currency	<ol style="list-style-type: none"> 1. 2004 2. 2006 3. 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Medium 3. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA

Implemented as recommended?	N
Government statement about status of implementation	“Recommendation 5 of this report recommended the establishment of a trust fund to assist victims of child abuse to upgrade or continue their education. As the independent assessor had already taken account of education matters in determining the ex gratia payment to victims, any further payments were considered to be double dipping and as such Recommendation 5 was not adopted. As there was no trust fund established, Recommendation 6 became redundant and was not actioned. “
Reason provided	No
Implementation summary	Not implemented Recommendation 6 was reliant on the implementation of Recommendation 5, with which the government did not agree. Recommendation 6 therefore became redundant.

Person extracting data	Auditor 5 (& update – Auditor 6)
Date of extraction	03.02.2014
Recommendation number	7
Commission/Inquiry of origin	Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) 2004
Recommendation made	<i>It is recommended that the Government liaise with church authorities to seek an apology for claimants who allege that they had been abused while in Approved Children’s Homes run by the churches and who have specifically stated that they desire an apology.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	Please supply a narrative response to this recommendation including information and evidence about how the Government liaised with church authorities around an apology. Received: <ul style="list-style-type: none"> - Official government response, received Feb 2013 - Hansard transcript May 2005
Submitted document/ source details	<ol style="list-style-type: none"> 1. Doc 16. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN REPORT 2004 2. Doc 17. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN FINAL REPORT – PHASE 2 Tasmanian Ombudsman June 2006

	<ul style="list-style-type: none"> 3. Official government response 4. Hansard transcript
Relevant to at least one aspect of recommendation	<ul style="list-style-type: none"> - Neither document 16 nor 17 is relevant. They are simply the documents from which the recommendations came. - Government response and Hansard transcript are relevant.
Documentation currency	<ul style="list-style-type: none"> 1. 2004 2. 2006 3. 2014 4. 2005
Reliability contribution of documents	<ul style="list-style-type: none"> 1. Medium 2. Medium 3. Low 4. High
Implementation	
Recommended actors involved	Tasmanian government
Recommended actors not involved	NA
Included actions	The government wrote to a number of church organisations to seek an apology.
Excluded actions	NA
When action was taken	
Implemented as recommended?	Yes
Government statement about status of implementation	“On Tuesday 17 May 2005, the Premier of Tasmania, Hon Paul Lennon, wrote to church authorities, Catholic Archdiocese of Hobart, Anglican Diocese of Tasmania and Salvation Army, recommending that they offer an apology to those children who may have been abused in their care.”
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	8
Commission/Inquiry of origin	Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) 2004

Recommendation made	<i>It is recommended that the Commissioner for Children be asked by the Minister for Health and Human Services to investigate the 12 recent cases of alleged abuse referred to earlier in this report. The main purpose of the investigation should be to determine what action the Department had taken when the abuse was reported and whether the actions taken were appropriate. The investigation would also include a consideration of the selection of the foster families involved. The Commissioner should be asked to complete his investigation within a specific period and to ensure that the outcomes of his investigation are made public. Depending on the outcome of the Commissioner's investigation it may be necessary to conduct a more comprehensive audit of files of children currently on care and protection orders. At this stage, it would be inappropriate to make further recommendations in respect of foster care until the results of the Commissioner's investigations are known.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	NA
Submitted document/ source details	<i>Doc 18. Who is listening to the children now : the Commissioner for Children's response to recommendations 8 and 9 of the Tasmanian Ombudsman's report/Commissioner for Children, 2006</i> Report published and made public with recommendations in 2006
Relevant to at least one aspect of recommendation	In the Introduction to the Report, the Commissioner for Children states that "On 21 December 2004, the former Minister for Health and Human Services advised the Commissioner for Children that the Government had accepted Recommendation 8".
Documentation currency	2006
Reliability contribution of documents	High
Implementation	
Recommended actors involved	Yes. Commissioner for Children
Recommended actors not involved	NA
Included actions	The Government accepted the recommendation and notified the Commissioner for Children who duly conducted the investigation in accordance with the recommendation and reported publicly in 2006.
Excluded actions	NA

When action was taken	Recommendation 8 was contained in the O’Grady report which was delivered in 2004. In the same year the Government referred Recommendation 8 to the Commissioner for Children for investigation. The Commissioner’s report was made publically available in 2006.
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented.
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5 (& Auditor 6 update 21/02/14)
Date of extraction	03.02.2014
Recommendation number	10.3.1
Commission/Inquiry of origin	Report on Child Protection Services in Tasmania (Jacob Fanning Report) 2006
Recommendation made	<i>A unit dedicated to investigating and responding to complaints and serious issues relating to child protection services will be established as part of the overall organisational model, after further consultation with staff.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	Please provide a narrative response to this request and any documentary evidence of the establishment of a dedicated complaints and serious issues investigation and response unit. Received 21 Feb 2014: <ol style="list-style-type: none"> 1. Complaints and Compliments Factsheet (undated) 2. Practice Advice: Complaint Handling and Reviews (Aug 2013) 3. Review of a Child Protection Decision (undated) 4. Seeking a Review of a Decision Factsheet (undated) 5. Official government response, received Feb 201
Submitted document/ source details	
Relevant to at least one aspect of recommendation	Numbers 1, 3 and 4 of the above documents are not relevant, as they do not provide any evidence of a dedicated unit being established. Number 2, the Practice Advice, refers to the existence of a Child Protection Decision Advisory Panel (see below). Number 5 is relevant.

Documentation currency

1. Undated
2. Aug 2013
3. Undated
4. Undated
5. Feb 2014

Reliability contribution of documents

1. Low
2. Low
3. Low
4. Low
5. Low

Implementation

Recommended actors involved NA

Recommended actors not involved NA

Included actions “The following procedures describe the process steps to apply from the commencement of a person asking for a decision to be reconsidered, through to formal reviews, firstly through the local Area Director and if required, a referral for the matter to be reviewed by a Child Protection Decision Advisory Panel. The

Child Protection Decision Advisory Panel (advisory panel) has been established to provide an independent and objective response if the client/carer remains unhappy following an internal review at the Area Director level. The Deputy Secretary makes the decision to hold a panel to review a child protection decision, who also chairs the meeting. The panel involves members from the Children and Youth Services Management Group and may also involve experts as required and as relevant to the matter under review.”

Excluded actions An independent unit was not established. The Advisory Panel appears to be an alternative approach.

When action was taken NA

Implemented as recommended? No

Government statement about status of implementation “This recommendation was made in 2006 and since this time, complaint management and investigation/review processes have been developed which ensure transparency, accountability and timely responses to complaints at the relevant levels within the Agency. Although this has not involved the establishment of a dedicated complaints unit, it does provide a clear pathway to ensure that complaints and issues relating to child protection decision making are managed independently when required or requested. Additionally, a new team was established within Children and Youth Services (Quality Improvement and Workforce Development) in

	2012. This team is made up of Senior Quality and Practice Consultants who are engaged when required to conduct independent reviews or investigations into Child Protection Matters.
Reason provided	No
Implementation summary	Not implemented: alternative action taken

Person extracting data	Auditor 5 (& update – Auditor 6)
Date of extraction	03.02.2014
Recommendation number	10.3.4
Commission/Inquiry of origin	Report on Child Protection Services in Tasmania (Jacob Fanning Report) 2006
Recommendation made	<i>The Commissioner for Children should have responsibility for oversight of all complaints processes in relation to children. The Ombudsman should retain responsibility for the investigation of individual complaints if a person is dissatisfied with the internal response to the complaint.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	Please provide a narrative response to this recommendation and any documentary evidence on specific workings of the Ombudsman and Children's Commissioner relevant to this recommendation. Received: government response, Feb 2014
Submitted document/ source details	
Relevant to at least one aspect of recommendation	1. Official government response received Feb 2014
Documentation currency	1. 2014
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Commission for Children and Young People; Ombudsman
Recommended actors not involved	
Included actions	None
Excluded actions	No action taken at the time.

When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	“This recommendation was made in 2006 and as the systemic requirements at any time are contextual, recommendations can become dated and may be superseded by other decisions. The Department of Health and Human Services is about to commence drafting stand-alone Commissioner for Children legislation which is likely to increase the powers of the Commissioner for Children”
Reason provided	No
Implementation summary	Not implemented

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	7.5
Commission/Inquiry of origin	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)
Recommendation made	<i>That if the evaluation of the current Children’s Visitors Pilot shows that children under the guardianship of the Secretary have obtained benefit from the Pilot that the Minister provide for the appointment of a Children’s Visitor for each such child whether in OOHC, in their birth family or in kinship care, such Visitors to be engaged by a body independent of the Government.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 10. Tasmanian Government’s response to recommendations in the Tasmanian Commissioner for Children’s report following an inquiry into the circumstances of a 12 year old child under guardianship of the Secretary of the Department of Health and Human Services. (2010)
Relevant to at least one aspect of recommendation	Not relevant. The 2010 document indicates a willingness to consider the matter further when the pilot was completed. It does not indicate if this was considered or any outcome of any such consideration.
Documentation currency	2010

Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Unable to determine
Government statement about status of implementation	The government response to this recommendation is dated (2010) does not indicate what actions subsequent to the 2010 response have been taken – if any.
Reason provided	No
Implementation summary	Undetermined. No relevant evidence received.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	8.2
Commission/Inquiry of origin	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)
Recommendation made	<i>That the Secretary mandate that such visits be conducted with the child in the absence of any other person unless in the special circumstances of the case it is not practicable to arrange such a visit or it is not in the best interests of the child for reasons given.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 10. Tasmanian Government’s response to recommendations in the Tasmanian Commissioner for Children’s report following an inquiry into the circumstances of a 12 year old child under guardianship of the Secretary of the Department of Health and Human Services. (2010)

Relevant to at least one aspect of recommendation	Relevant. Indicates the Government did not accept this recommendation.
Documentation currency	2010
Reliability contribution of documents	High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	No. Recommendation not accepted
Government statement about status of implementation	Recommendation not accepted – not every visit a child protection worker makes to a child is on a one to one basis, as this is impractical and interferes with the child protection worker’s ability to assess the home or care dynamic.
Reason provided	Yes, as above
Implementation summary	Not implemented.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	10.2
Commission/Inquiry of origin	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)
Recommendation made	<i>That s.79 of the CYPTF Act be amended to give the Commissioner for Children such additional functions as will enable that Officer to fulfil the promise of “Preventing problems before they arise” including but not limited to conducting audits both individually and generally of the circumstances of children and young people in the guardianship or custody of the Secretary.</i>
Assessability of recommendation	Partial. whether or not the Act has been amended to provide for the conduct of audits of the identified children and young people, can be

	assessed. Whether or not these provisions “prevent problems before they arise” can not be assessed.
Additional information request	NA
Submitted document/ source details	Doc 10. Tasmanian Government’s response to recommendations in the Tasmanian Commissioner for Children’s report following an inquiry into the circumstances of a 12 year old child under guardianship of the Secretary of the Department of Health and Human Services. (2010)
Relevant to at least one aspect of recommendation	Relevant. Indicates the Government did not accept this recommendation.
Documentation currency	2010
Reliability contribution of documents	High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	Recommendation not accepted, noting the Commissioner undertakes annual audits of a random sample of children in care; the Commissioner has limited existing ‘own initiative’ powers to advise the Minister; similar positions in other jurisdictions (even those with broader powers) do not intervene in court processes; the role of the Commissioner for Children in Tasmania relates to all children, not just those in care.
Reason provided	Yes, as above
Implementation summary	Not implemented.

Person extracting data Auditor 5

Date of extraction	03.02.2014
Recommendation number	28
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Police checks and assessments of kinship placements be prioritised to avoid a child suffering the emotional trauma of being placed with a stranger.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au Doc X Inagural annual report: http://www.children.tas.gov.au/news/reporting_on_progress_-_inaugural_annual_report
Relevant to at least one aspect of recommendation	Doc 5 indicates that the recommendation will be considered as part of the action area about building stronger relationships with families, services and the community. Doc X reports on progress.
Documentation currency	
Reliability contribution of documents	Doc 5 Medium Doc X Medium
Implementation	
Recommended actors involved	Yes
Recommended actors not involved	NA
Included actions	Police checks to facilitate kinship placements are prioritised.
Excluded actions	NA
When action was taken	Unknown
Implemented as recommended?	Yes

Government statement about status of implementation	DPEM continues to prioritise police checks to facilitate kinship placement. Ongoing monitoring of kinship checking through the District Commands Crime Management Units, is supported under the Memorandum of Understanding between DPEM and Child Protection Services, DHHS.' P33 Inaugural report
Reason provided	NA
Implementation summary	Implemented in full.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	41
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>It is essential that adverse incidents and complaints are fully investigated and managed in a model that is responsive and transparent, similar to the Complaints Management Unit in Western Australian.</i>
Assessability of recommendation	No. It is not possible to assess this recommendation. Elements such as "essential", "fully investigated", "responsive" can not be readily assessed.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au Doc X Inagural annual report: http://www.children.tas.gov.au/news/reporting_on_progress_-_inaugural_annual_report
Relevant to at least one aspect of recommendation	Doc 5 shows that the recommendation has been accepted for action. Doc X shows implementation progress Oct 2013
Documentation currency	Oct 2013

Reliability contribution of documents	Doc 5 Medium Doc X Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Work yet to commence
Excluded actions	NA
When action was taken	Oct 2012 – work not yet commenced
Implemented as recommended?	No
Government statement about status of implementation	Work on this initiative has yet to commence’ (p21 Inaugural Annual Report, appendix 2) ‘Currently, a caseload management tool, developed in consultation with both staff and their representative unions, is being trailed state-wide. Trial data will be used to further enhance the caseload management tool for application to case management Child Protection Workers. Policy and committee infrastructure (appropriate governance) has been developed for the management of serious incidents. Unborn baby alerts and outreach to engage pregnant young women where potential risk is identified, is a part of usual practice.’ P44 Inaugural report 2012-3 ‘In progress, current policy’ p64 Inaugural report 2012-3
Reason provided	In progress
Implementation summary	Not implemented

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	62
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>That there be a statutory obligation on community sector organisations who deliver out of home care residential services to comply with key standards and reporting criteria.</i>

Assessability of recommendation	Yes, the recommendation is assessable by reference to legislation.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates the Government accepted the recommendation.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 Medium Doc 6 Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No government response received relating to implementation of the recommendation that there be a statutory obligation on community organisations.
Implemented as recommended?	No
Government statement about status of implementation	No comment received.
Reason provided	No.
Implementation summary	Undetermined. See legislation verification – work in progress.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	63
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)

Recommendation made	<i>The Working with Children check in Tasmania be implemented as a priority.</i>
Assessability of recommendation	Yes, can assess if the working with children check was implemented.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5. Document indicates that the government accepted the recommendation. Doc 6 indicates an intention to establishing a centralised background checking and risk assessment process for people working with children to reduce the risk of sexual, physical, emotional or financial harm or neglect
Documentation currency	2012-13
Reliability contribution of documents	The documents provide no evidence that the recommendation was actually implemented.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Doc 6 The Implementation Framework 2012-13 does not report any substantive action taken.
Implemented as recommended?	Undetermined
Government statement about status of implementation	No response
Reason provided	No
Implementation summary	Undetermined. The evidence submitted shows that the government accepted the recommendation. There was no evidence received re the implementation of the recommendation.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	67
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Police checks for potential kinship carers should be expedited.</i>
Assessability of recommendation	Very difficult to assess if police checks have been “expedited”.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au Doc X Inagural annual report: http://www.children.tas.gov.au/news/reporting_on_progress_-_inaugural_annual_report
Relevant to at least one aspect of recommendation	Doc 5 indicates the recommendation will be considered by Government. Doc X states that DPEM continues to prioritise police checks to facilitate kinship placement. Ongoing monitoring of kinship checking through the District Commands Crime Management Units, is supported under the Memorandum of Understanding between DPEM and Child Protection Services, DHHS.’ P33 Inaugural report
Documentation currency	May 2012 2012-13
Reliability contribution of documents	Doc X Interim Report Medium
Implementation	
Recommended actors involved	On the basis of statements in the Inaugural Report police and child protection services are involved.
Recommended actors not involved	NA

Included actions	Ongoing monitoring of kinship checking through the District Commands Crime Management Units, is supported under the Memorandum of Understanding between DPEM and Child Protection Services, DHHS
Excluded actions	NA
When action was taken	<u>Unclear</u>
Implemented as recommended?	Appear to be so.
Government statement about status of implementation	Ongoing monitoring of kinship checking through the District Commands Crime Management Units, is supported under the Memorandum of Understanding between DPEM and Child Protection Services, DHHS
Reason provided	NA
Implementation summary	Implemented in full. On the basis of statements in the Inaugural Report it would appear that the recommendation has been implemented.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	77
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>That Section of the Act be amended to ensure that it is clear that the Commissioner for Children has the power to require information from any Government Department or Agency where such information is, in the reasonable opinion of the Commissioner, necessary or convenient in the performance of his or her function. Such amendment should make it clear that in requiring information, it is not necessary for the Commissioner to identify the specific head of power being exercised for the purposes of the inquiry. The Commissioner should also be able to specify a reasonable time frame for the satisfaction of the information request.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012

	Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates that this recommendation “will be taken into consideration when implementing the accepted recommendations”.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 indicates only an intention to consider the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No evidence submitted in relation to implementation of the recommendation.
Implemented as recommended?	NA
Government statement about status of implementation	Will be considered.
Reason provided	No
Implementation summary	Undetermined.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	79
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>The role of the Commissioner for Children be expanded to enable the undertaking of own-motion inquiries within the proper function of the Commissioner for Children.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	NA

Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates that this recommendation “will be taken into consideration when implementing the accepted recommendations”.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 indicates only an intention to consider the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No evidence submitted in relation to implementation of the recommendation.
Implemented as recommended?	NA
Government statement about status of implementation	Will be considered.
Reason provided	No
Implementation summary	Undetermined - No evidence received in relation to implementation of the recommendation.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	80
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Child advocacy services be strengthened as part of the planned amendments to the Children, Young Persons and Their Families Act.</i>
Assessability of recommendation	Difficult to assess whether child advocacy services have been “strengthened” or just changed or expanded.

Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates that this recommendation “will be considered”.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 indicates only an intention to consider the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No evidence submitted in relation to implementation of the recommendation.
Implemented as recommended?	NA
Government statement about status of implementation	Will be considered.
Reason provided	No
Implementation summary	Undetermined- No evidence received in relation to implementation of the recommendation.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	82
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Counselling of a child suspected of being the victim of sexual abuse should be mandatory, not subject to parental agreement.</i>
Assessability of recommendation	Yes. The recommendation is assessable.

Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates that this recommendation “will be taken into consideration when implementing the accepted recommendations”.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 indicates only an intention to consider the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No evidence submitted in relation to implementation of the recommendation.
Implemented as recommended?	NA
Government statement about status of implementation	Will be considered.
Reason provided	No
Implementation summary	Undetermined - No evidence received in relation to implementation of the recommendation

Person extracting data	Auditor 5 (& update – Auditor 6)
Date of extraction	03.02.2014
Recommendation number	119
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Additional resourcing be provided to enable the expansion of State-wide trauma services for abused children and young people to ensure more than 30% of children in care can access such services.</i>

Assessability of recommendation	Partial. Can assess if budget allocations to this area have been increased.
	Can not assess if any increased allocation will ensure that 30% of children in care receive trauma services.
Additional information request	Please supply evidence of increased resourcing to state-wide trauma services and total number of children accessing trauma services as a percentage of the total number of abused children and young people. Official government response received Feb 2014.
Submitted document/ source details	<ul style="list-style-type: none"> - Doc 5. DHHS Government Response Public Final v3 May 2012 - Doc 6. DHHS Sharing Responsibility Implementation Framework - Official government response received Feb 2014.
Relevant to at least one aspect of recommendation	<ul style="list-style-type: none"> - Doc 5 indicates that the recommendation was accepted by government – not relevant. - Government response is relevant.
Documentation currency	<ul style="list-style-type: none"> - May 2012 - Feb 2014
Reliability contribution of documents	<ul style="list-style-type: none"> - Medium – Indication of acceptance of recommendation only. - Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Funding for the trauma service has increased 24% of the past 2 years.
Excluded actions	Up to 10% of children and young people in care received a service, as opposed to 30% as recommended.
When action was taken	NA
Implemented as recommended?	Partly
Government statement about status of implementation	<p>“The Australian Childhood Foundation is contracted by the Department of Health and Human Services to develop and implement a service delivering collaboratively oriented therapeutic responses that promote the safety, recovery and relational stability for children and young people who have experienced trauma.</p> <p>Funding for this service has increased approximately 24% over the</p>

	past 2 years. In its first year (2010) 68 children and young people were accepted by the service (approximately 7% of children and young people in care). This increased to 119 children and young people participating in the service in 2012/13 (approximately 10% of children and young people in care)."
Reason provided	NA
Implementation summary	Partially implemented
Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	138
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>The Charter of Rights for Children in Out of Home Care should be embedded into legislation governing child protection and out of home care.</i>
Assessability of recommendation	Yes. Recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012
Relevant to at least one aspect of recommendation	Doc 5 indicates the outcome is 'supported' but implementation may be 'alternate to that prescribed'.
Documentation currency	May 2012
Reliability contribution of documents	Medium – indication only of government position in relation to the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Unable to determine.

Government statement about status of implementation	Outcome is 'supported' but implementation may be 'alternate to that prescribed'.
Reason provided	No
Implementation summary	Undetermined.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	Page 20.1
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That specific provisions be contained within the Tasmanian Police Manual for dealing with child victims of sexual assault who are disabled</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Government response/schedule
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided 2013 in response to RC
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Nil
Excluded actions	NA
When action was taken	
Implemented as recommended?	No

Government statement about status of implementation	<p>Despite searches of electronic records being conducted, Tasmania Police does not have any record of correspondence being received in respect to the mentioned documents or recommendations emanating from them. As a result of this enquiry the respective documents will now be forwarded to Executive Support and Human Resources within Tasmania Police for consideration.</p> <ul style="list-style-type: none"> . The Tasmania Police Manual (TPM) does not contain any reference to dealing with child victims of sexual assault that are disabled. . The TPM at part 5.4(1) states, “Where a person is to be interviewed, either as a complainant or a suspect to a crime or offence, and the ability of that person to comprehend the English language is in doubt, members shall engage the services of a suitably qualified interpreter for the purposes of the interview.
Reason provided	Yes. See above.
Implementation summary	Not implemented

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	Page 9.2
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That the guidelines contain provisions for clear and independent interview and investigative procedures for children.</i>
Assessability of recommendation	The guidelines can be assessed for provisions for independent interview and investigative procedures and for the clarity of these.
Additional information request	NA
Submitted document/ source details	Attachment 1 Investigations of Severe Abuse or Neglect of a Child in Out of Home Care (Schedule 1)
Relevant to at least one aspect of recommendation	<p>Schedule 1 states that :</p> <p>Investigations of severe abuse and neglect will be conducted by a practitioner independent of the case and skilled in investigation. These investigations will be conducted or overseen by Quality</p>

	Improvement and Workforce Development.
Documentation currency	June 2013
Reliability contribution of documents	Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Independent investigations in cases of severe abuse.
Excluded actions	Independent investigation of non-severe abuse cases.
When action was taken	Schedule 1 is dated June 2013
Implemented as recommended?	Unclear
Government statement about status of implementation	The policy outlines two distinct pathways for investigation. Quality of Care assessments are to be managed by operational areas and are overseen by the Manager. Severe Abuse and Neglect allegations are referred out of the operational areas to the Quality Improvement and Workforce Development Unit to ensure that there is a high level and independent review of abuse cases. The policy includes clear guidelines for the interviewing of children.
Reason provided	NA
Implementation summary	Undetermined. Guidelines have been provided that relate to severe abuse and neglect. No information has been received about non-severe cases.

Person extracting data	Auditor 5 (& Auditor 6 – update 21/02/14)
Date of extraction	03.02.2014
Recommendation number	Page 12.8
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That the allegations of abuse are properly heard, received, acknowledged and acted upon.</i>

Assessability of recommendation	No. It is not possible to assess that allegations of abuse are “properly” heard, received, acknowledged and acted upon without an extensive audit of data and records relating to allegations.
Additional information request	<p>Please supply results of appraisal of new policy undertaken in September 2013.</p> <p>Provided:</p> <ol style="list-style-type: none"> 1. Dept. of Health & Human Services: Children & Youth Services – Quality Improvement and Workforce Development. Meeting Paper, November 2013 2. Official government response received Feb 2014
Submitted document/ source details	Attachments 1-8 Care Concern policies
Relevant to at least one aspect of recommendation	<p>The documents detail a range of policy and procedures relating to the receipt and follow up of care concerns.</p> <ol style="list-style-type: none"> 1. Document 1 is relevant. It relates to the appraisal of the ‘Responding to Care Concerns impacting on a child in OOHC Policy’ that occurred Sep-Nov 2013. 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. June 2013 2. Feb 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Document 1 provides feedback from children and young people, carers and organisations about responses to care concerns. The document highlights some areas where the policy is being adhered to and some areas for improvement.
Excluded actions	A number of issues relating to response to care concerns remain.
When action was taken	Feb 2013 Care Concern
Implemented as recommended?	Partly.
Government statement about status of implementation	Been actioned and incorporated clearly in the current Care Concern Policy.

Reason provided	NA
Implementation summary & provisional rating	Partially – steps have clearly been taken, and the policy relating to responding to care concerns is under review. However, it does not appear to be at the stage where all allegations of abuse are “properly” heard, received, acknowledged and acted upon.
Person extracting data	Auditor 5 (& Auditor 6 update 21/02/14)
Date of extraction	03.02.2014
Recommendation number	Page 17.6
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That the victim and their family be clearly informed of avenues of redress available to them.</i>
Assessability of recommendation	Partial. Can assess if policy, procedure or legislation stipulate that the victim and their family be informed of avenues of redress available to them. Can not assess if such policy, procedure or legislation has been implemented without case audits, nor can it be assessed if victim and family were “clearly” informed.
Additional information request	Please supply a response outlining whether victims and families are informed of avenues of redress that are available and any documented evidence of these avenues. Provided: <ol style="list-style-type: none"> 1. Dept. of Health & Human Services: Investigations of Severe Abuse or Neglect of a Child In OOHC (Schedule 2), June 2013 2. Care Concerns: Responding to Care Concerns Impacting on a Child in OOHC: Information for Out of Home Carers 3. Care Concerns: Information for Children and Young People 4. Official Government Response received Feb 2014
Submitted document/ source details	
Relevant to at least one aspect of recommendation	All 4 documents are relevant
Documentation currency	<ol style="list-style-type: none"> 1. June 2013 2. Undated 3. Undated 4. Feb 2014

Reliability contribution of documents	1. Low 2. Low 3. Low 4. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Documents provided outline process for informing children and family and carers about the care concern and investigation process. Less clear is information on any avenues of redress.
Excluded actions	NA
When action was taken	June 2013
Implemented as recommended?	In part
Government statement about status of implementation	“Informing victims and their families of redress options available to them is a practice consideration and requirement at a case management level when managing abuse in care allegations. The Care Concern Policy stipulates that all children in out of home care and their families should be kept informed and supported when there are allegations of abuse and are provided with an information sheet in regards to the care concern process and their rights. Any options available to the family will be presented to the child and family, dependent on the type of concern, and managed on a case by case basis. The care concern process document and information sheets for carers and children/young persons are attached.”
Reason provided	NA
Implementation summary	Partially implemented

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	Page 18.4
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>Investigation processes of Police be developed to higher best practice standards with respect to abuse of children in care</i>

Assessability of recommendation	No. Cannot assess if a process had been developed to a “higher best practice” standard.
Additional information request	NA
Submitted document/ source details	No documents submitted in relation to this recommendation.
Relevant to at least one aspect of recommendation	NA
Documentation currency	
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	None
Implemented as recommended?	Not implemented
Government statement about status of implementation	Despite searches of electronic records being conducted, Tasmania Police does not have any record of correspondence being received in respect to the mentioned documents or recommendations emanating from them. As a result of this enquiry the respective documents will now be forwarded to Executive Support and Human Resources within Tasmania Police for consideration.
Reason provided	Yes. As above
Implementation summary	Not implemented.

Person extracting data	Auditor 5 (& Auditor 6 update 21/02/14)
Date of extraction	03.02.2014
Recommendation number	Page 22.1
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care

(Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)

Recommendation made

Increased screening and improved character checks of all foster carers

Assessability of recommendation

Partial. Can assess the existence of a screening process. Assessing whether this process represents “increased” screening and “improved character checks” would require an audit of screening data and qualitative comparisons of the elements of “Character checks” before and after any changes were made to the process.

Additional information request

Request: Please provide evidence of the use of the Step-by-Step accreditation system (e.g. in funding agreements; service specifications with NGOs)

Provided:

- Department of Health & Human Services Funding Agreement: sample
- Official government response received Feb 2014

Submitted document/ source details

www.acwa.asn.au Step by Step11

Relevant to at least one aspect of recommendation

This site contains details of the nationally developed competency based assessment package known as Step by Step.

The funding agreement is relevant.

The government response is relevant.

Documentation currency

- Funding agreement sample – 2013/2014
- Government response received Feb 2014.

Reliability contribution of documents

- Low
- Low

Implementation

Recommended actors involved

NA

Recommended actors not involved

NA

Included actions

Government reports using a screening assessment package / process that includes formal assessment, including interviews and background checks (medical, referees and Police / criminal history checks).

The funding agreement specifies that agencies must use the Step-by-Step assessment package.

Excluded actions	NA
When action was taken	Undetermined
Implemented as recommended?	Government reports that it has been implemented in full.
Government statement about status of implementation	<ul style="list-style-type: none"> . Implemented in full. ☐The assessment of potential foster carers is undertaken by the Agency and its funded non-government organisations using a nationally developed competency based assessment package known as Step by Step. It is a packaged developed by the Association of Children’s Welfare Agencies (ACWA) and is use in other jurisdictions. . All assessments (Government and Non-Government) in Tasmania are undertaken using the current version of the package (2010). . The assessment process also includes formal assessment, including interviews and background checks (medical, referees and Police / criminal history checks).
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	Page 26.3
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That the Department and care homes develop clear, comprehensive and transparent guidelines for responding to allegations of abuse in care, taking into account the relevant provisions of the United Nations Convention on the Rights of the Child and the Children, Young Persons and Their Families Act 1997, annexed to this Memorandum as Annexure A and Annexure B.</i>
Assessability of recommendation	Partial. That guidelines exist is assessable, as is that they take account of the relevant provisions. The clarity, comprehensiveness and transparency of the guidelines require subjective assessment.
Additional information request	NA

Submitted document/ source details	Attachment 1 – Care Concern Policy and Schedule 1 Attachment 2 – Care Concern Policy Schedule 2 Attachment 6 - Care Concerns Information for CSOs.pdf Attachment 7 - Care Concerns Information for Children and Young Persons.pdf Attachment 8 - Care Concerns Information for Carers.pdf
Relevant to at least one aspect of recommendation	Attachments 1 & 2 appear to be policy and procedures for responding to allegations of abuse in care. Attachments 6 and 8 relate specifically to Care Concerns Impacting on a Child in Out of Home Care. Attachment 7 relates to children. Attachment 6 is an information sheet for CSO's Attachment 8 is an information sheet for Carers.
Documentation currency	
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	CSO, Carers and Children and Young people.
Recommended actors not involved	NA
Included actions	Guidelines exist.
Excluded actions	
When action was taken	Undetermined
Implemented as recommended?	Note Attachments 1 and 2 - Responding to Quality of Care Concerns Relating to Children in Out of Home Care (Schedule 1) detail policy and procedures to be followed and appear clear and comprehensive. However, the government has nominated other documents as evidence of implementation.
Government statement about status of implementation	· Implemented in full. The Complaints in Care program has undergone a thorough and comprehensive review (2012) resulting in a new policy position being developed, in line

with the quality and safety agenda and framework. The complaint in care policy is now referred to as Managing Care Concerns Impacting on a child in Out of Home Care (Care Concern Policy).

- A clear policy and procedure has been developed in conjunction with all Out of Home Care providers to clearly define required role and responsibilities of the Agency and care providers to respond to and manage concerns relating to abuse and neglect.
- A copy of the policy and procedure has been provided to all carers and out of home care providers. An information sheet has been provided to all children residing in Out of Home Care.
- For documentary evidence in support of implementation see Attachments 6, 7 and 8.
- The first appraisal is taking place in September 2013 and involves direct interviews with children and carers who have been involved in a care concern process. The feedback and outcomes from this appraisal will be taken into consideration by an established Monitoring Group which includes the Commissioner for Children and Out of Home care providers to ensure that improvement strategies are put in place immediately where required.

Reason provided

NA

Implementation summary

Implemented in full, but noting the difficulty in assessing the recommendation.

Person extracting data

Auditor 5

Date of extraction

03.02.2014

Recommendation number

2.10.3

Commission/Inquiry of origin

Who is listening to the children now : the Commissioner for Children's response to recommendations 8 and 9 of the Tasmanian Ombudsman's report/Commissioner for Children, 2006

Recommendation made

It is recommended that the current Department of Health and Human Services policy relating to allegations of abuse in care, including quality of care matters, be reviewed to determine if it is consistent with contemporary practice.

Assessability of recommendation	Partial. Review of current policy is assessable. Assessment of “consistent with contemporary practice” is beyond the scope of this project.
Additional information request	NA
Submitted document/ source details	Attachment 1. Care Concern Policy. (Responding to Quality of Care Concerns Relating to Children in Out of Home Care (Schedule 1)
Relevant to at least one aspect of recommendation	The document represents the current policy relating to quality of care concerns re children in out of home care.
Documentation currency	
Reliability contribution of documents	Medium
Implementation	
Recommended actors involved	CSO, Carers and Children and Young people.
Recommended actors not involved	NA
Included actions	The Complaints in Care program has been reviewed and the new policy is linked to the National Standards for Out of home Care and the Charter of Rights for Tasmanian Children.
Excluded actions	
When action was taken	Policy formally implemented and imbedded into practice 1 Feb 2013.
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> . The policy has a strong emphasis on child and carer feedback and quality assurance of decision making. This focus has enhanced the Agencies ability to appraise work practices against client specific quality indicators – leading to continuous quality and service improvement opportunities. . The implementation of the new policy involves a robust appraisal cycle which focuses on not only performance measures but quality standards. Performance against client-focused quality standards will be measured through direct feedback from children and carers. . The Care Concern Policy was amended to ensure that responses to issues related to children’s care placements were responded to at the appropriate level and with the child’s safety and well-being at the center. . The policy was developed with the input and active involvement of

key stakeholders across the state – including children and carers themselves.

- . The Policy ensures that all care concerns are monitored and evaluated through the Quality Improvement and Workforce Development unit with the view to the outcomes of care concerns being recorded centrally. This will result in increased investment in carer training alongside other practice, policy and system improvements in a regular cyclic process of evaluation.

Reason provided

NA

Implementation summary

Implemented in full

DOCUMENT AUDIT: VICTORIA

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	89
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Attorney General review penalties for sexual offences to ensure that the sexual assault of a child is regarded as seriously as the sexual assault of an adult.</i>
Assessability of recommendation	Yes: Specified actor (AG) and specified action (equivalency of penalties) which can be verified by documentary evidence.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. The Sentencing and Other Acts (Amendment)Act 1997 3. Crimes (Amendment) Act 2000 4. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (for legislation check) 3. Yes (for legislation check) 4. Yes (context: agendas & interests)
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. Medium
Implementation	
Recommended actors involved	Attorney General
Recommended actors not involved	NA
Included actions	<p>Penalties comparable to rape were legislated for crimes of incest, sexual penetration against a child under 10 and for maintaining a sexual relationship with a child under 16 (1997).</p> <p>A new offence was created for dealing with sexual penetration of a child under 16 (2000).</p>

Excluded actions

There are a number of offences where maximum penalties for offences involving children do not have parity with sentences for apparently similar offences involving adult victims. See for example:

- S. 55 - Abduction or detention for sexual penetration (level 5, 10 years imprisonment) and section 56 - Abduction of child under 16 for sexual penetration (level 6, 5 years imprisonment).
- S.57(1) - Procuring sexual penetration by threats or intimidation (level 5, 10 years imprisonment) and s.58 - Procuring sexual penetration of child under 16 (level 6, 5 years imprisonment).

In addition, S. 46 - Sexual penetration of a child aged 10-16 attracts a considerably smaller maximum sentence (level 4, 15 years imprisonment – where the child is under care, supervision or authority, and; level 5, 10 years imprisonment in any other case), than the penalty for the same offence where the child is under the age of 10 (level 2, 25 years imprisonment).

When action was taken

Penalties review 1997 (2yrs)

Sexual penetration of child 10-16 made an offence 2000 (5yrs)

Amending penalties occurred faster than creating a new offence

As recommended

No – only required equivalent penalties but new offence was created to achieve equivalence of seriousness for child/adult sexual assault

Government statement about status of implementation

Implemented

Reason/s provided

No specific reason for implementing equivalent offences. A time lag on implementation was noted in relation to this enquiry but does not appear to apply to this particular recommendation. Delays were explained by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Confidential Victorian Government response to the Royal Commission, June 2013)

Implementation summary

Partially implemented. Some comparable penalties for sexual assault of adults and children were implemented 2years after the Inquiry. Comparable offences including children 10-16 were created within 5 years.

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	102
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Children and Young Persons Act 1989, specified grounds for protection be extended to include children displaying early signs of sexually offending behaviour.</i>
Assessability of recommendation	Yes: Change to specified legislation which can be verified by documentary evidence (legislation check).
Additional information request	1.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. Children, Youth & Families Act 2005, sections 185 & 210-213 & 244-258 3. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (for legislation check) 3. Yes (context: agendas & interests)
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. Medium
Implementation	
As recommended	No
Recommended actors involved	Attorney General Children
Recommended actors not involved	NA
Included actions	Specified grounds for protection extended to include children in 2005. Therapeutic provision included for children 10-14 displaying early signs of sexually offending behaviour in 2007.
Excluded actions	NA
When action was taken	10 years for grounds for protection extension to child sexual offending under 10yrs 12 years for grounds for protection of child offenders 10-14

Government statement about status of implementation	Implemented
Reason provided	Time lag on implementation (10 years) was explained in general by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Confidential Victorian Government response to the Royal Commission, June 2013)
Implementation summary	<p>Implemented in full. Extension of grounds for protection of children to include young perpetrators (up to 14yrs) 12 years after recommendation</p> <p>Legislation verification may be too legalistic, as the amendments, while not expanding the grounds for protection as proposed, achieve the objects of the recommendation by creating a mechanism by which children exhibiting sexually abusive behaviours come under the care and control of the Minister (to varying degrees) via a therapeutic treatment order or a therapeutic treatment (placement) order.</p>

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	105
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that that all convicted adult sex offenders shall be registered with the Victorian Sex Offender Registry for life.</i>
Additional information request	1.
Assessability of recommendation	<p>Yes:</p> <p>Specified action (registration) and duration (for life) by means (Victorian Sex Offender Registry) which can be verified by documentary evidence.</p>
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to royal commission 2. The Sex Offenders Registration Act 2004 3. 2012 Review of Sex Offender Registration in Victoria 4. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check) 3. Yes (confirmation & context: agendas, coalitions, interests) 4. Yes (context: agendas & interests)

Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low High 2. High 3. Medium 4. Medium
Implementation	
As recommended	No
Recommended actors involved	Administrators of Victorian Sex Offender Registry All convicted adult sex offenders
Recommended actors not involved	Some convicted adult sex offenders
Included actions	Establishment of Sex Offenders Register with some offenders against adults and/or children registered for life (2004)
Excluded actions	All convicted adult sex offenders registered for life
When action was taken	2004 legislation on registration of offenders 2012 review of registration effectiveness
Government statement about status of implementation	Implemented in part
Reason provided	Exceptions to lifelong registration based on type & number of offences & age at time of offence are consistent with the government having 'a number of concerns with the recommendations of the Committee'. (Doc1 & 4)
Implementation summary	Partially implemented. Conditional periods of registration apply to the Sex Offenders Register in Victoria. A review of the operation and impact of the sex offender registration scheme in 2012 recommended changes to legislation and implementation.

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	106
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Victoria Police establish and maintain the Victorian Sex Offender Registry.</i>

Assessability of recommendation	Yes: Specified action (establish & maintain registry) which can be verified by documentary evidence
Additional information request	1.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to royal commission 2. The Sex Offenders Registration Act 2004 3. 2012 Review of Sex Offender Registration in Victoria 4. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check) 3. Yes (confirmation of maintenance & contextual info) 4. Yes (context: agendas & interests)
Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. Medium 4. Medium
Implementation	
As recommended	Yes
Recommended actors involved	Victoria Police
Recommended actors not involved	NA
Included actions	<p>Registration of adult sex offenders (2004)</p> <p>Maintenance of registry, ongoing since 2004</p>
Excluded actions	NA
When action was taken	<p>Act 2004 – 9yrs after royal commission</p> <p>Review of registration effectiveness 2012</p>
Government statement about status of implementation	Implemented
Reason provided	A time lag on implementation was noted in relation to this enquiry. It was explained in general by the need for ‘packages of reforms and policy changes’ in response to the committee having made ‘sets of recommendations’ and by the government having ‘a number of concerns with the recommendations of the Committee’. (Doc 1 & 4)

Implementation summary	Implemented in full. A sex offender registry was established, which uniquely includes offenders against adults and/or children, and this register is maintained but its value has been questioned by a legal review.
Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	107
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Attorney General and the Police Minister lobby for an extension of the sex offender registration program nationally.</i>
Assessability of recommendation	Yes Lobbying can be verified through documentary evidence, as can the implementation of a national sex offender registration program can be verified by documentary evidence.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Victorian Government response 2. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (context: agendas & interests)
Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
As recommended	Yes (partial assessability)
Recommended actors involved	Police Minister involvement confirmed by involvement of Australasian Police Ministers' Council
Recommended actors not involved	NA
Included actions	CrimTrac established in 2000 to maintain Australian National Child Offender Register (ANCOR) ANCOR established in 2003

Excluded actions	NA
When action was taken	Body for data collection/management established 2000 after 5yrs National registry established after 8yrs
Government statement about status of implementation	Implemented
Reason provided	A time lag on implementation was noted in relation to this enquiry. It was explained in general by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Doc 1 & 4)
Implementation summary	Implemented in full. The means recommended could not be assessed, but the intended outcome of a national sex offender registry was implemented in full

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	115
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that prior to a person being employed, including voluntary employment, in a position which has a duty of care or supervision over children, a criminal history check must be undertaken to determine if they are a fit and proper person.</i>
Assessability of recommendation	Yes: Specified action (criminal history check) in relation to specified actors (people with duty of care or supervision of children) at specified timing (prior to employment or volunteering) can be verified by documentation but the effectiveness of implementation cannot be verified.
Additional information request	1. data indicating the number of criminal record checks annually from 1995 onwards - supplied
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Victorian Government response 2. Working With Children Act 2005 3. Sex Offenders Registration Act 2004 4. Child Protection Practice Advice, Criminal History Checks (2013) no: 1524 5. Children Youth and Families Act 6. Education and Care Services National Law Act 2010 7. DEECD Centre Based Services policy

8. DEECD Family Day Care Centre policy
9. Education and Training Reform Act 2006
10. Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2009 (Order 199)
11. DEECD Volunteer Checks policy
12. DEECD Staffing/Supervision policy
13. DEECD Visitors in Schools policy
14. Victorian Government response to the first report of the 1995 Royal Commission

Relevant to at least one aspect of recommendation

1. Yes
2. Yes (legislation check)
3. Yes (legislation check)
4. Yes (interests & mobilisation)
5. Yes (legislation check)
6. Yes (legislation check)
7. Yes (interests & mobilisation)
8. Yes (interests & mobilisation)
9. Yes (legislation check)
10. Yes (legislation check)
11. Yes (interests & mobilisation)
12. Yes (interests & mobilisation)
13. Yes (interests & mobilisation)
14. Yes (context: agendas & interests)

Document date / currency

June 2013

Reliability contribution of documents

1. Low
2. High
3. High
4. Medium
5. High
6. High
7. Medium
8. Medium
9. High
10. High
11. Medium
12. Medium
13. Medium
14. Medium

Implementation

As recommended

No

Recommended actors involved

Not specified – whole of gov implied & involved

Recommended actors not involved

Not specified

Included actions

Section 33 of Working With Children Act 2005 passed with six tests applied to make an assessment

	<ul style="list-style-type: none"> - Unjustifiable risk - Appropriate to refuse - Reasonable person - Any type of child related work - Public interest - Exceptional circumstances power & associated tests
Excluded actions	Fit and proper person test was not applied
When action was taken	<p>Legislation to identify previous offenders in 2004, 9yrs after recommendation</p> <p>Legislation requiring criminal history checks passed in 2005, after 10yrs</p> <p>Related legislation specifying equivalent checks for excepted persons passed 2006-10</p> <p>Departmental policies and protocols updated (DEECD & DHS) 2012-2013, 17-18yrs from recommendation</p>
Government statement about status of implementation	Implemented
Reason provided	<p>Alternative tests were selected to establish suitability for employment (Working With Children Act 2005)</p> <p>A time lag on implementation was noted in relation to this enquiry. It was explained in general by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Doc 1 & 14)</p>
Implementation summary	Implemented in full. Pre-employment criminal history checks conducted on people with supervision or care for children (including volunteers) from 2005, with the tests applied varying from the recommendation. Departmental alignment increased, showing high level policy consistency by 2013.

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	116
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)

Recommendation made	<i>The Committee recommends that the Victoria Police be responsible for criminal history checks to determine if a prospective employee is a fit and proper person.</i>
Assessability of recommendation	Yes: Responsibility for criminal history checks can be verified by documentary evidence.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. Information Privacy Act 2000 3. Police Regulation (Fees and Charges) Regulations 2004 4. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check) 3. Yes (legislation check) 4. Yes (context: interest, agendas, coalitions)
Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. Medium
Implementation	
As recommended	No
Recommended actors involved	Victoria Police Prospective employees who supervise or care for children
Recommended actors not involved	NA
Included actions	<p>Victoria Police conduct some criminal history checks and do weekly monitoring of Working With Children Check holders</p> <p>Victoria Police also authorise Corrections Victoria, the Adult Parole Board and the Office of Public Prosecutions to do criminal history checks.</p> <p>The Department of Justice’s Working With Children Check Unit conducts national criminal history checking.</p>
Excluded actions	NA
When action was taken	Previous legislation is undetermined but in 2000 Victoria Police were doing employment checks (i.e. 5yrs after recommendation)

	Since 2004, Victoria police have monitored WWCCs weekly.
	Additional unit in Dept. Justice for conducting WWCC from 2005.
Government statement about status of implementation	Implemented
Reason provided	Variation in the implementation is consistent with the government having 'a number of concerns with the recommendations of the Committee'. (Doc 1 & 4)
Implementation summary	Implemented in full. Criminal history checks are conducted on prospective employees and Victoria Police either do them or authorise them but the Department of Justice's Working With Children Check Unit also conducts criminal history checks.

Person extracting data	Auditor 3
Date of extraction	22 Oct 2013
Recommendation number	118
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that it be an offence to employ a person, in a position which has a duty of care or supervision over children, who has not passed a criminal history check by the Victoria Police.</i>
Assessability of recommendation	Yes: The recommended action, responsibility and means can be verified by available documentary evidence but not the original full intent of the recommendation or the quality of implementation.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. Working With Children Act 2005, s.27, s.28, s.29 3. Education and Training Reform Act 2006 s.30 4. Police Regulation Act 1958 s.31, s.31A, s.32 5. Transport (Compliance and Miscellaneous) Act 1983, s.132A, s.32B 6. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check) 3. Yes (legislation check) 4. Yes (legislation check) 5. Yes (legislation check)

6. Yes (Section (b.) Processes & procedures no. 13 states management & review process for accountable decisions will be 'crucial' but it narrows the scope to protection/investigation professionals)

Document date / currency

June 2013

Reliability contribution of documents

1. Low
2. High
3. High
4. High
5. Medium

Implementation

As recommended

No

Recommended actors involved

Victoria Police

Employers in Victoria

Recommended actors not involved

NA

Included actions

Legislation passed to require criminal history checking prior to employment

Legislation amended to clarify exceptions and equivalent checks

Excluded actions

Victoria Police do not do all criminal history checking – other agencies are also authorised

When action was taken

Action was taken with the introduction of WWC legislation in 2005 and progressive implementation continued to 2010 – 10-15yrs after recommendation

Government statement about status of implementation

Implemented

Reason provided

Time lag on implementation in relation to this enquiry was explained by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Confidential Victorian Government response to the Royal Commission, June 2013). The issue raised in this recommendation is omitted in the government response to the 1995 commission recommendations (Doc 6).

Implementation summary

Implemented in full. Adults with a duty of care or supervision over children are obliged to pass a criminal history check but it is not necessarily conducted by the Victoria Police.

Person extracting data	Auditor 3
Date of extraction	22 Oct 2013
Recommendation number	120
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that Health & Community Services* implement and enforce the most stringent procedures for regulating and reviewing foster parents and institutions which provide care and supervision to children.</i>
	*This department no longer exists. Former responsibilities are split between the Departments of Health and of Human Services
Assessability of recommendation	Partial: Action (to regulate and review) specific actors (foster parents and institutions providing care and supervision to children) by means of procedures can be verified by documentary evidence; Actors with implementation & enforcement authority for the procedures can also be established. The degree of stringency and enforcement and the quality of implementation cannot be verified by available documentary evidence.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. DHS Critical Incident Management Instruction 2011 3. Children, Youth and Families Act 2005 4. Department of Human Services Standards 5. DHS Child Protection Practice Advice no. 1466, Quality of care concerns in out of home care (2012) 6. Guidelines for responding to quality of care concerns in out of home care (December 2009) 7. Register of out of home carers 8. Clinical governance policy for Victorian health services 9. Victorian health services governance handbook 10. Working With Children Act 2005 11. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	All explain or confirm aspects of the progress made towards procedures and identification of accountability for regulation and review
Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. High 4. Medium 5. Medium

6. Medium
7. Medium
8. Medium
9. Medium
10. High
11. Medium

Implementation

As recommended	No
Recommended actors involved	<p>Current departmental authority equivalent to Health & Community Services i.e. DHS and Department of Health</p> <p>Foster parents</p> <p>Institutions providing care & supervision to children</p>
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Regulation of individual eligibility to do foster and out of home care through Working With Children provisions • Register of individual foster carers and out of home carers with procedures for registration, monitoring, investigation and disqualification • Incident reporting guidelines and procedures, internal and external investigation procedures, referral/information-sharing procedures for foster and out of home carers and community service organisations (institutions) • Procedures regulating and monitoring employee and volunteer eligibility to provide health, disability, homelessness and child, youth and family services involving supervision or care of children • Procedures for accrediting, monitoring, reviewing and investigating community service organisations providing care and supervision to children and for responding to compliance issues through quality improvement, conditional registration, funding agreements, administration and revocation of registration • Governance and clinical governance frameworks for Victorian health services
Excluded actions	Evidence was produced indicating that reference checking is 'routinely conducted but not a mandatory requirement' in the Department of Health
When action was taken	For each action above, currency has been ascertained but the earliest implementation date is undetermined. Legislative frameworks appear to precede organisation-level action. Legislative action was

	implemented by 10yrs but the current level of policy alignment appears to have taken another 4-8yrs.
Government statement about status of implementation	Implemented
Reason provided	Time lag on implementation in relation to this enquiry was explained by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Doc 1 & 11)
Implementation summary	Implemented in full. Noting that the recommendation could not be assessed on stringency or quality, procedures for regulating and reviewing foster parents and institutions providing care and supervision of children were made with DHS oversight, regulation and review. Legislative frameworks took 10yrs and current levels of policy alignment within implementing organisations appeared to take a further 4-8yrs.

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	121
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Attorney General review the current definition of pornography to ensure that any sexually explicit depiction of a child including computer-generated images is covered.</i>
Assessability of recommendation	Yes A specific action by a specified actor can be verified by legislation checking.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> Confidential government response to Royal Commission Section 67A of The Crimes Act 1958
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Yes Yes (legislation check)
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> Low High
Implementation	

Recommended actors involved	Attorney General
Recommended actors not involved	NA
Included actions	Amendment of crimes act 1995 to include Commonwealth Classification (Publications, Films and Computer Games) Act 1995
Excluded actions	NA
When action was taken	1995
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>Implemented in full. Commonwealth definition of pornography was incorporated into the Crimes Act 1958 as follows:</p> <p>‘A film, photograph, publication or computer game that describes or depicts a person who is, or appears to be, a minor engaging in sexual activity or depicted in an indecent sexual manner or context’</p>

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	123
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that child pornography legislation be created to provide that all commercial photographic processors and similar organisations, who have knowledge of, observe, or process and photographic image, negative or slide that depicts a child in a sexually explicit way, be mandated to report the offence to the police.</i>
Assessability of recommendation	Yes: A specific action (regulation of commercial photographic processors and similar organisations) can be verified by legislation checking.
Additional information request	1.
Submitted document/ source details	1. Confidential government response to Royal Commission
Relevant to at least one aspect of recommendation	Yes

Documentation currency	June 2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	All
Included actions	None
Excluded actions	All
When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	Unspecified
Reason provided	Offence under Crimes Act 1958 s. 68 & 70 noted that it is an offence to print, make, produce, or knowingly possess child pornography. Additionally, the government now considers the recommendation obsolete.
Implementation summary	No action, with reasons given. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	129
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that protocols be developed within religious organisations to ensure that the SART * is immediately notified of any suspected sexual assault.</i>
	<i>*Sexual Assault Response Teams</i>
Assessability of recommendation	Partial Additional documentation would be required to assess – beyond the scope of government documentation
Additional information request	1.
Submitted document/ source details	1. Confidential government response to Royal Commission

Relevant to at least one aspect of recommendation	1. No – the recommendation does not relate to action by the Victorian Government.
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Sexual Assault Response Teams (SART) Religious organisations
Recommended actors not involved	SART
Included actions	Undetermined action/inaction by religious organisations
Excluded actions	Implied expectation that SART would be established through Victorian Government
When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	Unspecified – does not relate to the Victorian Government
Reason provided	Yes – ‘ this recommendation does not relate to the Victorian Government’
Implementation summary	Action or inaction by religious organisations in relation to reporting suspected sexual assault is Undetermined .

Person extracting data	Auditor 3
Date of extraction	13 Dec 2013
Recommendation number	130
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that religious organisations develop protocols to ensure evidence is not contaminated by internal investigations or inquiries.</i>
Assessability of recommendation	Partial Additional documentation would be required to assess – beyond the scope of government documentation
Additional information request	NA

Submitted document/ source details	1. Confidential government response to Royal Commission
Relevant to at least one aspect of recommendation	1. No – the recommendation does not relate to action by the Victorian Government.
Documentation currency	1: June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Religious organisations
Recommended actors not involved	Undetermined
Included actions	Undetermined action/inaction by religious organisations
Excluded actions	
When action was taken	NA
Implemented as recommended?	No
Government Statement about status of Implementation	Unspecified – does not relate to the Victorian Government
Reason provided	Yes – ‘ this recommendation does not relate to the Victorian Government’
Implementation summary	Action or inaction by religious organisations in relation to developing protocols is Undetermined .

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	185
Commission/Inquiry of origin	Victorian Law Reform Commission: Sexual Offences Final Report 2004
Recommendation made	<i>Sections 48 and 49 of the Crimes Act 1958 should include a non-exhaustive list of the relationships covered by the section including the relationships of: • teacher and student;• foster parent, legal guardian, and the child for whom they are caring;• in the case of section 49 (which penalises non-penetrative sexual acts) parents, including step-parents and adoptive parents and their children;• religious instructors;• employers;• youth workers;• sports coaches;•</i>

counsellors; • health professionals and young people who are patients; and • police and prison officers and young people in custody.

Assessability of recommendation

Yes

Inclusions as named in a non-exhaustive list of relationships covered by the Crimes Act 1958 can be verified by legislation checking.

Additional information request

Submitted document/ source details

1. Confidential Victorian Government response to RC
2. Section 49(4) Crimes Act 1958
3. Department of Justice Review of Sexual Assault Reform Strategy

Relevant to at least one aspect of recommendation

1. Yes
2. Yes (legislation check)
3. Yes (confirmation)

Documentation currency

June 2013

Reliability contribution of documents

1. Low
2. High
3. Medium

Implementation

Recommended actors involved

Legislators

Recommended actors not involved

NA

Included actions

Amendment section 49

Excluded actions

Amendment of section 48 to be verified

When action was taken

2006?

Implemented as recommended?

Yes (pending legislation check)

Government statement about status of implementation

Implemented

Reason provided

NA

Implementation summary

Evaluation by the Department of Justice confirms implementation of this recommendation, pending PRC legislation check.

Implemented n full

Person extracting data

Auditor 3 & Auditor 6

Date of extraction

28 Oct 2013

Recommendation number	3
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That compatible data collection systems be developed to enable the lawful sharing of information and a whole-of-government analysis of individual and systemic patterns of offending.</i>
Assessability of recommendation	Assessable
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Protocol between DHS and Victoria Police (<i>Protecting Children: Protocol between Department of Human Services - Child Protection and Victoria Police (2012)</i>) 3. <i>Responding to Allegations of Physical or Sexual Assault (2005)</i> 4. Protocol for the Exchange of Information On Registered Sex Offenders. Victoria Police and Department of Human Services Child Protection. September 2012. 5. Victorian Data Linkages Unit 6. Victorian Child and Adolescent Monitoring System (VCAMS) 7. <i>State of Victoria's children</i> reports 8. Community Profile series
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – high level overview of lawful information sharing between DHS and Police. Not related to compatibility of data collection systems or whole-of-government analysis. 3. Relevant – DHS reporting requirements for allegations of physical or sexual assault of clients relevant to whole-of-government analysis of systemic offending. Not related to compatibility of data collection systems. 4. Relevant – information that should be lawfully shared in different contexts. Potentially relevant to whole-of-government analysis of offending patterns. 5. Unclear – population wide data to support research into health and wellbeing. Unclear if data on offending is included. 6. Relevant – health and wellbeing indicators informing emerging patterns of offending. 7. Relevant – indicators of health and wellbeing for children and young people based on VCAMS data informing emerging patterns of offending. 8. Relevant – profiles of specific groups based on VCAMS data relevant to emerging patterns of offending.
Documentation currency	June 2013

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium 5. Medium 6. Medium 7. Medium 8. Medium
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Implementation

Recommended actors involved	‘Whole of government’ actors include DHS including Child Protection and VCAMS, Corrections Victoria, Victoria Police, Department of Health
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Lawful data sharing initiatives in the form of legislative arrangements, protocols and data linkage • Analysis of individual sexual offending data possible through data sharing between DHS and Victoria Police but no accountability for data analysis as specified in this recommendation is identified • Data that is usable for establishing emerging patterns of offending at systemic level coordinated by Department of Health but no accountability for data analysis as specified in this recommendation is identified
Excluded actions	Unclear whether data sharing and linkage is equivalent to compatible data collection systems
When action was taken	<p>Data linkage projects predate the recommendation (1994-5 according to Dr Felicity Flack, Dpt Health Population Health Research Network on 3/6/11), http://www.health.vic.gov.au/hdss/archive/forum/2010-11/vijaya_sundararajan.pdf</p> <p>Health & wellbeing data on the state of Victoria’s children has been collected since 2006</p> <p>Authority for sharing between DHS and Victoria Police dated 2011 and 2012</p>
Implemented as recommended?	No – linkage for data analysis appears to be led by independent health research (?). Data sharing for analysis of offending at individual level occurred after significant time lag and, to date, no accountability for the recommended analysis has been identified.
Government statement about status of implementation	Implemented in part
Reason provided	No

Implementation summary	Data sharing and linkage that enables whole of government analysis of offending patterns has begun to occur but it is unclear whether data sharing and linkage is equivalent to compatible data collection systems. Partially implemented
Person extracting data	Auditor 3 & Auditor 6
Date of extraction	29 Oct 2013
Recommendation number	7a
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That government-funded agencies providing 24-hour care:</i> <i>a) collect data to identify the incidence of sexual assault</i>
Assessability of recommendation	Yes Documentary evidence of data collection can be verified. Accuracy and quality of implementation will not be verified.
Additional information request	Information requested: <ul style="list-style-type: none"> • data indicating the incidence of sexual assault in 24-hour care services, annually from 2006 to 2012. Government response: “the data will consist of a manual count as to whether allegations of sexual assault in OOHC were substantiated, however, a substantiation may be for either sexual assault or physical assault. The data pre 2012 is not able to differentiate this. The new database is able to provide this level of detail but the data isn't available prior to 2012-13. Your office has previously been provided with advice regarding the quality of pre 2012-13 data (provided to Leah Bromfield). OOHC data does not include child on child assaults.”
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. Department of Health reporting requirement on incidents and adverse events 2013 3. Department of Human Services Critical client incident management instruction 2011
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant to data collection in 24hr care by DHS and DoH only 2. Relevant to data collection in 24hr care by DoH only 3. Relevant to data collection in 24hr care by DHS only

Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	DHS and DoH
Recommended actors not involved	Other (unspecified) government funded agencies providing 24hr care
Included actions	<p>Data collection on incidence of sexual assault:</p> <ul style="list-style-type: none"> • Department of Health: collects data on incidents of sexual assault through its incident reporting systems. • Department of Human Services: data collected on incidents through incident reporting systems and quality of care process. Allegations are recorded locally, and reviewed and monitored centrally.
Excluded actions	NA
When action was taken	Undetermined
Implemented as recommended?	Undetermined
Government statement about status of implementation	Implemented by DH and DHS
Reason provided	'The Department of Health and the Department of Human Services are the primary providers of 24-hour care.'
Implementation summary	<p>Data collection on incidence of sexual assault is collected by Department of Health and the Department of Human Services, who are the 'primary' providers of 24-hour care. Others, such as youth correctional facilities, are implied but not reported.</p> <p>Data is not available prior to 2012/13 – no reason provided for the time lag.</p> <p>Undetermined – no information on other agencies funded by other government departments</p> <p>SEE OVERALL IMPLEMENTATION STATUS OF RECOMMENDATION 7</p>

Person extracting data	Auditor 3 & Auditor 6
Date of extraction	29 Oct 2013
Recommendation number	7b

Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That government-funded agencies providing 24-hour care provide information about a resident's previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.</i>
Assessability of recommendation	Partial non-specific action - careful consider – cannot be verified through documentary evidence
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. <i>Responding to Allegations of Physical and Sexual Assault Instruction (2005)</i> 3. Office of the Chief Psychiatrist within the Department of Health issued guidelines
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Not relevant – see comment in Included Actions 3. Not relevant – see comment in Included Actions
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	Department of Health, Department of Human Services
Recommended actors not involved	Corrections Victoria
Included actions	Documentation refers to policies that “While they do not permit the disclosure of allegations of unproven sexual assault, they provide guidance for managing allegations of sexual assault and making disclosures to both the victim and perpetrator’s next of kin”.
Excluded actions	Disclosure of unproven allegations
When action was taken	No action
Implemented as recommended?	No
Government statement about status of Implementation	
Reason provided	No – previous unproven allegations not shared

Implementation summary	Disclosure of unproven allegations not implemented – no reason given. Not implemented SEE OVERALL IMPLEMENTATION STATUS OF RECOMMENDATION 7
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Person extracting data	Auditor 3 & Auditor 6
Date of extraction	29 Oct 2013
Recommendation number	7 – OVERALL
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That government-funded agencies providing 24-hour care:</i> <i>a) collect data to identify the incidence of sexual assault</i> <i>b) provide information about a resident’s previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.</i>
Assessability of recommendation	Partial
Additional information request	
Submitted document/ source details	
Relevant to at least one aspect of recommendation	
Documentation currency	
Reliability contribution of documents	
Implementation	
Recommended actors involved	
Recommended actors not involved	
Included actions	
Excluded actions	
When action was taken	
Implemented as recommended?	

Government statement about status of Implementation

Reason provided

Implementation summary

Undetermined

Person extracting data

Auditor 3

Date of extraction

29 Oct 2013

Recommendation number

8a

Commission/Inquiry of origin

Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)

Recommendation made

That the Department of Human Services and the Department of Justice:

a)allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour.

Assessability of recommendation

Yes

Provision of new specialised programs can be determined by documentary evidence but whether these reflect allocation of extra resources cannot be determined.

Additional information request

Request for further information:

- Please supply evidence of the increased resourcing (after 2006) of specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour.

Submitted document/ source details

1. Confidential government response
2. Children Youth & Families Act 2005

Relevant to at least one aspect of recommendation

1. Yes
2. Yes – confirms therapeutic treatment orders
3. Budgets for Sexually Abusive Treatment Programs 06/07 – 16/17

Documentation currency

4. June 2013
5. 2005
6. 2013

Reliability contribution of documents

1. Low
2. Medium
3. Low

Implementation

Recommended actors involved	Department of Human Services, Department of Justice
Recommended actors not involved	Treasury/finance
Included actions	<ol style="list-style-type: none"> 1. Therapeutic Treatment Orders for children 10-15yrs which may require out-of-home care to attend 2. 11 state-wide Sexually Abusive Behaviour Treatment Services (SABT) for children under 15yrs 3. Male Adolescent Program for Positive Sexuality (MAPPS) available in urban and rural areas
Excluded actions	It is unclear from the response whether any or all of the services described were put in place after the Inquiry recommendations.
When action was taken	2005 legislation of therapeutic treatment orders involving Children's Court and DHS Current evaluation of SABT and data monitoring on MAPPS
Implemented as recommended?	Undetermined
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>Evidence of legislation for therapeutic treatment is evident and treatment programs developed are being evaluated or monitored. One treatment program requires out of home care depending on the address of the offender/patient; another is state-wide; a third is available in some urban and rural areas.</p> <p>Implemented in full –programs exist & resource allocations provided on request.</p> <p>SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 8.</p>

Person extracting data	Auditor 3 & Auditor 6
Date of extraction	29 Oct 2013
Recommendation number	8b
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That the Department of Human Services and the Department of Justice:</i>

(b) collate data about the incidence of sexual assault in residential services and initiate action to reduce the incidence of sexual assault, including measures such as female-only residential facilities. These initiatives should be reviewed for their effectiveness.

Assessability of recommendation

Yes

Specified actors (DHS and DoJ) are recommended to undertake specified action (collate data and review effectiveness of action) and non-prescribed action towards a specific outcome (action to reduce sexual assault), which can be verified by documentary sources such as guidelines and reports. The quality of implementation cannot be verified.

Additional information requested

The following requests were made:

8b(i) Did the Government commission any research into what the practice evidence is for reducing the incident of sexual assault in residential services? If so, please provide report/s.

8b(ii) Please supply the evaluation plan for the collaboration between Department of Human Services and Police to disrupt individuals' activities who seek to exploit vulnerable children.

8b(iii) The Government has provided details of a number of professional development programs in relation to this recommendation. Please supply any evaluation reports of those programs.

8b(iv) Please provide details of the action taken by the Department of Justice to reduce the incidence of sexual assault.

Government response:

- Recommendation request 8b(i) - No research was commissioned
- Recommendation request 8b(ii) - No evaluation plan currently exists
- Recommendation request 8b(iii) - No evaluation reports currently exist
- Recommendation request 8b(iv) - Although the Department of Justice (DOJ) does not specifically run "residential services" as referred to in recommendation 8b, reducing the incidence of sexual assault is one of the objectives of the Sexual Assault Reform Strategy (SARS).

Submitted document/ source details

1. Confidential government response
2. Responding to Allegations of Physical or Sexual Assault (2005)
3. Department of Human Services Specialist Practice Resources
4. Department of Health Service Guideline on Gender Sensitivity and Safety

Relevant to at least one aspect of recommendation

1. Relevant
2. Not relevant – confirms data collection & review but not collation for purposes of systemic reduction
3. Relevant – confirms DHS workforce development to reduce sexual assault
4. Not relevant – Department of Health not included in this recommendation & actions not relevant to DHS residential care

Documentation currency

June 2013

Reliability contribution of documents

1. Low
2. NA
3. Medium
4. NA

Implementation

Recommended actors involved

DHS, including direct involvement of Secretary and additional actors
Victoria Police, including direct involvement of Chief Commissioner

Recommended actors not involved

Department of Justice

Included actions

- DHS development of a five year plan (not cited) with reported intention to include residential care models in future.
- Data collected through incident reporting and quality of care processes.
- Post September 2012, collaboration with Police to ‘assertively disrupt’ activities of people exploiting vulnerable children.
- DHS Office of Professional Practice provides training across agencies to reduce risk of sexual assault.
- DHS conducts professional development on risk of sexual assault and provides Specialist Practice Resources.
- Vic Institute of Forensic Mental Health provides training and specialist assessments to reduce risk of sexual assault.
- Some CSOs provide female-only residential units
- Various information about Department of Health (not relevant). Since 2006, ‘assertive’ collaboration between DHS and Victoria Police to disrupt exploitation of children in out-of-home care
- Collaboration reporting to the Chief Police Commissioner and Secretary of DHS involving Child Protection, Sexual Offences & Child Abuse Investigation Teams, Sexual Crimes Squad and CSOs providing residential care

Excluded actions

NA

When action was taken

Concerted action is evident from 2012, including highest level leadership, collaboration, training and professional development. No evidence of action specific to the recommendation appears prior to 2012.

	Department of Health received funding (M\$4 over 4yrs) for improving the safety of women in mental health care.
Implemented as recommended?	Unclear
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>Data collection occurred and action involving high level of authority and extensive collaboration occurred from 2012 to achieve the reduction of sexual assault in residential facilities through training and in some cases female-only units. However, the activity is mostly training; no evidence of any other action has been provided.</p> <p>Review of effectiveness cannot be fully determined.</p> <p>Undetermined</p> <p>SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 8.</p>

Person extracting data	Auditor 3
Date of extraction	30 Oct 2013
Recommendation number	8c
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<p><i>That the Department of Human Services and the Department of Justice:</i></p> <p><i>(c)with the Children’s Court, review the effectiveness of amendments to the Magistrates’ Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment.</i></p>
Assessability of recommendation	Yes
Additional information request	1.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. Report of VLRC inquiry into family violence
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Not relevant – does not address recommended actors and purposes

Documentation currency	June 2013
Reliability contribution of documents	1. Low 2. NA
Implementation	
Recommended actors involved	None
Recommended actors not involved	DHS, DoJ & Children's Court
Included actions	Review by different actors, with different purposes (VLRC)
Excluded actions	Effectiveness of amendments was not reviewed.
When action was taken	Prior to this recommendation, VLRC was reviewing family violence law and reported findings later in 2006. Advice to retain existing provisions in Crimes Act (Family Violence) 1987 was accepted.
Implemented as recommended?	No
Government statement about status of implementation	Unspecified
Reason provided	A review of family violence laws by the Victorian Law Reform Commission reviewed the amendments referred to in this recommendation. The government retained the relevant court practices as recommended by the VLRC report.
Implementation summary	Review by different actors occurred and change to court practices was not implemented, with reasons given. Undetermined. SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 8.

Person extracting data	Auditor 3
Date of extraction	30 Oct 2013
Recommendation number	8
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That the Department of Human Services and the Department of Justice: (a) allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour; (b) collate data about the incidence of sexual assault in residential services and initiate action to reduce the incidence of</i>

sexual assault, including measures such as female-only residential facilities. These initiatives should be reviewed for their effectiveness (c) with the Children's Court, review the effectiveness of amendments to the Magistrates' Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment.

Assessability of recommendation

Additional information request

Submitted document/ source details

Relevant to at least one aspect of recommendation

Documentation currency

Reliability contribution of documents

Implementation

Recommended actors involved

Recommended actors not involved

Included actions

Excluded actions

When action was taken

Implemented as recommended?

Government statement about status of implementation

Reason provided

Implementation summary

Part a) appears to have been implemented in full. However, there was insufficient evidence provided in relation to parts b) and c).

Undetermined

Person extracting data

Auditor 3

Date of extraction

28 Oct 2013

Recommendation number	10
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That the Student Critical Incident Advisory Unit and the regional office within the Department of Education and Training provide support to principals to manage allegations of sexual assault within the school environment including the provision of independent investigators where appropriate and where police involvement has ceased. The role of the Student Critical Incident Advisory Unit should include a review of the school's processes to ensure the school environment is safe and is conducive to early reporting of incidents of sexual assault.</i>
Assessability of recommendation	Yes
Additional information request	<ol style="list-style-type: none"> 1. Review of the Student Critical Incident Unit 2008 – supplied 2. data indicating the number of allegations of sexual assault where an independent investigator was provided and the number of allegations with no independent investigator – supplied 3. samples of the SCIAU's reviews of school processes – not supplied
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. Responding to Allegations of Student Sexual Assault: Procedures for Victorian Government Schools (2007)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant – describes actors and activities 2. Relevant – confirms procedures guiding principals were published 2007
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High
Implementation	
Recommended actors involved	Department of Education: Student Critical Incident Advisory Unit and regional offices.
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Government response: <ul style="list-style-type: none"> • Principals have primary responsibility for responding to allegations, and must form relationships with regional office and SCIAU.

- Where a school-level inquiry is needed, SCIAU and regional office may appoint an independent investigator.
- A review of SCIAU undertaken in 2008.

2. Procedures:

- Principals have primary responsibility for investigating, but **must** form a relationship with the SCIAU and their Regional Director.
- Where an assault occurs outside school hours or premises, must discuss with the SCIAU Manager.
- If allegation doesn't clearly fit the definition of sexual assault, must seek advice from SCIAU or Police SOCA Unit.
- If decision is made not to report an allegation to Police, Principals must demonstrate that the decision was based on advice from the SCIAU or Police SOCA Unit.
- Seek advice from SCIAU or Police SOCA Unit for allegations involving children under 10 years.
- If Koorie student is involved, must inform SCIAU.
- Advise SCIAU of any transfers relating to allegations of sexual assault.
- Any response to the school community should be done in consultation with the SCIAU.
- Where a school-level inquiry is required, Principal **must** consult the Manager SCIAU.

Page 23: "There will be circumstances where a suitably experienced and qualified independent person should be appointed to conduct an inquiry or to provide support to the Principal to conduct the inquiry. The Manager, Student Critical Incident Advisory Unit and the Regional Director, in partnership with the Principal, will determine the best person to conduct an inquiry."

Excluded actions

No mention of the SCIAU reviewing school processes to ensure safety and early reporting.

When action was taken

Guidelines published 2007 – 1 year after recommendation

DEECD Corporate Planning, Strategy and Audit Division positively reviewed SCIAU in 2008

Implemented as recommended?

No

Government statement about status of implementation

Implemented

Reason provided

NA

Implementation summary

Guidelines to support principals and clarify their role in responding to allegations of sexual assault were published and include ongoing support roles of SCIAU and regional offices. There was no evidence of a review of school processes by SCIAU to assess safety or reporting

time but DEECD Corporate Planning, Strategy and Audit Division reviewed SCIAU activities in schools.

Implemented in full

Person extracting data	Auditor 3
Date of extraction	30 Oct 2013
Recommendation number	14
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That government agencies ensure that allegations of sexual assault made against employees and former employees are thoroughly investigated and that policies and practices, including recruitment practices, be reviewed by agencies to ensure they maintain an environment that will: minimise the risk of sexual assault; and encourage early reporting of sexual assault</i>
Assessability of recommendation	Partial: Specified actions (investigation of allegations against employees and former employees) are verifiable through documentary evidence of policies and practices. Evidence of review of recruitment practices by government agencies can also be verified where documentation is provided. Specified outcomes (minimised risk of sexual assault and early reporting) and the link to policies and procedures cannot be assessed through documentary evidence.
Additional information request	<ol style="list-style-type: none">1. Victoria Police policies/practice documentation relating to the investigation of allegations of sexual assault made against employees – supplied2. recruitment policies/practices relating to this recommendation for the Department of Health, Department of Education and Early Childhood Development, Department of Human Services, and Department of Justice - supplied
Submitted document/ source details	<ol style="list-style-type: none">1. Confidential government response2. Code of Conduct for Victorian Public Sector Employees3. Dept of Health incident reporting arrangements4. Health-Police protocols5. Dept of Health Fair Treatment Policy6. DEECD Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct – Teaching Service7. DEECD Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct8. Disciplinary process9. Disciplinary process sexual offences10. DHS Departmental Instruction Responding to Allegations of Physical or Sexual Assault

11. DHS Critical Client Incident Management Instruction
12. DHS Critical Client Incident Management Summary Guide and Categorisation Table
13. *Protecting Children: Protocol between Department of Human Services - Child Protection and Victoria Police*
14. DHS instruction, *Responding to Allegations of Physical or Sexual Assault* (2005)
15. Department of Justice Criminal Offences Policy (?)

Relevant to at least one aspect of recommendation

1. Relevant
2. Not relevant – 2007 document confirms obligation to report misconduct but does not specify how to recognise or when to report sexual assault. Does not address investigation of allegations or recruitment policies to minimise sexual assault
3. Relevant – reporting & referral procedures
4. Relevant – Health-Police guidelines for reporting & investigating, documenting & referring for investigation allegations of sexual assault
5. Relevant – confirms support for early reporting & prompt investigations of current employees
6. Relevant – confirms policy on investigation of allegations
7. Relevant – confirms policy on investigation of allegations
8. Relevant – confirms investigation of employee for sexual assault
9. Relevant – confirms investigation of employee for sexual assault
10. Relevant – confirms policy on investigation of employee allegations
11. Relevant – confirms policy on investigation of employee allegations
12. Not relevant – no new information
13. Relevant – police & child protection reporting & investigation roles & responsibilities confirmed
14. Relevant – evidence of reviewed DHS policy
15. Not located

Documentation currency

June, 2013

Reliability contribution of documents

1. Low
2. NA
3. Medium
4. Medium
5. Medium
6. Medium
7. Medium
8. Medium
9. Medium
10. Medium
11. Medium
12. NA
13. Medium
14. Medium

15. Undetermined

Implementation

Recommended actors involved	Government agencies, which include Victoria Police, Child Protection, Community Service Organisations, Community Health providers
Recommended actors not involved	NA
Included actions	<p>Police:</p> <ul style="list-style-type: none">• Victoria Police Professional Standards Command investigates all serious offences including sexual assault committed by employees• Mandatory referee and record checking including any police involvement applies to police officers, including any with work history more than 6 months overseas• Mandatory checking for police public servants includes referees and criminal record• Current review of vetting for public servants <p>Health</p> <ul style="list-style-type: none">• DoH compulsory incident reporting covers reporting requirements for incidents involving clients or staff in Department of Health-funded community service organisations (CSOs), registered community health centres and supported residential services (SRSs) – not hospitals or metropolitan health services triggers investigation• Health department Fair Treatment policy supports early reporting and prompt investigation <p>DEECD</p> <ul style="list-style-type: none">• Substantiated and unresolved allegations against teachers, past and present, are recorded as an employment limitation file• Coordination between DEECD and VIT to flag completed and uncompleted investigations across the public and private sector when recruiting <p>DHS</p> <ul style="list-style-type: none">• Policy instruction requiring mandatory reporting and investigation of sexual assault and recruitment checking for employees and volunteers• Short timelines 1-day-1-week for reporting obligations specified• Reviews of allegation reporting and investigation (2002, 2008, 2011) <p>Department of Justice</p> <ul style="list-style-type: none">• Policy provisions for investigation of misconduct• Onus on employee to report criminal offences to their manager
Excluded actions	<ul style="list-style-type: none">• Overseas referee checking for police who worked overseas less than 6 months

When action was taken	<ul style="list-style-type: none"> • Referee checking for any police involvement in relation to Victoria Police officers pre-dates the recommendation • 2003 VIT publication of names of teachers with cancelled registration due to sexual offences involving a child • Reviews of DHS policy/practices 2002, 2008, 2011
Implemented as recommended?	Yes
Government statement about status of implementation	Unspecified
Reason provided	NA
Implementation summary	Unclear whether reporting, investigation or recruitment was different before recommendation, but agencies demonstrated reporting policies and procedures. Evidence of allegations of sexual assault made against employees and former employees being thoroughly investigated is beyond the scope of this evaluation.
	Implemented in full

Person extracting data	Auditor 3
Date of extraction	20 Nov 2013
Recommendation number	15
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>Where an employee has been accused of sexual assault, government agencies not agree to confidentiality clauses that prevent disclosure of information to future employers or complaint authorities in the negotiation of severance agreements.</i>
Assessability of recommendation	Yes: Specified accountability (gov agencies) for specific action (no confidentiality clauses for sexual assault allegations in severance agreements)
Additional information request	1.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. Privacy Principle 2.1 Information Privacy Act
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y 2. Y – operational obligations
Documentation currency	June 2013

Reliability contribution of documents	1. Low 2. High
Implementation	
Recommended actors involved	Victoria Police, Dpt Health, DEECD, DHS, Dpt Justice
Recommended actors not involved	NA
Included actions	No government agency has entered into confidentiality clauses preventing disclosure of sexual assault allegations
Excluded actions	The Dpt Justice employment contracts include a clause preventing disclosure of information that may be detrimental or disparaging but does not prevent disclosure of information required to be disclosed by law (this may not include unproven allegations)
When action was taken	Undetermined
Implemented as recommended?	N - Dpt Justice employment contract may protect from disclosure of unproven allegations.
Government statement about status of implementation	Unspecified
Reason provided	There is no specific whole of government policy so practice differs across departments.
Implementation summary	Confidentiality clauses preventing disclosure of information about sexual assault allegations to future employers or complaint authorities in severance agreements have not been entered into by government agencies with the exception of the Dpt of Justice having an employment contract clause preventing disclosure of information that may be detrimental or disparaging and which is not required by law to be disclosed. Partially implemented

Person extracting data	Auditor 3
Date of extraction	21 Nov 2013
Recommendation number	16
Commission/Inquiry of origin	Ombudsman Victoria: improving responses to allegations involving sexual assault (2006)
Recommendation made	<i>That the Department of Justice convene a working group comprising the Department of Human Services and the Department of Education and Training, Victoria Police and other relevant agencies to consider the implementation of pre-employment vetting that includes mandatory referee checking of previous employers for public sector</i>

employees. The Department of Justice should report on the outcomes within six months.

Assessability of recommendation

Yes: Specified actors participating in a specific action (convening a working group) can be investigated using documentary evidence. Outcomes of the group's considerations can be investigated using documentary evidence and the production and timing of a report can be verified.

Additional information request

1. Did the Department of Justice set up the Working Group in 2006? If yes, what were the key decisions made?
2. evidence that the relevant agencies conduct "mandatory referee checking of previous employers for public sector employees" - supplied

Submitted document/ source details

1. Confidential Victorian Government response
2. Working With Children Act 2005
3. Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2009
4. DEECD Volunteer Checks policy
5. DEECD Staffing/Supervision policy
6. DEECD Visitors in Schools policy
7. DEECD Employment Limitation policy

Relevant to at least one aspect of recommendation

1. Y
2. Y
3. Y
4. Y
5. Y
6. Y
7. Y

Document date / currency

June 2013

Reliability contribution of documents

1. Low
2. High
3. High
4. Medium
5. Medium
6. Medium
7. Medium

Implementation

Recommended actors involved

Department of Justice, the former Department of Education and Training (now Department of Education & Early Childhood Development), Victoria Police and other relevant agencies (Department of Health and Victorian Institute of Teaching)

Recommended actors not involved

None

Included actions	<ul style="list-style-type: none"> • Increased pre-employment vetting using Working With Children Checks by DHS, Health, DEECD • Continued criminal history checks in Victoria Police, Department of Justice and VIT • Mandatory referee checking policies exist in Victoria Police, Department of Justice (past employers and managers), VIT (1 referee who is nominated by applicant). • Referee checking is 'standard' or 'routine' but 'not mandatory' DHS & Department of Health
Excluded actions	<ul style="list-style-type: none"> • Cross-departmental working group convened by Department of Justice • Report on outcomes of cross-departmental consideration of pre-employment vetting including mandatory referee checking by Department of Justice
When action was taken	<ul style="list-style-type: none"> • Working With Children Check Unit was established in 2006 and oversees pre-employment vetting including findings by prescribed bodies (VIT & OOHC) and recording of charges but not pre-employment referee checking • There is evidence of action prior to the 2009 <i>Teaching Service Order 2009</i> in relation to teacher referee checking • DEECD policies are dated 2012 and previous versions were not supplied so the date of action in relation to DEECD policies is undetermined.
Implemented as recommended?	No – no working group or report and inconsistent policies for public sector employees on referee checking
Government statement about status of implementation	Unspecified
Reason provided	<p>'While the Victorian Government initially supported this recommendation in principle, it was largely superseded with the establishment of the Working With Children Check Unit in 2006...'</p> <p>(Confidential Victorian Government response)</p>
Implementation summary	<p>Partially implemented Pre-employment vetting was addressed in a variety of different ways by different departments but cross-departmental consideration was not evident and there was no evidence available about the role played by the Department of Justice</p> <p>Further information requested from govt. provided evidence that there are divergent approaches to referee checking in the public sector. Therefore despite establishment of WWC checks, recommendation deemed to be implemented in a significantly modified or incomplete way.</p>

Date of extraction	28 Oct 2013
Recommendation number	9
Commission/Inquiry of origin	Ombudsman Victoria: Own Motion Investigation into the Department of Human Services Child Protection Program (2009)
Recommendation made	<i>Conduct a review of the department's handling of reports concerning children who are exposed to known sex offenders.</i>
Assessability of recommendation	Yes: A review on a specified topic can be verified by documentary evidence
Additional information request	1. Review report requested; government response: "no review report currently exists"
Submitted document/ source details	<ol style="list-style-type: none"> Confidential gov response Child Protection Practice Manual 2010 http://www.dhs.vic.gov.au/cpmanual/intake/reports-of-children-in-specific-circumstances/1581-reports-from-the-australian-national-child-offender-register-intake-and-investigation?SQ_PAINT_LAYOUT_NAME=print_entire Policy Advice – Children in Contact with Sex Offenders. Human Services
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Y Y – procedural obligations Y
Documentation currency	<p>June 2013</p> <p>2010</p> <p>November 2012</p>
Reliability contribution of documents	<ol style="list-style-type: none"> Low Medium Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> DHS reviewed practice 2009 Child protection practice manual updated 2010 Data collection and monitoring in CRIS updated early 2011 New positions for reporting and monitoring created in child protection 2011, with formal cooperation of Vic Police Increased reporting linked to changes cited since 2011
Excluded actions	NA
When action was taken	2009-2011

Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	A review of practice and policy concerning reports relating to children exposed to known sex offenders was reported, however no evidence of the review was provided, nor information about what was covered in the review. Changes were made to the official practice manual, data handling and monitoring, information sharing and resourcing.
	Implemented in full

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	16
Commission/Inquiry of origin	Ombudsman Victoria: Own Motion Investigation into the Department of Human Services Child Protection Program (2009)
Recommendation made	<i>Conduct an audit of compliance with the Criminal Records Check Practice Advice for all open cases involving a kinship placement.</i>
Assessability of recommendation	Yes: Specific action against criteria.
Additional information request	Requested: <ul style="list-style-type: none"> • report of the audit of compliance with the Criminal Records Check Practice Advice conducted in November 2009 • data indicating the number of criminal record checks of kinship carers requested by DHS annually pre- and post-2006 • numbers of kinship placement annually pre- and post-2006. <p>Government response:</p> <p>“A database was developed in response to the recommendation to better enable the department to ensure compliance with criminal record check requirements. As such there is no data prior to 2009 (when the database came on line) and due to the manner in which data is collected we are unable to provide a total number of criminal records checks. We can provide current point in time data.”</p>
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. Criminal Records Check Practice Advice http://www.dhs.vic.gov.au/cpmanual/practice-context/child-protection-program-overview/?a=657593

	<ol style="list-style-type: none"> 3. DHS Internal Audit – Follow-Up of Ombudsman Victoria’s Recommendations in Relation to Child Protection - August 2012’ 4. Numbers of kinship placement pre- and post-2006.
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y – account of implementation 2. Y – compliance standard 3. N 4. Y
Documentation currency	<ol style="list-style-type: none"> 1. June 2013 2. 3. August 2012 4. June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Low 4. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Audit November 2009 • Corporate reporting tool (CRT) provides daily updates to senior managers on overdue and upcoming criminal record checks for kinship carers, including statewide review. • DHS Board oversees compliance, monthly
Excluded actions	NA
When action was taken	Nov 2009 (same year)
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>An audit was reported and follow-up actions relating to maintaining criminal record checks for kinship carers are described. No evidence of the audit was provided, nor information about what was covered in the audit. Level of compliance was not reported.</p> <p>Implemented in full</p>

Person extracting data	Auditor 3
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Date of extraction	28 Oct 2013
Recommendation number	41
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The best interests principles set out in section 10 of the Children, Youth and Families Act 2005 should be amended to include, as section 10(3)(a), 'the need to protect the child from the crimes of physical abuse and sexual abuse'.</i>
Assessability of recommendation	Yes Documentary evidence can establish whether legislation was updated
Additional information request	1.
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – planned implementation
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA (none specified)
Recommended actors not involved	NA (none specified)
Included actions	Prioritisation of amendments to <i>Children, Youth and Families Act 2005</i>
Excluded actions	Amendment not yet implemented
When action was taken	<ul style="list-style-type: none"> • First phase of legislative reforms completed and focused on children's legal representation, dispute resolution and less adversarial trials. • Further amendments planned in prioritised order
Implemented as recommended?	N
Government statement about status of implementation	Amendments are being progressively implemented
Reason provided	Ongoing implementation is planned but the first phase of amendments focused on 'higher priority amendments'
Implementation summary	Implementation of recommended amendment is planned but has not occurred due to alternative prioritisation. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	44
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Victorian Government should progressively gazette those professions listed in sections 182(1)(f) - (k) of the Children, Youth and Families Act 2005 that are not yet mandated, beginning with child care workers. In gazetting these groups, amendments will be required to the Children, Youth and Families Act 2005 and to the Children's Services Act 1996 to ensure that only licensed proprietors of, and qualified employees who are managers or supervisors of, a children's service facility that is a long day care centre, are the subject of the reporting duty.</i>
Assessability of recommendation	Yes Increase in mandatory reporting requirements according to specific criteria can be verified through documentary evidence.
Additional information request	1.
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – implementation account
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victorian government, licensed proprietors and qualified managers or supervisors of long day care services
Recommended actors not involved	Long Day Care service providers
Included actions	Review of mandatory reporting effectiveness, nationally
Excluded actions	Extension of mandatory reporting
When action was taken	Second half 2013 the national review is scheduled to begin
Implemented as recommended?	N
Government statement about status of implementation	Not implemented – awaiting outcome of other recommendations

Reason provided	No extension of mandatory reporting will be undertaken until a national review of efficacy has been undertaken
Implementation summary	No extension of mandatory reporting will be undertaken until a national review of efficacy has been undertaken. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	45
Commission/Inquiry of origin	Protecting Victoria’s Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Department of Human Services should develop and implement a training program and an evaluation strategy for mandatory reporting to enable a body of data to be established for future reference. This should be developed and implemented in consultation with the representative bodies or associations for each mandated occupational group.</i>
Assessability of recommendation	Yes Specified actor and specified action with criteria can be assessed with documentary evidence.
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – implementation account
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	DHS
Recommended actors not involved	Representative bodies for mandated occupational groups
Included actions	Review of mandatory reporting effectiveness, nationally
Excluded actions	Training and consultation
When action was taken	Second half 2013 the national review is scheduled to begin
Implemented as recommended?	N

Government statement about status of implementation	Amendments are being progressively implemented
Reason provided	No extension of mandatory reporting, including training programs, will be undertaken until a national review of efficacy has been undertaken
Implementation summary	No extension of mandatory reporting, including training programs, will be undertaken until a national review of efficacy has been undertaken. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	46
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Victorian Government should obtain the agreement of all jurisdictions, through the Council of Australian Governments or the Community and Disability Services Ministers' Conference, to undertake a national evaluation of mandatory reporting schemes with a view to identifying opportunities to harmonise the various statutory regimes.</i>
Assessability of recommendation	Yes Specified actors and specific action and outcome can be assessed using documentary evidence
Additional information request	1. Evaluation plan
Submitted document/ source details	1. Confidential gov response 2. Mandatory reporting schemes evaluation plan, May 2013
Relevant to at least one aspect of recommendation	1. Y – account of implementation 2. Y
Documentation currency	1. June 2013 2. May 2013
Reliability contribution of documents	1. Low 2. Low
Implementation	
Recommended actors involved	Community and Disability Services Ministers' Conference
Recommended actors not involved	NA

Included actions	A national evaluation of mandatory reporting schemes
Excluded actions	A view to identifying opportunities to harmonise the various statutory regimes
When action was taken	Second half 2013 national review scheduled
Implemented as recommended?	Y
Government statement about status of implementation	implemented
Reason provided	'Mandatory reporting changes have a significant influence on the functioning of the broader child and family welfare sector and can lead to unanticipated consequences that reduce the overall quality of child protection services' Doc 1
Implementation summary	A national evaluation is planned, using the recommended channel, but the aim does not appear to be to harmonise the various regimes. The focus is on enabling comparisons and evaluating effectiveness. Harmonisation efforts may take place following the evaluation.
	Implemented in full

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	47
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Crimes Act 1958 (Vic) should be amended to create a separate reporting duty where there is a reasonable suspicion a child or young person who is under 18 is being, or has been, physically or sexually abused by an individual within a religious or spiritual organisation. The duty should extend to: • A minister of religion; and • A person who holds an office within, is employed by, is a member of, or a volunteer of a religious or spiritual organisation that provides services to, or has regular contact with, children and young people. An exemption for information received during the rite of confession should be made. A failure to report should attract a suitable penalty having regard to section 326 of the Crimes Act 1958 and section 493 of the Children, Youth and Families Act 2005.</i>
Assessability of recommendation	Yes Specific action (legislative amendment) with specific criteria can be assessed using documentary evidence

Additional information request	1.
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – account of implementation
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victorian parliament
Recommended actors not involved	NA
Included actions	Victorian Parliamentary Inquiry into processes by which religious and other organisations respond to child abuse
Excluded actions	Amendment not implemented pending results of inquiry
When action was taken	Parliamentary Inquiry established April 2012 (same year)
Implemented as recommended?	N
Government statement about status of implementation	Not specified
Reason provided	Y – Parliamentary Inquiry due to report on this issue 2013
Implementation summary	A parliamentary inquiry was established on issues including and extending beyond the recommendation. Implementation has not progressed pending the result of this inquiry. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	51
Commission/Inquiry of origin	Protecting Victoria’s Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Victorian Government should, consistent with other Australian jurisdictions, enact an internet grooming offence.</i>
Assessability of recommendation	Yes A specified actor and specified outcome can be verified with documentary evidence
Additional information request	

Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – account of implementation
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victorian government
Recommended actors not involved	NA
Included actions	Review of existing legislation and stated intention to implement
Excluded actions	Enacting grooming offence
When action was taken	Review currently in progress, with intention formed (2013)
Implemented as recommended?	N
Government statement about status of implementation	Under consideration
Reason provided	In progress
Implementation summary	Review of existing legislation and stated intention to implement. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	89
Commission/Inquiry of origin	Protecting Victoria’s Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Government should amend the Child Wellbeing and Safety Act 2005 to establish a Commission for Children and Young People, comprising one commissioner appointed as the chairperson and such number of full-time and part-time additional commissioners as the Premier considers necessary to enable the Commission to perform its functions. Commissioners would be appointed by the Governor-in-Council. The Commission should have responsibility for overseeing and reporting to Ministers and Parliament on all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people. The Commission would hold agencies to account</i>

for meeting their responsibilities as articulated in the Vulnerable Children and Families Strategy and related policy documents. The Commission would also retain the current roles and functions of the Child Safety Commissioner. The Commission would be required by legislation to give priority to the interests and needs of vulnerable children. The Commission should have authority to undertake own-motion inquiries into systemic reforms necessary to improve the wellbeing of vulnerable children and young people. The specific powers granted to the Ombudsman under section 20 of the Children, Youth and Families Act 2005 should be transferred to the Commission.

Assessability of recommendation

Yes Specified actors , actions and criteria can be assessed using documentary evidence

Additional information request

Submitted document/ source details

1. Confidential gov response

Relevant to at least one aspect of recommendation

1. Y – account of implementation

Documentation currency

June 2013

Reliability contribution of documents

1. Low

Implementation

Recommended actors involved

Victorian Government , Premier, Governor-in-Council, Ministers and Parliament

Recommended actors not involved

Undetermined

Included actions

- Commission for Children and Young People established 2012-13
- Additional Commissioner for Aboriginal Children and Young People yet to be appointed
- Commission reports to parliament
- Responsible for advocacy, prevention, inquiry & monitoring
- Commissioner retains and extends on current roles and functions of the Child Safety Commissioner
- Has authority to undertake own-motion inquiries

Excluded actions

- Undetermined whether Commission is required by legislation to give priority to the interests and needs of vulnerable children
- Undetermined whether specific powers granted to the Ombudsman under section 20 of the Children, Youth and Families Act 2005 are transferred to the Commission

When action was taken	<ul style="list-style-type: none"> • Legislation passed 2012 • Operational Commission 2013
Implemented as recommended?	Undetermined
Government statement about status of implementation	implemented
Reason provided	N
Implementation summary	A Children's Commission with multiple commissioners has been established and has the specified functions of advocacy, prevention, inquiry, monitoring and reporting to parliament. See legislation verification for functions not enacted. Partially implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	2
Commission/Inquiry of origin	Ombudsman Victoria: Whistleblowers Protection Act 2001 – Investigation of the failure of agencies to manage registered sex offenders (2011)
Recommendation made	<i>Conduct regular audits of the information received at the registry to ensure that offenders who have disclosed unsupervised contact with a child are being reported to the Department of Human Services.</i>
Assessability of recommendation	Yes Specified action with specified criteria and actors
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential gov response 2. Two sample audits conducted by the Sex Offender Registry (SOR) to ensure that all reports of children having unsupervised contact with registered sex offenders are communicated to the Department of Human Services (DHS) Child Protection. 3. 2012 Protecting Children: Protocol between the DHS Child Protection and Victoria Police, which is attached.
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y – account of implementation 2. Y 3. Y
Documentation currency	June 2013
	2013
	2012

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Medium - interdepartmental
Implementation	
Recommended actors involved	DHS
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Regular audit of reporting to DHS re known offenders' unsupervised contact with children • Additional staff for auditing • Cross referencing between Victoria Police Sex Offender Registry Unit and co-located CP staff to ensure information is registered with DHS
Excluded actions	NA
When action was taken	<ul style="list-style-type: none"> • Staffing increased October 2011 • Co-located staff from July 2011
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	Reported regular audits by Victoria Police Sex Offender Registry Unit and cross referencing by co-located DHS staff to ensure reporting in DHS system. Implemented in full

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	6
Commission/Inquiry of origin	Ombudsman Victoria: Whistleblowers Protection Act 2001 – Investigation of the failure of agencies to manage registered sex offenders (2011)
Recommendation made	<i>Ensure that policy provides for the widest possible interpretation of unsupervised contact to ensure that all instances of contact with children whether phone, internet or in person, or number of days is provided for.</i>
Assessability of recommendation	Yes
Additional information request	1.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential gov response 2. Victoria Police Manual (VPM) - Registered Sex Offender Management Policy

	3. Victoria Police Manual - Policy Sex Offender Management Policy
Relevant to at least one aspect of recommendation	1. Y – account of implementation 2. Y 3. Y
Documentation currency	1. June 2013 2. Undated 3. Undated
Reliability contribution of documents	1. Low 2. Low 3. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Amendment to Victoria Police Manual published October 2012 to broaden interpretation of unsupervised contact • Advice from VLRC on whether unsupervised contact can or should include internet and telephone
Excluded actions	Instances of phone and internet contact are not provided for in current interpretations of unsupervised contact
When action was taken	2012 amendment to police manual
Implemented as recommended?	N
Government statement about status of implementation	Implemented
Reason provided	N - advice sought from VLRC on whether unsupervised contact can or should include internet and telephone
Implementation summary	<p>Amendment to Victoria Police Manual published October 2012 to broaden interpretation of unsupervised contact but this does not currently include internet or phone contact. Partial</p> <p>UPDATED 19 Dec 2013, Auditor 6: Refer to response from Victorian Government following request for further information. “Victoria Police policy currently places a broad interpretation on the term ‘contact’. Among other elements, contact refers to any form of oral communication whether face to face or by telephone or internet.”</p> <p>Implemented in full</p>

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	7.82
Commission/Inquiry of origin	Victorian Auditor General's Office (VAGO) (1996) <i>Protecting Victoria's Children: The Role of the Department of Human Services (special Report no. 3)</i>
Recommendation made	<i>The overriding factor, in audit opinion is that the interests of the child are paramount. In this regard, audit strongly supports the Crime Preventions Committee's recommendation for legislative change, action which has been supported by the Government in its whole-of-government response to the Committee's Report. A review of the legislation is highly desirable in order to address the current restrictions which are seen by the Victoria Police as giving rise to an imbalance of justice in favour of the alleged offender to the detriment of the child.</i>
Assessability of recommendation	Assessable
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. 1996 VAGO report 3. Crimes (Amendment) Bill 1997 4. Second Reading Speech for Crimes (Amendment) Bill 1997 5. Sexual Offences Final Report (VLRC) 2004 6. Crimes Act 1958 2006 amendment 'persistent sexual abuse of a child' 7. Criminal Procedure Act 2009 s194
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y 2. Y – review 3. Y – addresses restrictions 4. Y – review 5. Y – review 6. Y – addresses restrictions 7. Y – addresses restrictions
Documentation currency	September 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. High 4. High 5. Medium 6. High 7. High

Implementation

Recommended actors involved	Whole-of-government, with specific mention of Victoria Police contribution
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none">• Crimes (Amendment) Bill 1997 extended the range of offences against children, made it unnecessary to particularise each offence involved in ongoing offending and introduced presumption that multiple charges involving more than one victim would be heard together.• Second reading of this bill indicates multiple reviews of legislation having been taken into account• Further review of s47A in 2004 by VLRC <i>Sexual Offences – Final Report</i>, indicating greater use of offences since the amendment bill• Separation of trials reform moved to <i>Criminal Procedure Act 2009</i> s194• Video evidence to protect interests of children introduced 2006
Excluded actions	NA
When action was taken	1997 – amendment bill 2004 – further review 2006 – further procedural reform
Implemented as recommended?	Y
Government statement about status of implementation	Unspecified
Reason provided	NA
Implementation summary	<p>Consideration of multiple reviews informed Crimes (Amendment) Bill 1997. Amendments extended the range of offences against children, reduced level of detail required for charges involving ongoing offending and reformed separation of trials. Reforms to s47A were reported to increase use of the offence since 1997. Video evidence was introduced in 2006 with the intention to protect interests of children.</p> <p>Implemented in full – review & action to address perceived imbalance of justice</p>

Person extracting data

Auditor 3

Date of extraction	26 Nov 2013
Recommendation number	7.113
Commission/Inquiry of origin	Victorian Auditor General's Office (VAGO) (1996) <i>Protecting Victoria's Children: The Role of the Department of Human Services (special Report no. 3)</i>
Recommendation made	<i>On balance, audit considers the benefits of video taping of evidence outweigh the potential impediments. However, in order to maximise these benefits, further research should be undertaken with a view to restricting the levels of trauma that a child should be exposed to within the legal system as a direct result of introducing video taping, without compromising the basic rights of the accused.</i>
Assessability of recommendation	Yes: Specified action (further research about child trauma resulting from video taping) can be verified by documentary evidence
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential gov response 2. Crimes (Sexual Offences) Act 1991 3. Evidence (Audio Visual and Audio Linking) Act 1997 second reading 4. 2004 VLRC report <i>Sexual Offences: Law and Procedure</i> 5. <i>Sexual Assault Reform Strategy: Final Evaluation Report</i>
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y 2. N – not research 3. N –not related to child impact 4. Y – research relating to children and video 5. Y – research on impact of video
Documentation currency	September 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. NA 3. NA 4. Medium 5. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Investigation by VLRC on alternative arrangements for child complainants reported in 2004 • Success Works' Sexual Assault Reform Strategy considered benefits of the use of video taping in the final report 2011 • Ongoing legislation reform including 1997 Evidence (Audio Visual and Audio Linking) Act to facilitate giving of evidence

	by video; and the Crimes (Sexual Offences) Act 2006 and Crimes (Sexual Offences) (Further Amendment) Act 2006
Excluded actions	<ul style="list-style-type: none"> • Establishment of Child Witness Service NA
When action was taken	<p>Report on research VLRC 2004</p> <p>Report on Success Works' research 2011</p> <p>Legislation amendment in response to research 1997, 2006</p> <p>Child Witness Service established at undetermined time</p>
Implemented as recommended?	Y
Government statement about status of implementation	Unspecified
Reason provided	NA
Implementation summary	<p>Research was undertaken by VLRC and Success Works with a view to restricting the levels of trauma that a child should be exposed to within the legal system as a direct result of introducing video taping.</p> <p>Legislative amendments in response to VLRC research were made. Success Works' research reported in 2011 indicated benefits from victim-survivor and police perspectives and the view that video and audio taped evidence should be extended to adults. Legal practitioners were reported as having raised concerns about the quality of the product and the evidence produced.</p> <p>Implemented in full</p>

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	25
Commission/Inquiry of origin	Sexual Assault Reform Strategy: Final Evaluation Report, prepared for Department of Justice, January 2011
Recommendation made	<p><i>We have also noted that there are some inequities in the level of access to the reforms. Specifically people from Aboriginal and Torres Strait Islander and from culturally and linguistically diverse backgrounds require special consideration in the implementation of the reforms and may require special measures and programs to aid their access to them.</i></p> <p><i>Our recommendation is: That consideration be given to the needs of ATSI and CALD communities in relation to the reporting of sexual assault</i></p>

and relationships developed between key criminal justice agencies and relevant community organisations to develop culturally safe approaches to the reporting of sexual assault and the provision of support for people going through the criminal justice system that

Assessability of recommendation

Yes: Specified action to consider needs and form relationships between agencies and community organisations for the purposes of culturally safe reporting of sexual assault and provision of support to ATSI and CALD people going through the criminal justice system

Additional information request

Submitted document/ source details

1. Confidential gov response
2. www.justice.vic.gov.au/home/your+rights/aboriginal+justice+agreement/Victorian+aboriginal+justice+agreement AJA 1, 2 & 3
3. Strong Cultures Strong Peoples Strong Families 10 yr plan

Relevant to at least one aspect of recommendation

1. Y
2. Y – action plan with Koori community in 3 phases
3. Y – primary mechanism for addressing Koori family violence

Documentation currency

September 2013

Reliability contribution of documents

1. Low
2. Medium
3. Medium

Implementation

Recommended actors involved

Aboriginal community organisations including Aboriginal Family Services, Indigenous Family Violence services, Aboriginal Child Specialist Advice and Youth Justice Koori Services

Office of Aboriginal Affairs (Dpt Premier and Cabinet)

Victoria Police

DoJ Koori Justice Unit

Victim Support Agency

Victorian Centres Against Sexual Assault

Victims of Crime Assistance Tribunal

Aboriginal Victims of Crime Team

Interpreter services

Recommended actors not involved

CALD representative groups

Included actions

- Agreed action plans with Koori community involving multiple services and public education to reduce representation in criminal justice system as victims and offenders
- Koori Family Violence Court Support Program as part of Strong Cultures Strong Peoples Strong Families 10 yr plan
- Awareness campaign with Victoria Police in regional areas, including TV commercials
- Two Aboriginal case managers to regional Victims Assistance and Counselling Programs pilot 12 months
- Establishing Koori Protocols project with Victoria Police and Koori Justice Unit
- Extensive annual training of Victim Support Agency staff in cultural competency for CALD and ATSI groups
- VSA staff who speak LOTE
- Victims Assistance and Counselling Programs interpreter services
- Victims of Crime publications in multiple languages (unspecified)

Excluded actions

- Unclear whether relationships developed between criminal justice agencies and CALD community organisations (as opposed to individuals with language and culture competencies)

When action was taken

- AJA1 signed in 2000 & AJA2 signed 2006, both pre-dating recommendation
- AJA3 signed 2013
- Strong Peoples Strong Families 10 yr plan 2nd Ed published 2008
- Awareness campaign Nov2012-Feb 2013
- Case Managers current (2013)
- Koori Protocols project planned from Dec 2013
- Victim Support Agency activities for CALD groups undetermined timeframe

Implemented as recommended?

Partial

Government statement about status of implementation

Unspecified

Reason provided

N

Implementation summary

Reports and agreements with ATSI groups indicate consideration of needs and cooperation between agencies and community organisations indicate relationships developing. No reports or organisational level cooperation was evident for CALD groups, though cultural awareness training of Victim Support Agency staff, interpreter services and translation of publications is indicated.

Partially implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	1
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>The purpose of the Sex Offenders Registration Act 2004 (Vic) should be amended as follows:• The purpose of the legislation is to protect children against sexual abuse from people who have been found guilty of sexually abusing children.</i>
Assessability of recommendation	Specific amendment, assessable by legislation check
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	Y – although it responds to recommendation #2, it later mentions #1 is still under consideration
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<i>The purpose of the Sex Offenders Registration Act 2004 (Vic) is under review</i>
Excluded actions	NA
When action was taken	By 2013
Implemented as recommended?	NA
Government Statement about status of Implementation	
Reason provided	Still under consideration “The VLRC’s Report has not been implemented as the Government has asked departments to examine the report’s findings and recommendations in detail as part of its deliberations in response to the <i>Protecting Victoria’s Vulnerable Children Inquiry</i> (the Cummins Inquiry), and also any recommendations arising from the current

	Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisations.”
Implementation summary	Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	2
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>Part 5 of the Sex Offenders Registration Act 2004 (Vic), concerning child-related employment, should be removed from that Act and integrated with the Working with Children Act 2005 (Vic)</i>
Assessability of recommendation	Yes
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	
Recommended actors not involved	
Included actions	
Excluded actions	
When action was taken	
Implemented as recommended?	N
Government statement about status of Implementation	
Reason provided	Still under consideration
	“The VLRC’s Report has not been implemented as the Government has asked departments to examine the report’s findings and

recommendations in detail as part of its deliberations in response to the *Protecting Victoria's Vulnerable Children Inquiry* (the Cummins Inquiry), and also any recommendations arising from the current Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisations.

Implementation summary

Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	3
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>The Sex Offenders Registration Act 2004 (Vic) should outline the way it seeks to achieve the revised purpose, including by:(i) providing for monitoring and review of the operations of the sex offenders registration scheme and of this Act in order to assess whether the purpose is being achieved.</i>
Assessability of recommendation	Yes: Specific legislation amendment assessable by documentary evidence
Additional information request	
Submitted document/ source details	2. Confidential gov response
Relevant to at least one aspect of recommendation	2. Y
Documentation currency	September 2013
Reliability contribution of documents	2. Low
Implementation	
Recommended actors involved	Department of Justice Parliament of Victoria
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Review of <i>Sex Offenders Registration Act 2004</i>
Excluded actions	
When action was taken	By 2013

Implemented as recommended?	Too soon
Government statement about status of Implementation	
Reason provided	<p>Still under consideration</p> <p>“The VLRC’s Report has not been implemented as the Government has asked departments to examine the report’s findings and recommendations in detail as part of its deliberations in response to the <i>Protecting Victoria’s Vulnerable Children Inquiry</i> (the Cummins Inquiry), and also any recommendations arising from the current Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisations.</p> <p>‘The proposed reforms in recommendations 3 (a) – (i) represent a fundamental re-framing of the Sex Offenders Registration Act 2004 and the operational and resourcing implications arising from such a change will require careful consideration across a number of Victorian Government departments. The ramifications of Victoria deviating from the national scheme in respect of sex offender management also requires careful consideration and consultation with other States and Territories.’ Doc 1</p>
Implementation summary	Legislation amendment under consideration but concerns expressed about operational and resourcing implications and deviation from the national scheme. Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	31
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>Registered sex offenders should be required to report the names, ages and addresses of any children with whom they have ‘contact’, and the means of contacting those children.</i>
Assessability of recommendation	Yes: pecified action and criteria assessable by documentary evidence
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y

Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Under consideration in consultation with Victoria Police • Issues identified with how to frame information requirements
Excluded actions	NA
When action was taken	By 2013
Implemented as recommended?	too soon
Government statement about status of Implementation	
Reason provided	Any implementation requires close consultation with relevant agencies including Victoria Police as to how best to frame the information requirements to best aid appropriate monitoring of offenders, for example, provision of the date of birth of the child rather than the estimated age.
Implementation summary	Considering changes to information required of sex offenders and possible ways to frame and implement requirements.
	Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	34
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>Registered sex offenders should be required to: (a) within one day of the change, notify the police of any changes to information about their contact with children, and (b) within seven days of the change, provide a written child contact report to the police in person.</i>
Assessability of recommendation	Yes: Specific action, criteria and accountability
Additional information request	

Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victoria Police
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> Requirements and associated legislative change are under consideration in consultation with Victoria Police and the Department of Human Services
Excluded actions	NA
When action was taken	By 2013
Implemented as recommended?	N
Government statement about Status of Implementation	
Reason provided	<p>This recommendation is one of five recommendations in Chapter 7 of the VLRC's report regarding 'Reportable contact with children'. All five recommendations are still under consideration. These recommendations would require legislative amendments to expressly define the term "contact" and to increase the reporting requirements that would apply to registrants. Recommendation 34, in conjunction with the other related recommendations, is being considered through consultation with relevant agencies such as Victoria Police and the Department of Human Services to determine the feasibility of the recommendation.</p>
Implementation summary	<p>Changes to requirements of information from sex offenders are still under consideration, along with four other recommendations from the VLRC's report. Associated legislative changes and feasibility are being considered.</p> <p>Not implemented</p>
Person extracting data	Auditor 3
Date of extraction	26 Nov 2013

Recommendation number	41
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>A child protection prohibition order should be able to prohibit the registered sex offender from: (a) associating with or contacting specified persons (b) being in specified locations (c) engaging in specified behaviour, and/or (d) engaging in specified employment.</i>
Assessability of recommendation	Yes: Specified action and criteria assessable by documentary evidence
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • One of 16 (Recommendations 36 to 51) related to proposed ‘child protection prohibition orders’. All 16 recommendations are still under consideration. • Considerations include legislative amendments, a court-based scheme for applications, scope of the orders and conditions that may be attached to them, potential for interim orders, mutual recognition of equivalent orders from other Australian jurisdictions, police search powers, appeal processes and other matters
Excluded actions	NA
When action was taken	By 2013
Implemented as recommended?	N
Government Statement about status of Implementation	
Reason provided	All 16 recommendations related to proposed ‘child protection prohibition orders’ are still under consideration.

Implementation summary	Consideration of legislative amendments, a court-based scheme for applications, the scope of the orders and conditions that may be attached to them, the potential for interim orders, mutual recognition of equivalent orders from other Australian jurisdictions (where applicable), police search powers, appeal processes and other matters are under consideration.
	Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	55
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>The Chief Commissioner of Police and the Secretary of the Department of Human Services should be authorised to exchange information they hold about a registered sex offender when the Secretary is investigating any contact between that offender and a particular child or children.</i>
Assessability of recommendation	Yes: Specified actors and actions with clear criteria can be assessed with documentary evidence
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Commissioner of Police Secretary DHS
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Still under consideration re express legislated information sharing and whether the proposed breadth of sharing is sufficient

	<ul style="list-style-type: none"> Operational mechanisms implemented to facilitate information exchange between Corrections Victoria, DHS and Victoria Police Information exchange protocol and co-located staff from DHS at Victoria Police
Excluded actions	Authorisation of Secretary DHS and Police Commissioner to share information when investigating contact of registered sex offender and a particular child/ren
When action was taken	<p>Ongoing consideration of legislative authorisation</p> <p>Information exchange protocol from 2009 (?)</p> <p>Co-located staff from 2011</p>
Implemented as recommended?	N
Government statement about status of implementation	
Reason provided	This recommendation is still under consideration in relation to express legislated information sharing and whether the breadth of the information sharing proposed by the Report is sufficient.
Implementation summary	<p>Formal information sharing has occurred through operational mechanisms under Children, Youth and Families Act 2005. Legislated information sharing is under consideration.</p> <p>Not implemented</p>

DOCUMENT AUDIT: WESTERN AUSTRALIA

Person extracting data	Auditor 4 & Auditor 6 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	4
Commission/Inquiry of origin	Community Development and Justice Standing Committee, Inquiry Into The Prosecution Of Assaults And Sexual Offences, Report No. 6 in the 37th Parliament, 2008
Recommendation made	<i>That the Western Australia Police, the Office of the Director of Public Prosecutions, the Sexual Assault Resource Centre, the Victim Support Service, the Office of the Public Advocate, and the Courts design reliable and valid victim satisfaction instruments appropriate for each agency. The results must be published in each agency's annual report or equivalent.</i>
Assessability of recommendation	Partial – the assessment of whether victim satisfaction instruments are reliable and valid is beyond the scope of this project.
Additional information request	<p>i) Supply the victim satisfaction instruments used by each agency</p> <p>ii) Supply data indicating victim satisfaction levels annually since 2008</p>
Submitted document/ source details	<ul style="list-style-type: none"> .. WA Government response !. Brief online Government response to Inquiry - Hansard !. WA Government response to additional info requests <ul style="list-style-type: none"> a) WAP Annual Reports 06-013 (online) b) Department of the Attorney General: Victim Support Service; Client Feedback Survey c) VSS Table April-Dec 2013 d) SARC client feedback Sept 09-10
Relevant to at least one aspect of recommendation	<ul style="list-style-type: none"> .. Relevant !. Relevant !. Relevant <ul style="list-style-type: none"> a) Not Relevant b) Relevant c) Relevant d) Relevant
Documentation currency	<ul style="list-style-type: none"> .. Response provided to the Royal Commission by request on 10 October 2013 !. 2009 !. March 7 2014; as well as: a) – d)

Reliability contribution of documents

- .. Low
- !.. Low
- !.. Low
 - a) medium
 - b) low
 - c) low
 - d) low

Implementation

Recommended actors involved

- .. WA Police (WAP)
- !.. Sexual Assault Referral Centre (SARC)
- !.. The Courts Victims Support Service (VSS)
- !.. Office of the Public Advocate (OPA)
- Office of the Director of Public Prosecutions (DPP)

Recommended actors not involved

Included actions

- 1. WA Government response**
 - The WAP has reliable/valid instrument in place on their website that relates to personal crime rather than being specific to sexual assault
 - A Commissioner for Victims of Crime (CVoC) was appointed in July 2013 within the Department of the Attorney General, whose role is to advocate for victims of crime and developing victim of crime policy. The CVoC is undertaking policy work on appropriate means of reliably assessing victims of crime experience of government service provision and the criminal justice system.
 - The SARC seeks consumer feedback through a written satisfaction survey – results collated for internal use
 - The VSS has a reliable/valid victim satisfaction instrument and has redeveloped its existing survey instrument to include stronger client feedback

Excluded actions

- 2. Hansard excerpt** –a comprehensive review of the Victims Of Crime Act 1994 was being carried out in 2009

No evidence of that the WAP or DPP’s Office having reliable and valid satisfaction survey instruments

When action was taken

- 07-010 SARC clients given option to complete client satisfaction survey form. Low numbers responded but clients were largely positive about service.
- 2013 SARC piloted telephone follow-up interview satisfaction survey. Survey will be reviewed and used again in 2014.
- The CVoC was appointed in July 2013 (five years after inquiry)
- The Victim Support Service has been collecting victim satisfaction surveys’ since Nov 013. No data available for 08-012

Implemented as recommended?	Partial
Government statement about status of implementation	<ul style="list-style-type: none"> • Partial implementation
Reason provided	<ul style="list-style-type: none"> • It is considered inappropriate for the OPA to send surveys to adults with decision-making disabilities. It has however MOUs with the WAP and SARC to facilitate reports of sexual assaults • The Commissioner for Victims of Crime, appointed in July 2013, is undertaking policy work on ways of reliably assessing victim s experience of government services and the criminal justice system
Implementation summary & provisional rating	Partial WAP and Office of the DPP do not appear to have reliable and valid victim satisfaction instruments for sexual assault victims. OPA considers them inappropriate.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	5
Commission/Inquiry of origin	Community Development and Justice Standing Committee, Inquiry Into The Prosecution Of Assaults And Sexual Offences, Report No. 6 in the 37th Parliament, 2008
Recommendation made	<i>The Office of the Director of Public Prosecutions, the Western Australia Police, the Child Protection Unit, the Department of Health and the Child Interview Unit review a range of formalised interagency collaborative models for working with victims of child sex offences with a view to improving the quality and recording of interviews, evidence and briefs</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response 2. Interagency Protocols for Visually Recorded Interview with Children
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided by request to the Royal Commission on 10 October 2013 2. September 2007 (prior to Inquiry)

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. Office of the Director for Public Prosecutions (ODPP) 2. WA Police (WAP) 3. Department for Child Protection (DCP) 4. Department of Health (DF) 5. Child Interview Unit (CHI)
Recommended actors not involved	N/A
Included actions	<ol style="list-style-type: none"> 1. WA Government response <ul style="list-style-type: none"> • DCP along with the WAP, ODPP and Deakin University have developed online training for Specialist Child Interviewers • The Sexual Assault Service Advisory Group – a multiagency group meet regularly to discuss practice and policy issues • As part of DCP’s ChildFirst Team and the WAP’s child and Interview Team, child friendly forensic interview rooms that allow for the recording of interviews have been operational since 2012 • The DHs Child Protection Unit at Princess Margaret Hospital has a close working relationship with the ChildFirst Unit including the planning for interviews and interventions • The Child Witness Service (CWS) in the Attorney General Department (AGD) provides support for children who are to give evidence in court. The CWS is a collaborative model involving the ODPP and the Courts. • The Commissioner for Victims of Crime is currently assessing the nature of interagency collaboration in working with child victims • The AGD is currently reviewing regulations to improve the quality and recording of interviews and evidence of child witnesses 2. Interagency protocols - formulated to ensure the ‘best interests of the child’ are at the forefront of investigating and court procedures
Excluded actions	No evidence supplied of a review having taken place.
When action was taken	No specific dates given post-Inquiry apart from the 2012 purpose built child interview rooms
Implemented as recommended?	Partial
Government statement about status of implementation	Completed
Reason provided	N/A

Implementation summary & provisional rating

Implemented While there was no evidence provided of a review having been conducted, a number of interagency initiatives are underway in relation to working with victims of child sex offences. The recommendation therefore appears to have been implemented in the main.

Person extracting data

Auditor 4 & Auditor 2

Date of extraction

6 March 2014

Recommendation number

17

Commission/Inquiry of origin

Community Development and Justice Standing Committee, Inquiry Into The Prosecution Of Assaults And Sexual Offences, Report No. 6 in the 37th Parliament, 2008

Recommendation made

An independent taskforce be established to analyse the incidence of withdrawal of complaints and make recommendations aimed at reducing such withdrawals. These recommendations should include the collection of data by police and the Office of the Director of Public Prosecutions regarding reasons as to why charges are withdrawn, charges not indicted or discontinuances entered. This taskforce should be established by the Attorney General drawing on the office of the Director of Public Prosecutions, Western Australia Police, Sexual Assault Resource Centre, Victim Support Service and the Aboriginal Legal Service together with victims of sexual assault. The report of the taskforce be tabled in parliament before the end of 2009 and thereafter in the annual report of each agency.

Assessability of recommendation

Yes

Additional information request

Submitted document/ source details

WA Government response

Relevant to at least one aspect of recommendation

Relevant

Documentation currency

Response provided to the Royal Commission by request on 10 October 2013

Reliability contribution of documents

Low

Implementation

Recommended actors involved

1. The Office of the Director of Public Prosecutions

	2. Western Australian Police
	3. Child Protection Unit
	4. Department of Health
	5. Child Interview Unit
Recommended actors not involved	N/A
Included actions	WA Government states however that the newly established CoVC has been tasked to advise on this matter
Excluded actions	N/A
When action was taken	N/A
Implemented as recommended?	No
Government statement about status of implementation	<ul style="list-style-type: none"> • Not implemented
Reason provided	<ul style="list-style-type: none"> • The establishment of an independent taskforce considered an unnecessary duplication to the work of the Inquiry. No findings or recs were made specifically regarding discontinuances by the Office of the Director of Public Prosecutions • In response to this recommendation, the Sexual Assault Services Advisory Group stated there was no empirical evidence in WA regarding the incidence or frequency of withdrawals
Implementation summary & provisional rating	Not at all

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	3
Commission/Inquiry of origin	The Hon Peter Blaxell, St Andrew's Hostel Katanning: How the System and Society Failed Our Children, A special Inquiry into the response of government agencies and officials to allegations of sexual abuse (2012).
Recommendation made	<i>That as part of the statutory review of the Children and Community Services Act (CCS Act) and of any further consideration by Government of the provisions of the CSS Act, consideration be</i>

given to including staff of the Authority as mandatory reporters for the purpose of the CCS Act.

Assessability of recommendation Yes

Additional information request

Submitted document/ source details WA Government response

Relevant to at least one aspect of recommendation Relevant

Documentation currency Provided to the Royal Commission on request, 7 May 2013

Reliability contribution of documents Low

Implementation

Recommended actors involved WA Parliament

Recommended actors not involved N/A

Included actions Recommendation 18 of the 29 November 2012 *Report of the Legislative Review of the Children and Community Services Act 2004* states that the existing mandatory reporting of CSA under the Act be retained apart from the Country High School Authority staff as announced by the Government in response to recommendation 3 of the Blaxell Inquiry.

Excluded actions N/A

When action was taken November 2012

Implemented as recommended? N

Government statement about status of implementation 'the legislative amendments have not been considered by the Western Australian Parliament because Parliament was prorogued in December 2012 in preparation for the March 2013 election. Following the swearing in of member of the 39th Parliament on 11 April 2013, the addition of Country High School Hostel Authority staff as mandatory reporters is now able to be progress as part of the suit of amendments to the *Children and Community Service Act, 2004*

Reason provided Legislative amendment yet to be considered by WA Parliament

Implementation summary & provisional rating **Not Implemented**

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	68
Commission/Inquiry of origin	Prudence Ford, Review of the Department for Community Development 2007
Recommendation made	<i>The State Solicitor's Office in conjunction with the Department of Child Safety and Wellbeing consider whether Section 23(2) of the Children and Community Services Act 2004 is sufficient or whether further legislative amendment is needed to give protection to Department of Child Safety and Wellbeing staff if they provide information to other interested agencies, service providers or individuals to ensure the safety and wellbeing of a child</i>
Assessability of recommendation	Yes
Additional information request	Legislation check required – relevant sections of the <i>Children and Community Services Act 2004</i> (CCS Act)
Submitted document/ source details	WA Government response
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided to Royal Commission by request on 7 May 2013
Reliability contribution of documents	High
Implementation	
Recommended actors involved	The State Solicitor's Office; Department of Child Safety and Wellbeing
Recommended actors not involved	N/A
Included actions	WA Government response - new section 24A introduced into the CCS Act to offer protection from criminal/civil professional liability if information is disclosed in good faith
Excluded actions	N/A
When action was taken	2010 – 3 years after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	See included actions

Reason provided	N/A
Implementation summary & provisional rating	Implemented in full

Person extracting data	Auditor 4 & Auditor 6 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	3
Commission/Inquiry of origin	Western Australia Case Review Board, The Duty of Care Inquiry, An Examination of the Case Decisions in Relation to Two Children Placed Under the Control of the Department, 1993
Recommendation made	<i>When a child has been assaulted or neglected by a foster carer an independent review should be conducted to clarify the circumstances and make appropriate recommendations to the Director General</i>
Assessability of recommendation	Partial – it is unclear what is meant by ‘independent’ in this context.
Additional information request	N/A
Submitted document/ source details	<p>1. WA Government response</p> <p>a). The Department for Child Protection and Non-Government Placement agencies Protocol for Abuse in Care</p> <p>b). Casework Practice Manual – Chapters 1.7 and 7.16</p> <p>c). Children and Community Services Regulations 2006 – Regulation 4</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>b) Relevant</p> <p>c) Relevant</p>
Documentation currency	<p>1. Provided to the Royal Commission by request on 10 October 2013</p> <p>a) June 2009</p> <p>b) Amended October 2012 and June 2013</p>

	c) 2006
Reliability contribution of documents	<p>1. Low</p> <p>a) Medium</p> <p>b) Medium</p> <p>c) High</p>
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>I. WA Government response</p> <ul style="list-style-type: none"> The Department's Duty of Care Unit (DoCU), which is independent of district offices, undertakes investigations of abuse allegations. At the same time, the district child protection workers undertake an assessment of the child. The ED then endorses the DoCU's report, and if it recommends revoking approval of the carer, the Director General is informed. The DG can also be informed depending on the seriousness of the allegation. <p>a) DCP Document - outlines the guiding principles for ensuring the safety of children in care</p> <p>b) Casework Practice Manual - 1.7 outlines procedures re notification of death, serious injury or critical incident; and 7.16 outlines a guide to child protection workers responding to safety and wellbeing concerns for children in care</p> <p>c) Children and Community Services Regulations - concerns the approval/non-approval of carers and the revoking of this approval</p>
Excluded actions	N/A
When action was taken	No specific dates given; however, according to documents provided, the DoCU was not established until 2004 – 11 years after the Inquiry
Implemented as recommended?	Partial
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A

Implementation summary & provisional rating

Undetermined The Department's DoCU is within the organisation – without knowing the meaning of 'independent' in this recommendation it is difficult to assess implementation.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	3
Commission/Inquiry of origin	Dr Marie Harries and Associate Professor Mike Clare, Mandatory Reporting of Child Abuse: Evidence and Options, Report for the Western Australian Child Protection Council, Discipline of Social Work & Social Policy, University of Western Australia, 2002
Recommendation made	<i>If there is a strong recommendation from the Gordon Inquiry that the reporting of, and help to, sexually abused children (in particular minors) can only be achieved within a mandatory system, consideration be given to how this might be accomplished in all or in some part within the Health Act 1911.¹ In this amended Act there is already an obligation for medical practitioners to report certain sexually transmitted infections – 300(1); 301; 306; 307; 308.</i>
	¹ http://www.austlii.edu.au/au/legis/wa/consol_act/ha191169/
Assessability of recommendation	Yes
Additional information request	Legislation check required
Submitted document/ source details	1. WA Government response a) Casework Practice Manual Chapters 4.2 and 4.5 b) Health Department Operational Directives (2) c) WA Government's response to the Gordon Inquiry (online)
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant b) Relevant c) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013

	<ul style="list-style-type: none"> a) Amended in August and September 2013 b) July 2010 & 05/2011 c) November 2002
Reliability contribution of documents	<ul style="list-style-type: none"> 1. Low a) Medium b) Medium c) Medium
Implementation	
Recommended actors involved	WA Government/Department of Health
Recommended actors not involved	N/A
Included actions	<ul style="list-style-type: none"> 1. WA Government response <ul style="list-style-type: none"> • Mandatory reporting of child sexual abuse (CSA) established • In response to the Gordon Inquiry, protocols set up between the Health Department (HD), the WA Police and the Department of Child Protection regarding children under 14 years with a sexually transmitted infection (STI) 2. Casework Practice Manual – 2.4 covers the receipt of CSA mandatory reports and 4.5 covers the assessing of and responding to STI notifications 3. HD Operational Directives – concern the interagency management of children under 14 years with STIs and the mandatory reporting of CSA under 18 years 4. WA Government response to Gordon Inquiry - in which the Government commits to expanding services for CSA
Excluded actions	The mandatory reporting provisions, which relate to police officers and teachers in addition to a range of health professionals, are contained within the <i>Children and Community Services Act 2004</i> and not, as recommended, within the <i>Health Act 1911</i> .
When action was taken	<ul style="list-style-type: none"> 1. 1 January 2009 – 7 years after Gordon Inquiry, 2. Dates for initial policy documents not given 3. July 2010 and May 2011 – 8 and 9 years after Inquiry 4. November 2002 – 4 months after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	Completed
Reason provided	N/A

Implementation summary & provisional rating

Implemented in full Implemented in a manner consistent with the intent of this recommendation - see legislation check

Person extracting data	Auditor 4 & Auditor 6 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	79
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>The Inquiry finds that sex offender programs should be available to all incarcerated persons, including juveniles convicted of child sex offences.</i>
Assessability of recommendation	Yes
Additional information request	Supply data indicating the overall number of prison sex offenders and the number who have attended a sex offender program
Submitted document/ source details	<ol style="list-style-type: none">1. WA Response to RC - ATTACHMENT C2. WA response to additional information requests;<ol style="list-style-type: none">a) No Names prisoners assessed as requiring at least 1 SO specific programb) No Names prisoners completing at least 1 SO program in current stay as at 14-1-14c) Current Sex Offenders – State – 20140114 no names
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none">1. Relevant2. Relevant; a) b) & c)
Documentation currency	<ol style="list-style-type: none">1. Provided to the Royal Commission on request, 7 May 20132. Provided 7 March, 2014
Reliability contribution of documents	<ol style="list-style-type: none">1. Low2. Low; a) b) & c)
Implementation	
Recommended actors involved	Department of Corrective Services

Recommended actors not involved	N/A
Included actions	<ol style="list-style-type: none"> 1. For adult sex offenders, a range of programs are offered according to assessed needs, including a Sex Offenders Deniers Program to reduce the risk of further offending. 2. Adult offenders who are eligible for parole, but have not accessed programs, are often denied release. 3. 524 sex offenders currently incarcerated in WA 4. 150 completed at least one SO Programme 5. 464 assessed as requiring at least one SO Programme
Excluded actions	<ol style="list-style-type: none"> 1. No group programs for juvenile sex offenders
When action was taken	No dates given, appears to be existing programs.
Implemented as recommended?	Partial
Government statement about status of implementation	In part
Reason provided	No group programs for juvenile sex offenders in order to avoid identification
Implementation summary & provisional rating	Partial Sex offender programs exist. Unclear whether programs already existed. Data on number of sex offenders incarcerated and number of those attending programs

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	86
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>The Inquiry finds that the Adolescent Sex Offender Intervention Program, or a similar program, is a necessary part of the service provided by Department of Justice. The Inquiry recommends that the program or intensive individual counselling be available to all incarcerated juvenile sex offenders</i>
Assessability of recommendation	Overall assessable, although what constitutes 'intensive individual counselling' is open to interpretation
Additional information request	NA

Submitted document/ source details	1.WA Government response; ATTACHMENT C
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	Provided to the Royal Commission by request on 7 May 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Department of Justice
Recommended actors not involved	N/A
Included actions	1. Individual counselling has been available to juvenile sex offenders, but not currently.
Excluded actions	2. group programs are not offered; to avoid identifying offender to others
When action was taken	unclear
Implemented as recommended?	N
Government statement about status of implementation	This has been implemented in part
Reason provided	To avoid juvenile sex offenders being identified, the Department does not agree with group programs and claims group programs would be difficult to facilitate because of relatively low numbers.
Implementation summary & provisional rating	Partial Individual and group counselling for juvenile sex offenders has occurred but is not current or consistent across Dept of Justice

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	144
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>The Inquiry recommends that a Children's Commissioner be established which is independent and reports directly to the</i>

	<i>Premier. The Implementation Body should consider the structure and responsibilities of other children's commissioners to decide on the most appropriate model for Western Australia</i>
Assessability of recommendation	Yes
Additional information request	Legislation check
Submitted document/ source details	1. WA Government response 2. Justice Standing Committee on the Commissioner for Children and Young People, 'Review of the Exercise of the Functions of the Commissioner for Children and Young People'
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided to RC by request on 7 May 2013 2. Provided to RC by request on 7 May 2013
Reliability contribution of documents	1. Low 2. Medium 3. High – Leg Check
Implementation	
Recommended actors involved	WA Government and Parliament
Recommended actors not involved	N/A
Included actions	1. Commissioner established by the <i>Commissioner for Children and Young People Act 2006</i> (CCYP Act) 2. Pursuant to section 51 of the CCYP Act, the JSC on CCYP monitors, reviews and reports on the functions of the CCYP C to Parliament
Excluded actions	Appears Commissioner does not report 'directly' to Premier, rather to the Minister responsible for administering the CCYP Act (currently the Attorney General)
When action was taken	Commissioner established IN 2006 by the CCYP Act – four years after Inquiry
Implemented as recommended?	Partial
Government statement about status of implementation	unspecified
Reason provided	N/A
Implementation summary & provisional rating	Partial No evidence the CCYP reports 'directly' to the Premier

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	186
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>The Inquiry find that there is a lack of information sharing between agencies in relation to family violence and child abuse, giving rise to considerable impediments in service delivery. The Inquiry recommends that further consideration be given to legislative and administrative changes to ensure information sharing between agencies.</i>
Assessability of recommendation	Yes
Additional information request	Legislation Check – relevant sections of the <i>Children and Community Services Amendment Act 2004</i> (CCSA Act)
Submitted document/ source details	WA Government response
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided to the Royal Commission by request on 7 May 2013
Reliability contribution of documents	1.Low – Government response 2. High - Leg Check
Implementation	
Recommended actors involved	
Recommended actors not involved	N/A
Included actions	Amendments made to the CCSA Act to facilitate the better sharing of information between agencies
Excluded actions	No evidence provided as to administrative changes and procedures relating to the exchange of information
When action was taken	The CCSA Act was amended in 2010 – 8 ears after the Inquiry
Implemented as recommended?	In Full
Government Statement about Status of Implementation	unspecified

Reason provided

Implementation summary & provisional rating

In Full – see legislation check

Person extracting data

Auditor 4 & Auditor 2

Date of extraction

6 March 2014

Recommendation number

189

Commission/Inquiry of origin

Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002

Recommendation made

The Inquiry recommends that serious consideration be given to the requirement for medical personnel to report suspected abuse in children under 13 years as part of the consideration of the report on mandatory reporting for the Child Protection Council.

Assessability of recommendation

Yes – supporting documents indicate implementation

Additional information request

N/A

Submitted document/ source details

1. WA Government response
 - a) Department of Health's "Operational Directives: Interagency Management of Children Under 14 Years who are Diagnosed with a Sexually Transmitted Infection", and "Mandatory Reporting of Sexual Abuse of Children Under 18 Years" (available online)
 - b) Department for Child Protection, "Mandatory Reporting of Child Sexual Abuse in Western Australia: A guide for Mandatory Reporters (available online)
 - c) Department for Community Development: Internal Memorandum on "Protocols for Reporting of Sexually Transmissible Infections (STIs) in Children Less than 14 Years and Children Aged 14 to 16 years.
 - d) Department for Community Development: Internal Memorandum on "STI Referral for a Child aged 14 Years/For a Child aged 14-16 Year.

Relevant to at least one aspect of recommendation

1. Relevant
 - a) Relevant
 - c) Relevant
 - d) Relevant

	e) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 7 May 2013
	a) 2010 and 2011
	b) 2008
	c) June 2004
	d) June 2004
Reliability contribution of documents	1. Low
	a) Medium
	b) Medium
	c) Medium
	d) Medium
Implementation	
Recommended actors involved	Medical personnel
Recommended actors not involved	N/A
Included actions	1. WA Government response – general info 2. Department of Health – operational directives re the interagency management of STIs in children under 14 years and the mandatory reporting of them 3. Department for Child Protection – info provided about the steps required for mandatory reporters 4 & 5. Department for Community Development – info re the protocols on the reporting of STIs in children under 14 that became operative on 1 July 2004 and the required referral form.
Excluded actions	N/A
When action was taken	After the introduction of mandatory reporting in WA , steps were taken to ensure medical personnel were obligated to report children under 14 years with STIs and/or suspected of being sexually abused to the Health Department, Department for Child Protection and the WA Police - date unspecified
Implemented as recommended?	Yes
Government statement on status of recommendation	unspecified
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Medical personnel provided with guidelines for reporting suspected abuse of children under 14 & 18 yrs

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	10.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that there is an expansion of the Duty of Care Unit to incorporate: - Additional senior officers based in the Unit to undertake the assessment of allegations of abuse with case workers. The Officers would attend at District Offices when allegations of abuse are received or notified. These officers would team with the case workers and lead the investigation of the allegations, assessment action, outcome findings and recommendations. The officers would be responsible for the documentation of the process and recording of the outcomes with the Duty of Care Unit; - The caseworker from the District Office would work alongside the senior officer and support the child or young person. The Placement Officer within the District office would support the carer if this were needed</i>
Assessability of recommendation	Yes
Additional information request	Evidence of an increase in the number of senior officers based in the Duty of Care Unit
Submitted document/ source details	<p>1. WA Government response</p> <p>a) Department Budget</p> <p>b) Casework Practice Manual – Chapters 1.7, 7.7 & 7.16</p> <p>c) Booklet ‘What happens if a foster child says I have hurt them’</p> <p>2. WA Government response to additional information request</p> <p>a) Copy of Duty of Care positions 20062007</p> <p>b) Budget highlights 06-07</p> <p>c) Annual Report 2006 2007</p> <p>d) 2006 2007 Budget Paper No3 Extract</p> <p>e) 2006 2007 Budget Statements Budget Paper No 2 Volume 3 Extracts</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>b) Relevant</p>

	c) Relevant
	2. Relevant
	<ul style="list-style-type: none"> a) Relevant b) Not Relevant c) Relevant d) Not Relevant e) Relevant
Documentation currency	<p>1. Response provided to the Royal Commission by request on 10 October 2013</p> <ul style="list-style-type: none"> a) 2006/07 b) Amended October 2012, September 2012 & June 2013 c) None given <p>2. Provided to the RC on 7 March, 2014</p> <ul style="list-style-type: none"> a) 06/07 b) 06/07 c) 06/07 d) 06/07 e) 06/67
Reliability contribution of documents	<p>1. Low</p> <ul style="list-style-type: none"> a) Medium b) Medium c) Medium <p>2. Low</p> <ul style="list-style-type: none"> a) Low b) Medium c) Medium d) Medium e) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • Duty of Care Unit expanded – 6 additional staff appointed

- Child is supported by case worker and also the Department's Advocate for Children in Care
- Foster carers have the option of a support person; either a senior child protection worker, departmental psychologist or through the Department's Employee Assistance Program

a) Department Budget 2006/07

Summarises additional expenditure and increased staffing)

b) Casework Practice Manual

1.7 – Details the procedures in relation to critical incidences such as death, serious injury

7.7 – Procedures regarding the support of foster carers

7.16 - Procedures for workers to follow when responding to safety and well-being concerns for children in care

c) Booklet

Information for foster carers when facing allegations of having harmed a foster child

2.

a) Nine new Duty of Care Positions established 06/07

e) Budget increases to cover cost of Duty of Care staff

Excluded actions	N/A
When action was taken	2006 – one year after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Information provided indicates that the recommendation was implemented

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	Recommendation 11 – Responding to abuse in care 11.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005

Recommendation made	<i>It is recommended that the Department provides training and competencies to caseworkers and specialists about the specific issues pertaining to children in care and abuse in care. The training package should include information about assessment and investigation procedures about abuse in care and the elements of best practice benchmarks in holistic assessment (this would relate to the involvement of the child, gathering of full information, assessment of all concerns regarding the subject child and other children in the placement where necessary, interviewing relevant parties, decisions about outcomes, safety plans and feedback).</i>
Assessability of recommendation	Yes
Additional information request	<p>i) supply evidence of the number of training sessions run about the specific issues pertaining to children in care and abuse in care.</p> <p>ii) supply data indicating the number of caseworkers and specialist who attended that training</p>
Submitted document/ source details	<p>1. WA Government response</p> <p>a) Implementation Strategy</p> <p>b) PowerPoint package - learning and development sessions</p> <p>2. WA Government response to Additional Information requests</p> <p>a) Learning Pathways Brochure</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>b) Relevant</p> <p>2. Relevant</p> <p>a) Relevant</p>
Documentation currency	<p>1. Response provided to the Royal Commission by request on 10 October 2013</p> <p>a) August 2006</p> <p>b) July 2013</p> <p>2. Response to RC for additional information requests provided on 7 March, 2014</p> <p>a) 2013/2014</p>

Reliability contribution of documents

1. Low
 - a) Medium
 - b) Medium
2. Low
 - a) Low

Implementation

Recommended actors involved

Department for Child Protection

Recommended actors not involved

N/A

Included actions

1. WA Government response

- Additional funding provided for relevant training in 2006/07 budget
- The Duty of Care Unit (DoCU) provides learning/development sessions to district staff about abuse in care issues
- The DoCU provides ongoing support and mentoring to district officers and, once a month, senior investigating officers are allocated to specific district offices to provide supervision, consultation, mentoring, assessing and undertaking training as required

a) Implementation Strategy

This strategy was developed specifically for implementing the Murray report recommendations. It was formulated by a committee comprised of NGO representatives that care for children, the CREATE foundation, the Foster Care Association and the Department.

b) PowerPoint package – learning/development material on Dealing with Critical Incidents and Standard of Care and Safety and Wellbeing Concerns in Care.

2. All current Child Protection Workers complete a children in care module as part of the statutory child protection learning programs.

Excluded actions

1. No formal records of training with regard to specific issues pertaining to children in care and abuse are kept
2. No formal records of training going back to 2005, with regards to specific issues pertaining to children in care and abuse, are kept.

When action was taken

August 2006 – one year after the Inquiry

Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	<p>Implemented in Full</p> <p>While no documentary evidence can be provided as to the number of caseworkers attending training specific to children in care and abuse in care or the frequency of that training, other documents provided indicate that the recommendation was implemented</p>

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	Recommendation 11: Responding to abuse in care 11.2
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Department ensures that initial planning occurs between case workers (including those undertaking the investigation), team leaders and other significant people (for example: Senior Officer Aboriginal Services, Duty of Care Unit, other service providers).</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	<ol style="list-style-type: none"> WA Government response <ol style="list-style-type: none"> Casework Practice Manual – Chapters 7.15 and 7.16 Departmental and Non-Government Placement Agencies Protocol
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Relevant <ol style="list-style-type: none"> Relevant Relevant
Documentation currency	<ol style="list-style-type: none"> Provided to the Royal Commission by request on 10 October 2013

	a) Both chapters amended June 2013
	b) June 2009
Reliability contribution of documents	1. Low a) Medium b) Medium
Implementation	
Recommended actors involved	The Department for Child Protection and service providers
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • When safety and wellbeing issues arise about a foster carer or departmental employee, a joint and concurrent assessment must be undertaken by child protection workers, and a carer investigation must be undertaken by the Duty of Care Unit (DoCU). A misconduct investigation by the Integrity Services Unit may also be undertaken. • A joint investigation-planning meeting is also convened by DoCU involving relevant department and non-government agency employees. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 7.15 - details procedures for child protection workers in relation to all forms of physical, sexual, emotional, psychological harm and neglect alleged to have occurred to children in care • Chapter 7.16 – procedures for child protection workers when responding to safety and well-being concerns of children in care of the CEO against approved foster carers <p>b) Department for Child Protection and Family Support and Non-Government Placement Agencies Protocol</p> <p>Describes the protocols agreed upon to promote the objective of acting in the best interest of the child – they concern the processes, procedures, roles and responsibilities of the Department and non-government agencies.</p>
Excluded actions	N/A
When action was taken	Not clear – but protocols established in 2009 – four years after inquiry.
Implemented as recommended?	Yes

Government statement about status of implementation

- Completed

Reason provided

N/A

Implementation summary & provisional rating

Implemented in full Supporting documents indicate recommendation implemented as intended

Person extracting data

Auditor 4 & Auditor 2

Date of extraction

10 March 2014

Recommendation number

Recommendation 11 – Responding to abuse in care
11.3

Commission/Inquiry of origin

Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005

Recommendation made

It is recommended that the Department: - streamlines policy and process for duty of care notifications; - simplifies process associated with recording and line management approval; - simplifies the intake process; - simplifies recording and line management approval throughout the process; - formulate a checklist that details the process for case managers and provides opportunity for quality assurance

Assessability of recommendation

Yes

Additional information request

N/A

Submitted document/ source details

1. WA Government response
 - a) Implementation Strategy – A summary report of the Department for Community Development’s strategy for the implementation of recommendations of the Murray Report
 - b) Casework Practice Manual – Chapters 7.15 to 7.18

Relevant to at least one aspect of recommendation

1. Relevant
 - a) Relevant
 - b) Relevant

Documentation currency

1. Provided to the Royal Commission by request on 10 October 2013
 - a) August 2006
 - b) Chapters all amended June 2013

Reliability contribution of documents	<p>1. Low</p> <p>a) Medium</p> <p>b) Medium</p>
Implementation	
Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
<ul style="list-style-type: none"> • Included actions 	<p>1. WA Government response</p> <ul style="list-style-type: none"> • Duty of care notifications automated within the Department's data base 'Assist' • All recording and line management approvals saved on the Department's electronic case filing system and signed off online by the relevant line-manager, whose position is automatically generated • Practice guidelines include a list of actions the child protection worker should undertake re safety and well-being assessments • The final report is quality assured and endorsed by the Manager and forwarded via the District Director to the relevant Executive Director/s <p>a) Implementation Strategy</p> <p>Guiding principles formulated by an Implementation Committee to progress the Murray report recommendations into policy and action with a focus on achieving better outcomes for children in care.</p> <p>b) Casework Practice Manual</p> <ul style="list-style-type: none"> • 7.15 and 7.16 Details procedures to be followed in relation to safety and wellbeing concerns for a child in care of the CEO in relation to approved Departmental and non-government agency foster carers and agency employees undertaking direct care work • 7.17 and 7.18 Outlines policy and procedures when responding to standard of care concerns against approved foster carers and current departmental employees
Excluded actions	N/A
When action was taken	Commenced in August 2006
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> • Completed
Reason provided	N/A

Implementation summary & provisional rating	Implemented in full; Supporting documentation suggests recommendation was implemented as intended
Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	Recommendation 11 – Responding to abuse in care 11.4
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that this [ie staff training and support] is provided through a specialist Training, Mentoring and Support Unit (See also Recommendation 18).</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	1. WA Government response a) Implementation Strategy – A summary report of the Department for Community Development’s strategy for the implementation of recommendations of the Murray Report b) Learning and development sessions - PowerPoint package
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant b) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) August 2006 b) 2013
Reliability contribution of documents	1. Low a) Medium b) Medium
Implementation	
Recommended actors involved	The Department for Child Protection

Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <p>The Department provides specialist training, mentoring and support about abuse in care through its Duty of Care Unit</p> <p>a) Implementation Strategy</p> <p>Guiding principles formulated by an Implementation Committee to progress the Murray report recommendations into policy and action with a focus on achieving better outcomes for children in care.</p> <p>b) PowerPoint package for learning and development sessions on dealing with critical incidents, standards of care and safety and wellbeing concerns in care-</p>
Excluded actions	N/A
When action was taken	Additional funding for a specialist Training Mentoring and Support Unit was obtained through the 2006/07 Budget process – one year after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	<p>Implemented in full</p> <p>Supporting documents indicate recommendation was implemented as intended</p>

Person extracting data	Auditor 4
Date of extraction	8 January 2014
Recommendation number	<p>Recommendation 12 – Support and mentoring workers about abuse in care</p> <p>12.1</p>
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005

Recommendation made	<i>It is recommended that the Department:- provides mentoring in the workplace about how to manage abuse in care investigations - provides training to case workers about substantiation of child maltreatment allegations including recording - reviews and amends the CCSS system to allow easier recording of categories of harm</i>
Assessability of recommendation	Yes
Additional information request	Supply evidence of the number of training sessions run about substantiation of child maltreatment allegations and the number of individuals who have attended such training
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response <ol style="list-style-type: none"> a) Casework Practice Manual – Chapters 4.1 and 5.1 b) Safety and wellbeing assessment outcome report 2. WA Government response to Request for Additional Information <ol style="list-style-type: none"> a) Learning Pathways Brochure
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant <ol style="list-style-type: none"> a) Relevant b) Relevant 2. Relevant <ol style="list-style-type: none"> a) Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission by request on 10 October 2013 <ol style="list-style-type: none"> a) Amended August and September 2013 b) No date given 2. Provided to RC by request on 7 March 2014 <ol style="list-style-type: none"> a) 2013/2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low <ol style="list-style-type: none"> a) Medium b) Medium 2. Low <ol style="list-style-type: none"> a) Low
Implementation	

Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • The Duty of Care Unit (DoCU) provides ongoing support and mentoring to the district officers regarding abuse in care issues. DoCU senior investigating officers are allocated to a specific district office and are responsible for visiting on a monthly basis to provide consultation, supervision, one-on-one mentoring, assessing and undertaking training as needed • The Department implemented changes to the Client and Community Services System (CCSS) in line with the requirements of the <i>Children and Community Services Act 2004</i>, which included recording categories of harm. • These were further refined as part of the development of the Department's new client information system, 'Assist'. Changes include the ability to record multiple categories of harm and the subsequent decision(s) in relation to each recorded harm. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 4.1 – procedures for duty officers to follow when deciding whether the Department has a role in promoting or safeguarding a child's wellbeing based on referral information • Chapter 5.1 – procedures for child protection workers in conducting a safety and wellbeing assessment to ascertain the current circumstances of a child and family in relation to risk, harm, future danger, etc and whether a child may be in need of protection <p>b) Safety and wellbeing assessment outcome report</p> <p>Copy of the report a child protection worker is to fill out when assessing the wellbeing of a child</p> <p>2. All Child Protection Workers are trained in substantiation of child maltreatment allegations as part of statutory child protection learning programs.</p>
Excluded actions	No formal records of training are maintained, going back to 2005, with regards to specific issues pertaining to children in care ad abuse or how many staff have attended that training
When action was taken	unspecified
Implemented as recommended?	Y
Government statement about status of implementation	Completed

Reason provided

Implementation summary & provisional rating

Implemented The DoCU provides mentoring to district officers, and there is training in substantiation of child maltreatment allegations. Changes were made to the CCSS system.

Person extracting data

Auditor 4 & Auditor 2

Date of extraction

10 March 2014

Recommendation number

Recommendation 13 – Safety Plans
13.1

Commission/Inquiry of origin

Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005

Recommendation made

It is recommended that the Department ensures that safety plans are in place for all children in care and in particular for those children who have been abused in care and the plans are recorded within the Duty of Care Unit

Assessability of recommendation

Yes

Additional information request

N/A

Submitted document/ source details

1. WA Government response
 - a) Casework Practice Manual – Chapters 1.3, 5.1 and 7.17
 - b) CPFS Form 461 Duty of Care Report – Carer Standard of Care Assessment
 - c) Signs of Safety Background Paper (2nd Edition and Signs of Safety Policy)
 - d) Care plan for a child in the CEO's care

Relevant to at least one aspect of recommendation

1. Relevant
 - a) Relevant
 - b) Relevant
 - c) Relevant
 - d) Relevant

Documentation currency

1. Provided to the Royal Commission by request on 10 October 2013

	<p>a) Amended August, September and June 2013</p> <p>b) No date given</p> <p>c) September 2011</p> <p>d) No date given</p>
Reliability contribution of documents	<p>1. Low</p> <p>a) Medium</p> <p>b) Medium</p> <p>c) Medium</p> <p>c) Medium</p>
Implementation	
Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • The Department uses the <i>Signs of Safety Child Protection Practice Framework</i> across all its services. Detailed guidance is provided in relation to safety planning • All children in care have a care plan that includes safety planning, which is undertaken when assessing potential reunification and family contact planning. These plans are regularly reviewed to ensure safety • For allegations of abuse in care, the safety plan may be included as part of the Notification of a safety and wellbeing concern in care to the Duty of Care Unity and also have a quality assurance role • Due to the need to often manage the immediate safety needs of a child, the district office is usually best placed to undertake this work as they have the most up to date information about the alleged abuse and the child's individual needs. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 1.3 – Outlines procedures for workers using the Signs of Safety framework • Chapter 5.1 – Guides workers when conducting safety and wellbeing assessments to ascertain the current circumstances of a child and family in relation to risk etc and whether the child need protection • Chapter 7.17 – Outlines procedures when responding to standard of care concerns for a child in the approved departmental or foster care.

	<p>b) CPFS Form 461 Duty of Care Report – example of the required report to be filled out when assessing a standard of care issue</p> <p>c) Signs of Safety Background Paper –</p> <p>Detailed document outlining the Signs of Safety Framework adopted by the Department as a guide to safety planning and managing potential danger and threats to a children’s safety</p> <p>d) Care plan for a child in the CEO’s care – copy of the form to be filled out when devising a plan for a child in or leaving care</p>
Excluded actions	N/A
When action was taken	<p>1. a), b) & d) are not clear</p> <p>1. c) The Signs of Safety framework was adopted in mid-2008 – close to 3 years after the Inquiry.</p>
Implemented as recommended?	Yes
Government statement about status of implementation	Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full: Supporting documents indicate recommendation has been implemented as intended

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	<p>Recommendation 15 – Timelines for responses and procedures</p> <p>15.2</p>
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>That the CCSS [Client and Community Services System] or equivalent should automatically report allegations to the Duty of Care Unit and Director General</i>
Assessability of recommendation	Yes

Additional information request	N/A
Submitted document/ source details	1. WA Government response a) Casework Practice Manual – chapters 7.16 and 7.17
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) Both chapters amended in June 2013
Reliability contribution of documents	1. Low a) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1.WA Government response</p> <ul style="list-style-type: none"> • The Department’s electronic recording system ‘Assist’ automatically creates a report to the Duty of Care Unit (DoCU) • The EDs are advised and retain the discretion to inform the DG about contentious notifications • The DG is always notified where the revocation of a carer’s approval is recommended by the DoCU’s Investigation Report <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 7.16 – details procedures to be followed when responding to safety and wellbeing concerns for children in the care of the CEO against approved foster carers • Chapter 7.17 – details procedures for when responding to standard of care concerns against approved foster carers
Excluded actions	N/A
When action was taken	unspecified
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> • Partial implementation
Reason provided	N/A
Implementation summary & provisional rating	Partial Duty of Care Unit automatically receives report. Whether DG receives report is at the discretion of the Executive Directors.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 15 Timelines for responses and procedures 15.3
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>That the Department establish clear policy on timeframes for reporting requirements. The average timeframe from a child maltreatment allegation to Director General authority on outcome reports should be on average 4 to 6 weeks</i>
Assessability of recommendation	Yes
Additional information request	Supply records indicating the average timeframe from a child maltreatment allegation on outcome reports
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response <ol style="list-style-type: none"> a) Casework Practice Manual – Chapters 4.1 and 5.1 2. WA Government response to additional information request
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant <ol style="list-style-type: none"> a) Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission by request on 10 October 2013 <ol style="list-style-type: none"> a) Amended in August 2013 and September 2013 2. Provided to Royal Commission by request on 7 March 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low <ol style="list-style-type: none"> a) Medium 2. Low
Implementation	
Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
Included actions	1. WA Government response

- Established response timeframes for the commencement of a safety and wellbeing assessment are: Priority 1 (within 24 hours); and Priority 2 (within 2-5 working days)
- A safety and wellbeing assessment should be completed within 30 calendar days
- Completing safety and wellbeing assessments within 30 days is a KPI that is published in the Department's annual reports and subject to external audit

a) Casework Practice Manual

- Chapter 4.1 – Procedures to guide duty officers in deciding whether the Department has a role in promoting or safeguarding a child's wellbeing based on information received from a referrer
- Chapter 5.1 – Procedures to guide child protection workers in conducting a safety and wellbeing assessment to ascertain the current circumstances of a child and family in relation to risk harm etc
 - The Department's reports regarding abuse in care include: critical incidents and abuse allegation while in care (now known as a SWA concern in care) and both are responded to with a safety and wellbeing assessment (SWA) which encompasses an outcome report.
 - The timeframe established in policy for the completion of a SWA is 30 days regardless of whether it is for children in care (CPM chapter 7.15) or other type of SWA.
 - Data was examined for the period March 2010 - Dec 2013 (when the Assist database became active). Several cases were open for very significant periods (often in response to Police investigation) and so the 'average' days taken to completion is not representative of the majority of cases. For this reason, the median figure as well as the average figure is provided.
 - • SWA Critical Incidents – average 50.91 days , median 26.5 days
 - • SWA - Abuse Allegation While in Care / SWA Concern in Care – average 62.82 days, median 30 days

Excluded actions N/A

When action was taken Assist Database commenced in 2010

Implemented as recommended? Yes

Government Statement about Status of Implementation completed

Reason provided N/A

Implementation summary & provisional rating	Implemented in full Implemented as per the recommendation's directions
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Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 16 Authorisations of Child Maltreatment Allegations 16.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>That all policy relating to child maltreatment allegations and abuse in care inquiries should detail authorisation of classification by a senior designated officer as well as a plan of action.</i>
Assessability of recommendation	Yes
Additional information request	
Submitted document/ source details	1. WA Government response a) Casework Practice Manual – Chapters 5.1
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) Amended September 2013
Reliability contribution of documents	1. Low a) Medium
Implementation	
Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
Included actions	1. WA Government response <ul style="list-style-type: none"> The policy states that the Team Leader authorises the undertaking of the safety and wellbeing assessment, including the initial plan, and the classification of the incident (for example, safety and wellbeing concern in care, carer standard of care, crucial incident)

	<ul style="list-style-type: none"> The Duty of Care Unity quality assures the District's classification, and where it disagrees, can request the District review the classification.
Excluded actions	N/A
When action was taken	unspecified
Implemented as recommended?	Y
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Implemented as per the recommendation's directions

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 17 – Participation of children and young people 17.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that a model of participation is developed within the new Advocate for Children in Care position within the Department to enable children and young people subject to the child protection system to be involved in a meaningful way in decision making about their lives.</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	<ol style="list-style-type: none"> WA Government response <ul style="list-style-type: none"> a) Casework Practice Manual – Chapters 1.3, 1.16, 6.8 and 10.4

Relevant to at least one aspect of recommendation	1. Relevant a) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) Amended in August 2013, March 2013, July 2013 and August 2013
Reliability contribution of documents	1. Low a) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • The Advocate for Children in Care provides advocacy services for children and young people in the CEO's care, including support and assistance to access formal complaints management and appeals processes. The Advocate promotes individual and collective participation by children in care, identifies and reports on the issues they are concerned about, and oversees the <i>Charter of Rights for Children in Care</i>. • The Advocate is also responsible for the State-wide rollout of <i>Viewpoint</i>, a computer assisted, self-interviewing program designed to promote greater participation by children and young people in care in decision-making. <i>Viewpoint</i> is used as part of annual care planning for children in the CEO's care aged five to 17 years. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 1.3 – Signs of Safety: The Department's Child Protection Framework - procedures concerning child protection workers responding to children in care • Chapter 1.16 – Specialist Position in Head Office – details for child protection workers about specialist positions with head office and the role each performs such as the Advocate for Children in Care • Chapter 6.8 – details the <i>Charter of Rights</i> for children in the CEO's Care pointing out that a copy of the Charter must be provided to all children as they enter care • Chapter 10.4 – Viewpoint and Care Plans – a guide for child protection workers in the use Viewpoint as part of helping children in care to have their say
Excluded actions	N/A
When action was taken	unspecified

Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Recommendation implemented in full

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 17 – Participation of children and young people 17.2
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Charter of Rights about children in care, that has apparently been developed with assistance of CREATE, be implemented as a matter of priority in 2006. This could also be overseen by the newly appointed Advocate for Children in Care.</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	<ol style="list-style-type: none"> WA Government response <ol style="list-style-type: none"> Casework Practice Manual – chapters 1.16 and 6.8 Charter of Rights for Children in Care 'All about being in care' book 'My book about being care' book
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Relevant <ol style="list-style-type: none"> Relevant Relevant Relevant Relevant
Documentation currency	<ol style="list-style-type: none"> Provided to the Royal Commission by request on 10 October 2013

	<p>a) Amended in March 2013 and July 2013</p> <p>b) No date given</p> <p>c) No date given</p> <p>d) No date given</p>
Reliability contribution of documents	<p>1. Low</p> <p>a) Medium</p> <p>b) Medium</p> <p>c) Medium</p> <p>d) Medium</p>
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	Yes
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> ▸ The Advocate for Children in care delivered a number of learning and development sessions to staff to support the implementation of the Charter throughout the Department ▸ Child protection workers provide a copy of the Charter to each child on entry to care and explain their rights to them in an appropriate way. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 1.16 – Specialist Position in Head Office – details for child protection workers about specialist positions with head office and the role each performs such as the Advocate for Children in Care • Chapter 6.8 - details the <i>Charter of Rights</i> for children in the CEO’s Care pointing out that a copy of the Charter must be provided to all children as they enter care <p>b) Charter of Rights for Children in Care – actual copy of the Charter that is provided to all children when entering care</p> <p>c) ‘All about being in care’ – copy of a book provided to all children when entering care, on for example, what it actually means to be ‘in care’</p> <p>d) ‘My book about being in care’ - copy of another similar book provided to all children when entering care</p>
Excluded actions	N/A

When action was taken	
Implemented as recommended?	Y
Government statement about status of implementation	• Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Recommendation implemented as directed

Person extracting data	Auditor 4
Date of extraction	13 January 2014
Recommendation number	Recommendation 17 –Participation of children and young people 17.3
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Standards Monitoring Unit in collaboration with the recommended Training, Mentoring and Support Unit, undertake the monitoring and quality assurance of best practice standards.</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	1. WA Government response a) <i>Better Care Better Services</i>
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) 2006
Reliability contribution of documents	1. Low a) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A

Included actions	<p>1. WA Government response</p> <p>The Department’s Standards Monitoring Unit is responsible for monitoring service standards in accordance with <i>Better Care Better Services – Standards for Children and Young People in Protection and Care</i> for both the Department’s service delivery areas and services delivered by funded non-government placement agencies.</p> <p>a) <i>Better Care Better Services: Standards for Children and young people in protection and care</i> –copy of the document that details the standards expected of different processes to ensure the provision of high quality services to children in protection and care by the Department and non-government placement agencies.</p>
Excluded actions	N/A
When action was taken	unspecified
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Recommendation implemented as intended

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 18 – Support and mentoring for workers and department resources 18.2
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Department employ additional specialist investigation officers to lead and work with the caseworkers on the investigation and assessment of abuse in care notification. These workers would be based in the Duty of Care Unit</i>
Assessability of recommendation	Yes

Additional information request	Supply evidence of an increase in specialist investigation officers in the Duty of Care Unit
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response 2. WA Government response to Additional Information request <ol style="list-style-type: none"> a) Copy of Duty of Care positions 20062007 b) Budget highlights 06-07 c) Annual Report 2006 2007 d) 2006 2007 Budget Paper No3 Extract e) 2006 2007 Budget Statements Budget Paper No 2 Volume 3 Extracts
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant <ol style="list-style-type: none"> a) Relevant b) Not Relevant c) Relevant d) Not Relevant e) Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission by request on 10 October 2013 2. Provided to the RC by request on 7 March 2014 <ol style="list-style-type: none"> a) 06/07 b) 06/07 c) 06/07 d) 06/07 e) 06/67
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low <ol style="list-style-type: none"> a) Low b) Medium c) Medium d) Medium e) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	WA Government Response

	Additional and recurrent funding in the 2006-07 State Budget was provided to expand the Duty of Care Unity to undertake investigations of abuse in care which included the appointment of an additional six staff
	2. Document; a) indicates nine Duty of Care Positions in 06/07 (unclear if are all new positions)
Excluded actions	N/A
When action was taken	2006 – 12 months after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Supporting documents provides evidence of recommendation being implemented

Person extracting data	Auditor 4
Date of extraction	13 January 2014
Recommendation number	Recommendation 18 – Support and mentoring for workers and department resources 18.3
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Community and Public Service Union proposal for additional permanent child protection workers, caseworkers, team leaders and support staff including psychologists be accepted by the Department and that a rationale be developed for the calculation of the required number of staff and that this is implemented as a matter of priority.</i>
Assessability of recommendation	Yes
Additional information request	Supply evidence of an increase in permanent child protection workers, caseworkers, team leaders and support staff following this Report
Submitted document/ source details	1. WA Government response

	a) Casework Practice Manual – Chapter 2.4
	2. WA Government response to Additional information request
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant
	2. Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) Amended September 2013
	2. Provided to RC by request on 7 March 2014
Reliability contribution of documents	1. Low a) Medium
	2. Low

Implementation

Recommended actors involved Department for Child Protection

Recommended actors not involved N/A

Included actions

1. WA Government response

- The Department has developed a service demand model in conjunction with the Department of Treasury to determine additional resourcing required to meet projected demand in services. Since 2008-09, this model has been used to support the Department's annual funding bid to maintain service levels given changing demand.
- The Department is subject to an Industrial Relations Commission order which imposes an upper limit of 15 cases to apply to each case worker, with an upper limit of 18 cases in certain circumstances.
- The Department has implemented a Workload Management policy, and has a dedicated workload management area to monitor resourcing, service delivery workload issues and monitor the number of cases that are unable to be allocated due to district resourcing issues.

a) Casework Practice Manual

Chapter 2.4 – Workload Management – provides workers with details in complying with the 2008 WA industrial Relations Commission Order regarding workload management in the Department.

2. The number of caseworkers (i.e. employees who manage a child protection caseload) increased by an estimated 436 FTE

	(140%) to 748.3 FTE between the period 2005/06 to 31 December 2013.
	Corresponding service delivery support staff, including team leaders, psychologists, education officers, residential care workers etc., increased by an estimated 125 FTE (21%) to 716 FTE between this same period.
Excluded actions	N/A
When action was taken	
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Documentary evidence supplied indicates the recommendation was implemented

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	4
Commission/Inquiry of origin	Ombudsman, Report on Allegations concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>The Department, in consultation with Direct Care Workers and other residential care staff, should develop mechanisms to give young people and others confidence in the complaint handling system in ACSS², for example, by developing guidelines which adhere to the principles of procedural fairness and relevant legislative protections for staff but which allow for feedback to young people and others raising concerns about a staff member.</i>
	¹ Adolescent and Children Support Services
Assessability of recommendation	Yes, although which mechanisms might give young people confidence in the system is open to interpretation.
Additional information request	Supply data indicating the number of complaints received about staff from young people in residential care, annually from 2003

Submitted document/ source details	<p>1. WA Government response</p> <ul style="list-style-type: none"> i) Casework Practice Manual – Chapter 2.7 and 1.16) Administration Manual – Chapter 2.1.06 :) Residential Care Services Manual – Sections 30, 50 and 51 l) Complaints Management Kit :) Advocate for Children in Care brochure) Charter of Rights for Children in Care !. WA response to additional data request
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <ul style="list-style-type: none"> i) Relevant) Relevant :) Relevant l) Relevant :) Relevant) Relevant !. Relevant
Documentation currency	<p>1. Provided by request to the RC on 10 October 2013</p> <ul style="list-style-type: none"> i) Amended May 2013) Amended March 2013 :) 2011 l) No date given :) No date given) No date given !. Data provided from 2008-2013.
Reliability contribution of documents	<p>1. Low</p> <ul style="list-style-type: none"> i) Medium) Medium :) Medium l) Medium :) Medium) Medium !. Low
Implementation	
Recommended actors involved	Department for Child Protection and Family Support (DCPFS)
Recommended actors not involved	<p>Direct Care workers</p> <p>Residential Care staff</p>
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • Complaints Management Unit (CMU) comprises a 3 tiered complaints system that liaises with the Department’s

Integrity Services Unity (ISU), the Duty of Care Unity (DoCU), the Ministerial Liaison Unit and the Ombudsman as the third tier. Also liaises with other external stakeholders including the Commissioner for Children and Young People and the Foster Care Association and the Family Inclusion Network of WA

- The Department’s Advocate for Children in Care offers support and assistance for young people accessing the complaints system and appeals processes and oversees the Charter of Rights for Children in Care
- Verbal and/or written feedback is provided to all parties (including children) once the complaints process is completed

a) Casework Practice Manual – covers complaints management and specialist positions eg, Advocate for Children in Care

b) Administration Manual – covers discipline in the event of an employee being subject to an allegation

c) Residential Care Services Manual – covers critical incidents, abuse in care allegations and complaints management

d) Complaints Management Kit – for those lodging complaints with the Department

e) Advocate for Children in Care – a ‘have your say’ brochure

f) Charter of Rights – a brochure prepared in partnership with CREATE

2. Number of Complaints (substantiated and unsubstantiated) received about staff from young people in residential care:

- i. 2008 = 46
- ii. 2009 = 18
- iii. 2010 = 13
- iv. 2011 = 16
- v. 2012 = 24
- vi. 2013 = 43

Excluded actions

No evidence of consultation with Direct Care workers and Residential Care staff.

When action was taken

- CMU and ISU established in 2007
- the DoCU established in 2004 and extended in 2007 after the Murray Report³
- No other dates given

Implemented as recommended?

Yes

Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented: While no evidence of consultation with Direct Care workers and Residential Care staff was provided, there are clearly a number of mechanisms in place that aim to meet the recommendation.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	6
Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>The Department undertake a review of its ACSS Critical Incident Form so that it includes a section for the child or young person to complete about their version of events; or requiring a person not involved in the incident, such as a Team Leader, Case Manager or someone of the young person's choice to speak with the child about the incident and record the version of events</i>
Assessability of recommendation	Yes – means of implementation and documentary evidence provides a valid indicator of implementation
Additional information request	N/A
Submitted document/ source details	<p>1. WA Government response</p> <p>i) Casework Practice Manual – Chapter 1.7</p> <p>ii) Residential Care Services Manual – Sections 30, 50 and 51 and the copies of the 'Accommodation Care Services Critical Incident Report Form' and the 'Young Person's View of Incident Form'</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>i) Relevant</p> <p>ii) Relevant</p>
Documentation currency	<p>1. Provided to RC on request on 10 October 2013</p> <p>a) October 2012</p> <p>b) 2011</p>
Reliability contribution of documents	<p>1. Low</p> <p>i) Medium</p>

) Medium

Implementation

Recommended actors involved Department for Child Protection

Recommended actors not involved N/A

Included actions

Government Response

- The Critical Incident Form was reviewed and provides a section to detail the young person's view gained from an interview as soon as possible after the incident
- Residential Care staff provide the young person with the 'Young Person's View of Incident form to write or dictate their version of events
- The Manager or other staff member, not involved in the incident, also speaks to the young person to record his/her into in case files

Casework Practice Manual – procedures for notification of death, serious injury or critical incident

Residential Care Services Manual – procedures for critical incidents; ; accountability issues when managing abuse complaints; copy of the Critical Incident Report Form and the Young Person's View form

Excluded actions

N/A

When action was taken

No dates given

Implemented as recommended?

Implemented

Government statement about status of implementation

Completed

Reason provided

N/A

Implementation summary & provisional rating

Implemented in full

Supporting documents suggest the ACSS Critical Incident Form was reviewed and changes made as per the recommendation

Person extracting data

Auditor 4 & Auditor 2

Date of extraction

7 March 2014

Recommendation number

18

Commission/Inquiry of origin

Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006

Recommendation made	<i>The Department include information on how allegations, and the investigation of those allegations, are an integral part of working in residential care, what it means if an allegation is made for an employee and an outline of the assessment and investigation processes in its induction training for residential staff and on its intranet</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	1. WA Government response
	<ul style="list-style-type: none"> a) Accountable and Ethical Decision Making (AEDM) eLearning Module b) Residential Care Service Manual – Sections 30, 50 and 51 c) Administration Manual Chapters 1.7.02, 07 and 11 and Chapters 2.1.06 and 07.
Relevant to at least one aspect of recommendation	<ul style="list-style-type: none"> 1. Relevant <ul style="list-style-type: none"> a) Relevant b) Relevant c) Relevant
Documentation currency	1. Provided to RC by request on 10 October 2013
	<ul style="list-style-type: none"> a) None given b) 2011 c) None given
Reliability contribution of documents	<ul style="list-style-type: none"> 1. Low <ul style="list-style-type: none"> a) Medium b) Medium c) Medium
Implementation	
Recommended actors involved	Department of Child Protection
Recommended actors not involved	N/A
Included actions	<ul style="list-style-type: none"> • WA Government response - general info • The AEDM e Learning Module, available in the Department’s Learning and Development Portal, provides info on working in residential care, including investigations into allegations of misconduct • Residential Care Services Manual - section 30 deals with Critical Incidents, 50 with Allegations of Abuse in Care and 51 with Complaints Management. • Administration Manual - chapter 1.7.02 provides info on Critical Incident Debriefing, 1.7.07 with Hazard and Incident Reporting and Investigation, 1.7.11 with Occupational Safety

Excluded actions	and Health Issue Resolution, 2,1,06 with Discipline and 2.1.07 with Reporting and Handling Misconduct. N/A
When action was taken	Not clear apart from 2011 Residential Care Services Manual, which is 5 years after Inquiry
Implemented as recommended?	Yes
Government Statement about status of implementation	Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full: The supporting documents provided indicate measures are in place to comply with the intention of this recommendation.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	22
Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>The Department take steps as a priority to streamline and rationalise policies and procedures on the handling of child maltreatment allegations against Departmental staff and to ensure that its practice is consistent and is reflected in these documents</i>
Assessability of recommendation	Partial – establishing whether practice is consistent is beyond the scope of this project
Additional information request	N/A
Submitted document/ source details	1. WA Government Response a) Paper completed by Terry Simpson for the Department for Child Protection – ‘Review of work units that manage issues relating to integrity’ b) Casework Practice Manual – Section 7.18 c) Administration Manual – Chapters 2.1.06 and 07 d) Residential Care Services Manual – Sections 30, 50 and 51
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant b) Relevant

	<ul style="list-style-type: none"> c) Relevant d) Relevant
Documentation currency	<p>1. Provided to the RC by request on 10 October 2013</p> <ul style="list-style-type: none"> a) 2009 b) Amended June 2013 c) No dates given d) 2011
Reliability contribution of documents	<p>1. Low</p> <ul style="list-style-type: none"> a) Medium b) Medium c) Medium d) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response –</p> <ul style="list-style-type: none"> • The Department restructured the Complaints Management Unit (CMU), the Duty of Care Unit (DoCU), the Integrity Screening Unit (ISU) and the Standards and Monitory Unit to facilitate better coordination in the management of child abuse allegations • Verbal and/or written feedback is provided to all parties (including children) once the complaints process is completed <p>2. Simpson paper – a review report of the CMU, the DoCU and the ISU that recommends the need for a greater alignment of processes between these units when responding to allegation concerning children in care</p> <p>3. Casework Practice Manual - procedures when responding to allegations against a department employee</p> <p>4. Administration Manual – procedures regarding possible disciplinary actions against staff and the reporting and handling of misconduct</p> <p>5. Residential Care Services Manual – procedures around critical incidents, abuse in care allegation and the managing of such complaints</p>
Excluded actions	N/A
When action was taken	In 2009 in line with the recommendations of the Simpson paper (see above) – two years after Inquiry
Implemented as recommended?	Yes

Government Statement about status of Implementation	Complete
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full: To the extent that this recommendation can be assessed, documents provided indicate that the intent of the recommendation has been achieved

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	24
Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>If the Department is to continue to apply child protection investigative processes with its residential care facilities, it should provide guidelines to investigators of allegations against Departmental staff so that their conduct of the investigation does not compromise the opportunity for the Department to pursue Public Sector Management Act 1994 (PSM Act) disclosure action if required.</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response 2. T Simpson, 'Review of work units that manage issues relating to integrity', Completed for the Department of Child Protection 3. Casework Practice Manual – Chapter 7.18 4. Administration Manual – Chapters 2.1.06 and 07
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided by request to the Royal Commission on 10 October 2013 2. 2009 3. Amended June 2013 4. No dates given
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium

Implementation

Recommended actors involved	Department of Child Protection
Recommended actors not involved	N/A
Included actions	<p>a) WA Government response</p> <ul style="list-style-type: none">• The establishment of the Integrity Services Unit (ISU, located within the Duty of Care Unit (DoCU), supports the investigation of maltreatment allegations against staff without compromising the opportunity for disciplinary action under the PSM Act. <p>2 Simpson paper - presents the findings of a review into the Complaints Management Unit (CMU), the DoCU and the ISU with recommendations for a greater alignment of processes.</p> <p>3 Casework Practice Manual - sets out processes for responding to standard of care against departmental employees, including reference to the PSM Act</p> <p>4 Administration Manual - sets out processes regarding discipline and reporting and the handling of misconduct issues as set out in the PSM Act</p>
Excluded actions	N/A
When action was taken	<ul style="list-style-type: none">• The ISU was established in 2007 – one year after the Inquiry. Although the DoCU was set up in 2004 with reference to the Bennett Principle, it was later expanded as a result of the 2005 Murray report.• The Complaints Management Unit was established in 2008 as a result of the 2007 Ford Report. This was developed in conjunction with the Ombudsman and includes processes largely prescribed by the PSM Act.
Implemented as recommended?	Yes
Government Statement about Status of Implementation	Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full: Documents provided indicate the recommendation was implemented as intended

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	26

Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>Government establish a mechanism to provide for the monitoring and evaluation of relevant government and non-government agencies' employee disciplinary processes where allegations of child maltreatment are involved.</i>
Assessability of recommendation	Yes
Additional information request	Legislation check – relevant sections of the Commissioner for <i>Children and Young People Act 2006</i> ; the <i>Corruption and Crime Commission Act 2003</i> ; and the <i>Public Sector Management Act 1994</i>
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response <ol style="list-style-type: none"> a) Report of the Working Party on Disciplinary Processes Involving Allegations of Child Maltreatment b) Public Sector Commission (PSC), Review of professional conduct functions in the Western Australian public sector c) PSC– Review of the Commissioner for Children and Young People Act 2006; A guide to making a submission d) <i>Commission for Children and Young People Act 2006</i> (the Act) e) <i>Corruption and Crime Commission Act 2003</i> f) <i>Public Sector Management Act 1994</i> (PSM Act)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant <ol style="list-style-type: none"> a) Relevant b) Relevant c) Relevant d) Relevant e) Relevant f) Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided by request to the RC on 10 October 2013 <ol style="list-style-type: none"> a) June 2007 b) July 2012 c) January 2013 d) 2006 e) 2003 f) 1994
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low <ol style="list-style-type: none"> a) Medium b) Medium c) Medium d) High

- e) High
- f) High

Implementation

Recommended actors involved	WA Government
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • states a number of agencies contain professional conduct units and when matters relate to child abuse allegations, the CEO of a department/organisation under the PSM Act is required to report this to the Corruption and Crime Commission • The Commissioner for Children and Young People (CCYP) has a role to monitor how Government agencies respond to child abuse complaints and has special powers to conduct inquiries into such matters • Legislative amendments to enable the CCYP to undertake a role for a ‘one stop shop’ for child sexual abuse complaints (as recommended by the Blaxell Inquiry) is currently being considered by the Attorney General (AG) • Where Government agencies contract third parties service providers that involve children, it can be specified in their contracts that action be taken in cases of child abuse. <p>2. Working Party Review - set up in response to this inquiry – specifically this recommendation and rec 28</p> <p>3. PSC – document containing details of a review carried out on the professional conduct functions in the WA public sector</p> <p>4. PSC – Submission Guide for the review of the CCYP as required by section 64 of the Act</p> <p>5, 6 & 7. - Relevant legislation</p>
Excluded actions	No evidence provided of “a mechanism to monitor and evaluate employee disciplinary processes where allegations of maltreatment are involved”.
When action was taken	<p>5. No specific dates given apart from the AG currently considering a ‘one stop shop’ model for the CCYP</p> <p>6. June 2007 - within a year of this Inquiry</p> <p>7. July 2012 – six years after inquiry</p>
Implemented as recommended?	Unclear
Government Statement about status of Implementation	Partial

Reason provided	<ul style="list-style-type: none"> • No evidence provided of “ a mechanism to monitor and evaluate employee disciplinary processes where allegations of maltreatment are involved”. • ‘One stop shop’ concept for child sexual abuse complaints currently be considered by AG
Implementation summary & provisional rating	<p>Undetermined – see legislation check</p> <p>While the CCYP has a role in monitoring how Government agencies respond to child abuse complaints, insufficient evidence was provided of a mechanism to monitor and evaluate employee disciplinary processes, either in government or non-government agencies.</p>

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	28
Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>Government consult with key stakeholders and relevant experts to develop an appropriate legislative, policy and administrative framework to allow for timely and effective management responses to allegations against staff; and that departments with child protection responsibilities develop a comprehensive and consistent Public Sector response to allegations of child abuse against staff.</i>
Assessability of recommendation	Yes
Additional information request	Legislation check: Public Sector Management Act 1994 (Part 5)
Submitted document/source details	<p>1. WA Government response</p> <p>a) Public Sector Commissioner’s Instruction No 3</p> <p>b) A guide to the disciplinary provisions contained in Part 5 of the <i>Public Sector Management Act 1994</i></p> <p>c) Public Sector Commissioner’s Instruction No 4t</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>b) Relevant</p> <p>c) Relevant</p>
Documentation currency	1. Provided by request to the R C on 10 October 2013

	<ul style="list-style-type: none"> a) November 2012 b) 2011 c) November 2012
Reliability contribution of documents	<p>1. Low</p> <ul style="list-style-type: none"> a) Medium b) Medium c) Medium
Implementation	
Recommended actors involved	WA Government
Recommended actors not involved	Key stakeholders and relevant experts
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • Disciplinary process under the PSM Act was reformed through amendments to Part 5 of this Act, resulting in more streamlined processes and providing alternative disciplinary options such as suspension on pay or from duties • Another vital changes was to facilitate disciplinary action for former employees • Individual agencies are empowered to put in place policies and procedures according to the agency's operations. Failure to comply may be used as a ground of appeal to the WA Industrial Relations Commission or Public Service Appeal Board. <p>2. PSC Instruction 3 – regarding discipline in general</p> <p>3. PSC Guide to disciplinary provisions – setting out all associated procedures under the PSM Act</p> <p>4. PSC Instruction 4 – regarding discipline for former employees</p>
Excluded actions	No evidence that key stakeholders or relevant experts were consulted
When action was taken	Amendments were passed in November 2010 and came into effect on 28 March 2011 – five years after inquiry
Implemented as recommended?	Partial
Government Statement about Status of Implementation	Partial
Reason provided	N/A
Implementation summary & provisional rating	Partial

Although appropriate legislative, policy and administrative framework has been introduced, no evidence that key stakeholders or experts were consulted in this process

It also appears that although individual child protection agencies can put in place policies that accord with the PSM Act, they are not necessarily mandated to do so.

Implementation of
recommendations arising from
previous inquiries of relevance to
the Royal Commission into
Institutional Responses to Child
Sexual Abuse

Final Report
Compendium B: Legislation verifications

Parenting Research Centre
Commissioned by the Royal Commission into
Institutional Responses to Child Sexual Abuse



Parenting Research Centre
raising children well

This document is a compendium to the final report for the project titled ‘Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse’.

Established in 1997, the **Parenting Research Centre** (PRC) is Australia’s only national, independent non-profit research, development and implementation specialist organisation with an exclusive focus on parenting and families. The PRC is dedicated to gathering scientific knowledge of effective parenting and developing practical programs to help all parents raise happy, healthy children. The PRC’s work focuses on supporting the efforts of practitioners, managers, organisations and governments to effectively and sustainably adopt and implement evidence-informed practices and programs.

Disclaimer

The views and findings expressed in this report are those of the author(s) and do not necessarily reflect those of the Royal Commission. Any errors are the author’s responsibility.

This project was commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse.

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Royal Commission
into Institutional Responses
to Child Sexual Abuse

Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme eight.

The research program means the Royal Commission can:

- Obtain relevant background information
- Fill key evidence gaps
- Explore what is known and what works
- Develop recommendations that are informed by evidence and can be implemented, and respond to contemporary issues.

For more information on this program, please visit www.childabuseroyalcommission.gov.au/research

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Important note

The implementation ratings in this document relate to recommended legislative action only. These legislation verifications should be considered in conjunction with the relevant document audit.

Final implementation ratings for each full recommendation can be found in Compendium A: Document Audit.

LEGISLATION VERIFICATION: AUSTRALIAN CAPITAL TERRITORY

Recommendation number	2.2
Commission/ Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that s.161(3) of the Children and Young People Act 1999 be amended so as to ensure that the Chief Executive <u>must act</u> in relation to a report made to him or her under s.158 or s.159 in relation to a child or young person for whom the Chief Executive has parental responsibility.</i>
Government response	Completed: Agreed in principle but legal advice will be obtained to determine how to achieve this goal whilst retaining Chief Executive discretion as to the nature of the response.
Document name	The Children and Young People Act 2008 (CYP Act, s360 & s 507) consistent with above? When did relevant changes to the Act occur? <input type="text"/>
Implementation	
As recommended	Yes.
Included content	S.360 of the <i>Children and Young People Act 2008</i> (replaced <i>Children and Young People Act 1999</i>) provides that Director-general must consider all child concern reports and must carry out an initial assessment to of the matters raised in the report to decide if the child or young person may be in need of care and protection. S. 361 provides that if the Director-general decides that a child concern report is a child protection report, then the Director-general must take the action that the Director-general considers appropriate in relation to the report. S.506 provides that if the Director-general has daily care responsibility for a child or young person and the Director-general decides that a child concern report about the child or young person is a child protection report, and the Director-general then carries out a child protection appraisal for the child or young person, then the Director-general must give the public advocate a report about the incident and what action (if any) the Director-general has taken because of the appraisal.
Excluded content	NA
Implementation rating for legislative action	Implemented in full Refer to document audit for final assessment of implementation status

Recommendation number	3.7
Commission/	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT

Inquiry of origin	
Recommendation made	<i>The Review recommends that a charter of rights be developed within the Children and Young People Act 1999; it should encapsulate the rights of children subject to the Act in relation to their health, wellbeing and participation in decisions about their lives.</i>
Government response	Implemented
Document name	The Children and Young People Act 2008
Implementation	
As recommended	No
Included content	S.7 of the Children and Young People Act 2008 states the main objects of the Act. S.8 provides that the best interests of the child are paramount. s.9 states the principles to applying in the Act S.10 states the Aboriginal and Torres Strait Children and Young People principle. Various objects and principles relate to the health and wellbeing of children and young people and their participation in decisions about their lives.
Excluded content	The <i>Children and Young People Act 2008</i> does not contain a “charter of rights”.
Implementation rating for legislative action	Partially implemented Refer to document audit for final assessment of implementation status

Recommendation number	8.24
Commission/ Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that a statutory Commission for Children and Young People in the ACT be established with advocacy, investigation and intervention powers together with a Tribunal power.</i>
Government response	Implemented
Document name	Human Rights Commission Act 2005
Implementation	
As recommended	Yes.
Included content	Section 3.5 of the <i>Human Rights Commission Act 2005</i> provides for a Children and Young People Commissioner within the Human Rights Commission. S.19B provides that the Children and Young People Commissioner has the following functions:

- (a) to exercise functions for the commission in relation to services for children and young people; and
 (b) to exercise any other function given to the commissioner under this Act or any other territory law.

S.14 of the Act provides the functions of the Human Rights Commission and these include advocacy, investigation and intervention functions.

The Human Rights Act provides the Human Rights Commissioner with the right to intervene in civil or criminal legal proceedings initiated by other parties, with the permission of the court or tribunal. S30.

Division 4.4 of the Act provides that in considering complaints, the Commission has a power to ask for information, documents and other things; require the attendance of a person and provide privilege against self-incrimination.

Excluded content

Implementation rating for legislative action

Implemented in full

Refer to document audit for final assessment of implementation status

Recommendation number

8.6

**Commission/
Inquiry of origin**

Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT

Recommendation made

*The Review recommends that the **Children and Young People Act be amended** to provide the Children's Services Council with a specific **overview role** for care and protection services and to allow the Council to **share the Territory Parent responsibility**. Council members should be **remunerated** in accordance with their responsibilities.*

Recommendation elements:

1. *Overview role of care and protection services*
2. *Share parent responsibility*
3. *Be remunerated*

Government response

Implemented

Document name

Part 2.2 of the [Children and Young People Act 2008](#)

Implementation

As recommended

No

Included content

Re 1 above.

S.28 of the Children and Young People Act 2008 provides that the Children and Youth Services Council has two functions:

- (a) to report to the Minister, **at the Minister's request**, on anything relating to the operation or administration of this Act;
 (b) to make recommendations to the Minister.

Re 3 above.

	S.31 provides that the conditions of appointment of the chair of the Council are the conditions agreed between the Minister and the chair, subject to any determination under the Remuneration Tribunal Act 1995.
Excluded content	<p>Re 1 above. The role of the Council is not an overview role for care and protection services. Reports to the Minister from the Council are limited to matters on which the Minister requests a report.</p> <p>Re 2 above. There is no provision in the Act for the Children and Youth Services Council to “share the Territory Parent responsibility” or similar provision.</p> <p>Re 3 above. There is no reference in the Act to remuneration for members of the Council other than the Chair.</p>
Implementation rating for legislative action	<p>Not implemented</p> <p><i>Refer to document audit for final assessment of implementation status</i></p>

Recommendation number	8.4
Commission/ Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>When a child is on an order and there is a report of harm being caused to them by an adult in the place of residence, a special appraisal needs to be conducted regardless of whether the child is living at home or in care.</i>
Government response	Implemented
Document name	<p>Consistency of recommendation with The Children and Young People Act 2008 – Section 507</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Implementation	
As recommended	
Included content	<p>S.360 of the <i>Children and Young People Act 2008</i> provides that Director-general must consider all child concern reports and must carry out an initial assessment to of the matters raised in the report to decide if the child or young person may be in need of care and protection.</p> <p>S. 361 provides that if the Director-general decides that a child concern report is a child protection report, then the Director-general must take the action that the Director-general considers appropriate in relation to the report.</p> <p>S.506 provides that if the Director-general has daily care responsibility for a child or young person and the Director-general decides that a child concern report about the child or young person is a child protection report, and the Director-general then carries out a child protection appraisal for the child or young person, then the Director-general must give the public advocate a report about the incident and what action (if any) the Director-general has taken because of the appraisal.</p>

Excluded content

The *Children and Young People Act 2008* does not require the Director-general to conduct a special appraisal upon any child or young person, including a child subject to a report of harm being caused to the child by an adult in a place of residence. However, if the initial assessment indicates the child protection concern report, then the Director-general may decide to seek agreement to, or an order for, a child protection appraisal. S. 368 (2) and (3).

Implementation rating for legislative action

Minor difference – partial

Refer to document audit for final assessment of implementation status

Recommendation number

9.9

**Commission/
Inquiry of origin**

The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)

Recommendation made

Investigation is undertaken to develop systems for employment screening, similar to 'Working With Children Checks' conducted by the NSW Commission for Children and Young People.

Government response

Implemented

Document name

[Working with Vulnerable People \(Background Checking\) Act 2011](#)

Implementation**As recommended**

Yes.

Included content

The *Working with Vulnerable People (Background Checking) Act 2011* commenced in November 2011.

The provisions relating to people engaged in activities and services for children commenced in November 2012.

The Act provides that it is an offence for a person to engage in regulated activity for which the person not registered S.13. The Act also provides it is an offence for an employer to engage a person in regulated activity for which person not registered S.14.

The legislation also provides for background checking for people engaged with a range of other vulnerable peoples to be introduced over prescribed periods.

The regime for checking is similar to the "Working With Children Checks" conducted by the NSW Commission for Children and Young People.

Excluded content

NA

Implementation rating for legislative action

Implemented in full

Refer to document audit for final assessment of implementation status

Recommendation number	25
Commission/ Inquiry of origin	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)
Recommendation made	<i>The Committee recommends that the Government:</i> <i>i. investigate ways to streamline the procedural mechanisms for mandatory reporting;</i> <i>ii. develop and implement a protocol for responding to instances where mandated persons have failed to report abuse; and</i> <i>iii. review the penalty within the Act for the offence of failing to report a suspected case of abuse.</i>
Government response	Implemented in full
Document name	Child and Young Persons Act 1999, s159
Implementation	S Act provided
As recommended	Unable to determine.
Included content	S. 356 of the <i>Child and Young Person Act 2008</i> provides that it is an offence for a mandated reporter who, in the course of employment believes on reasonable grounds that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury fails to report the matter to the Director-general as soon as possible.
Excluded content	
Implementation rating for legislative action	Undetermined Insufficient evidence provided to assess whether: <ol style="list-style-type: none"> 1. Ways to streamline the procedural mechanisms for mandatory reporting were investigated; 2. A protocol for responding to instances where mandated persons have failed to report abuse has been developed and implemented; and 3. The penalty within the Act for the offence of failing to report a suspected case of abuse has been reviewed.
	<i>Refer to document audit for final assessment of implementation status</i>

LEGISLATION VERIFICATION: COMMONWEALTH

Recommendation number	12.1
Commission/Inquiry of origin	Management Response to Allegations of Paedophile Activity within the Foreign Affairs Portfolio: Report to the Public Service Commissioner, Pamela O'Neil, May 1997
Recommendation made	<i>I recommend that agencies, in consultation with the relevant staff associations and unions and the PSMPC, develop a complaints procedure, including a procedure for the handling of allegations of a breach of the Code of Conduct. The procedure should incorporate the following elements: an acknowledgement that there are ways of dealing with matters of personal behaviour, particularly of a less serious nature, which do not involve employing the formal process prescribed by the Public Service Act; the need to identify allegations which are of relevance to the employer. If the view is taken that an allegation is not of relevance to the employer the person making the allegation should be informed; the need for respect for privacy and for the requirements of natural justice and procedural fairness to be observed in the handling of any allegations of misconduct; the need for matters to be dealt with speedily. The facts need to be established before memories fade; an allegation involving a possible breach of Australia criminal law, and which is of relevance to the employer, should be reported to the appropriate law enforcement authority; and there should be a preference for regarding an allegation of misbehaviour as a misconduct matter, in addition to any requirement for dealing with the matter in some other manner. Agencies should ensure that they have in place appropriate awareness programs to provide staff and, where appropriate, members of their households, with necessary information about personal behaviour, complaints mechanisms and related matters. Suitable induction programs and refresher programs should also be provided.</i>
Government response	See attachment rr_2332_C-NP-xx_2013-10-04_Commonwealth Page 3/274 for full response:
Document name	http://www.comlaw.gov.au/Details/C2013C00310 <i>Public Service Act 1999</i> http://www.comlaw.gov.au/Details/F2013L00448 <i>Australian Public Service Commissioner's Directions 2013</i> http://www.comlaw.gov.au/Details/C2013A00002 <i>Public Service Amendment Act 2013</i> http://www.apsc.gov.au/aps-employment-policy-and-advice APSC Employment Policy & Advice http://www.apsc.gov.au/publications-and-media/current-publications/handling-misconduct Handling Misconduct guidelines
Implementation	
As recommended	No.
Included content	Code of conduct: The Australian Public Service (APS) Values and the Code of Conduct are set out in the <i>Public Service Act 1999</i> at sections 10 and 13. The <i>APS Commissioner's Directions 2013</i> (the Directions) set out the procedural requirements for dealing with breaches of the APS Code of Conduct.

The APSC has also published *Handling Misconduct – A human resource practitioners guide to the reporting and handling of suspected and determined breaches of the APS Code of Conduct*.

The recommended elements:

- 1. Acknowledging alternative ways of dealing with suspected misconduct.**
 The Directions note that not every failure to comply with the APS Values needs to be dealt with through misconduct procedures, and performance management may be appropriate (Preamble to Chapter 1). *Handling Misconduct* provides guidance on consideration of options for handling less serious cases of misconduct (pages 14 and 29).
- 2. Allegations relevant to employment.**
 Section 13 of the PS Act 1999 (as amended by the PS Amendment Act 2013) codifies the APS Code of Conduct and sets out provisions for dealing with alleged breaches by and APS employee when acting in “connection with APS employment” (sections 13(1), (2), (3), (4), (7), (9)). Other allegations may be relevant to the employer if they concern conduct referred to in sections 13(5), (6), (8), (10), (11), (12), (13), even though these provisions do not require conduct to occur “in connection with APS employment”.
- 3. Allegation is not of relevance to the employer the person making the allegation should be informed.**
 No evidence was found in the cited documents to indicate this aspect of the recommendation has been implemented.
- 4. Privacy, natural justice and procedural fairness.**
Handling Misconduct states that the rights of an employee suspected of misconduct include a right to confidentiality and that the identity of the employee should be managed on a needs-to-know basis.
 The PS Act requires that all procedures should have regard to procedural fairness (section 15(4)) and whistle-blowers are protected under section 16 of the PS Act.
- 5. Dealing with matters speedily.**
 Misconduct investigations must be conducted with little formality and as much expedition as proper consideration allows (Section 6.6 of the Directions), and in a timely manner (*Handling Misconduct* pages 45 & 79).
- 6. Reporting possible breaches of the criminal law to appropriate authorities.**
Handling Misconduct advises that minor misconduct issues might be dealt with through the performance management system or by other procedures. Cases of more serious suspected misconduct would appropriately be dealt with under misconduct procedures.
 Each case of suspected misbehaviour should be considered on its merits to determine the appropriate system response.
Handling Misconduct also directs agencies to discuss suspected behaviour that involves potentially serious criminal conduct, with the relevant law enforcement agency (page 17).
- 7. Preference for regarding misbehaviour as a misconduct matter, in addition to any requirement for dealing with the matter in some other manner.**
 There is no stated preference for regarding an allegation of misbehaviour as a misconduct matter. As described in 1 and 5 above, each case should

be considered on its merits and case appropriate process / response adopted.

8. Awareness programs for staff and, where appropriate family members; induction and refresher programs.

A range of awareness materials are posted on the APSC website. There does not appear to be any information specifically for family members. The Department stated in its response that an online induction program that included information on APS Values, Employment Principles and the Code of Conduct and was available for agencies to use in their internal induction programs. The induction program was not sighted.

Excluded content

- There is no stated preference for regarding misbehaviour as a misconduct matter, in addition to any requirement for dealing with the matter in some other manner.

The cited legislation, directions and advice make it clear that:

- *each case should be considered on its merits;*
 - *not all cases need to become misconduct investigations and other appropriate responses should be considered;*
 - *cases of more serious suspected misconduct should be dealt with under misconduct procedures; and*
 - *agencies are directed to discuss suspected behaviour that involves potentially serious criminal conduct with the relevant law enforcement agency.*
- There is no information available specifically for family members.
 - There are no directions or advice to the effect that a person making an allegation of misconduct that is determined not to be of relevance to the employer, should be informed of the determination.

Implementation rating for legislative action

Partially implemented
Refer to document audit for final assessment of implementation status

Recommendation number

9-1

Commission/Inquiry of origin

Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission

Recommendation made

9. The Opinion Rule and its Exceptions

9-1 - Section 79 of the uniform Evidence Acts should be amended to provide that, to avoid doubt, the provision applies to evidence of a person who has specialised knowledge of child development and behaviour (including specialised knowledge of the effect of sexual abuse on children and of their behaviour during and following the abuse), being evidence in relation to either or both of the following:

(a) the development and behaviour of children generally;

(b) the development and behaviour of children who have been the victims of sexual offences, or offences similar to sexual offences.

Government response

See attachment [rr_2332_C-NP-xx_2013-10-04_Commonwealth Page 8/274](#) for the government's full response.

This recommendation was considered by the Standing Council of Attorneys-General at its meeting of 26-27 July 2007. Model provisions are available in the Model Uniform Evidence Bill, s79 (2).

In the Commonwealth jurisdiction, this recommendation has been implemented by the *Evidence Act 1995* (Cth), s79 (2) [amended by *Evidence Amendment Act 2008*, Schedule 1, item 38].

Document name

1. Model Uniform Evidence Bill, s79(2).
http://www.sclj.gov.au/agdbasev7wr/sclj/documents/pdf/model_law_uniform_evidence.pdf
2. *Evidence Act 1995* (Cth), s79(2)
<http://www.comlaw.gov.au/Details/C2012C00518>
[amended by *Evidence Amendment Act 2008*, Schedule 1, item 38]
<http://www.comlaw.gov.au/Details/C2011C00176>

Implementation

As recommended

Yes

Included content

A draft Model Uniform Evidence Bill based on the *NSW Evidence Act 1995*, as amended by the Evidence Amendment Bill 2007, was prepared by the Parliamentary Counsel's Committee and endorsed by the Standing Committee of Attorneys-General on 26 July 2007.

The *Evidence Act 1995* (Cth) (as amended by the *Evidence Amendment Act 2008*) contains the following relevant provisions.

s. 79 Exception: opinions based on specialised knowledge

(1) If a person has specialised knowledge based on the person's training, study or experience, the opinion rule does not apply to evidence of an opinion of that person that is wholly or substantially based on that knowledge.

(2) To avoid doubt, and without limiting subsection (1):

(a) a reference in that subsection to specialised knowledge includes a reference to specialised knowledge of child development and child behaviour (including specialised knowledge of the impact of sexual abuse on children and their development and behaviour during and following the abuse); and

(b) a reference in that subsection to an opinion of a person includes, if the person has specialised knowledge of the kind referred to in paragraph (a), a reference to an opinion relating to either or both of the following:

- (i) the development and behaviour of children generally;*
- (ii) the development and behaviour of children who have been victims of sexual offences, or offences similar to sexual offences.*

Excluded content	NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	18.2
Commission/Inquiry of origin	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission
Recommendation made	<i>The uniform Evidence Acts should be amended to include provisions dealing with warnings in respect of children’s evidence similar to those contained in ss 165(6), 165A and 165B of the Evidence Act 1995 (NSW). Section 165B should be amended to make it clear that a trial judge is not to give a warning about the reliability of the evidence of a child solely on account of the age of the child.</i>
Government response	See attachment rr_2332_C-NP-xx_2013-10-04_Commonwealth Page 9-10/274 for the government’s full response. Considered by Standing Committee of A-Gs July 2007. Model uniform evidence bill may be relevant? Implemented via Evidence Act 1995 (Cth) s165A [amended by Evidence Amendment Act 2008, schedule 1, item 72
Document name	http://www.austlii.edu.au/au/legis/nsw/consol_act/ea199580/ Evidence Act 1995 (NSW) Evidence Act 1995 (Cth) s165A [amended by Evidence Amendment Act 2008] http://www.comlaw.gov.au/Details/C2012C00518 Evidence Act 1995 (Cth) http://www.sclj.gov.au/agdbasev7wr/sclj/documents/pdf/model_law_uniform_evidence.pdf Model Uniform Evidence Bill, <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Implementation	
As recommended	Yes.
Included content	The Model Uniform Evidence Bill contains provision at s165, 165A and 165B consistent with those of the <i>Evidence Act 1995</i> (NSW). The amendments to the <i>Evidence Act 1995</i> (Cth) as amended by the <i>Evidence Amendment Act 2008</i> (Cth), are consistent with the Model Uniform Evidence Bill and the <i>Evidence Act 1995</i> (NSW) and are significantly more extensive than just the amendment to s165A referred to in the Government response. The amendments are consistent with the recommendations of the ALRC and include:

	<ul style="list-style-type: none"> • amendments to s.165 to provide that a judge may not warn or inform a jury that the reliability of a child's evidence may be affected by the age of the child: • S.165A which relates to judges not issuing warnings to juries about: the reliability of the evidence of children as a class; the evidence of children being less reliable than the evidence of adults; the reliability of the evidence of a particular child because of the age of the child; the dangers of convicting on the uncorroborated evidence of a child. • S.165B which relates to warnings that a judge must, or may not, give in relation to forensic disadvantage because of delay.
Excluded content	NA
Implementation rating for legislative action	Implemented in full
	<p>Query. The second sentence of the ALRC recommendation quoted at the top of the page refers to an amendment to S165B and relates to judicial warning and the evidence of a child. S 165B actually deals with warnings to the jury about forensic disadvantage. I think the reference is to s165 and the recommendation has been given effect to in s165(6).</p> <p><i>Refer to document audit for final assessment of implementation status</i></p>

Recommendation number	8
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<p><i>That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to:</i></p> <ul style="list-style-type: none"> • <i>investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority;</i> • <i>review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability;</i> • <i>publicise the existence of Church-sponsored complaints mechanisms widely throughout the community.</i>
Government response	<p>'Key aspects of this recommendation were implemented'</p> <p>See attachment Cth Tranche 1 Response attachment for full response</p>
Document name	<ol style="list-style-type: none"> 1. http://www.comlaw.gov.au/Details/C2012A00089 The Australian Human Rights Commission Amendment (National Children's Commissioner) Act 2012 2. http://www.comlaw.gov.au/Details/C2013C00274 The Australian Human Rights Commission Act 1986, Part 11AA and 46MB
Implementation	
As recommended	Y/N
Included content	<i>The Australian Human Rights Commission Act 1986 was amended by the Australian Human Rights Commission Amendment (National Children's</i>

Commissioner) Act 2012, to provide for a National Children’s Commissioner. The first Commissioner was appointed on 25 February 2013. The appointment was part of the Commonwealth’s commitment under the First National Framework for Protecting Australia’s Children 2009 – 2020

- (1) The following functions are conferred on the Commission:
- (a) to submit a report to the Minister that complies with subsection (3) as soon as practicable after 30 June in each year;
 - (b) to promote discussion and awareness of matters relating to the human rights of children in Australia;
 - (c) to undertake research, or educational or other programs, for the purpose of promoting respect for the human rights of children in Australia, and promoting the enjoyment and exercise of human rights by children in Australia;
 - (d) to examine existing and proposed Commonwealth enactments for the purpose of ascertaining whether they recognise and protect the human rights of children in Australia, and to report to the Minister the results of any such examination s.64(MB)(1)

The annual report to the Minister must deal with matters relating to the enjoyment and exercise of human rights by children in Australia and may include recommendations as to the action to be taken to ensure the exercise and enjoyment of these rights s.64(MB)(3)

The Commissioner may give particular attention to vulnerable or at risk children s.64(MB)(4)

In performing functions the Commissioner may consult with children, State and Territory departments and agencies, non-government organisations and agencies - local and international s.64(MB)(5).

The Commissioner must also have regard to the Universal Declaration of Human Rights and a range of conventions and covenants as amended and in force in Australia s.64(MB)(6)

Excluded content

The essence of the recommendation was for an external complaints review mechanism (such as a commissioner for children and young people) to investigate and mediate complaints involving churches, to review church complaint handling mechanisms so as to enhance transparency and accountability, to report to parliament on the complaints received, and to publicise the complaint handling mechanisms of the churches.

The National Children’s Commissioner does not have a complaints handling role. The Government response submitted this was consistent with the mandate that the Commissioner focus on groups of children rather than on individual children. The response also notes that the Commissioner had the discretion to focus on matters relating to the exercise and enjoyment of human rights as appropriate.

The government has submitted that “key aspects of the recommendation were implemented”.

There are no legislative references to any role for the Commissioner in:

- mediating complaints received by complainants dissatisfied with church processes with the relevant church authority;
- reviewing the operations of church sponsored complaints mechanisms to enhance transparency and accountability;
- reporting annually to the Parliament on the operation of the churches complaint schemes, including data on the number and nature of complaints: or
- Publicising the existence of church-sponsored complaints mechanisms widely throughout the community.

**Implementation rating
for legislative action**

Partially – very partially.

Note. It appears (from the Govt response) that there is a fourth power recommended for the complaint review mechanism i.e. a power to report annually on the number of complaints received (as included in the third dot point in the panel above). If this is correct then the Recommendation Made panel above needs to be amended accordingly.

Refer to document audit for final assessment of implementation status

Recommendation number

15

**Commission/Inquiry
of origin**

Lost Innocents and Forgotten Australians Revisited (2009)

**Recommendation
made**

15: The Committee recommends that the Ministerial Council for Police and Emergency Management (Police) develop and implement a national policy on the prosecution of, and data collection and sharing about, historical crimes of sexual and physical abuse of children in care; and that the establishment or further development of specialist State police units be considered as part of this policy development process.

Breakdown of components:

1. National prosecution policy of historical crimes
2. Sharing information on historical crimes of sexual and physical abuse of children in care.
3. Development of specialist State police units

Government response

See attachment Commonwealth – tranche 2 response Page 6/7 for the government's full response.

While this specific recommendation was not implemented the Commonwealth has taken steps to address the intent of the recommendation.

On March 2010, the Crimes Amendment (Working with Children – Criminal History) Act 2010 received Royal Assent. This Act amended the Crimes Act 1914 to include an exception to Part VIIC of the Crimes Act ('Pardons, quashed convictions and spent convictions') to help protect children from sexual, Ophysical and emotional harm by permitting criminal history information to be

Document name	disclosed and taken into account in assessing the suitability of persons for work with children.
	<i>Crimes Amendment (Working With Children—Criminal History) Act 2010</i> http://www.comlaw.gov.au/Details/C2010A00028
	<i>Crimes Act 1914 (Cth)</i> http://www.comlaw.gov.au/Details/C2013C00369/Html/Volume_2
	http://www.coag.gov.au/national_security_and_community_safety#Exchange of Criminal History Information for People Working with Children
Implementation	
As recommended	No
Included content	<p>Amendments to the <i>Crimes Act 1914</i> were introduced under the <i>Crimes Amendment (Working With Children—Criminal History) Act 2010</i> to help protect children from sexual, physical and emotional harm by permitting criminal history information to be disclosed and taken into account in assessing the suitability of persons for work with children.</p> <p>Prior to the amendment, Divisions 2 and 3 of the <i>Crimes Act 1914</i> provided that if a person’s conviction for an offence had been quashed or spent, the person was not required to disclose to any person, for any purpose, the fact that the person had been charged with, or convicted of an offence.</p> <p>The amendments provided that Divisions 2 and 3 did not apply to the disclosure of information to a prescribed person or body, nor did they apply in relation to the taking into account of information by the prescribed person or body to which the information was provided. (Division 6 – Exclusions. Subdivision A (Exclusions to Division 2 and 3)</p> <p>A prescribed person or body is one required or permitted to obtain and deal with information about persons who work or seek to work with children. S. 85ZZGE</p> <p>The Act defines “work” in this context. S.85ZZGF</p> <p>In November 2008, COAG agreed to a 12 month trial program for inter-jurisdictional exchange of criminal history information for screening people working with children.</p> <p>The trial exchange started on 30 November 2009, and is continuing to operate, under the Memorandum of Understanding for a National Exchange of Criminal History Information for People Working with Children.</p>
Excluded content	A national policy on the prosecution of historical crimes of sexual and physical abuse of children in care has not been developed.
	<p>The Government submitted that: <i>Directors of Public Prosecutions have statutory independence and it would not be appropriate for Ministers to direct them as to how to perform their prosecutorial functions. State Directors of Public Prosecutions operate according to prosecution policies and guidelines that apply the public interest as the paramount criterion in determining whether a prosecution is to be undertaken, as well as within the laws of the relevant jurisdiction.</i></p>
	This exercise has not sought to verify the establishment of specialist State police units.

The Government submitted that: *The question of specialist State police units is a matter for individual State and Territory governments and does not require national coordination through Ministerial Council for Police and Emergency Management.*

**Implementation
rating for legislative
action**

Partially implemented

Refer to document audit for final assessment of implementation status

LEGISLATION VERIFICATION – NEW SOUTH WALES

Recommendation number	62
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997) Volume IV (Recs 8, 62, 64): http://www.pic.nsw.gov.au/files/reports/RCPS%20Report%20Volume%204.pdf
Recommendation made	<i>Amendment of s. 22(4) of the Children (Care and Protection) Act 1987 to remove any ambiguity or inconsistency with s. 22(3) of the Act (para. 10.29).</i>
Government response	The <i>Children (Care & Protection) Act 1987</i> has been fully repealed. Section 22, in particular, was repealed in 2000 (refer to Attachment L-1). The reporting scheme in the current Act does not have this ambiguity. <i>Children (Care & Protection) Act 1987</i> [the Act was repealed by sec 3 of the Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009. No 13 with effect from 30.6.2010].
Document name	<input type="text"/>
Implementation	
As recommended	Y
Included content	Section 22(3) in the repealed legislation contained an obligation to comply with the requirement in s. 22(4) to notify the Director-General where a person has ‘reasonable grounds’ to suspect abuse, yet s. 22(4) assumed an obligation to comply with the provision where ‘any grounds’ for such suspicion are entertained. This ambiguity has been removed in the current mandatory reporting provision (s.27 Children and Young Persons (Care and Protection) Act 1998 (NSW)).
Excluded content	NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	11.1(viii)
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008) Vole 2: http://www.dpc.nsw.gov.au/publications/news/stories/?a=33797
Recommendation made	<i>Section 29(1)(f)[of the Children and Young Persons (Care and Protection) Act 1998] should be amended to permit the disclosure of the reporter’s details to a law enforcement agency pursuant to the investigation of a serious crime committed upon a child or young person, where that might impact on the child’s safety, welfare or well-being.</i>

Government response	Legislation giving effect to this recommendation has been enacted, commencing 24 January 2010. The relevant sections are ss29(4A), (4B), (4C) and (6). (FACS Document 2).
Document name	<input type="text"/>
Implementation	
As recommended	Y
Included content	<p>Sections 29(4A), (4B) &(4C) of the C&YP(C&P)A impose more restrictions on the ability to disclose the identity of persons who make reports of potential harm to a child, than those envisaged in the recommendation, i.e.:</p> <ul style="list-style-type: none"> • The disclosure must be <i>necessary</i> for the “safety, welfare and wellbeing” of a child, rather than there being a possibility that the disclosure <i>might impact</i> on a child’s safety (subsection(4A)(b)); • There must be certification in writing that it is either impractical to obtain the consent of the person making the report to disclose their identity or to do so would prejudice the investigation (subsection(4B)); • The person disclosing the identity of the report must notify them of the disclosure unless it’s not reasonably practicable, or to do so or to do would prejudice the investigation (subsection (4C)). <p>However the exception to confidentiality is cast wider than that recommended in one respect, i.e., disclosure may be allowed where to do so is necessary to safeguard or promote the safety etc., of <i>any child</i>, and not only of the child victim.</p>
Excluded content	NA
Implementation rating for legislative action	Implemented in full Refer to document audit for final assessment of implementation status

Recommendation number	23.4
Commission/Inquiry of origin	<p>Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008) Vol.3: http://www.dpc.nsw.gov.au/publications/news/stories/?a=33798</p>
Recommendation made	<i>Information obtained by persons appointed by the Minister as official visitors should be available to the regulator/accreditor of OOHC with appropriate procedural fairness safeguards and s.8 of Community Services (Complaints, Reviews and Monitoring) Act 1993 and clause 4 of Community Services (Complaints, Reviews and Monitoring) Regulation 2004 should be amended to achieve this outcome.</i>
Government response	<p>The recommendation has been fully implemented. The recommendation was included in amendments of the <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>, section 8A. (FACS Document 3). This was proclaimed on 24 January 2010.</p>
Document name	<input type="text"/>

Implementation

As recommended

In Part

Included content

See Government response above in relation to the introduction of section 8A to the CS(C,R &M)A. The amendment goes further than that envisaged by the recommendation by *mandating* the disclosure of relevant information by Official Community Visitors.

Excluded content

Clause 4 of the CS(C,R &M) Regulation has not been amended to include the new function of Official Community Visitors introduced by section 8A of the CS(C,R &M)A.

Neither the CS(C,R &M)A nor regulations made pursuant to the Act makes provision to ensure procedural fairness applies in relation to this function.

Implementation rating for legislative action

Partially implemented

Refer to document audit for final assessment of implementation status

Recommendation number

23.8

Commission/Inquiry of origin

Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)

Vol.3: <http://www.dpc.nsw.gov.au/publications/news/stories/?a=33798>

Recommendation made

The Commission for Children and Young People Act 1998 should be amended to require background checks as follows:

- a. *in respect of CS and other key human service agencies all new appointments to staff positions that work directly or have regular contact with children and young persons (that is, permanent, temporary, casual and contract staff held against positions including temporary agency staff)*
- b. *any contractors engaged by those agencies to undertake work which involves direct unsupervised contact to children and young persons, and, in the case of CS, access to the KiDS system or file records on CS client*
- c. *students working with CS officer*
- d. *children's services licensees*
- e. *authorised supervisors of children's services*
- f. *principal officers of designated agencies providing OOHC or adoption agencies*
- g. *adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers*
- h. *volunteers in high risk groups, namely those having extended unsupervised contact with children and young persons.*

Government response

The *Commission for Children and Young People Act 1998* (CCYP Act) was amended in 2009 in response to the Wood recommendations. The Working with Children Check (WWCC) was reviewed twice in 2010, through a statutory review of the CCYP and by the Auditor General. These reports are attached (**NSW CCYP Documents 1 and 2**). These reviews resulted in the new *Child*

Protection (Working With Children) Act 2012 (WWC Act) which will commence on 15 June 2013.

The Wood recommendations are addressed below.

Part 7, Division 1, Section 33 of the CCYP Act defines child-related employment as employment of a certain kind that “primarily involves direct contact with children where that contact is not directly supervised by a person having the capacity to direct the person in the course of their employment”.

Employment involving the provision of child protection services has always been listed as primary child-related employment. However, other Community Services staff that do not have direct and unsupervised contact with children as a primary part of their role have not been captured.

The Division 1, Section 6(4) of the WWC Act changes the requirement for a worker to have direct and unsupervised contact with children as a primary part of their role, to simply “direct contact”, being (a) physical contact or (b) face to face contact. Therefore, those staff that may not previously have been captured due to their level of unsupervised contact with children and young people will be required to have a WWCC.

The Commission for Children and Young People Regulation 2009 introduced the Certificate for Self-Employed People (CSEP), for self-employed people in child-related work. The Commission commenced issuing certificates to self-employed people in May 2009. To date, there have been 21,325 certificates issued to self-employed people since the system was implemented. The certificate system is administered by the CCYP and involves a national criminal records check of convictions for serious sex or child-related personal violence offences. Parents and other employers of self-employed people can currently check that a self-employed person’s certificate is valid online. However, once the new WWCC begins, certificates will need to be verified by CCYP staff over the phone.

Self-employed people and contractors in child-related work will also be subject to the new WWCC. Background checking provisions for these workers will be strengthened under the new check, as they will be subject to the same records checks and assessment requirements as all other child-related workers.

Part 7 (2) of the WWC Act also makes provision for those staff engaged in work that involves access to confidential records information about children may be required to get a WWCC clearance.

Amendments were also made to the CCYP Act to include employment of a kind listed in Wood recommendations 23.8(c) – (h) within the Act as primary child-related employment, currently listed at Division 3, Section 37(6)(c), (c1), (c2) and (c3). Each of these groups are currently required to have a WWCC, and will likewise be required to have a WWCC in the new system to be implemented in June 2013. These are defined at Division 1, Section 6 and Section 7 of the WWC Act.

Document name

Implementation**As recommended**

In part

Included content

The new Child Protection (Working With Children) Act 2012 (WWC Act) which commenced on 15 June 2013 imposes a requirement for background checks for those categories of people listed in the recommendation that are engaged in child-related work via the following provisions:

- a. All staff of Community Services and other key human service agencies, regardless of the form of their employment – see s6. Note: Given the prohibition of conducting “child-related work” without a clearance (s9), and the definition of “worker” in s5, the requirement relates to new *and existing* staff, including volunteers, and therefore is broader in scope than the recommendation.
- b. Contractors (including self-employed people) engaged by those agencies, whose work or role is listed in section 6, or who provides any other service that is prescribed by the regulations, are required to obtain clearance under the Act (see definition of “worker” in s5). Note: The definition of “child-related work” does not require that the work be unsupervised, and therefore is broader in scope than the recommendation.

All workers, other than volunteers, who have access to confidential records or information relating to children and young persons “may” be required by an employer to obtain clearance under the Act – see s 7(2). While this provision brings a wider category of people with access to records within the scope of the legislation, it does not impose the mandatory requirement envisaged by the recommendation and specifically excludes volunteers, but leaves it up to the discretion of the employer.

- c. Students on placement as part of an educational or vocational course are covered, but younger students doing work experience are not - see definition of “worker “ in s5.
- d. Children’s services licensees - see s6 and definition of “worker “ in s5.
- e. Authorised supervisors of children’s services - see s6(3)(b)
- f. Principal officers of designated agencies providing OOHC or adoption agencies – see s6(3)(e) & (f)
- g. Adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers – see s10
- h. Volunteers in high risk groups, namely those having extended unsupervised contact with children and young persons – Section 12

allows for a volunteer engaged in child-related work to obtain a children check clearance. However employers may employ a volunteer who has not obtained a check where the volunteer has been engaged in that volunteer work for 30 consecutive days or less – see s12(2). While this provision brings a wider category of volunteers within the scope of the legislation, it does not ensure that a check is obtained at the outset.

Excluded content

See comments above relating to b and c

Implementation rating for legislative action

Partially implemented

Refer to document audit for final assessment of implementation status

Recommendation number

24.6

Commission/Inquiry of origin

Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) (2008)

Vol 2: <http://www.dpc.nsw.gov.au/publications/news/stories/?a=33797>

Recommendation made

The Children and Young Persons (Care and Protection) Act 1998 should be amended to permit the exchange of information between human services and justice agencies, and between such agencies and the nongovernment sector, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety, welfare and well-being of a child or young person in accordance with the principles set out in Chapter 24. The amendments should provide that, to the extent inconsistent, the provisions of the Privacy and Personal Information Protection Act 1998 and Health Records and Information Privacy Act 2002 should not apply. Where agencies have Codes of Practice in accordance with privacy legislation their terms should be consistent with this legislative provision and consistent with each other in relation to the discharge of the functions of those agencies in the area of child protection.

Breakdown of components

1. Permit the exchange of information between agencies for the purpose of making decisions etc., re safety, wellbeing and welfare of a child or young person;
2. The provisions of certain privacy acts not apply;
3. Codes of practice consistent with legislation and with each other.

Government response

The recommendation has been fully implemented.

The legislative amendments applying to the exchange of information about children and young people commenced on 30 October 2009. **(FACS Document 8)** Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* clearly prioritises the safety, welfare, and wellbeing of a child or young person over an individual's right to privacy.

Chapter 16A allows government agencies and non-government organisations who are prescribed bodies to exchange information that relates to a child's or young person's safety, welfare or wellbeing, whether or not the child or young person is

known to Community Services, and whether or not the child or young person consents to the information exchange.

Chapter 16A also requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people.

Factsheets, guidance, checklists, and form letters to request and provide information are available in the Interagency Guidelines which can be found at http://www.community.nsw.gov.au/kts/guidelines/info_exchange/info_index.htm There has been no formal evaluation of Chapter 16A, however, the Department of Premier and Cabinet commissioned 'KPMG Final Report: Keep them Safe Interim Review: Location Based Evaluation' (November 2012) (FACS Document 9). The Report found that in the locations evaluated - Liverpool, Newcastle and Tamworth – 'information sharing between agencies has improved since the implementation of KTS. Chapter 16A was consistently cited among reforms to have had the greatest impact on service provider's capacity to respond to vulnerable and at-risk children and young people' (FACS Document 9, pp 9-11).

Document name

Implementation

As recommended

Y.

Included content

See Government response above.

Chapter 16A implements the recommendation in a more comprehensive and detailed way than envisaged. The Interagency Guidelines are consistent with the legislative requirements under Chapter 16A and promote consistency in practice.

Excluded content

NA

Implementation rating for legislative action

Implemented in full

Refer to document audit for final assessment of implementation status

Recommendation number

6

Commission/Inquiry of origin

NSW Ombudsman: Improving Probity Standards for Funded Organisations (2010)

http://www.ombo.nsw.gov.au/data/assets/pdf_file/0015/3381/SR_Improving_ProbityStandards_Dec10.pdf

Recommendation made

Ageing Disability and Home Care (ADHC), as an agency of the Department of Human Services, provide advice to Government on the best way of effectively dealing with the current shortcomings of the Community Services Regulation 2010, insofar as it fails to require that all existing licensees, licensed managers and direct care staff of licensed boarding houses be subject to criminal record checks.

Government response

Implemented in full.

Summary of the outcome of implementation:

In April 2012, the NSW Government approved a final reform proposal for the regulation of boarding houses in NSW, which included the introduction of a new Act, *the Boarding Houses Act 2012* (refer to Attachment C-1). The Act, which was passed in October 2012 and commenced on 1 July 2013 together with the Boarding Houses Regulation 2013 (refer to Attachment C-2), regulates 'general' boarding houses, i.e. those accommodating 5 or more people for fee or reward, and 'assisted' boarding houses, i.e. those which accommodate 2 or more 'people with additional needs' (previously these premises were known as licensed boarding houses).

The Act replaced and repealed the *Youth and Community Services Act 1973* and the *Youth and Community Services Regulation 2010*, which previously regulated licensed boarding houses. The provisions relating to assisted boarding houses require new and existing boarding house proprietors (whether as individuals or as members of a company, trust or unincorporated body), 'close associates', managers and staff members to undergo criminal record checks prior to commencing the position and every 3 years thereafter. A person applying to be a boarding house proprietor and any 'close associates' must also undergo financial probity checks. Referee checks and reference to any enforcement action taken in relation to relevant individuals is also taken into account.

The Act also prohibits persons who have been convicted of a 'serious criminal offence' from being employed in an assisted boarding house.

Records of staff probity checks are required to be kept by the boarding house operator for 7 years, and be made accessible to FACS enforcement officers on request.

Document name

Implementation

As recommended

Y

Included content

See Government response above and sections 45, 46 & 49 of the Boarding Houses Act 2012 (NSW) and clauses 8 & 9 of the Boarding Houses Regulation 2013 (NSW)

Excluded content

NA

Implementation rating for legislative action

Implemented in full
Refer to document audit for final assessment of implementation status

LEGISLATION VERIFICATION: NORTHERN TERRITORY

Recommendation number	1
Commission/Inquiry of origin	A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>Recommendation 1</i> <i>That Section 34 of the Care and Protection of Children Act (CPC Act) be amended to extend the authority of the CPA to request information: 'that may be relevant in connection with or incidental to a child's wellbeing', or 'relevant to information received about a child'.</i>
Government response	In full On 1 July 2012 a range of information sharing provisions came into force with the proclamation of the Information Sharing amendments of the Care and Protection of Children Act. The changes: <ul style="list-style-type: none"> • include broader information gathering powers for authorised officers; and • clarify that any information relating directly or indirectly to the inquiry can be sought and the information can be requested from anyone the authorised officer reasonably believes has the specified information. The effect is that the information gathering powers under an inquiry are much broader than they were previously.
Document name	<i>Care and Protection of Children Act Section 34</i>
Implementation	
As recommended	Yes
Included content	The object of Div 4 of the <i>Care and Protection of Children Act</i> is to ensure the CEO and Police officers have the powers to take steps to determine whether the wellbeing of a child is at risk. The exercise of the power is not reliant on a S26 (mandatory notification) report being received but can be exercised upon the receipt of information that raises concerns about the child's wellbeing. S.34(2) provides that the inquiring officer may, for the inquiries, request any of the specified persons to give the officer specified information about the child or another person (for example, a family member of the child) that directly or indirectly relates to the inquiry. The list of specified persons includes a person whom the officer reasonably believes has the specified information.
Excluded content	NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	2
Commission/Inquiry of origin	A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	Recommendation 2 <i>That a provision is inserted into Section 34 of the CPC Act to allow the CEO: 'to make those inquiries of any other persons who may reasonably be expected to have information about a child'.</i>
Government response	In full As above
Document name	<i>Care and Protection of Children Act S34</i>
Implementation	
As recommended	Yes
Included content	S.34 of the <i>Care and Protection of Children Act</i> provides that an officer conducting inquiries in relation to the wellbeing of a child may request a person whom the officer reasonably believes has the specified information to give the officer specified information about the child or another person (for example, a family member of the child) that directly or indirectly relates to the inquiry.
Excluded content	NA
Implementation rating for legislative action	Implemented in full Refer to document audit for final assessment of implementation status

Recommendation number	4
Commission/Inquiry of origin	A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	Recommendation 4 <i>Further that Section 15(2) of the CPC Act define harm to include: 'A child or young person of school going age frequently does not attend school without a reasonable excuse'.</i>
Government response	Alternative mechanism to achieve ends Amendments made to Part 4 of the NT Education Act provide greater power to authorised officers to achieve reengagement. This recommendation will not be implemented by a change to the Act. The Act (s. 15) defines 'harm' as a significant detrimental effect caused by any act, omission or circumstance on the child. Including failure to attend school in s.15 would expand mandatory reporting (s.26) to

Document name	include failure to attend school. While ensuring children attend school is a priority across NT Government, amending the Act in this way is not considered to be the appropriate mechanism. Section 15(2) of the <i>Care and Protection of Children Act</i>
Implementation	
As recommended	No
Included content	NA
Excluded content	NA
Implementation rating for legislative action	Not at all. NT Government response was that it did not consider the inclusion of “failure to attend school” into the definition of harm and, by doing so, expand the grounds for mandatory notification to include failure to attend school, to be the appropriate mechanism for ensuring children attend school. Part 4 S.6 of the <i>NT Education Act</i> provides that the CEO may disclose relevant information, or other information known to the CEO, to another Agency or body (including from another jurisdiction) if: (a) the Agency or body has responsibilities in relation to children (whether specifically or generally); and (b) the CEO considers the disclosure is appropriate to assist the Agency or body in meeting those responsibilities. Under S.23B (2) of the <i>NT Education Act</i> , the CEO may direct attendance at a compulsory conference by the child concerned, parent(s) of the child and “other persons the CEO believes necessary to achieve compliance” and provides the following examples: social worker, child psychologist, school principal, church representative, traditional elder. It is not clear if this power of direction extends to other government agencies or departments. <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	5
Commission/Inquiry of origin	A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>Recommendation 5</i> <i>That Section 26 of the Care and Protection of Children Act be amended to extend the mandatory reporting requirement to frequent non-attendance at school without a reasonable excuse.</i>

Government response	<p>Alternative mechanism to achieve ends</p> <p>A guide for professionals on mandatory reporting in the NT has been developed and is available from the Department of Children and Families website. The publication guides decision making.</p> <p>To help all new health professionals in the NT understand the NT's mandatory reporting provisions, a mandatory online training course has been developed and rolled out to 89 doctors and nurses. The course will form part of the mandatory orientation program for Department of Children and Families staff in early 2014.</p> <p>Alternative mechanism as above, rec 4.</p>
Document name	Care and Protection of Children Act S26
Implementation	
As recommended	No See Rec 4
Included content	NA
Excluded content	NA
Implementation rating for legislative action	Not implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	9.4
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory's Children (2010)
Recommendation made	<p>Recommendation 9.4</p> <p><i>That an independent body is auspiced to review investigations into allegations of 'abuse in care' undertaken by the Department of Health and Families. The Office of the Children's Commissioner would be an appropriate body to take on this role.</i></p>
Government response	<p>In progress</p> <p>Two Bills introduced in October 2013 Legislative Assembly Sittings:</p> <p>Legal Representation and Other Matters Bill:</p> <ul style="list-style-type: none"> - Introduces new function for DCF to investigate allegations of abuse in care, with the requirement that a substantiation be reported to the Children's Commissioner. If the Children's Commissioner chooses, he has the power to investigate the response under his own motion investigation powers. <p>Children's Commissioner Bill:</p> <ul style="list-style-type: none"> - Creates an explicit function for the Children's Commissioner of monitoring the way DCF responds to allegations of abuse in care. <p>Legislation check</p> <p>Legal Representation and Other Matters Bill Children's Commissioner Bill</p>
Document name	Legal Representation and Other Matters Bill

	Children's Commissioner Bill
Implementation	
As recommended	No.
Included content	<p>S.84A of the <i>Care and Protection of Children Act</i> provides that if the CEO believes on reasonable grounds that a child who is in the CEO's care:</p> <ul style="list-style-type: none"> (a) has suffered harm or exploitation while in the CEO's care; or (b) is suffering harm or exploitation; or (c) is likely to suffer harm or exploitation while in the CEO's care, the CEO may initiate an investigation into the suspected or potential harm or exploitation. <p>S.84C provides that if the investigation disclosed that the child has suffered harm or exploitation while in the CEO's care – the CEO will report that matter to the Commissioner as soon as practicable.</p> <p>S.10(1)(f) of the <i>Children's Commissioner Act</i> provides that the Commissioner will monitor ways in which the CEO deals with suspected or potential harm or exploitation of children in the care of the CEO.</p> <p>The Commissioner may undertake inquiries relating to the care and protection of vulnerable children on own initiative or at the direction of the Minister S.30 <i>Children's Commissioner Act</i>.</p>
Excluded content	<p>The recommendation was that an independent body (Children's Commissioner) review investigations into abuse in care conducted by the department.</p> <p>The legislation is narrower than the recommendation and provides that the department will refer to the Children's Commissioner only those investigation reports where allegations of abuse in care were substantiated by the department.</p>
Implementation rating for legislative action	Partially implemented Refer to document audit for final assessment of implementation status

Recommendation number	11.1
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory's Children (2010)
Recommendation made	<p>Recommendation 11.1</p> <p><i>That the Act be amended to:</i></p> <p><i>1. provide a workable framework that permits and encourages the exchange of information between public sector organisations, between these organisations, the non-government sector and, where appropriate, individual community members, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety and/ or wellbeing of a child or young person; and</i></p>

	<i>2. provide that, to the extent that provisions are inconsistent, the Information Act (NT) should not apply.</i>
Government response	Complete Amending legislation commenced 1 July 2012
Document name	<i>Care and Protection of Children Act</i>
Implementation	
As recommended	In full
Included content	Chapter 5 Part 5.1A of the <i>Care and Protection of Children Act</i> sets out the legislative framework for ensuring the safety and wellbeing of children by enabling particular persons and bodies having responsibilities for a child to request or give particular information about the child. The underlying principle is that rules about protecting confidentiality and privacy of individuals should not prevent the sharing of information for ensuring the safety and wellbeing of children. S.239C defines a wide range of persons to be “information sharing authorities” who may request or receive information under this section of the Act. “Individual community members” are not listed among the information sharing authorities however, under Section 34(2) of the Act, information can be obtained from community members. The legislative framework is supported by the Information Sharing Guidelines, 1 July 2012, Published by the Chief Executive (CE) of the Department of Children and Families under s.293H of the Care and Protection of Children Act 2007. Section 293J provides that legislative framework for information exchange has effect despite the operation of any other law of the Territory that prohibits or restricts the disclosure of information and does not affect the operation of any other provision in the Act that relate to giving information about a child.
Excluded content	NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	8
Commission/Inquiry of origin	Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)
Recommendation made	<i>Recommendation 8</i>

	<i>That employment screening be mandatory for all employed persons and volunteers working with children as described in the draft Care and Protection of Children Bill 2007.</i>
Government response	Complete The Working With Children Clearance - Ochre Card was one of a range of initiatives introduced under the Act to ensure the safety of children and young people in the community. It operates to prevent those people who may harm or exploit children from working with them in either a paid or voluntary capacity. It has been a requirement from 1 July 2011 that people engaged in child related employment apply for a Working With Children Clearance.
Document name	Care and Protection of Children Act Part 56 of the Act pertaining to the Office of the Children's Commissioner
Implementation	
As recommended	Yes.
Included content	The prescribed employed persons and volunteers working with children contained in Chapter 3 Part 3.1 S.184 of the <i>Care and Protection of Children Act</i> are the same as those described in the draft Care and Protection of Children Bill 2007. Chapter 3, Pts 3.1 and 3.2 (except for s.187), which define child related employment, commenced in Dec 2008.
Excluded content	S.187 which makes it an offence to be in child related employment without a clearance notice or, to engage in child related employment, a person who does not have a clearance notice, commenced in July 2011. NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	9
Commission/Inquiry of origin	Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)
Recommendation made	<i>Recommendation 9</i> <i>That a position of Commissioner for Children and Young People be established, with duties and responsibilities as described in the draft Care and Protection of Children Bill 2007. The Inquiry further recommends that:</i> <i>a. The Commissioner should have a broad role not limited to individual complaints handling with the power to conduct inquiries into any issues affecting children and young people in the Northern Territory, but with an emphasis on child protection and child abuse prevention.</i>

Government response	<p>Complete</p> <p>Part 56 of the Act pertaining to the Office of the Children’s Commissioner was commenced in May 2008 and the first Commissioner commenced in the position on 23 June 2008. Legislative amendments were introduced on 1 July 2011 that expanded the Children’s Commissioner’s powers to include services to all vulnerable children. An increased funding of \$0.4M in 2010-11 and an annual increase of \$0.7M from 2011-12 has been provided to the Office of the Children’s Commissioner.</p> <p>The Children’s Commissioner has undertaken investigations into complaints about services provided or required to be provided to protected children by service providers, including monitoring the ways in which service providers have responded to reports made by the Children’s Commissioner. The Office of the Children’s Commissioner acts as the secretariat for the Child Death Review and Prevention Committee and the Children’s Commissioner has been appointed as the Convenor of the Committee. The Committee has met its statutory requirements in terms of the number of formal meetings it is required to hold. The Committee has undertaken the co-sponsorship of research relating to the Northern Territories Indigenous infant death rate</p> <p>The Children’s Commissioner Bill, introduced into the NT Legislative Assembly in the October 2013 sittings will increase the powers of the Children’s Commissioner and include the power to undertake systemic inquiries.</p>
Document name	Care and Protection of Children Act
	Part 56 of the Act pertaining to the Office of the Children’s Commissioner
Implementation	
As recommended	Yes.
Included content	<p>The first Children’s Commissioner commenced in 2008.</p> <p>The <i>Children’s Commissioner Act 2013</i> came into force on 2 January 2014 and effectively replaced Part 56 of the <i>Care and Protection of Children Act</i>.</p>
	<p>The functions and powers of the Commissioner under the <i>Children’s Commissioner Act 2013</i> include all the powers and functions for a Commissioner described in the Care and Protection of Children Bill 2007. Additional functions contained in the Act include undertaking inquiries related to the care and protection of vulnerable children S.10(1)(d); monitoring ways in which the CEO deals with suspected or potential harm or exploitation of children in the care of the CEO S.10(1)(f); and promoting an understanding of the rights of children S.10(1)(h).</p>
	<p>The Commissioner may undertake inquiries relating to the care and protection of vulnerable children on own initiative or at the direction of the Minister S.30; and the Commissioner may investigate a complaint or investigate a matter if the Commissioner believes it may form a ground for the making of a complaint S28.</p>
	<p>The Commissioner is required to review the operation and effectiveness of the <i>Care and Protection of Children Act</i> in so far as it relates to</p>

	vulnerable children at least once every 3 years; and prepare and give the Minister a report of the findings of the review. The Minister must table the report in the Legislative Assembly within 6 sitting days after receiving it. S.50.
Excluded content	NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	29
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Recommendation 29</i> <i>That in considering future appointments to the judiciary or magistracy the Attorney-General may consider inter alia, the potential capacity of any person (whether by training or personality) to understand and appreciate the special problems associated with cases of sexual assault.</i>
Government response	
Document name	Supreme Court Act. S.32
Implementation	
As recommended	No
Included content	
Excluded content	The <i>Supreme Court Act</i> provides that the Administrator, by commission, appoints judges. The statutory requirements for appointment of judges are that the appointee is less than 70 yrs of age and had been a lawyer admitted to the legal profession for at least ten years, or has been a judge of a Court of the Commonwealth, State or Territory. S.32 Magistrates are appointed under the provisions of the NT <i>Magistrates Act</i> . Eligibility criteria are that the person is a lawyer, admitted to the legal profession for at least five years in a specified jurisdiction, or has held a position of magistrate in one of the specified jurisdictions. No material has been sighted relating to the criteria considered by the Attorney General in making recommendations to the Administrator for judicial or magistrate appointments.

Implementation rating for legislative action

Not implemented.

Refer to document audit for final assessment of implementation status

LEGISLATION VERIFICATION: QUEENSLAND

Recommendation number	5.21
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That a position of Child Guardian, to be situated within the Commission for Children and Young People, be established, whose sole responsibility would be to oversee the provision of services provided to, and decisions made in respect of, children within the jurisdiction of the Department of Child Safety.</i>
Government response	<p>Implemented:</p> <p>The <i>Child Safety Legislation Amendment Act 2004</i> extended the statutory office of the Commissioner for Children and Young People to become the office of the Commissioner for Children and Young People and Child Guardian (CCYPCG).</p> <p>The Commissioner has jurisdiction to monitor and investigate the actions of the department with respect to children in its jurisdiction. The CCYPCG may also monitor and investigate the actions of other government and non-government service providers.</p> <p>A new statutory office of Assistant Commissioner was created, to be responsible to the Commissioner for the proper performance of the Child Guardian functions.</p>
Document name	<p><i>Commission for Children and Young People and Child Guardian Act 2000</i> https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CommisChildA00.pdf</p> <p><i>Child Safety Legislation Amendment Act 2004</i></p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Implementation	
As recommended	Yes
Included content	<p>The Commissioner for Children and Young People has become the office of the Commissioner for Children and Young People and Child Guardian (CCYPCG).</p> <p>The Assistant Commissioner is responsible to the Commissioner for the proper function of the Commissioner's child guardian functions. S.19</p>

	<p>The Commissioner's Child Guardian functions include:</p> <ul style="list-style-type: none"> • the monitoring, audit and review functions relating to children in the child safety system (s.18); • investigating matters relating to services provided to children in the child safety system by the child safety department, other service provider, and licensees s.17(1)(d); and • resolving disputes about reviewable decisions 9s.17(1)(e). <p>The Assistant Commissioner has all the powers of the Commissioner under the Act that are necessary or convenient to perform the Assistant Commissioner's role s.21(1)</p>
Excluded content	NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	6.13
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That mandatory reporting of child abuse be extended to registered Queensland nurses by legislating under the Health Act.</i>
Government response	Implemented The <i>Public Health Act 2005</i> now obliges doctors and registered nurses to notify the department of any harm or potential harm, actual or suspected to a child.
Document name	Queensland Health developed a standard form for health professionals to use to report suspicions of child abuse directly to the department. <i>Public Health Act 2005 - Division 5 Notification of child abuse and neglect</i> https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PubHealA05.pdf
Implementation	
As recommended	Y
Included content	S.191 (1) (a) of the <i>Public Health Act 2005</i> (Qld) provides that if a professional becomes aware, or reasonably suspects, during the practice of his or her profession, that a child has been, is being, or is likely to be, harmed; and (b) as far as the professional is aware, no other professional has notified the chief executive (child safety) under this section about the harm or likely harm (2) The professional must immediately give notice of the harm or likely harm to the chief executive (child safety)—

	(a) orally; or (b) by facsimile, email or similar communication.
	A “professional” is defined in the <i>Public Health Act 2005</i> to mean a doctor or registered nurse. S158
Excluded content	NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	6.15
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That section 76K of the Health Act be amended to make it mandatory for doctors and nurses to notify the Department of Child Safety about their suspicion of child abuse.</i>
Government response	Implemented The <i>Public Health Act 2005</i> now obliges doctors and registered nurses to notify the department of any harm or potential harm, actual or suspected to a child. Queensland Health developed a standard form for health professionals to use to report suspicions of child abuse directly to the department.
Document name	<i>Public Health Act 2005</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	See 6.13 above.
Excluded content	The mandatory reporting obligations under S191 relate only to a suspicion that arises “during the practice of his or her profession”. NA
Implementation rating for legislative action	Implemented in full <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	7.1
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Department of Child Safety be responsible for receiving and investigating notifications of child abuse and neglect, and take over</i>

Government response

responsibility for the final assessment and certification of all carers, and for assessing the appropriateness of carers' re-approvals.

Implemented

The responsibility for receiving and investigating notifications was carried over from the former Department of Families to the department.

Screening and assessment of carers can still be undertaken on behalf of the department by licensed NGOs or independent contractors. However, some requirements, such as conducting and interpreting personal history checks and granting final approval, rest solely with the department. The Central Screening Unit manages the screening of all foster carers, kinship carers, their adult household members and people associated with licensed care services.

The ambit of the *Child Protection Act 1999* has been broadened so that foster carers, kinship carers and provisionally approved carers all fall within its regulatory framework. Chapter 4 of the *Child Protection Act 1999* creates an obligation on the chief executive to ensure that children are cared for in a way that meets the standards of care contained in the Act.

Document name

Child Protection Act 1999

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Implementation**As recommended**

Yes

Included content

The *Child Protection Act 1999* provides that if the chief executive becomes aware (whether because of notification given to the chief executive or otherwise) of alleged harm or alleged risk of harm to a child and reasonably suspects the child is in need of protection, the chief executive must immediately—

- (a) have an authorised officer investigate the allegation and assess the child's need of protection; or
- (b) take other action the chief executive considers appropriate. S.14(1)

The Commission for Children and Young People and Child Guardian (CCYPCG) issue a blue card or an exemption card to indicate that a person is eligible to work with children and young people in Queensland.

Those wishing to be accredited as a foster carer or a kinship carer, or for renewal of their foster care certificate or kinship care certificate, must apply to the Chief Executive who may or may not grant the application for a foster carer certificate or a kinship carer certificate. S.133 and 134.

The Chief Executive may not grant the application unless the applicant and all their adult members hold a blue card or an exemption card and other assessment criteria have been met S135(1).

Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	7.11
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act 1999 be amended to regulate voluntary placements.</i>
Government response	Implemented The <i>Child Protection Act 1999</i> was amended so that if there is a voluntary agreement between a child's parents and the department to place the child temporarily in the care of someone else, custody of the child automatically passes to the department while the agreement is in force. One of the practical effects of this amendment is that other parts of the Act then require the carer, with whom the child is placed, to have undergone a suitability assessment.
Document name	The <i>Child Protection Act 1999</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	In circumstances where: <ul style="list-style-type: none"> • There is no assessment order or child protection order in place, • The chief executive reasonable suspects a child is need of protection, • No order has been made granting custody or guardianship to another person, • The child's wishes have been considered (where ascertainable) • The chief executive is satisfied that the child's parents are able and willing to work with the chief executive, and • It is likely that at the end of the proposed intervention, the parents will be able to meet the child's needs for care and protection, S.51Z <p>Then the chief executive must give consideration to intervening with the parents agreement. S.51ZB</p> <p>The chief executive may enter a care agreement for the child with the child's parents for the short-term placement of the child in the care of someone other than the parents. S.51ZD(1)</p> <p>S.51ZF provides the requirements for a care agreement.</p> <p>While a child protection care agreement is in force for the child, the chief executive has custody of the child.S.51ZG</p> <p>The alternative carer would be subject to a suitability assessment as a foster carer or kinship carer. See 7.1 above.</p>

Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	7.18
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That a framework be developed for supporting relative care that includes enhanced screening and monitoring of carers and the provision of training opportunities and other support for carers. There should be an extensive consultation process, especially with Indigenous communities, in the development of the framework.</i>
Government response	<p>Implemented</p> <p>Chapter 4 of the <i>Child Protection Act 1999</i> provides a process for the licensing of care services and the approval of carers.</p> <p>All carers are required to complete a number of steps to become approved carers. These steps include:</p> <ul style="list-style-type: none"> - completion of a household safety study; - completion of an application for approval; - the applicant and any other adult members of the household must obtain a blue card (working with children check); - a health and wellbeing questionnaire is completed; - referee checks are made and <p>Interviews are conducted as required.</p>
Document name	<p>Other documentation supplied for audit</p> <p>Chapter 4 of the <i>Child Protection Act 1999</i></p> <p>http://www.communities.qld.gov.au/childsafety/foster-care/carer-training/foster-carer-training/orientation</p> <p>http://www.communities.qld.gov.au/childsafety/child-safety-practice-manual/chapters/8-regulation-of-care</p>
Implementation	
As recommended	Yes
Included content	<p>For legislative process for the approval of foster carers and kinship carers see 7.1 above.</p> <p>Chapter 8 of the Department’s Child Safety Practice Manual – Regulation of Care, details the requirements of and supports for potential carers during the application and approval processes. These include:</p> <ul style="list-style-type: none"> • pre-application – provision of information kit, invite to information sessions, home interview and household safety check • pre service training, blue card applications, carer health and wellbeing survey, identification verification

- assessment - of carer and household members, personal history check, blue card, assessment interview and completion of pre service training

Approval of a foster carer or kinship carer will be granted by the CSSC manager (under delegation from the Chief Executive) who must be satisfied that the applicant is suitable on ALL grounds of suitability.

The pre application and assessment activities may be undertaken by departmental staff, staff of a foster or kinship care service or by a contracted fee-for-service professional.

The Department's website <http://www.communities.qld.gov.au/childsafety> indicates a range of resources are available to assist actual and potential carers including information on training and carer support.

The monitoring of children in care is now an express function of the CCYPCG as described in relation to Rec 5.21 above.

Excluded content

No material was available relating to the consultation process, especially with Aboriginal communities, in the development of the framework.

Implementation rating for legislative action

Implemented

Note: Or does the failure to report on the involvement of Aboriginal communities make it an "undetermined"?

Refer to document audit for final assessment of implementation status

Recommendation number

7.26

Commission/Inquiry of origin

Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)

Recommendation made

That the Child Protection Act be amended to incorporate specific obligations on the part of the Department of Child Safety to disclose relevant information to carers.

Government response

Implemented

The *Child Protection Act 1999* has always required that a carer and the department have written agreements. These agreements provide relevant information that is known about the child or young person. The focus of the agreement is the provision of sufficient information to allow the carers to provide adequate care and ensure the safety of the child or young person, the carers and other members of the carer's household.

The department also provides carers with a copy of the child's birth certificate and other relevant records such as Medicare card or number.

Additional documents supplied for audit.

Document name	<i>Child Protection Act 1999</i>
Implementation	
As recommended	Yes
Included content	<p>S. 83A. Before placing the child in care under section 82, the chief executive must give to the proposed carer the information that the chief executive has about the child that the proposed carer reasonably needs to help him or her make an informed decision whether to agree to the placement. The child must also be give information the chief executive has about the proposed carer and members of the proposed carer’s household that the child reasonably needs to participate meaningfully in the decision about who will be the child’s carer; and if possible, the child should be given an opportunity to meet the proposed carer and members of the proposed carer’s household. S.83A(1)</p> <p>When placing the child in care, and while the child is in care, the chief executive must give the carer information that the chief executive has relating to the child that the carer reasonably needs—</p> <p>(a) to provide care for the child under this Act; and</p> <p>(b) to ensure the safety of the child, the carer and other members of the carer’s household. S82A(2)</p> <p>Similar provisions apply in relation to providing information to licensees. S.82A(3)</p> <p>In deciding the information about the child to give to someone the chief executive must have regard to—</p> <p>(a) the views and wishes of the child, having regard to the child’s age and ability to understand; and</p> <p>(b) the proposed length of time of the placement; and</p> <p>(c) the child’s right to privacy under the charter of rights. S.82A(4)</p> <p>Before giving information about the child to someone under this section, the chief executive must tell the child what information is being given and why it is being given. S.82A(5)</p> <p>The decision about what information is relevant for carers is a decision of the chief executive. S81A(4)</p>
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	7.27
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act incorporate a general disclosure obligation on the Department of Child Safety to inform other departments, Government agencies and non-government agencies (including AICCAs) of all information</i>

reasonably necessary to ensure their cooperation, assistance and participation within the child protection system. The Act should provide examples of what sort of information will be provided. The person to whom the disclosure is made (the 'receiver') will be bound by the confidentiality provision contained in section 188.

Breakdown of components:

- 1. Disclosure obligation on Department Child Safety to inform other agencies of necessary information*
- 2. Examples of information provided*
- 3. Receivers of information to be bound by confidentiality provisions.*

Government response

Implemented

Section 187 is the central confidentiality provision in the *Child Protection Act 1999*. The provision operates to ensure that any person performing duties under the Act, who obtains personal information in relation to a child protection matter, is prohibited from disclosing that information except in certain circumstances. The confidentiality provisions apply to public service employees.

The Act recognises that in performing functions under the Act there will be a need for the sharing of information.

The Act ensures that the release of information is only for purposes related to a child's protection or wellbeing.

The Act specifically authorises the release of information for the purposes of coordinated service provision or where required under another law.

Document name

Child Protection Act

Section 187 – as recommended?

section 188 – check this applies & describe briefly

Implementation

As recommended

Y/N

Included content

S159N of the *Child Protection Act 1999* lists the principles of coordinating service delivery and exchange of information, including the primary responsibility of the chief executive for investigating, assessing and responding to allegations of harm to children and making plans for their protection. This may involve sharing of information or a request for an agency to provide a service.

The Act provides that a range of persons (including all public servants, approved carers, licensees etc) may not use or disclose information about another person's affairs, unless necessary to perform his or her function under the Act or related to a child's protection or well being. S.188. Example provided at S.187(3)(b)

The Act also provides that a prescribed entity (defined at s.159M) must provide relevant information held by the entity, to another entity, if

Excluded content	requested to do so by the other entity S159N (1) and (2) , although under prescribed conditions the entity may not comply with the request. NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	7.28
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the department ensure that it had clear policies and procedures on disclosure of information and that it incorporate them in the training provided to departmental and agency staff.</i>
Government response	Status: Implemented The Child Safety Practice Manual sets out procedures for information sharing among government departments and non-government services in accordance with the <i>Child Protection Act</i> . The department's improved information management systems also make it easier to share accurate information with other agencies.
Document name	<i>Child Protection Act 1999</i>
	The information sharing policy is available online and can be found at: http://www.communities.qld.gov.au/resources/childsafety/child-protection/information-exchange-and-service-delivery-coordination-403.pdf
Implementation	
As recommended	
Included content	Policy CPD403-3 Information exchange and service delivery coordination sets out the policy, principles, objectives and scope of this area. The procedures for the sharing of information are contained in the Child Safety Practice Manual – Chapter 10.3 and include case examples.
Excluded content	In its response the Department made no comment about the incorporation of its policies and procedures for the exchange of information into its training for department and agency staff. Access to the SDM training packages on the web is restricted to Department staff.
Implementation rating for legislative action	Undetermined <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	9.2
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Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act be amended to ensure that it regulates the assessment and approval of all carers.</i>
Government response	Implemented This recommendation was implemented by a range of amendments to the <i>Child Protection Act 1999</i> . See also discussion of recommendation 7.15
Document name	<i>Child Protection Act 1999</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	See Rec 7.1 and Rec 7.18 above
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	3
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government consider including, as a requirement of their accreditation, that non-government schools have in place adequate policies for responding to suspicions or disclosures of child sexual abuse (see also Recommendations 12 and 16).</i>
Government response	Implemented in full See attachment QLD 2 – rr_2443_Folder 1
Document name	Education (Accreditation of Non-State Schools) Act 2000 Education (Accreditation of Non-State School Regulation) Act 2001 <input type="text"/>
Implementation	
As recommended	Yes
Included content	<i>Education (Accreditation of Non-State Schools) Regulation 2001</i> ß.10 Health, safety and conduct of staff and students, provides that: (1) A school must have written processes about the health and safety of its staff and students, that accord with relevant workplace health and safety legislation. (2) Also, the school must have written processes about the appropriate conduct of its staff and students, that accord with legislation applying in the State about the care or protection of children.

Excluded content	(3) Without limiting subsection (2), the processes must include— (a) a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate; and (b) a process for how the information reported to the stated staff member must be dealt with by the stated staff member.
Implementation rating for legislative action	NA Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	10
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government establish a working party including representatives from the Department of Corrective Services, the QPS and Families Youth and Community Care Queensland, and other relevant government and community agencies, to develop a coordinated response to the treatment, monitoring and supervision of child sex offenders in the community.</i>
Government response	Implemented in full See attachment QLD 2 – rr_2443_Folder 1
Document name	<ol style="list-style-type: none"> 1. <i>Child Protection (Offender Reporting) Act 2004 (CPORA)</i> 2. <i>Dangerous Prisoners (sexual Offenders) Act 2003 (DP SOA)</i> 3. <i>Child Protection (offender Prohibition Order) Act 2008 (CPOPOA)</i> 4. <i>Corrective Services Act 2006</i>
Implementation	
As recommended	Yes
Included content	<p><i>Child Protection (Offender Reporting) Act 2004</i> This legislation gave effect to the National Child Protection Register, which allowed for registering and cross-jurisdictional sharing of information in relation to convicted child sex offenders.</p> <p>The Act requires particular offenders who commit sexual, or other serious, offences against children to keep police informed of their whereabouts and other personal details for a period of time after their release into the community.</p> <p><i>Dangerous Persons (Sexual Offenders) Act 2003</i> Provides for the continued detention in custody or the supervised release of offenders convicted of serious sexual offences beyond the expiry date of their sentence.</p> <p><i>Child Protection (Offender Prohibition Order) Act 2008</i> This Act provides for the protection of children by allowing the court to make an offender prohibition order, which prohibits particular sexual</p>

	offenders from engaging in conduct posing a risk to the lives or sexual safety of children
	Corrective Services Act 2006 Provides for the disclosure of a sexual offender's details to approved members of the community.
Excluded content	NA
Implementation rating for legislative action	Implemented Refer to document audit for final assessment of implementation status

Recommendation number	12
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government consider including, as a requirement of accreditation, that non-government schools have in place adequate policies for employment screening (see also Recommendations 3 and 16).</i>
Government response	Implemented in full See attachment QLD 2 – rr_2443_Folder 1
Document name	<ol style="list-style-type: none"> 1. Education (Accreditation of Non-State Schools) Act 2001 2. Commission for Children and Young People and Child Guardian Act 2000 3. Education (Queensland College of Teachers) Act 2005, including s11, 12, 12A 4. College of Teachers Act, s76 & 77 & 80
Implementation	
As recommended	Y/N
Included content	<p>Each Director of a non-state school must hold a blue card or an exemption notice. Ss 15, 35. <i>Education (Accreditation of Non-State Schools) Act 2001</i></p> <p>Non-state schools can only employ an approved teacher. The Queensland College of Teachers determines if a person is an approved teacher and assesses suitability having regard to available information including criminal history information from police. <i>Education (Queensland College of Teachers) Act 2005</i> Ss11, 12, 12A</p> <p>The <i>Commission for Children and Young People and Child Guardian Act 2000</i> provides that other persons providing voluntary or paid services in a school must have a blue card. Chapter 8.</p> <p>If a school investigates an allegation of harm to a child caused, or likely to be caused by a teacher, the school must notify the College of Teachers. S76 EQCT Act. The College must also be notified if an investigation commences and the teacher is dismissed or resigns S76, 77; if the teacher is dismissed</p>

	on matters of competency; or if the teacher is indicted for trial on an indictable offence or is convicted of an indictable offence S88.
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	32
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the title official visitor be changed to ‘community visitor’.</i>
Government response	In full See attachment QLD 2 – rr_2443_Folder 1
Document name	<i>Commission for Children and Young People and Child Guardian Act 2000</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	The Act refers to “Community visitors”. References in the Act to “official visitors” relate to transitional arrangements.
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	33
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That private homes be generally exempt from the community visitor program, but be included if:</i> <ul style="list-style-type: none"> • <i>More than a specific number of unrelated children and young people, say four or more, are placed in the same foster home; and</i> • <i>A private home is providing accommodation for a child in care and a complaint has been made which hasn’t been or can’t reasonably and practicably be resolved by internal grievance processes.</i>

Government response	In full See attachment QLD 2 – rr_2443_Folder 1
Document name	<i>Commission for Children and Young People and Child Guardian Act 2000</i> <input type="text"/>
Implementation	
As recommended	Partially
Included content	<p>The purpose of Chapter 5 Community Visitors, is to provide for community visitors to promote and protect the rights, interests and wellbeing of the following children—</p> <p>33. a child residing at a residential facility or detention centre, or at an authorised mental health service under the Mental Health Act 2000; (visitable sites S.87)</p> <p>(b) a child in the custody or guardianship of the chief executive (child safety) under the Child Protection Act 1999 who, under section 82 of that Act, has been placed in the care of an approved carer or someone else other than a parent of the child; (visitable home S 88)</p> <p>I a child who, under a care agreement under the Child Protection Act 1999, has been placed in the care of someone other than a parent of the child. (Visitable home S.88)</p> <p>S89 provides that the commissioner must make arrangements for each visitable site and each visitable home to be visited by a community visitor regularly and frequently.</p> <p>S.102 details the powers of a community visitor relating to visitable homes.</p> <p>The Act does not expressly exempt private homes from the CV Program, however children and young persons in categories (b) and (c) above are most likely to be residing in private homes and therefore the private home would be a visitable site (by a Community Visitor) and a residential facility.</p>
Excluded content	<p>The Act does not require a specific number of unrelated children to be present in a private home in order for it to become a visitable site. Nor does it require an unresolved complaint to have been made in a private home in order for it to become a visitable site.</p>
Implementation rating for legislative action	Partially implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number **34**

Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the community visitor program be extended to cover children and young people who live in residential facilities but who aren’t subject to statutory care orders.</i>
Government response	In full See attachment QLD 2 – rr_2443_Folder 1
Document name	<i>Commission for Children and Young People and Child Guardian Act 2000</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	The community visitor program covers a child or young person residing at a residential facility. There is no requirement that the child be subject to statutory care orders.
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	35
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the role and purpose of community visitors be to develop trusting relationships with children and young people in residential facilities to facilitate their ability to advocate on the child’s or young person’s behalf as necessary.</i>
Government response	In full See attachment QLD 2 – rr_2443_Folder 1
Document name	Commission for Children and Young People and Child Guardian Act 2000, s68
Implementation	
As recommended	Yes
Included content	Among other functions, a community visitor has the following functions in relation to children and young people in visitable sites and visitable homes: <ul style="list-style-type: none"> • to develop trusting and supportive relationships with the children, so far as is possible;

	<ul style="list-style-type: none"> to advocate on behalf of the children by listening to, giving voice to, and facilitating the resolution of, their concerns and grievances. S.93(1)(a) and (b)
	The legislation goes further than the recommendation in including visitable homes, which were not covered by the program at the time the recommendation was made.
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	36
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That community visitors be authorised to facilitate ‘on site’ resolution of complaints, and to refer serious matters to the Commission in accordance with formal protocols and guidelines.</i>
Government response	In full See attachment QLD 2 – rr_2443_Folder 1
Document name	Commission for Children and Young People and Child Guardian Act 2000, s68 & 93 <input type="text"/>
Implementation	
As recommended	Yes
Included content	It is a function of a community visitor to advocate on behalf of the children by listening to, giving voice to, and facilitating the resolution of, their concerns and grievances. S 93(1)(b). As soon as practicable after visiting a visitable site or visitable home, a community visitor must prepare, and give to the commissioner, a report about the visit. S.93(1)
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	37
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations

Recommendation made	<i>That community visitors be authorised to access otherwise confidential information held at residential facilities about the children and young people who reside there, subject to the same overarching principles and confidentiality requirements as other Commission staff.</i>
Government response	In full See attachment QLD 2 – rr_2443_Folder 1
Document name	<i>Commission for Children and Young People and Child Guardian Act 2000.</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	A community visitor may <ul style="list-style-type: none"> • inspect or copy a document held at a visitable site S.99 • require staff of a visitable site to give help to obtain information s.100 • require staff to produce for inspection a document held at the site relating to a child or young person resident at the site s 102. <p>Community visitors are covered by the confidentiality provisions of S. 385 of the Act.</p>
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	38
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the Act oblige the management and staff of residential facilities to cooperate with community visitors in the exercise of their functions.</i>
Government response	In full See attachment QLD 2 – rr_2443_Folder 1
Document name	<i>Commission for Children and Young People and Child Guardian Act 2000</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	S.100(1) A community visitor may, at any reasonable time, require a staff member of a visitable site to give the visitor reasonable help to— (a) obtain information about the site and its operation; or (b) have access to a child residing at the site; or I talk with a child residing at the site, out of the hearing of staff and management of the site and other persons at the site; or

	(d) exercise the visitor's powers under section 99.
Excluded content	See Rec 37 above NA
Implementation rating for legislative action	In full. <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	39
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That consideration is given to 'harmonising' the legislative and administrative frameworks applying to community visitor and the programs under the Children's Commission and Juvenile Justice Acts and envisaged adult guardianship and mental health legislation.</i>
Government response	Partial See attachment QLD 2 – rr_2443_Folder 1
Document name	<i>Commission for Children and Young People and Child Guardian Act 2000</i> <input type="text"/>
Implementation	
As recommended	Yes – partially
Included content	The functions of the community visitor scheme under the CCYPCG Act now cover the visitable sites of residential facilities, detention facilities, and authorised mental health services un the <i>Mental Health Act 2000</i> and visitable homes. S.99
Excluded content	The CCYPCG Act does not cover the role and functions of the adult guardian. NA
Implementation rating for legislative action	Partially implemented <i>Refer to document audit for final assessment of implementation status</i>

LEGISLATION VERIFICATION: SOUTH AUSTRALIA

Recommendation number	4
Commission/ Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p>That a statutory Office of Children and Young Persons' Guardian be created and placed in the Office of the Commissioner, having a separate function namely:</p> <ul style="list-style-type: none"> • (1) to ensure that children and young people under the Guardianship of the Minister are cared for in accordance with guidelines set out in a Charter of Rights of Children in Care to be developed consultatively and enshrined in legislation in similar fashion to the Child Protection Act 1999 (Qld) • (2) include functions similar to the "community visitors" set out in the Commission for Children and Young People Act 2000 (Qld) <p>Also:</p> <ul style="list-style-type: none"> • (3) monitoring the annual reviews of children and young people in long term care as discussed in Chapter 9 • (4) receiving information from DHS/FAYS. <p>That FAYS have responsibility to inform the Children and Young Persons' Guardian on matters of significant concern regarding a child or young person in care. Such matters would include repeated placement breakdown, serious abuse in care, criminal conduct, chronic truancy, homelessness and major health problems.</p> <p>Recommendation elements:</p> <ol style="list-style-type: none"> 1. Charter enshrined in legislation 2. Community visitor functions 3. Monitor annual reviews 4. Receive information
Government response	Implemented. Unclear whether based on QLD act
Document name	<ul style="list-style-type: none"> • Children's Protection Act 1993, amendment 2006 • Schedule 1 Child Protection Act 199 QLD Community visitors in Part 4 Commission for Children & Young People Act 2000 (QLD)
Implementation	
As recommended	<ol style="list-style-type: none"> 1. Yes 2. Yes 3. Yes 4. Yes
Included content	<p>Division 3 ss. 52EB, EC, ED, and EE of the <i>Children's Protection Act 1993</i> provide for the development, review, consultation about, and approval of, a Charter of Rights for Children and Young People.</p> <p>A Charter has been developed and approved and is promoted and monitored by the Office of the Guardian for Children and Young People.</p>

The legislation provides that any person involved with children in care in a formal capacity such as a social worker or a carer must consider and “seek to implement to the fullest extent possible, the terms of the Charter”. S52EF

The functions of the Guardian for Children and Young People S.52C of the *Children’s Protection Act 1993* are very similar to the child guardian functions of the Queensland Commissioner for Children and Young People and Child Guardian. S.19 *Commission for Children and Young People and Child Guardian Act 2000 (Qld)*.

One of the functions of the Guardian for Children and Young People is to monitor the circumstances of children under the guardianship, or in the custody, of the Minister. S 52C(1)l.

S.52C(2)l requires the Guardian to receive and consider information, reports and materials relevant to carrying out the Guardian’s functions.

Government and non-government organisations involved in the provision of services to children, must, at the Guardian’s request, provide relevant information to the Guardian. S52CA(1).

Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	54
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf
Recommendation made	<i>That the Children’s Protection Act 1993 be amended to include:</i> <ul style="list-style-type: none"> • (1) all church personnel including ministers of religion (except in confessionals) • (2) all individuals in services providing care to or supervision of children • all volunteers who are working with children (including both volunteers working in a supervised and unsupervised settings) • (3) all people who may supervise or be responsible for looking after children as part of a sporting, recreational, religious or voluntary organisation • (4) as mandated notifiers.
Government response	Implemented
Document name	<i>Children’s Protection Act 1993</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	S11 Notification of abuse and neglect provides that, among others, the following persons must notify the department if they suspect,

	<p>on reasonable grounds, that a child has been or is being abused or neglected;</p> <ul style="list-style-type: none"> • a minister of religion S.11(2)(ga) • a person who is an employee of, or volunteer in, an 58ehavior58ion formed for religious or spiritual purposes S.11(2)(ga) • any other person who is an employee of, or volunteer in, a government or non-government 58ehavior58ion that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who— <p>34. is engaged in the actual delivery of those services to children; or</p> <p>(ii) holds a management position in the relevant behavior on the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children S.11(2)(j)</p>
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	94
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf
Recommendation made	<p><i>That, in keeping with Recommendation 100 of the ALRC Report, the Evidence Act 1929 (SA) be amended to provide that corroboration of the evidence of a child witness whether sworn or unsworn, should not be required.</i></p> <p><i>That Judges be legislatively prohibited from warning or suggesting to a jury that children are an unreliable class of witness. An example of such legislation is section 106D of the Evidence Act 1906 (WA).</i></p> <p><i>That in accordance with Recommendation 100 of the ALRC Report, legislation provide that judicial warnings about the evidence of a particular child witness should be given only where</i></p> <p><i>1) a party requests the warning, and</i></p> <p><i>2) that party can show that there are exceptional circumstances warranting the warning.</i></p> <p><i>Such exceptional circumstances should not depend on the mere fact that the witness is a child, but on objective evidence that the particular child's evidence may be unreliable.</i></p> <p><i>That the warnings which are given should follow the formula in Murray v R to reduce the effect of an individual Judge's bias against, or general assumptions about, the abilities of children as witnesses.</i></p>
Government response	Implemented in part. Warning jury about uncorroborated evidence now conditional.
Document name	<ul style="list-style-type: none"> • Section 12A inserted in Evidence Act 1929 (SA)

Implementation	
As recommended	<ol style="list-style-type: none"> 1. No 2. Yes 3. Yes 4. Yes
Included content	<p>S.12A provides that in a criminal trial, a judge must not warn the jury that it is unsafe to convict on a child’s uncorroborated evidence unless—</p> <ol style="list-style-type: none"> (a) the warning is warranted because there are, in the circumstances of the particular case, cogent reasons, apart from the fact that the witness is a child, to doubt the reliability of the child’s evidence; and (b) a party asks that the warning be given. <p>(2) In giving any such warning, the judge is not to make any suggestion that the evidence of children is inherently less credible or reliable, or requires more careful scrutiny, than the evidence of adults.</p>
Excluded content	<p>The Act does not provide that corroboration of the evidence of a child witness whether sworn or unsworn, should not be required.</p> <p>The Act does not require a party asking for a warning to be able to show objective evidence that the particular child’s evidence may be unreliable</p>
Implementation rating for legislative action	<p>Partially implemented <i>Refer to document audit for final assessment of implementation status</i></p>

Recommendation number	97
Commission/Inquiry of origin	<p>Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf</p>
Recommendation made	<p><i>That the Evidence Act 1929 (SA) be amended to include a similar section to section 106 G Evidence Act (WA) which prevents an unrepresented defendant from directly cross-examining a child. Such amendment to be applicable to all children and not just those under 16 years of age.</i></p>
Government response	<p><i>Implemented</i></p>
Document name	<ul style="list-style-type: none"> • Legislation check – 13, 13A, 13B Evidence Act 1929 (SA) • 106 G Evidence Act (WA)
Implementation	
As recommended	No

Included content	<p>Section 13B(1) provides that a defendant in a criminal trial may not cross-examine a witness who is the alleged victim of a serious offence unless the cross examination is by Counsel.</p> <p>If a vulnerable witness is to give evidence in criminal proceedings, and the vulnerable witness is a child of or under the age of 16 years and who is the alleged victim of a sexual offence—the court must order that an audio visual record be made of the witness’s evidence before the court. Section 13A(2)(b));</p>
Excluded content	<p>A child is defined under the Evidence Act 1029 as a person under the age of 18yrs.</p> <p>The vulnerable witness provision only apply to children 16 yrs and younger.</p>
Implementation rating for legislative action	<p>Partially implemented</p> <p>Refer to document audit for final assessment of implementation status</p>

Recommendation number	101
Commission/ Inquiry of origin	<p>Review of Child Protection in South Australia (Layton review) (2002)</p> <p>http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf</p>
Recommendation made	<p><i>(1)That the Evidence Act 1929 (SA) be amended to include the three models for taking of evidence in relation to a criminal trial involving sexual or violent offences against a child as provided in sections 106H to 106T of the Evidence Act (WA).</i></p> <p><i>(2)That the burden of proof remain on the prosecution to prove the charges beyond reasonable doubt.</i></p> <p><i>(3)That there is no requirement for a specialist court to sit on cases in which children are the alleged victims, instead the court must be comprised of Judges who have received special judicial training in respect of child development, victim responses and patterns of abusive behaviour.</i></p> <p><i>(4)That a court-based child witness support system similar to the Western Australian model be set up in South Australia.</i></p> <p><i>(5)That a committee(s) be set up to make recommendations as to the progressive implementation of strategically placed CCTV facilities and video rooms for courts using the Western Australian model as a basis. The design is to ensure the most cost effective manner of delivery of such services in South Australia.</i></p> <p>Recommendation elements.</p> <ol style="list-style-type: none"> 1. Models for taking evidence 2. Burden of proof 3. Judicial training 4. Child witness support system 5. CCTV committee.
Government response	Partially implemented

Document name	<ul style="list-style-type: none"> - Amendment to legislation 13C to the Evidence Act 1929 (SA) - CCTV facilities implemented - Staff training in development now - Witness Assistance Service (WAS) funded to provide support to child witnesses by specially trained social workers <ul style="list-style-type: none"> • amendment 13C to the Evidence Act 1929 (SA) • as per 106H & 106T Evidence Act WA (3 models for taking evidence)
Implementation	
As recommended	<ol style="list-style-type: none"> 1. Yes 2. Unchanged 3. No 4. No 5. Yes
Included content	<p>Section 13C (<i>Evidence and Procedure</i>) Act 2008 provides, in the case of a vulnerable witness who is a child of or under the age of 16 years and who is the alleged victim of a sexual offence, that the court must order that an audio visual record be made of the witness’s evidence before the court (unless an order has already been made under s13A). The section further provides that in the case of any other vulnerable witness, the court may, on application by the prosecution, order that an audio visual record be made of the witness’s evidence before the court. Such audio-visual records may be used at any re-trial.</p> <p>Section 13 and 13A provide wide general powers of a court to make special arrangements to protect and assist both witnesses in general and vulnerable witnesses in particular. These general powers allow for the use of closed-circuit tv, the taking of evidence outside the trial court and audio record, and the taking and pre-recording the evidence of children as a special arrangement.</p> <p>The Government submitted that all District Courts have CCTV facilities.</p>
Excluded content	<p>There is no court-based child witness support system in SA.</p> <p>The Office of the Director of Public Prosecutions (ODPP) operates a Witness Assistance Service (WAS).</p> <p>The Government submitted that while the WAS is not a service specifically for children, it has been funded to provide services to child witnesses by specially trained social workers.</p> <p>The Government submission made no specific reference to the recommendation that “the court must be comprised of Judges who have received special judicial training in respect of child development, victim responses and patterns of abusive behaviour.” The submission did note that “the South Australian Government’s Disability Justice Plan, which is currently</p>

being developed, will ensure staff who work with vulnerable witnesses in the criminal justice system are appropriately trained.”

The Courts SA website <http://www.courts.sa.gov.au/OurCourts/DistrictCourt/Pages/Judicial-Officers.aspx> notes that ALL judges hear civil and criminal matters.

Implementation rating for legislative action

Partially implemented
Refer to document audit for final assessment of implementation status

Recommendation number	104
Commission/ Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf
Recommendation made	<i>That the Evidence Act 1929 (SA) be amended to include a section similar to section 106F of the Evidence Act 1929 (WA) to allow for appointment of a child communicator to assist as an interpreter for a child in appropriate circumstances. In addition, the section to be available to all children and not only those under the age of 16 years. Further, that Recommendation 118 of the ALRC Report be implemented by amendment of the Evidence Act 1929 (SA) to include that a court may permit other means of evidence being adduced in the particular case of children with disabilities.</i> <i>Recommendation elements:</i> <ol style="list-style-type: none"> 1. <i>Child communicator</i> 2. <i>For all children</i> 3. <i>Other means of taking evidence for children with disabilities.</i>
Government response	Partially implemented
Document name	<ul style="list-style-type: none"> • section 13 Evidence Act 1929 (SA)
Implementation	
As recommended	<ol style="list-style-type: none"> 1. Yes. 2. No. 3. Yes.
Included content	<p>The wide general powers of Section 13 allow a court to make special arrangements to protect and assist both witnesses in general and vulnerable witnesses in particular. These general powers allow for special arrangements to be made for the taking of evidence and would allow for the use of a child communicator or intermediary for a child witness.</p> <p>Section 13(2)(f) provides that if the witness suffers from a physical or mental disability—an order may be made that the evidence be taken in a particular way (to be specified by the court) that will, in the court’s opinion, facilitate the taking of evidence from the witness or behavior the witness’s embarrassment or distress.</p>

	This section is not limited to children of 16 years or less.
Excluded content	The provisions relating to vulnerable children apply to children of 16 years or less.
	There is no legislative reference to the appointment of a child communicator, as such.
Implementation rating for legislative action	Partially implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	130
Commission/ Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf
Recommendation made	<i>That a coordinated and comprehensive screening and monitoring system be developed in South Australia that is compatible with any National agreement or State/Territory system currently in operation.</i>
Government response	Implemented
Document name	<ul style="list-style-type: none"> • <i>Children's Protection Act 1993</i> • <i>Children's Protection Regulations 2010</i>
Implementation	
As recommended	Yes
Included content	The functions of the Chief Executive in relation to criminal history checks are provided for at S8(A)(j) Division 3 of the <i>Children's Protection Act</i> details the powers and obligations of a responsible authority in respect of criminal histories. The <i>Children's Protection Regulation 2010</i> details the manner in which criminal history assessments are to be undertaken, provides for, amongst other things, the establishment of screening units, the collection and use of information, and the exchange of information between jurisdictions.
Excluded content	
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	131
Commission/ Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf

Recommendation made

*That a working group be formed – the “**Screening and Monitoring Working Group**” to determine the most appropriate:*

- **legislation**
- **policies, protocols and guidelines** and
- **declarations process for SA taking into consideration the proposed **National Paedophile Register** to be developed.**

*That the working group consist of persons from the **key agencies** involved (SAPOL, Justice Department, DHS, Education sector, Non-Government, churches and Sport and Recreation, representatives of teachers’ unions and major unions covering employees including related employment and parent groups) and should involve the Commissioner for Children and Young Persons.*

*That **specific legislation be developed** to deem certain persons as described in the legislation to be unsuitable persons from working with children and young people and to be placed on an **Unsuitable Persons Register**. Such legislation could be known as the Child Protection (Unsuitable Persons) Act. Legislation to include:*

- (1) *specific provisions for the **establishment and maintenance** of an Unsuitable Persons Register,*
- (2) *provide for the **conditions** upon which a person is placed on the register and is thereby deemed unsuitable for employment in child related circumstances*
- (3) *provide for an **independent process** for a declaration from a District Court for **removal of a person from the register***
- (4) *provide the **requirements of employers when employing persons in child-related activities** and that the provisions are **mandatory for employees but discretionary in respect of volunteers***
- (5) *cover **all Government agencies, non-Government agencies, church organisations, sporting and recreation clubs** who provide employment in child-related activities*
- (6) *create **offences with penalties** for non-compliance.*

Such legislation may in a general sense be modelled on the NSW scheme with particular modifications to minimise complexity and discretionary decision-making as well as placing the role of establishing and maintaining the register with SAPOL. Further, that the screening and monitoring working group consider the viability of providing persons screened and cleared a ‘portable’ photo card which can be used by employees.

Recommendation Elements:

1. Unsuitable persons register
2. Minimise complexity and discretionary decisions (note below)
3. Portable card system (note below)

Government response

Partially implemented:

Unsuitable Persons Register

Currently, no specific Unsuitable Persons Register exists. However, the comprehensive records maintained by the Screening Unit, which includes information as to whether or not a person has previously been denied a clearance to work with children, serves as a de facto register of this kind in South Australia. All individuals registered on the Australian National Child Offender Register pursuant to the Child Sex Offenders Registration Act 2006 are prohibited from applying to work in child-related employment, and South Australia Police

are notified immediately if/when an individual on ANCOR applies for child-related employment screening through the Screening Unit.

Minimise Complexity and Discretionary Decision-Making

The Standards for Dealing with information about the criminal history of employees and volunteers who work with children, issued by the Chief Executive, Department for Communities and Social Inclusion, currently outlines the methods for ensuring that all child-related employment screening risk assessments are undertaken in a consistent, defensible manner with a diminished need for discretionary decision-making.

Portable Card Based System

The Screening Unit currently provides clearances to people by way of a letter on special security paper and does not issue a card. Card-based systems are no longer considered best practice, and have been supplanted by a live internet database in some jurisdictions. These databases allow employers and volunteer organisations to check the status of their employees/volunteers at any time.

Consideration is being given to the feasibility of introducing such a system in South Australia.

Document name

Child Sex Offenders Registration Act 2006
<http://www.legislation.sa.gov.au/LZ/C/A/CHILD%20SEX%20OFFENDERS%20REGISTRATION%20ACT%202006.aspx>

Child Safe Environments.
 Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children.
 Issued by the Chief Executive,
 Department for Education and Child Development
 (Section 8A, Children's Protection Act 1993 (SA))
<http://www.decd.sa.gov.au/docs/documents/1/CSEStdsInfoCrimHist.pdf>

Implementation

As recommended

1. No
2. Yes
3. No

Included content

Section 64 of the *Child Sex Offenders Registration Act 2006* prescribes child-related work.

Section 65 provides that a registrable offender must not apply for or engage in work that is child-related.

Section 66 provides that a registrable offender is a person charged with or convicted of a Class 1 or Class two offences – child sexual offences and other child related offences.

Child Safe Environments.

	Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children. Issued by the Chief Executive, Department for Education and Child Development (Section 8A, Children's Protection Act 1993 (SA)) http://www.decd.sa.gov.au/docs/documents/1/CSEstdsInfoCrimHist.pdf
Excluded content	No unsuitable persons register in place. No portable card based system used.
Implementation rating for legislative action	Partially implemented Refer to document audit for final assessment of implementation status
Recommendation number	132
Commission/ Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf
Recommendation made	<i>1. That all agencies who employ persons who work with or have access to children either in paid or a volunteer capacity should develop appropriate child protection policies and guidelines.</i> <i>2. All agencies funded by State Government agencies will be required to develop child protection policies and guidelines as a prerequisite to receiving Government funding.</i>
Government response	Partially implemented: Policies and guidelines are universally required
Document name	Child Protection Act 1993 <input type="text"/>
Implementation	
As recommended	1. Yes 2. No
Included content	Section 8C of the Act requires that government and non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children must have in place appropriate policies and procedures for ensuring that appropriate reports of abuse or neglect are made under Part 4; and that child safe environments are established and maintained within the behavior66ion. The organization must, within ten days of putting the policies and procedures in place, lodge with the Chief Executive, a statement setting out the policies and procedures. S.8C(3)

Excluded content	The government response makes no reference to that part of the recommendation that all agencies funded by State Government agencies will be required to develop child protection policies and guidelines as a prerequisite to receiving Government funding.
	There is no legislative requirement for this.
Implementation rating for legislative action	Partially implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	138
Commission/ Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf
Recommendation made	<i>That pending an Unsuitable Persons Register being set up as recommended in Chapter 17, the Teachers' Registration Board in consultation with all education sectors, progressively seek relevant police checks through SAPOL on all registered teaching personnel and that these police checks are updated each time renewal of registration is required.</i>
Government response	Implemented: 2004 legislation establishing Teachers Registration Board
Document name	<i>Teachers Registration and Standards Act 2004</i>
Implementation	
As recommended	Yes.
Included content	The Teachers Registration Board has been established under the <i>Teachers Registration and Standards Act 2004</i> . S.20 of the Act provides that a person may not undertake employment as a teacher unless registered. S21 provides for the Board to determine if an applicant for registration or renewal of registration is a fit and proper person. A criminal history record check is one criterion used by the Board to assess fitness and propriety. S22 and an applicant for registration or renewal of registration must consent to the conduct of a criminal record check and pay the required fee. S22.
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	170
Commission/ Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002) http://www.decd.sa.gov.au/speced2/files/links/Child_Protection_Review_FU.pdf
Recommendation made	<ol style="list-style-type: none"> 1. That Section 10 of the Children’s Protection Act 1993 be amended to reflect the suggested amendments to sub-sections 6 (1) and 6 (2) of the Act as <i>set out in Recommendation 166*</i>. 2. <i>In particular, if the contents of sub-section 6 (2) I (d) and I (presently excluded from applying to mandatory notification), are still regarded as necessary to be articulated in the legislation, these circumstances should be relevant to mandatory notification.</i> 3. <i>Further, subsection 6 (2) I of the Act should not be limited to children under 15 years, but to all children.</i> <p>*N.B. Recommendation 166: It is recommended that sub-sections 6(1) and 6(2) of the Children’s Protection Act 1993 be amended and replaced by a definitional concept based on the notion of risk of “significant harm” using sections 9, 10 and 14 of the Children’s Protection Act 1999 (Qld) as a suitable guiding precedent.</p>
Government response	Partially implemented
Document name	<ol style="list-style-type: none"> 1. Children’s Protection Act 1993, sub-sections 6 (1) and 6 (2), subsection 6 (2) I 2. Children’s Protection Act 1999 (Qld)
Implementation	
As recommended	<ol style="list-style-type: none"> 1. Yes 2. No 3. No
Included content	Section 6 of the Children’s Protection Act 1993 ‘Interpretation’ has been amended and now includes a definition of a child “at risk”: Section 6 (2): <i>For the purposes of this Act, a child is at risk if –</i> <i>(aa) if there is significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which he or she should have, but does not have, proper protection;</i>
Excluded content	<p>The amended definition of “at risk” has not been included as part of the statutory criteria for mandatory notification.</p> <p>The Government submitted that it was not feasible to require notifiers to make notifications in relation to events of future abuse or neglect that had not yet occurred.</p> <p>Section 6 (2) I has not been expanded to include all children under 18 years.</p> <p>It was recommended that the following circumstances should be reflected in the criteria for mandatory notification:</p> <ol style="list-style-type: none"> (d) the child is of compulsory school age but has been persistently absent from school without satisfactory explanation of the

- absence; or
 © the child is under 15 years of age and is of no fixed address.

No amendments were made to Section 6 regarding mandatory notification in relation to children of compulsory school age or children under the age of 15 of no fixed address. The Government submitted that this would have unnecessarily expanded the criteria for mandatory notification.

Implementation rating for legislative action

Partially implemented
Refer to document audit for final assessment of implementation status

Recommendation number	21
Commission/ Inquiry of origin	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) Lands Commission of Inquiry (Mullighan Inquiry) (2008) http://www.sa.gov.au/subject/Crime,+justice+and+the+law/Mullighan+Inquiry/Children+on+the+APY+Lands
Recommendation made	<i>That section 11 of the Children's Protection Act be amended to provide that it is an offence to prevent, obstruct or interfere with a person discharging or attempting to discharge the obligation of mandatory reporting pursuant to section 11(1) of that Act.</i>
Government response	Implemented
Document name	<i>Children's Protection Act 1993</i> <input type="text"/>
Implementation	
As recommended	Yes
Included content	S.11(6) of the Act provides that a person must not threaten or intimidate, or cause damage, loss or disadvantage to, a person to whom this section applies because the person has discharged, or proposes to discharge, his or her duty under subsection (1). Maximum penalty: \$10 000.
Excluded content	
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	3
Commission/ Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008) http://www.sa.gov.au/upload/franchise/Crime,%20justice%20and%20the%20Law/Mullighan_Inquiry/CISC%20-%20Complete.pdf
Recommendation made	<i>That the application of section 8B of the Children's Protection Act 1993 be broadened to include organisations as defined in section 8C. [NOTE: Section 8B</i>

required govt organisations and non-govt schools to obtain a criminal history, or police report for people holding, or to be appointed to, positions that involve regular contact with, proximity to, or access to records concerning children. Section s 8C applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children and are govt departments, agencies, instrumentalities, or local govt or non-govt organisations.]

That consideration is given to reducing or waiving the fee for an organisation applying for a criminal history reporting order to comply with section 8B.

That a criminal history report be defined as a report that includes information as to whether a person is on the Australian National Child Offender Register (ANCOR).

Government response

Continuing implementation with phasing in period

Document name

The Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009

Implementation

As recommended

1. Yes
2. Yes
3. No

Included content

1. Re S.8B and 8C

Division 3, S.8B details the powers and obligations of a responsible authority in relation to criminal history assessments and requires that a criminal history assessment be conducted before a person is appointed to a position. The section applies to government organisations; and non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, childcare or residential services wholly or partly for children.

S.8C details the obligations of certain organisations in relation to establishing a safe environment, reporting suspected abuse and neglect, and developing policies and procedures. This section applies to the same group of organisations as 8B above namely: government and non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children.

2. Re Waiving of fees.

S.8B(7)(h) provides that a regulation may confer discretionary powers on the Minister, Chief Executive or another person or body, for the waiving or remission of a fee.

3. Re ANCOR.

S.8 of the Regulation provides that a reference to a person's criminal history is taken to include:

- (a) convictions for offences committed by the person in South

	<p>Australia or elsewhere (whether those convictions relate to offences committed before or after the commencement of this regulation);</p> <p>(b) charges for offences alleged to have been committed by the person in South Australia or elsewhere (whether those charges relate to offences alleged to have been committed before or after the commencement of this regulation and regardless of the outcome of those charges);</p> <p>© information about convictions referred to in paragraph (a) and charges referred to in paragraph (b).</p>
Excluded content	The legislation does not require that a criminal history include information as to whether a person is on the Australian National Child Offender Register.
Implementation rating for legislative action	Partially implemented Refer to document audit for final assessment of implementation status

Recommendation number	4
Commission/ Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008) http://www.sa.gov.au/upload/franchise/Crime,%20justice%20and%20the%20aw/Mullighan_Inquiry/CISC%20-%20Complete.pdf
Recommendation made	<i>That the Children's Protection Act 1993 be amended to require organisations to lodge a copy of their policies and procedures established pursuant to section 8C(1) with the chief executive and that the chief executive be required to keep a register of those policies and procedures. [NOTE: Section 8C(1) required certain organisations to establish appropriate policies and procedures for ensuring that mandated reports of abuse were made and that child safe environments are established and maintained in the organisation. There was a penalty of \$10,000 for non compliance. It applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children and are govt departments, agencies, instrumentalities, or local govt or non-govt organisations.]</i>
Government response	Implemented
Document name	The Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009 <i>Children's Protection Act 1993</i> Children's Protection Regulations 2010 <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Implementation	

As recommended	Yes
Included content	<p>Section 8C of the Act requires that government and non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children must have in place appropriate policies and procedures for ensuring that appropriate reports of abuse or neglect are made under Part 4; and that child safe environments are established and maintained within the behavior.</p> <p>The organization must, within ten days of putting the policies and procedures in place, lodge with the Chief Executive, a statement setting out the policies and procedures. S.8C(3)</p>
Excluded content	<p>There is no reference in the Act or the Regulation to the Chief Executive keeping a register of the policies and procedures of each organization. However, the provisions for non-compliance penalties (up to \$10,000) and the provisions relating to organisations responding to a request from the Chief Executive about their compliance with the requirement, suggest very strongly, that a register is maintained.</p>
Implementation rating for legislative action	<p>Implemented</p> <p><i>Refer to document audit for final assessment of implementation status</i></p>

Recommendation number	6
Commission/ Inquiry of origin	<p>Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)</p> <p>http://www.sa.gov.au/upload/franchise/Crime,%20justice%20and%20the%20aw/Mullighan_Inquiry/CISC%20-%20Complete.pdf</p>
Recommendation made	<p><i>That Families SA extends its screening processes to cover known regular service providers to children and young people in care with disabilities, such as regular bus or taxi drivers.</i></p>
Government response	<p>Continuing implementation: It is intended that the Passenger Transport Regulations 2009 will be amended by June 2013.</p>
Document name	<p>Passenger Transport Regulations 2009</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Implementation	No
As recommended	
Included content	
Excluded content	<p>Passenger Transport Regulations 2009 have not been amended to require a Background Screening and Criminal History Check to be conducted by the DCSI Screening Unit as a prerequisite condition to gain and retain driver accreditation. This approach was to have ensured that passenger transport drivers undergo a comprehensive assessment of their criminal history (including convictions for assaults against children and vulnerable adults and</p>

Implementation rating for legislative action

other relevant offences) as part of the accreditation process to address their suitability to work with children and vulnerable adults.

It was intended that the Passenger Transport Regulations 2009 be amended by June 2013.

Undetermined

It appears that a two-stage process including a criminal history screening and amendments to the Passenger Transport Regulations to list offences which would preclude accreditation. This amendment process has not been completed as at Jan 2014.

NOTE

Annual Report of November 2012

The transition of screening bus and taxi drivers by the Department of Planning, Transport and Infrastructure (DPTI) to the Department for Communities and Social Inclusion's (DCSI) "working with children" screening system is now complete. All new applications and renewal for driver accreditation must now have a Background Screening and Criminal History Check conducted by the DCSI Screening Unit.

The Department for Education and Child Development (DECD) has transitioned its drivers (e.g. school buses) to become accredited through DPTI. DPTI is facilitating this process through amendments to TRUMPS (the licence and accreditation data system) to identify DECD drivers for accreditation purposes.

As part of its response to this recommendation, the Government also committed to amend the Passenger Transport Act 1994 to introduce a list of disqualifying offences under section 31 of the Act to include assaults against a child or vulnerable adult. It is now intended that the Passenger Transport Regulations 2009 will be amended to require a Background Screening and Criminal History Check to be conducted by the DCSI Screening Unit as a prerequisite condition to gain and retain driver accreditation. This approach will ensure that passenger transport drivers undergo a comprehensive assessment of their criminal history (including convictions for assaults against children and vulnerable adults and other relevant offences) as part of the accreditation process to address their suitability to work with children and vulnerable adults.

The Government's response has been substantially implemented. It is intended that the Passenger Transport Regulations 2009 will be amended by June 2013.

Refer to document audit for final assessment of implementation status

Recommendation number

23

Commission/ Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008) http://www.sa.gov.au/upload/franchise/Crime,%20justice%20and%20the%20Iaw/Mullighan_Inquiry/CISC%20-%20Complete.pdf
Recommendation made	(1) <i>That the Children's Protection Act 1993 be amended to add a function to the Guardian for Children and Young People, namely to act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse.</i> (2) <i>That in accordance with section 52B of the Act, the GCYP is provided with sufficient staff and resources to accomplish this function.</i>
Government response	Implemented
Document name	Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009 <input type="text"/>
Implementation	
As recommended	Yes
Included content	In 2009 the Guardian's functions under the Act were amended to include the provision that the Guardian is to act as an advocate for the interests of children under the guardianship, or in the custody, of the Minister and, in particular, for any such child who has suffered, or is alleged to have suffered, sexual abuse. S52C(1)(b)
Excluded content	S.52b provides that the Minister must provide the Guardian with the staff and other resources that the Guardian reasonably needs for carrying out the Guardian's functions. NA
Implementation rating for legislative action	Implemented Refer to document audit for final assessment of implementation status

Recommendation number	40
Commission/ Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008) http://www.sa.gov.au/upload/franchise/Crime,%20justice%20and%20the%20Iaw/Mullighan_Inquiry/CISC%20-%20Complete.pdf
Recommendation made	<i>That a task force be established in South Australia to closely examine the redress schemes established in Tasmania, Queensland and Western Australia for victims of child sexual abuse; to receive submissions from individuals and relevant organisations on the issue of redress for adults who were sexually abused as children in State care; and to investigate the possibilities of a national approach to the provision of services.</i>
Government response	Implemented:

	Common law claims arising from sexual abuse in State care will be litigated compassionately or victims of such abuse can apply for ex gratia payments pursuant to the Victims of Crime Act 2001 as an alternative to litigation.
Document name	<i>Victims of Crime Act 2001</i> <input type="text"/>
Implementation	
As recommended	Yes.
Included content	Part 3 of the <i>Victims of Crime Act 2001</i> provides that the objects of the Act are <ul style="list-style-type: none"> (a) to give statutory recognition to victims of crime and the harm that they suffer from criminal offending; and (b) to establish principles governing how victims of crime are to be treated by public agencies and officials; and © to help victims of crime recover from the effects of criminal offending and to advance their welfare in other ways; and (d) to provide from public funds limited monetary compensation to victims most directly affected by criminal offending.
Excluded content	
Implementation rating for legislative action	In full. <i>Refer to document audit for final assessment of implementation status</i>

LEGISLATION VERIFICATION: TASMANIA

Recommendation number	62
Commission/ Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>That there be a statutory obligation on community sector organisations who deliver out of home care residential services to comply with key standards and reporting criteria.</i>
Government response	Accepted
Document name	5 DHHS Government Response Public Final v3 6 DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au <input type="text"/>
Implementation	
As recommended	In part?

Included content

S.14(1)(k) of the *Children, Young Persons and their Families Act 1997* provides that an employee or volunteer in an organisation that receives any funding from the Crown for the provision health, welfare, education, child care or residential services wholly or partly for children, is a prescribed person.

S14(1)9l) provides that prescribed persons are mandated to report suspected abuse or neglect (arising from their employment) as soon as practicable.

Excluded content

There is no requirement in the *Children, Young Persons and their Families Act 1997* for community sector organisations delivering out of home care residential services to comply with key standards.

The Tasmanian Government, through the National Framework for Protecting Australia's Children, has committed to implementing the National Standards for out-of-home care. Reforming out-of-home care will bring this service into line with national standards.

Section 1.7.17 of *New Directions for Child Protection in Tasmania: CHILDREN AND FAMILY SERVICES* January 2008 states there is a need to establish a culture of quality throughout the Out of Home Care service system and that this process will be supported by the development of practice standards and key performance indicators that guide the work undertaken by Out of Home Care service providers and Child Protection and ensure that the services are accountable for the service they provide.

In reporting on Achievements and Highlights for 2012-13 the Department reported in relation to Strategy 5: Reforming Out-of-Home Care: The Department of Health and Human Services, through its care and protection program areas, is reforming Out-of-Home Care services across the service continuum. This includes establishing a dedicated Carer Portfolio to better focus effort, improving permanency and stability planning, and an inclusive review of funding to non-government organisations. Highlights include:

Actioning Reform Work has commenced to examine the full spectrum of Out-of-Home Care services in Tasmania and develop the steps necessary to transition the system to improve the provision of safe, permanent and secure placements. The initiative will complement the work being progressed through the broader Commissioning Framework agenda for the Department of Health and Human Services and the introduction of the National Standards for Out-of-Home Care.

Implementation rating for legislative action

Undetermined – work in progress.

Refer to document audit for final assessment of implementation status

LEGISLATION VERIFICATION: VICTORIA

Recommendation number	89
Commission/Inquiry of origin	Protecting Victoria’s Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<p><i>The Government should amend the Child Wellbeing and Safety Act 2005 to establish a Commission for Children and Young People, comprising one commissioner appointed as the chairperson and such number of full-time and part-time additional commissioners as the Premier considers necessary to enable the Commission to perform its functions. Commissioners would be appointed by the Governor-in-Council. The Commission should have responsibility for overseeing and reporting to Ministers and Parliament on all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people. The Commission would hold agencies to account for meeting their responsibilities as articulated in the Vulnerable Children and Families Strategy and related policy documents. The Commission would also retain the current roles and functions of the Child Safety Commissioner. The Commission would be required by legislation to give priority to the interests and needs of vulnerable children. The Commission should have authority to undertake own-motion inquiries into systemic reforms necessary to improve the wellbeing of vulnerable children and young people. The specific powers granted to the Ombudsman under section 20 of the Children, Youth and Families Act 2005 should be transferred to the Commission.</i></p> <p>Breakdown of components</p> <ol style="list-style-type: none"> 1. One commissioner as chair and additional commissioners as required 2. Appointed by Governor-in-Council 3. Oversight (and reporting to Minister and Parliament) of all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people 4. Hold agencies to account for responsibilities under VC&FS 5. Retain the current roles and functions of the CSC Commissioner 6. Prioritising the needs of vulnerable children 7. Authority to undertake own-motion inquiries into systemic reforms 8. Ombudsman’s powers under section 20 of the CY&FA transferred to the Commission
Government response	<p>This recommendation has been implemented.</p> <p>The Commission for Children and Young People (the Commission) is an important overall mechanism for monitoring the wellbeing and safety of vulnerable children and young people. The Commission holds advocacy functions as well as a preventative function. Legislation establishing the Commission was passed in November 2012, and the Commission commenced operation on 1 March 2013, implementing commitments made in the <i>Victoria’s Vulnerable Children</i> Directions Paper (released 2012).</p>

The Commission has expanded responsibilities from the former Office of the Child Safety Commissioner, including the power to initiate inquiries into government and government-funded organisations where it believes there have been systemic issues in the delivery of services that affect children's safety and wellbeing.

The Commission brings increased scrutiny and accountability to the safety and wellbeing of vulnerable young people, including in the child protection and youth justice systems, and reports directly to the Victorian Parliament.

It also builds on many of the functions of the Child Safety Commissioner, including promoting the safety and wellbeing of children, monitoring out-of-home care, undertaking inquiries into the deaths of children known to child protection and functions related to working with children.

A critical leadership position within the Commission will be the Commissioner for Aboriginal Children and Young People. This Commissioner will soon be appointed to oversee policies and practices that affect Aboriginal children and young people.

Document name

COMMISSION FOR CHILDREN AND YOUNG PEOPLE ACT 2012

<http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html> – can be found under Victorian Law Today – Act Search Results

Implementation

As recommended

1. Y
2. Y
3. Partial
4. Y
5. Y
6. Y
7. Partial
8. Partial

Included content

1. See ss6, 11 & 12
2. See s11
- 3.

Responsibility for oversight of legislation, policies, strategies etc., would require a raft of broad functions and powers. The stated objectives of the Commission are conceived narrowly (i.e., promote continuous improvement and innovation in policies, practices, relating to safety and wellbeing). While the stated functions of the Commission are cast more broadly and involve advising, educating, promoting, monitoring, overseeing, reporting, making recommendations and investigating roles, these relate to discrete areas and/or specific pieces of legislation (s.8).

When taken *in toto*, the legislation may expand on the responsibilities of the now defunct Child Safety Commissioner, but the functions are clearly not as broad as those envisaged by the recommendation, particularly in relation to the oversight of legislation. The Commission really only has oversight powers relating to the *Working With Children Act 2005*, (i.e., by way of annual review). The recommendation may well have been cast too

broadly – query the capacity of any one office to oversee “all laws” that affect the wellbeing of children and young people.

The Commission’s powers relating to oversight of services are similarly limited. Responsibility for oversight of OOHC services is restricted to promoting participation of children in decision-making and advising the Minister on performance. The Commission’s investigatory powers in relation to OOHC services must be at the request of the Minister, (s. 28).

The provision relating to the Commission reporting to Parliament is limited specifically to reports arising from inquiries of systemic issues concerning service provision (ss.49 & 50).

2.

The Commission has the power to “hold agencies to account” for meeting their obligations under the VC&FS, via:

- the power to conduct an inquiry into the services provided (or not provided) to a child or young person under section 37; and
- the function of monitoring and reporting to the Minister on the implementation and effectiveness of strategies (s.81)

33. See ss65 & 66.

6.

While there is no explicit directive in the legislation to prioritise the needs and interests of vulnerable children and young people, they are identified throughout as a distinct sub-category. The question of priority could be determined by recourse to extraneous material e.g. Hansard.

7.

Commissioner of C&YP has the power to conduct own-motion inquiries into systemic reforms related to the provision of certain listed services only (health services, human services and schools), and this power is dependent on the Commission being adequately resourced to do so (s37, 39 CC&YPA)

8.

S 20 of the CY&FA, which outlined the Ombudsman’s investigative powers has been repealed. Those powers related to the (own-motion) investigation of administrative action (or failure to act) of:

- a registered community service (OOHC or community based child and family service);
- person in charge of Aboriginal organisation or registered community service given powers under the act; and
- assessors of community services and investigators of carers appointed under the act.

While the Commissioner for C&YP performs a broader function than the Ombudsman under the repealed s20 powers, and has wider powers to investigate certain matters (powers that are either mandated, at the request of the minister or on his/her own motion), the exercise of *own-*

	<p><i>motion powers relating to the provision of services, are more restricted than those of the Ombudsman under the CY&FA in that investigation can only occur where there is a persistent or recurring systemic issue and it is within resources of the Commissioner's office to investigate (s37 and 39 CC&YPA).</i></p> <p>The Commissioner of C&YP can investigate a broader range of services (health services, human services and schools) than was possible under the s20 powers.</p> <p>Also, the power to investigate the actions of investigators and assessors under the CY&FA, formerly vested in the Ombudsman, has not been transferred to the Commissioner of C&YP.</p>
Excluded content	See above
Implementation rating for legislative action	Partially implemented Refer to document audit for final assessment of implementation status

Recommendation number	89
Commission/Inquiry of origin	Parliament of Victoria: Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Attorney General review penalties for sexual offences to ensure that the sexual assault of a child is regarded as seriously as the sexual assault of an adult.</i>
Government response	<p>This recommendation has been implemented.</p> <p>The <i>Sentencing and Other Acts (Amendment) Act 1997</i> increased the maximum penalties for various offences, including sexual offences against children. The reforms imposed the maximum term of imprisonment of 25 years for crimes of incest, sexual penetration against a child under 10, and maintaining a sexual relationship with a child under 16. These amendments placed such crimes on the same footing as rape.</p>
Document name	<p>SENTENCING AND OTHER ACTS (AMENDMENT) ACT 1997 http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html – can be found under Victorian Law Today – Act Search Results</p>
Implementation	
As recommended	N
Included content	See Government response above
Excluded content	While the maximum penalties for some sexual offences relating to children were increased by the amending legislation, there are a number of offences where maximum penalties for offences involving children do not have parity with sentences for apparently similar offences involving adult victims. See for example:

- S. 55 – Abduction or detention for sexual penetration (level 5, 10 years imprisonment) and section 56 – Abduction of child under 16 for sexual penetration (level 6, 5 years imprisonment).
- S.57(1) – Procuring sexual penetration by threats or intimidation (level 5, 10 years imprisonment) and s.58 - Procuring sexual penetration of child under 16 (level 6, 5 years imprisonment).

In addition, S. 46 – Sexual penetration of a child aged 10-16 attracts a considerably smaller maximum sentence (level 4, 15 years imprisonment – where the child is under care, supervision or authority, and; level 5, 10 years imprisonment in any other case), than the penalty for the same offence where the child is under the age of 10 (level 2, 25 years imprisonment).

S.185 specifies **grounds for reporting** children in need of therapeutic treatment, rather than **grounds for protection**.

The reasons for this may require further investigation.

Implementation rating for legislative action

Partially implemented

Refer to document audit for final assessment of implementation status

Recommendation number	102
Commission/Inquiry of origin	Parliament of Victoria: Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that in the Children and Young Persons Act 1989, specified grounds for protection be extended to include children displaying early signs of sexually offending behaviour.</i>
Government response	<p>This recommendation has been implemented.</p> <p>The Victorian Parliament passed new legislation, the Children, Youth and Families Act 2005 which replaced the <i>Children and Young Persons Act 1989</i>. The grounds for protection of children and young people were expanded in this new Act in sections 185 and 210-213. Reporting, investigation and the making of orders in respect of a child between the ages of 10 and 14 who has exhibited sexually abusive behaviours were introduced through sections 244-258. These children are referred to as being 'in need of therapeutic treatment.' The therapeutic treatment provisions came into effect in October 2007.</p>
Document name	<p>CHILDREN, YOUTH AND FAMILIES ACT 2005</p> <p>http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html – can be found under Victorian Law Today – Act Search Results</p>
Implementation	
As recommended	N

Included content	The new legislation sets up a scheme for the making of orders for the <i>treatment</i> of a child exhibiting sexually abusive behaviours. Where a therapeutic treatment (placement) order has been made (see ss252—253) i.e., where such an order is deemed necessary for the treatment of the child, sole custody of the child is granted to the Secretary.
Excluded content	The grounds for protection as outlined in s162 do not include a child exhibiting sexually abusive behaviours. Provisions relating to the making of a therapeutic treatment order relate to treatment only, and not the child's protection. The range of orders available under the Act for children deemed in need of protection (supervision order, supervised custody order, custody or guardianship to the Secretary, or long-term guardianship to the Secretary), will only become available in relation to a child exhibiting sexual offending behavior where a therapeutic treatment (placement) order has been made (see ss252—253)
Implementation rating for legislative action	Partially implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number	105
Commission/Inquiry of origin	Parliament of Victoria: Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that all convicted adult sex offenders shall be registered with the Victorian Sex Offender Registry for life.</i>
Government response	<p>This recommendation has been implemented in part.</p> <p>The <i>Sex Offenders Registration Act 2004</i> requires 'registrable offenders' to register with police. A registerable offender is a person sentenced by a court for a registerable offence, defined as either a Class 1 or Class 2 offence against children, or a non-registerable offence that results in the issuance of a sex offender register order. Schedules 1 and 2 of the <i>Sex Offenders Registration Act 2004</i> include a list of offences.</p> <p>Registered offenders are subject to a range of protective/prohibitive measures, for example, section 68 of the Act creates a prohibition on registrants working with children. Victoria is unique in that the <i>Sex Offender Registration Act 2004</i> applies to both people who offend against adults (adult sex offenders) as well as people who offend against children (child sex offenders).</p> <p>The length of a registered sex offender's reporting period depends upon the type and number of offences for which they were convicted and their age at the time of the offence.</p>
Document name	Sex Offenders Registration Act 2004 http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html – can be found under Victorian Law Today – Act Search Results

Implementation

As recommended	N
Included content	See Government response above
Excluded content	See Government response above
Implementation rating for legislative action	Partially implemented Refer to document audit for final assessment of implementation status

Recommendation number

115

Commission/Inquiry of origin

Parliament of Victoria: Inquiry into Sexual Offences Against Children and Adults (1995)

Recommendation made

The Committee recommends that prior to a person being employed, including voluntary employment, in a position which has a duty of care or supervision over children, a criminal history check must be undertaken to determine if they are a fit and proper person.

Government response

This recommendation has been implemented.

Section 33 of the *Working with Children Act 2005* makes it an offence for a person to knowingly engage in child-related work without a current assessment notice (see details of exemptions below under Item 8). However, the ‘fit and proper person test’ is not the test applied under the *Working with Children Act 2005*. Instead, the following tests are applied:

- *Unjustifiable Risk – This test requires the decision maker to be satisfied the applicant or cardholder does not pose an unjustifiable risk to the safety of children.*
- *Appropriate to Refuse – This test requires the decision maker to grant a Check on category 3 applications unless satisfied that it is appropriate to refuse to do so.*
- *Reasonable Person – This test requires the decision maker to be satisfied that a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the applicant was engaged in any type of child-related work.*
- *Any type of Child-Related work – This test requires the decision maker to be satisfied that the applicant’s engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.*
- *Public Interest – This test prevents the Victorian Civil and Administrative Tribunal (VCAT) from ordering the Secretary to issue a Check to an applicant unless it is satisfied that it is in the public interest to do so.*
- *Exceptional Circumstances power and associated tests – This provision allows the Secretary to refuse a Check based on offences other than those in categories 1, 2 and 3. The power is only enlivened if three connected, highly technical tests are met.*

Document name	WORKING WITH CHILDREN ACT 2005 http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html – can be found under Victorian Law Today – Act Search Results
Implementation	
As recommended	Y, but not using specific wording
Included content	See Government response above
Excluded content	See Government response above
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>
Recommendation number	118; page 281
Commission/Inquiry of origin	Parliament of Victoria: Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that it be an offence to employ a person, in a position which has a duty of care or supervision over children, who has not passed a criminal history check by the Victoria Police.</i>
Government response	This recommendation has been implemented. Section 35 of the <i>Working with Children Act 2005</i> makes it an offence to employ a person who does not have a current assessment notice. The Act provides for the following exemptions: <ul style="list-style-type: none"> • parents engaged in volunteer activities in which his/her child is participating (s 27); • persons working with a closely related child (s 28); • children (aged under 18 years of age) (s 29); • teachers registered with the Victorian Institute of Teaching (VIT) under the <i>Education and Training Reform Act 2006</i> (s 30); • Victorian sworn police officers under the <i>Police Regulation Act 1958</i> (s 31); • members of the Australian Federal Police (s 31A); • workers who are not ordinarily resident in Victoria (s 32); and • drivers accredited under the <i>Transport (Compliance and Miscellaneous) Act 1983</i> (ss 32A and 32B).
Document name	WORKING WITH CHILDREN ACT 2005

<http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html> – can be found under Victorian Law Today – Act Search Results

Implementation

As recommended	Y
Included content	See Government response above
Excluded content	NA
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>

Recommendation number

16

Commission/Inquiry of origin

Improving responses to allegations involving sexual assault (2006)

Recommendation made

*That the Department of Justice convene a working group comprising the Department of Human Services and the Department of Education and Training, Victoria Police and other relevant agencies to consider the implementation of pre-employment vetting that includes **mandatory referee checking of previous employers for public sector employees**. The Department of Justice should report on the outcomes within six months.*

Government response

While the Victorian Government initially supported this recommendation in principle, it was largely superseded with the establishment of the Working With Children Check Unit in 2006 following the introduction of the *Working With Children Act 2005* (noting that while this recommendation is broader than simply vetting public servants who work with children, the response outlined here focuses solely on child-related work in line with the Royal Commission's scope of investigation).

The Working With Children Check scheme provides a mechanism for pre-employment vetting of individuals whose work or volunteer activities include any contact, supervision or care of children. The scheme prescribes certain 'suitability requirements' under the *Working With Children Act 2005*. It also enables the prohibition of individuals with a relevant criminal history from engaging in 'child-related work'.

The Working With Children Check includes:

- an initial national police record check;
- relevant findings by prescribed bodies (Victorian Institute of Teaching and out of home care suitability panel);
- an assessment of suitability to work with children and weekly ongoing monitoring of relevant offences via Victoria Police; and
- a safeguard that operates in the event a cardholder is charged with a relevant offence, wherein the WWC Check Unit re-assesses their suitability to continue working with children.

	In addition, departments separately administer referee checking policies as part of their employment practices
Document name	WORKING WITH CHILDREN ACT 2005 http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html – can be found under Victorian Law Today – Act Search Results
Implementation	
As recommended	Y. The recommendation does not require mandatory reference checking to be included in the WWCA, but to become departmental practice when employing staff. It appears from the Government response that relevant departments have policies in place for the checking of references of prospective public service employees. Query whether proof of these policies is required.
Included content	The Vetting of public servants whose work comes within the definition of child-related work as set out in section 9, is covered under the WWCA. See Government response above
Excluded content	NA
Implementation rating for legislative action	Implemented Refer to document audit for final assessment of implementation status

Recommendation number	185 ; pages lxxiv – lxxv
Commission/Inquiry of origin	Law Reform Commission: Sexual Offences Final Report (2004)
Recommendation made	<i>Sections 48 and 49 of the Crimes Act 1958 should include a non-exhaustive list of the relationships covered by the section including the relationships of:</i> <ul style="list-style-type: none"> • <i>teacher and student;</i> • <i>foster parent, legal guardian, and the child for whom they are caring;</i> • <i>in the case of section 49 (which penalises non-penetrative sexual acts) parents, including step-parents and adoptive parents and their children;</i> • <i>religious instructors;</i> • <i>employers;</i> • <i>health professionals and young people who are patients; and</i> • <i>police and prison officers and young people in custody.</i>
Government response	This recommendation has been implemented. Section 49(4) of the Crimes Act 1958 contains a non-exhaustive list of relationships, namely: <ul style="list-style-type: none"> (a) the child’s teacher; (b) the child’s parent, adoptive parent, foster parent or step parent; (c) the child’s legal guardian;

- (d) a minister of religion with pastoral responsibility for the child;
- (e) the child's employer;
- (f) the child's youth worker;
- (g) the child's sports coach;
- (h) the child's counsellor;
- (i) the child's health professional
- (j) a member of the police force acting in the course of his or her duty in respect of the child;
- (k) employed in, or providing services in, a remand centre, youth residential centre, youth justice centre or prison and is acting in the course of his or her duty in respect of the child.

Relationships (f), (g) and (h) were included in this amendment in addition to the relationships requested by the recommendation.

Document name

SECTIONS 48 AND 49 OF THE CRIMES ACT 1958

<http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html> – can be found under Victorian Law Today – Act Search Results

Implementation

As recommended

Y

Included content

See Government response above.

Excluded content

NA

Implementation rating for legislative action

Implemented

Refer to document audit for final assessment of implementation status

Recommendation number

7b

Commission/Inquiry of origin

Ombudsman Victoria: Improving responses to allegations involving sexual assault (2006)

Recommendation made

That government-funded agencies providing 24-hour care:

- a) collect data to identify the incidence of sexual assault; and*
- b) provide information about a resident's previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.*

Government response

The Department of Health and the Department of Human Services are the primary providers of 24-hour care.

Recommendation 7a has been implemented by these departments. The implementation status of recommendation 7b is noted below by DH and DHS.

Please note that the Victorian *Information Privacy Act 2000* (see Schedule 1) contains provisions governing the disclosure of personal information relating to criminal offences, and outline a range of circumstances in which an organisation may use or disclose information about a person for a purpose other than the primary purpose of collection. These circumstances include where:

- The organisation reasonably believes that the use or disclosure is necessary to lessen or prevent:
 - a serious and imminent threat to an individual's life, health, safety or welfare; or
 - a serious threat to public health, public safety, or public welfare.
- The organisation has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities.
- The use or disclosure is required or authorised by or under law.
- The organisation reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of a law enforcement agency:
 - the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction;
 - the enforcement of laws relating to the confiscation of the proceeds of crime;
 - the protection of the public revenue;
 - the prevention, detection, investigation or remedying of seriously improper conduct;
 - the preparation for, or conduct of, proceedings before any court or tribunal; or
 - implementation of the orders of a court or tribunal.

The following policies are in place in 24-hour care facilities. While they do not permit the disclosure of allegations of unproven sexual assault, they provide guidance for managing allegations of sexual assault and making disclosures to both the victim and perpetrator's next of kin:

- DHS guidance entitled *Responding to Allegations of Physical and Sexual Assault Instruction (2005)*¹ provides guidance to front-line staff regarding the disclosure of alleged assaults involving the client (both the victim and/or perpetrator) to next of kin, following advice from Victoria Police. For clients under the age of 18 years, the client's next of kin or guardian is contacted by a senior staff member. For clients over the age of 18 years, the client decides whether to inform the next of kin of the allegations.
- The Office of the Chief Psychiatrist within the Department of Health issued guidelines² in 2012 on sexual assault in adult acute inpatient units, including guidance on responding to patients who

¹ http://www.dhs.vic.gov.au/_data/assets/pdf_file/0004/672898/dsd_respondingallegationsphysicalsexuassault_0805.pdf

² <http://docs.health.vic.gov.au/docs/doc/Promoting-sexual-safety-responding-to-sexual-activity-and-managing-allegations-of-sexual-assault-in-adult-acute-inpatient-units--June-2012>

are potential offenders and procedures for responding to allegations including past abuse or sexual assault outside the unit.

Document name

INFORMATION PRIVACY ACT 2000 (SCHEDULE 1) *and/or*
 MENTAL HEALTH ACT 1986 (section 120A)
<http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html>

Implementation

As recommended

N. The Government response outlines the degree to which the disclosure of information as recommended can occur at the practice level, without breaching legal confidentiality requirements under the IPA but makes no reference to limitations imposed under the mental Health Act 1986.

Included content

The Information Privacy Act 2000 (IPA) establish “a regime for the responsible collection and handling of personal information in the Victorian public sector” (see s1(a)). Under Schedule 1 of the IPA, staff of care facilities other than psychiatric services, have limited scope to disclose personal information that is recorded in some form (see definition of “personal information” in s3 of the IPA) – primarily under:

- Clause 2.1(d), i.e., where the organisation reasonably believes that the use or disclosure is necessary to lessen or prevent:
 - a serious and imminent threat to an individual’s life, health, safety or welfare; or
 - a serious threat to public health, public safety, or public welfare
- Clause 2.1(e), i.e., where the organisation has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; and
- Clause 2.1(g)(1), i.e., The organisation reasonably believes that the use or disclosure is reasonably necessary for ... the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction;

This preventative purpose meets the intention of the recommendation which seeks to protect other residents from sexual assault.

The situation is different for residential psychiatric services. Legislative limits imposed on disclosure of identifying information about a present or past patient of such a service is more stringent. Under section 120(2) of the Mental Health Act 1986 (MHA) information cannot be disclosed except to the extent necessary to:

- Carry out functions under any Act;
- Exercise powers under any Act in relation to a psychiatric service; or
- Where expressly authorised or permitted to disclose under any Act.

The section then goes on to list numerous exceptions to this confidentiality provision (s120 (2B) & (3)(a) – (l)). The ability to disclose information under s120(2) of the MHA is contingent upon there being a specific power, function or authority contained in legislation that requires it. It is beyond the scope of this review to ascertain whether any such legislative provisions are in place.

The guidelines referred to do not deal directly with the disclosure of previous unproven allegations of sexual assault and must be read in the context of the legislative requirements.

Excluded content

See above

Implementation rating for legislative action

Partially implemented

Refer to document audit for final assessment of implementation status

Recommendation number

7.82

**Commission/
Inquiry of origin**

Victorian Auditor General's Office (VAGO) (1996) Protecting Victoria's Children: The Role of the Department of Human Services

Recommendation made

The overriding factor, in audit opinion is that the interests of the child are paramount. In this regard, audit strongly supports the Crime Prevention Committee's recommendation for legislative change, action which has been supported by the Government in its whole-of- government response to the Committee's Report. A review of the legislation is highly desirable in order to address the current restrictions which are seen by the Victoria Police as giving rise to an imbalance of justice in favour of the alleged offender to the detriment of the child.

The Report had noted two aspects of the criminal law that presented barriers to the prosecution of child sex offences. They were:

- The difficulty proving an exact date for offences against children. The Report noted the creation of the new offence of 'maintaining a sexual relationship with a child' (section 47A), but stated that this had been largely ineffective in improving prosecution rates.
- The usual rule that when an offender is charged with a number of offences against different victims, the trials usually proceed separately, so that the jury does not get a complete picture of the offending. The Report noted that if the first trial did not succeed, subsequent trials were often abandoned.

Government response

A number of initiatives have been introduced

Document name

Crimes Act 1958

Crimes (Amendment) Bill 1997

Implementation

As recommended

Included content

Section 47A of the *Crimes Act 1958* dealing with persistent sexual abuse of a child under the age of 16 was amended in 1997 following the VAGO's Report (and again in 2006 following the VLRC's Sexual Offences-Final Report 2004. This latter report noted that the offence had been used more often since the 1997 amendments and recommended the offence "maintains a sexual relationship with a child" be changed to "persistent sexual relationship with a child".)

Section 47A – Persistent sexual relations with a child, now provides that it is necessary to prove that an act that would constitute an offence took place during a particular period and that an act that would constitute an offence took place on at least two other occasions during that period. S. 47A(2)

The above acts need not be of a similar nature. S 47A(2A)

The relevant acts are listed in Subdivision 8A (Incest indecent assault) and 8C (Sexual offences against children).

It is not necessary to prove any of the acts with the same degree of specificity as to date, time, place, circumstance occasion as would be required if the accused were charged a specific act rather than the charge of persistent sexual abuse of a child under 16. S.47A(3).

Separation of Trials

The *Crimes (Amendment) Bill 1997* also made reforms in relation to the separation of trials. Under S.194 of the *Criminal Procedure Act 2009* there is a presumption that if one accused is charged in relation to two or more victims, those charges will be heard together, even if the evidence on one would be inadmissible on the other.

The court retains the discretion to order separate trials, but the legislation states that the presumption is not be rebutted merely on the basis of the inadmissibility of evidence on one charge in relation to another.

Excluded content

NA

Implementation rating for legislative action

Implemented

Refer to document audit for final assessment of implementation status

LEGISLATION VERIFICATION: WESTERN AUSTRALIA

Recommendation number	144
Commission/Inquiry of origin	Sue Gordon et al, Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal communities (Gordon Report), 2002. http://www.austlii.edu.au/au/journals/AILR/2002/65.html
Recommendation made	<i>The Inquiry recommends that a Children’s Commissioner be established which is independent and reports directly to the Premier. The Implementation Body should consider the structure and responsibilities of other children’s commissioners to decide on the most appropriate model for Western Australia.</i>
Government response	Under sections 25, 26 and 48 there is an expressly limited relationship between the Commissioner and the Minister responsible for administering the CCYP Act (currently the Attorney General)
Document name	http://www.ccyp.wa.gov.au/files/article/CommerForChildnAndYoungPeopleAct2006_00-d0-04.pdf <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Implementation	
As recommended	Partial
Included content	A Children’s Commissioner was established under the <i>Commissioner for Children and Young People Act 2006</i> and commenced in Dec 2007. S. 25 provides that the Commissioner is not subject to direction by the Minister or any other person in the performance of the Commissioner’s functions except that under S.26 the Minister may give written directions to the Commissioner as to the general policy to be followed in the performance of the Commissioner’s functions. The Commissioner is to prepare an Annual Report, a report on any special inquiries conducted, and may prepare reports on other matters. S.42, 43, and 44. S.48 provides that the Commissioner must provide a copy of each draft report to the Minister and the Minister may make written comments which are to be included in the final report.
Excluded content	The Children’s Commissioner does not report directly to the Premier unless the Premier is the Minister responsible for administering the <i>Commissioner for Children and Young People Act 2006</i> . The structure and functions of the Children’s Commissioner are generally consistent with those in other jurisdictions although the WA Commissioner’s functions relate to children and young people generally with no specific reference to the needs and wellbeing of children in care.
Implementation rating for legislative action	Partially implemented

Refer to document audit for final assessment of implementation status

Recommendation number	186
Commission/Inquiry of origin	<p>Sue Gordon et al, Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal communities (Gordon Report), 2002.</p> <p>http://www.austlii.edu.au/au/journals/AILR/2002/65.html</p>
Recommendation made	<p><i>The Inquiry find that there is a lack of information sharing between agencies in relation to family violence and child abuse, giving rise to considerable impediments in service delivery. The Inquiry recommends that further consideration be given to legislative and administrative changes to ensure information sharing between agencies</i></p>
Government response	<ul style="list-style-type: none"> • Section 23 of the <i>Children and Community Services Amendment Act 2010</i> provides for the exchange of child-related information between public authorities and other interested persons when the Department is the party providing or requesting information. • The Act introduced a new section 24A to permit the exchange of relevant information between prescribed public authorities without Departmental involvement, when the information is relevant to the wellbeing of a child or a class or group of children.
Document name	<p>http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/s23.html Children and Community Services Act 2004</p>
Implementation	<p>Working Together For A Better Future For At Risk Children And Families – A guide on information sharing for government and non-government agencies. http://www.dcp.wa.gov.au/ChildProtection/Documents/WorkingTogetherForABetterFuture.pdf</p>
As recommended	In full
Included content	<p>S.23(2) provides that the CEO may disclose relevant information to, or request information from, a public authority, a Commonwealth agency, a corresponding authority, a service provider or an interested person so long as the CEO believes that the information is relevant to the wellbeing of a child or a class or group of children; or it relates to the performance of a function under this Act.</p> <p>S.24A(2) provides that the CEO of a prescribed authority may disclose information to, or request information from, the CEO of another prescribed authority (without Child Protection Department involvement) if, in the opinion of the CEO, the information is, or is likely to be, relevant to the wellbeing of a child or a class or group of children.</p> <p>Thus the CEO of the Child Protection Department may disclose information to, or request information from, a broad group of authorities and agencies, and also from service providers and interested persons.</p>

The CEO of a prescribed authority may only provide information to or request information from the CEO of another prescribed agency.

Administrative matters appear to have been addressed through the publication of Working Together For A Better Future For At Risk Children And Families – A guide on information sharing for government and non-government agencies.

<http://www.dcp.wa.gov.au/ChildProtection/Documents/WorkingTogetherForABetterFuture.pdf>

Excluded content

The recommendation was limited to information sharing between agencies and did not extend to service providers and individuals although the legislation provides for the CEO of the Department, but not other agency CEO's to share information with service providers and individuals.

Implementation rating for legislative action

Implemented

Refer to document audit for final assessment of implementation status

Recommendation number	68
Commission/Inquiry of origin	Prudence Ford, Review of the Department for Community Development, 2007
Recommendation made	<i>The State Solicitor's Office in conjunction with the Department of Child Safety and Wellbeing consider whether Section 23(2) of the Children and Community Services Act 2004 is sufficient or whether further legislative amendment is needed to give protection to Department of Child Safety and Wellbeing staff if they provide information to other interested agencies, service providers or individuals to ensure the safety and wellbeing of a child</i>
Government response	<ul style="list-style-type: none"> • People disclosing information in good faith under sections 23 and 24A are protected from criminal, civil and professional liability • Sections 23 and 24A now facilitate effective cooperation between key state government agencies on child protection matters, including joint case planning and decision making.
Document name	<p>http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_132_homepage.html</p> <p>http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/s23.html Children and Community Services Act 2004</p>
Implementation	
As recommended	Yes
Included content	S.23 provides that information may be disclosed or requested under S.23(2) and (3) despite any written law relating to secrecy or confidentiality, and that if the information is disclosed in good faith then no civil or criminal liability is incurred and the disclosure is not a breach of any duty of confidentiality or secrecy, and can not be regarded as a breach of ethics or standards.

Excluded content	N/A
Implementation rating for legislative action	Implemented <i>Refer to document audit for final assessment of implementation status</i>
Recommendation number	26
Commission/Inquiry of origin	Ombudsman (WA), Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006 Report on Allegations Concerning the Treatment of Children and Young People in Residential Care (30 August 2006)
Recommendation made	<i>Government establish a mechanism to provide for the monitoring and evaluation of relevant government and non-government agencies' employee disciplinary processes where allegations of child maltreatment are involved</i>
Government response	<ol style="list-style-type: none"> Where matters relate to allegations of child maltreatment, the CEO of a department/organisation under relevant sections of the Public Sector Management Act 1994 is required to report this to the Corruption and Crime Commission. The Commission for Children and Young People has a role in monitoring how Government agencies investigate complaints of child maltreatment. Where Government services that involve contact with children are contracted to third party service providers, it can be specified in the contract that action is required by the service provider in cases of child maltreatment. Legislative amendments to allow the Commissioner to undertake a role for a 'one stop shop' for child sexual abuse complaints as part of the legislative review of the Commissioner for Children and Young People Act 2006 (as recommended by the 2012 Blaxell Inquiry) is currently being considered by the Attorney General
Document name	http://www.ccyp.wa.gov.au/files/article/CommerForChildnAndYoungPeopleAct2006_00-d0-04.pdf http://www.austlii.edu.au/au/legis/wa/consol_act/cacca2003338/ http://www.austlii.edu.au/au/legis/wa/consol_act/psma1994235/
Implementation	
As recommended	No.
Included content	<p>Re Gov response #1.</p> <p>S.28(2)(a) of the Corruption and Crime Commission Act 2003 provides that "notifying authority", which includes a department, must notify the Commission in writing if the principal officer of the notifying authority has reasonable grounds to suspect misconduct. If an appropriate authority takes action in relation to the matter, the Commission may play a monitoring role.</p> <p>A search of both the <i>Public Sector Management Act 1994</i> and the <i>Corruption and Crime Commission Act 2003</i> indicate there are no references in either Act to "child", "children" or "maltreatment".</p>

A search of the *Public Sector Management Act 1994* indicated there was no reference in the Act to the Corruption and Crime Commission.

Re Gov response #2

S.19(d) of the Commissioner for Children and Young People Act provides that it is a function of the Commissioner to monitor the way in which a government agency investigates or otherwise deals with a complaint made by a child or young person and the outcome of the complaint.

Re Gov response #3

No documentation provided relating to this submission.

Re Gov response #4

No documentation provided relating to this submission.

Excluded content

No evidence provided of “a mechanism to monitor and evaluate employee disciplinary processes where allegations of maltreatment are involved”.

Implementation rating for legislative action

Undetermined

Insufficient relevant evidence was provided

Refer to document audit for final assessment of implementation status

Recommendation number

28

Commission/Inquiry of origin

Ombudsman (WA), Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006

[Report on Allegations Concerning the Treatment of Children and Young People in Residential Care \(30 August 2006\)](#)

Recommendation made

Government consult with key stakeholders and relevant experts to develop an appropriate legislative, policy and administrative framework to allow for timely and effective management responses to allegations against staff in the area of child protection; and that departments with child protection responsibilities develop a comprehensive and consistent Public Sector response to allegations of child abuse against staff

Government response

- Amendments to the disciplinary provisions of the *Public Sector Management Act 1994* (Part 5) were enacted in the *Public Sector Reform Act 2010*. These amendments reformed the discipline process by:
 1. streamlining the legislative procedural requirements from a three stage to a single stage process
 2. increasing the range of managerial responses available in disciplinary matters to include improvement action
 3. providing alternative options, such as suspension on pay, suspension from duties for dealing with the actions of employees and

4. mandating essential procedural requirements in Commissioner's instructions
5. Another critical change was to allow Commissioner's instructions to specify circumstances where disciplinary action may be commenced or continues in relation to former employees
6. While the PSM Act, Discipline Standard and the Commissioner's Instructions set a high standard re how disciplinary processes are conducted, individual agencies are empowered to put in place policies and procedures that reflect the operations and need of the agency. Failure to comply may be used as a ground of appeal to the WA Industrial Relations Commission or the Public Service Appeal Board.

Document name

http://www.austlii.edu.au/au/legis/wa/num_act/psra201039o2010267/

Implementation**As recommended**

No

Included content**Re Gov response #1**

S.81 Of the Public Sector Management Act 1994 provides that if the employing authority suspects a breach of discipline it may be dealt with as a disciplinary matter, as an improvement matter or no action taken. If the employing authority determines that the matter should be addressed by disciplinary action, the employing authority may direct a report to be prepared with findings and recommended action.

Re Gov response #2

Improvement action may be taken as an alternative to discipline action. S. 81(1)

S.82A(3) provides that if the employee is found to have committed a breach of discipline the employing authority may to take disciplinary action, or improvement action, or both disciplinary action and improvement action, or take no further action.

Re Gov response #3

S.82 provides that if disciplinary action is commenced in relation to an employee or if the employee is charged with having committed a serious offence, the employing authority may, suspend the employee on full pay, partial pay or without pay.

S.80A provides that where a breach of discipline is established disciplinary actions available to the employing authority include a reprimand; the imposition of a fine; transferring the employee to another public sector body; transferring the employee to another office, post or position in the public sector body in which the employee is employed; reducing in the monetary remuneration of the employee; reducing in the level of classification of the employee; and dismissal.

Re Gov response #4

82A. In dealing with a disciplinary matter an employing authority must proceed with as little formality and technicality as the circumstances of the matter permit; and is not bound by the rules of evidence; and may determine the procedure to be followed.

Re Gov response #5

S.76(4) provides that a former employee who may have committed a breach of discipline; and was an employee to whom this part of the Act applied at the time of the suspected breach, is to be taken to be an employee even though the person has ceased to be employed in the public sector. The Commissioner's instructions may specify the disciplinary action that may be taken in respect of the former employee.

Excluded content

Re Gov response #6

No evidence submitted to indicate that departments with child protection responsibilities have develop a comprehensive and consistent public sector response to allegations of child abuse against staff. It appears that while individual child protection agencies can put in place policies that accord with the Public Sector Management Act, they are not mandated to do so.

Implementation rating for legislative action

Partially implemented

Refer to document audit for final assessment of implementation status

Recommendation number

3

Commission/Inquiry of origin

Dr Maria Harries and Associate Professor Mike Clare, Mandatory Reporting of Child Abuse: Evidence and Options, Report for the Western Australian Child Protection Council, 2002.

[*Mandatory Reporting of Child Abuse: Evidence and Options \(July 2002\)*](#)

Recommendation made

If there is a strong recommendation from the Gordon Inquiry that the reporting of, and help to, sexually abused children (in particular minors) can only be achieved within a mandatory system, consideration be given to how this might be accomplished in all or in some part within the Health Act 1911.³ In this amended Act there is already an obligation for medical practitioners to report certain sexually transmitted infections – 300(1); 301; 306; 307; 308

Government response

- Mandatory reporting of suspected child sexual abuse (CSA) commenced on 1 January 2009 under which doctors, nurses, midwives, teachers and police officers must report all reasonable beliefs of CSA to the Department.
- In response to recommendation 187 of the Gordon Inquiry, protocols have been established between the Department, the Department of Health, Communicable Disease Control Directorate and the WA Police Child Protection Squad

³ http://www.austlii.edu.au/au/legis/wa/consol_act/ha191169/

Document name	http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3572_homepage.html
	http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3572_homepage.html
Implementation	
As recommended	Yes
Included content	S.124B of the <i>Children and Community Services Act 2004</i> provides that a doctor, nurse, midwife, police officer or teacher, who believes on reasonable grounds that a child has been the subject of sexual abuse; or is the subject of ongoing sexual abuse, and forms the belief in the course of the person's work (whether paid or unpaid) as a doctor, nurse, midwife, police officer or teacher, must report the belief as soon as practicable after forming the belief.
Excluded content	N/A
Implementation rating for legislative action	Implemented – although the mandatory reporting provisions, which relate to police officers and teachers in addition to a range of health professionals, are contained within the <i>Children and Community Services Act 2004</i> and not, as recommended, within the <i>Health Act 1911</i> . Refer to document audit for final assessment of implementation status