

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.

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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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Australian Capital Territory

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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: s)	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: s)	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 recourses 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: 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: a. reach agreement with the non-government sector regarding the best strategies for: 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."	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: 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 can't 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	<p>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:</p> <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: • 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	<p>The Department of the Premier and Cabinet and the Department of Communities, Child Safety and Disability Services lead a whole-of-government process to:</p> <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	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.	Not implemented
SA	2002	Child Protection Review (Layton review) (2002)	132; Page 17.14-17.15	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.	Partially implemented
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-	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) 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	<p>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:</p> <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. <p>That such self-protective training is then delivered to children and young people in State care at their residential or secure care facility.</p>	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 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.	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	<p>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:</p> <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 Scott ¹⁶³ 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