

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

Final Report
Compendium A: Document audits

Parenting Research Centre

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



Parenting Research Centre
raising children well

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

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

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Royal Commission
into Institutional Responses
to Child Sexual Abuse

Preface

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

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

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

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

This research report falls within theme eight.

The research program means the Royal Commission can:

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

For more information on this program, please visit

www.childabuseroyalcommission.gov.au/research.

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DOCUMENT AUDIT: AUSTRALIAN CAPITAL TERRITORY

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	2.2
Commission/Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that s.161(3) of the Children and Young People Act 1999 be amended so as to ensure that the Chief Executive <u>must</u> act in relation to a report made to him or her under s.158 or s.159 in relation to a child or young person for whom the Chief Executive has parental responsibility.</i>
Assessability of recommendation	Yes. The legislation can be accessed to determine the current statutory obligations of the Director-general in relation to a child or young person for whom the DG has parental responsibility.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. <i>Children and Young People Act 2008</i>
Relevant to at least one aspect of recommendation	S.360 and S.507 of the Act relate to the actions the DG must take in relation to a report made to the DG about any child or young person.
Documentation currency	25 November 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Under the CYP Act the DG must consider each child concern report received, carry out an initial assessment and take the action that the DG considers appropriate (s 360).
Excluded actions	NA
When action was taken	S.360 commenced on 27 October 2008

Implemented as recommended?	Yes
Government statement about status of implementation	<p>Under the CYP Act the DG must consider each child concern report received, carry out an initial assessment and take the action that the DG considers appropriate (s 360).</p> <p>The CYP Act further stipulates that if the DG considers the concern report should be further assessed as a child protection report (an “appraisal”), and the DG holds daily care responsibility for the child or young person and has placed them in out of home care, the DG must provide a report to an external oversight authority, the ACT Public Advocate (s 507).</p> <p>Monthly meetings to review actions taken by the DG as a result of the appraisal are held between the Public Advocate and Care and Protection Services.</p>
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	3.7
Commission/Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that a charter of rights be developed within the Children and Young People Act 1999; it should encapsulate the rights of children subject to the Act in relation to their health, wellbeing and participation in decisions about their lives.</i>
Assessability of recommendation	Yes. The legislation can be accessed to establish if a charter of rights has been developed within the Act and whether it encapsulates the rights of children in relation to their health, wellbeing and participation in decisions.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. ACT Government Response 2. ACT Charter of Rights for Children and Young People in Out of Home Care.

http://www.communityservices.act.gov.au/ocyfs/act_charter_of_rights

3. *Children and Young People Act 2008*

Relevant to at least one aspect of recommendation

1. Relevant
2. Relevant – copy of charter
3. Relevant – indicates Charter is not in the Act.

Documentation currency

1. May 2013
2. Jan 2014
3. 25 November 2013

Reliability contribution of documents

1. Medium
2. Medium
3. High

Implementation

Recommended actors involved

NA

Recommended actors not involved

NA

Included actions

A Charter of Rights for Children and Young People in Out of Home Care has been developed.

Excluded actions

The Charter does not cover all children “subject to the Act”. It relates only to children and young people in out of home care.

The Charter has not been developed within the Act. There is no reference to a Charter within the Children and Young People Act 2008.

When action was taken

The Charter was launched by the Minister on 27 November 2009.

Implemented as recommended?

No

Government statement about status of implementation

Completed

On 27 November 2009 Minister for Community Services Directorate, Joy Burch launched the [ACT Charter of Rights for Children and Young People in Out of Home Care](#).

Reason provided

No reason given for why the Charter relates only to children in out of home care and not all children subject to the Act.

Implementation summary

Partially implemented

Recommendation was implemented in a significantly modified or incomplete way.

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	8.6
Commission/Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as Parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that the Children and Young People Act be amended to provide the Children's Services Council with a specific overview role for care and protection services and to allow the Council to share the Territory Parent responsibility. Council members should be remunerated in accordance with their responsibilities.</i>
Assessability of recommendation	Yes. All aspects of the recommendation can be assessed by reference to the legislation.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response. 2. <i>Children and Young People Act 2008</i>
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant – explains government position re shared parental responsibility 2. Relevant - to the role of the Children's Services Council including shared parental responsibility. 3. Relevant to the remuneration of Council members.
Documentation currency	<ol style="list-style-type: none"> 1. May 2013 2. 25 November 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	<ol style="list-style-type: none"> 1. The role of the Council is not an overview role for care and protection services. Reports to the Minister from the Council are limited to matters on which the Minister requests a report. 2. There is no provision in the Act for the Children and Youth Services Council to "share the Territory Parent responsibility" or similar provision.

	3. There is no reference in the Act to remuneration for members of the Council other than the Chair.
When action was taken	December 2005.
Implemented as recommended?	No
Government statement about status of implementation	<p>2004 response. The Government disagrees with that part of the recommendation suggesting that the 'Territory Parent' role be shared. Legislation allocates clear responsibilities and accountabilities to the Chief Executive and these must not be diluted through a division of those responsibilities.</p> <p>May 2013 response. Completed</p> <p>The Children and Young People Amendment Bill (no. 2) was introduced in the Legislative Assembly on 15 December 2005. The Bill retains the advisory role of the Council and provides for at least one member of the Council to be a carer and one member of the Council to represent the interests of Aboriginal and Torres Strait Islander people.</p>
Reason provided	See 2004 response above.
Implementation summary	<p>Not implemented</p> <p>None of the three components of the recommendation have been implemented. (See excluded actions above).</p>

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	8.24
Commission/Inquiry of origin	Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management (Territory as Parent), 14 May 2004, ACT
Recommendation made	<i>The Review recommends that a statutory Commission for Children and Young People in the ACT be established with advocacy, investigation and intervention powers together with a Tribunal power.</i>
Assessability of recommendation	Yes. The establishment of a Commission and reference to its role and functions can be assessed by reference to the legislation.

Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. <i>Government response</i> 2. <i>Human Rights Commission Act 2005</i> (the Act).
Relevant to at least one aspect of recommendation	Relevant to the establishment of a Children and Young People Commissioner within the Human Rights Commission.
Documentation currency	<ol style="list-style-type: none"> 1. May 2013 2. 7 March 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>Section 3.5 of the <i>Human Rights Commission Act 2005</i> provides for a Children and Young People Commissioner within the Human Rights Commission.</p> <p>S.19B provides that the Children and Young People Commissioner has the following functions:</p> <p>(a) to exercise functions for the commission in relation to services for children and young people; and</p> <p>(b) to exercise any other function given to the commissioner under this Act or any other territory law.</p> <p>S.14 of the Act provides the functions of the Human Rights Commission and these include advocacy, investigation and intervention functions.</p> <p>The Human Rights Act provides the Human Rights Commissioner with the right to intervene in civil or criminal legal proceedings initiated by other parties, with the permission of the court or tribunal. S30.</p> <p>Division 4.4 of the Act provides that in considering complaints, the Commission has a power to ask for information, documents and other things; require the attendance of a person and provide privilege against self-incrimination.</p>
Excluded actions	NA

When action was taken	November 2006
Implemented as recommended?	Yes
Government statement about status of implementation	<p>Completed</p> <p>On 2 September 2005, the <i>Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005</i> was notified.</p> <p>The Children and Young People's Commissioner is an independent statutory office created under the Human Rights Commission Act 2005 (the Act).</p> <p>Under the Act The Children and Young People's Commissioner has the following functions (s19B):</p> <ul style="list-style-type: none"> • To exercise functions for the commission in relation to services for children and young people; and • to exercise any other function given to the commissioner under this Act or any other territory law. <p>Section 19B of the Act outlines that in exercising the children and young people commissioner's functions the commissioner must endeavour to:</p> <ul style="list-style-type: none"> • Consult with children and young people; • listen to and seriously consider the views of children and young people; • ensure that the commission is accessible to children and young people; and • be sensitive to the linguistically and culturally diverse backgrounds of children and young people.
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	6
Commission/Inquiry of origin	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)

Recommendation made	<i>The Committee recommends that the Government investigate and report on the feasibility of a secure residential treatment facility for young people engaging in sexually offending behaviour, with specialist staffing, by March 2004.</i>
Assessability of recommendation	Yes. A copy of the report of the feasibility study should be the basis for assessing the recommendation.
Additional information request	A request was made for a copy of the feasibility study re a secure residential facility. The feasibility study report provide in response by the Department related to an intensive treatment and support initiative for people with dual disabilities, being a mental dysfunction and an intellectual disability.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Doc R6D. Service funding agreement between ACT Department of Disability, Housing and Community Services and Richmond Fellowship, including variation. 2. Doc R6I. Service funding agreement between ACT Department of Disability, Housing and Community Services and Australian Childhood Foundation 3. Doc R6J. Individual Support Placement Agreement between ACT Department of Disability, Housing and Community Services and Premier Youthworks. 4. Doc R6C. Department of Disability, Housing and Community Services ACT, Annual Report 2005-06 (Volume 1) Intensive Treatment and Support Service p16. 5. Not relevant documents submitted included: R6A, R6B, R6E, and R6F. 6. Doc R6G email re program 2007-11 – missing? 7. Not relevant. Feasibility study and implementation plan: Intensive treatment and support initiative for people with dual disabilities.
Relevant to at least one aspect of recommendation	<p>1, 2. and 3 Relevant - Documents R6D, R6I and R6J above relate to service & support agreements and confirm the feasibility of therapeutic approaches.</p> <p>4. Relevant – Document R6C refers to the feasibility study and confirms secure accommodation was being considered.</p>
Documentation currency	May 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Low 4. Medium
Implementation	

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The Recommendation only extends to feasibility study – a copy of which was not provided.
Excluded actions	
When action was taken	<p>The Department's 2005-06 Annual Report shows the feasibility study was conducted in 2004 and work was to commence on a secure unit in 2006.</p> <p>Chapter 16 Care and protection—therapeutic protection of children and young people, Ss 530 – 635 commenced on 27 October 2008.</p>
Implemented as recommended?	
Government statement about status of implementation	<p>Recommendation implemented in full.</p> <p>In late 2004 Disability ACT undertook a feasibility study to assess the needs of clients who have a dual disability (intellectual disability and a mental disorder/dysfunction), high complex needs and are at risk of entering or re-entering the criminal justice system. Following recommendations from the study, the Intensive Treatment and Support service provides a transitional system of treatment and support that integrates 'at risk' clients back into the community. Work on the building of a secure 'Step-up' unit is expected to commence in late 2006. Staff recruitment was undertaken in May and June 2006 and the initial stages of the program's implementation will commence in July 2006.</p>
Reason provided	No reason provided for not submitting a copy of the feasibility report.
Implementation summary	Undetermined. The feasibility study referred to is in relation to clients with a dual disability. It does not appear to be related to young people engaging in sexually offending behaviour. A copy of the recommended feasibility study has not been provided. Some other evidence indicating that a study was conducted has been provided although it is not clear if the feasibility study was for a "secure residential treatment facility" as recommended.
Person extracting data	Auditor 5

Date of extraction	29.01.2014
Recommendation number	25
Commission/Inquiry of origin	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)
Recommendation made	<p><i>The Committee recommends that the Government:</i></p> <p><i>i. investigate ways to streamline the procedural mechanisms for mandatory reporting;</i></p> <p><i>ii. develop and implement a protocol for responding to instances where mandated persons have failed to report abuse; and</i></p> <p><i>iii. review the penalty within the Act for the offence of failing to report a suspected case of abuse.</i></p>
Assessability of recommendation	All components of the recommendation are assessable.
Additional information request	NA
Submitted document/ source details	<p>1. R25A Education and Training Annual Report 2003-2004</p> <p>2. R25C Keeping children and young people safe – a shared community responsibility: a guide to reporting child abuse and neglect in the ACT.</p> <p>3. R25D Care and Protection Services Child Concern Report reporter feedback sheet.</p> <p>4. R25E ACT Health - Child Protection policy</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p> <p>3. Relevant</p> <p>4. Relevant</p>
Documentation currency	May 2013
Reliability contribution of documents	<p>1. Medium</p> <p>2. Medium</p> <p>3. Low</p>

4. Medium

Implementation

Recommended actors involved Describe or NA if actors unspecified

Recommended actors not involved Describe or NA

Included actions

- i. Establishment of Centralised Intake Service in Family Services 2004 (now known as Care and Protection Services) as focal point for receipt of mandatory and community reports 24/7. In September 2006, the Children and Young People Act 1999 amendments provided further clarity regarding mandatory reporting.

Excluded actions

- ii. Procedures regarding mandated reporters who fail to make a report have not been developed.
- iii. The penalty provisions for mandated reporters have not been changed. They remain as 50 penalty units, imprisonment for 6 months or both (s356).

When action was taken

Implemented as recommended? N

Government statement about status of implementation

1. **Recommendation (i) – implemented in full.** Through the establishment of the Centralised Intake Service within Family Services in 2004 (now known as Care and Protection Services)*, Government developed a focal point for the receipt of mandatory and community reports. The Centralised Intake Service and the After Hours Crisis Service together provide a 24 hour child protection service. **Legislative Amendments** In September 2006, the *Children and Young People Act 1999* amendments provided further clarity regarding mandatory reporting responsibilities at s159*. This provision enables mandated people who know a child protection report has been made to Care and Protection Services on the same information and the same child or young person not to be required to make an additional report on the same information. This clarified the onus on mandated reporters and has reduced the administrative burden on Care and Protection Services staff.
2. **Recommendation (ii) – implemented in part.** The *Children and Young People Act 2008* at section 356 makes it an offence if a mandated reporter does not make a mandatory report when the thresholds for making a report are met. The maximum penalties for the offence are 50 penalty units, imprisonment for 6 months or both. Education remains the means by which mandated reporters are encouraged to make reports when the threshold for a mandated report is met.

	<p>Procedures regarding mandated reporters who fail to make a report have not been developed.</p> <p>On occasions when individuals may not have reported and this becomes known to Care and Protection Services, a letter from the Directorate outlining the legislative responsibilities of mandated reporters may be sent*.</p>
In part	<p>3. Recommendation (iii) – implemented in full. The review of the <i>Children and Young People Act 1999</i> considered the issue of penalties for mandated persons who were found guilty of not making a mandatory report. Government decided not to change the penalty provisions for mandated reporters. The penalties remain as 50 penalty units, imprisonment for 6 months or both (s356).</p>
Reason provided	<p>Government decided the penalty for mandated reporters who did not make a mandatory report. No further reason given.</p>
Implementation summary	<p>Re recommendation component 1: No evidence was submitted re any investigation of ways to streamline the procedural mechanisms. Evidence was submitted of changes that have been made to the procedures.</p> <p>Re recommendation component 2 : No protocol developed.</p> <p>Re recommendation component 3 : Government response indicates that the “review” of the Act considered the issue of penalties. A copy of the Review has not been available.</p> <p>Overall Rating: Partially implemented</p>

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	28
Commission/Inquiry of origin	The rights, interests and well-being of children and young people Report Number 3 (Standing Committee on Community Services and Social Equity, August 2003)
Recommendation made	<i>The Committee recommends that the Government expand the “official visitor role” to all children and young people in residential facilities and consult with stakeholders, in particular children and young people in these facilities, about a more appropriate name for this role.</i>

Assessability of recommendation	Both components of the recommendation are assessable.
Additional information request	<p>Details of consultation process.</p> <p>No evidence has been submitted relevant to the submission that limited consultation was conducted with children and young people about the name for the role.</p>
Submitted document/ source details	<ol style="list-style-type: none"> 1. Public Advocate of the ACT 2. Commissioners for Children and Young People, Health, Disability and Human Rights 3. Official Visitors Act 2012 Report of the review of statutory oversight agencies and community advocacy – Foundation for Effective markets and Governance (FEMAG) 4. Report of the review of statutory oversight agencies and community advocacy – Foundation for Effective markets and Governance (FEMAG) 5. The rights system for rights protection – An ACT Government position paper on the System of Statutory Oversight in the ACT 6. ACT Government Budget papers 2013-14 – Budget overview 7. Official Visitors Act 201 8. Three reports on the review of the Children & <ol style="list-style-type: none"> a. Young People Act 1999: 2005, 2006, 2007 9. Intensive Treatment and Support Initiative for People with Dual Disabilities
Relevant to at least one aspect of recommendation	<p>Documents 1-6 are not relevant; document 8 is not relevant.</p> <p>The three review reports contain information about consultation.</p>
Documentation currency	May, 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Medium 3. Medium 4. Medium 5. Medium 6. High 7. Medium (three reports on C & YP Act) 8. Medium
Implementation	
Recommended actors involved	NA

Recommended actors not involved	NA
Included actions	<p>While the roles and functions of the Official Visitor (s14 of the <i>Official Visitors Act 2012</i> and s37 of the <i>Children and Young People Act 2008</i>) have not changed, the definition of a “visitable place” is such as to include “all residential substitute care facilities and refuges” as referred to in Report #3.</p> <p>Government submitted that limited consultation on the name took place through the consultation processes undertaken by the ACT Youth Coalition with children and young people in the review of the legislation. The name of the position has not changed.</p>
Excluded actions	
When action was taken	The <i>Official Visitors Act 2012</i> was passed by the ACT Legislative Assembly and commenced on 1 September 2013.
Implemented as recommended?	<p>No change has been made to the role and functions of the official visitor but the definition of a “visitable place” is such as to include “all residential substitute care facilities and refuges” as referred to in Report #3.</p> <p>No evidence has been submitted re the consultations with children and young people about the name of the position.</p>
Government statement about status of implementation	<p>Implemented in part.</p> <p>The <i>Official Visitors Act 2012</i> was passed by the ACT Legislative Assembly and commenced on 1 September 2013*. The Act establishes two Children and Young People Official Visitors, one position being an Aboriginal and Torres Strait Islander Official Visitor. The roles and functions of the Official Visitor (s14 of the <i>Official Visitors Act 2012</i> and s37 of the <i>Children and Young People Act 2008</i>) have not changed nor has the name of the position. The Official Visitor may visit a child or young person at a ‘visitable place’. These are: a detention place, a therapeutic protection place and a place of care.</p> <p>Limited consultation on the name took place through the consultation processes undertaken by the ACT Youth Coalition with children and young people in the review of the legislation.</p>
Reason provided	No
Implementation summary	In part – component 1.

Undetermined – component 2

Overall Rating –Partially implemented

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	6.1
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>All Family Services records are separated from the Department of Education. The records should be located with, or adjacent to, the Centralised Intake Service. This should include all Family Services clients, both past and present, as well as Youth Justice files (in relation to record keeping and storage).</i>
Assessability of recommendation	All components of the recommendation are assessable.
Additional information request	NA
Submitted document/ source details	<p>1. M6.1A Education and Training Annual Report 2003-2004 Pages 8, 23, 35,</p> <p>2. M6.1B DHCS Annual Report 2004-2005 (Vol2)Pages 1 and 171</p> <p>3. M6.1C DHCS Annual Report Summary 2005-06, Page 5</p> <p>4. M6.1D DHCS Annual Report 2005-06 (Vol 1), Page 241</p> <p>5. M6.1E Information Update 1 Integrated Statutory Service</p>
Relevant to at least one aspect of recommendation	<p>The documents 2-4 all refer to the processes of separating files from the department of Education, the establishment of the Miller St centre and the ongoing process of developing integrated file management systems as recommended, and the allocation of resources.</p> <p>Documents 1 and 5 were not accessible on the internet.</p>

Documentation currency	May 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. NA 2. Medium 3. Medium 4. Medium 5. NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	See Government submission below.
Excluded actions	NA
When action was taken	See Government submission below
Implemented as recommended?	Yes
Government statement about status of implementation	<p>Recommendation implemented in full.</p> <p>In early 2004, Family Services was part of the Department of Education, Youth and Family Support. On 26 May 2004, Family Services became part of the Chief Minister's Department*. On 4 November 2004, Family Services were incorporated within the Department of Disability, Housing and Community Services (DHCS - now the Community Services Directorate)*. In August 2005*, Family Services and other areas of the Office for Children, Youth and Family Support Division of the Directorate moved to a single location at 11 Moore Street in Canberra City. This is the current location of most staff from Care and Protection Services. Since 2005, the Records Management Unit of the Directorate has been located at 11 Moore Street*. All client files held by previous Departments were gradually transferred to DHCS by early 2006. Files are readily available to Care and Protection Services staff. Files held in archives may be recalled within the day. The use of the Children and Young People System (CHYPS system) now includes 13 years of information. This is electronically available to all operational staff in Care and Protection Services and records their daily work with children, young people and families. The Office for Children, Youth and Family Support is intending to merge the provision of statutory services across the Office. This is intended to merge the provision of Youth Justice and Care and Protection Services work. As part of this transition, the records of both services will be shared among workers working with the same client *.</p>

Reason provided	NA
Implementation summary	Implemented in full All of the available evidence indicated that action has been taken to implement the recommendation. The nature and scope of the changes to be made mean that it is an ongoing process.

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	6.3
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>Training is provided to all workers regarding the importance of appropriate client file maintenance and the Centralised Intake Service. There needs to be consistent and accessible guidelines about the recording and storing of information and records management.</i>
Assessability of recommendation	<ol style="list-style-type: none"> 1. Training for all workers re client file maintenance and the centralised intake system. Assessable by reference to training curricular and details of training availability and take-up. 2. The consistency and accessibility of guidelines are assessable.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. The ACT Government responses to The Territory's Children reports 1, 2 & 3 2. M6.3A Records management summary - DHCS Annual Report 2011 (webpage) Recordkeeping Guidelines for Managers and Staff Recordkeeping Procedures 3. M6.3B Care and Protection Services: 'Town Hall' Meeting Compulsory record-keeping training 4. M6.3C Records management (Publication) Your guide to recordkeeping (in the Department of Disability, Housing and Community Services) 5. M6.3D The Administration of Files: the How, Who, What, Why, When (Intranet Tips for staff)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Details progress made in relation to recommendation. 2. Reports on actions across a range of areas relevant to the recommendation. 3. Relates to compulsory core training. 4. Technical guidance in systems operation.

	5. Readily accessible Internet assistance re records keeping
Documentation currency	May 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Medium 3. Medium 4. Medium 5. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>Training in Record Keeping and Case Recording is part of core training for all Care and Protection Services case workers.</p> <p>The Community Services Directorate also provides core capability training in the area of Records Management.</p> <p>The CSD intranet provides information on record keeping for all staff including; current policies, procedures, advice sheets, help tips and templates.</p>
Excluded actions	NA
When action was taken	<p>Records management training was updated during 2011-12 for staff as part of suite of Core Capability training packages.</p> <p>The Records Management Training module commenced and was available to all staff in 2011-12</p>
Implemented as recommended?	Yes
Government statement about status of implementation	<p>Recommendation implemented in full and ongoing.</p> <p>Training in Record Keeping and Case Recording is part of core training for all Care and Protection Services case workers. This training is considered a priority 1 course for all new staff commencing work with Care and Protection Services. The Community Services Directorate also provides core capability training in the area of Records Management. In addition to this training the CSD intranet provides information on record keeping for all staff including; current policies, procedures, advice sheets, help tips and templates *.</p> <p>In addition, training about record keeping is offered to Care and</p>

	<p>Protection Services staff through Town Hall, generally on an annual basis. The last presentation occurred on 1 August 2012*.</p> <p>Staff have direct access to the <i>Territory Records Act 2002</i>, available electronically to all staff on the ACT Legislation Register. The Records Management Unit assist staff with any specific record inquiries and a booklet entitled <i>Records Management – Your Guide to Recordkeeping</i> * is available to staff during their Orientation or at other training sessions.</p> <p>The Integrated Management System for care and Protection Services will also include in the revised policies and procedures the requirements of case management records for children, young people and families.</p>
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	6.5
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>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.</i>
Assessability of recommendation	Yes
Additional information request	NA
Submitted document/ source details	<p>1. The ACT Government responses to The Territory's Children reports 1p14, 2p16 & 3p20 (provided),</p> <p>2. M6.5-A Establishment/launch of Family View function in CHYPs</p> <p>3. M6.5-B ACT Budget Paper 3 2013-14</p>
Relevant to at least one aspect of recommendation	<p>1. Reflects progress being made on implementing the recommendation</p> <p>2. Shows "family view" function operational</p> <p>3. Shows commitment of funds for ongoing development</p>

Documentation currency	May 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Low 3. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>On 21 July 2007, the establishment of the ‘family view’ functionality enabled child protection workers to access a summary of child protection reports, interventions and the number of progress notes with children in a family.</p> <p>Each child in the CHYPS has an individual identification number, enabling their records to be maintained separately from siblings.</p> <p>The proposed Integrated Management System development plans further changes to CHYPS system. The 2013-2014 ACT Government Budget has allocated \$250,000 over the next two years for a feasibility study of replacements to the Care and</p> <p>Protection data system and improvements to the existing CHYPS system.</p>
Excluded actions	Process not complete
When action was taken	<p>2007 the “family view” function.</p> <p>Development ongoing</p>
Implemented as recommended?	Not completed
Government statement about status of implementation	<p>Recommendation implemented to the extent possible within the existing system.</p> <p>The system had capacity in relation to issues the recommendation sought to address. The CHYPS system for the recording of Care and Protection Services interventions and the obtaining of data has been gradually improved since 2004. On 21 July 2007, the establishment of the ‘family view’ functionality further enabled child protection workers to access quickly a summary of child protection reports, interventions and the number of progress notes with children in a family. In addition, each child in the CHYPS system has an individual identification number, enabling their records to be</p>

	maintained separately from those of other children in the family. As part of the Integrated Management System development within Care and Protection Services, changes are being introduced to the CHYPS system to further strengthen its capacities. In addition, the 2013-2014 ACT Government Budget has allocated \$250,000 in funding over the next two years for a feasibility study of replacements to the Care and Protection data system and for improvements to the...
Government statement about status of implementation	
Reason provided	Ongoing development
Implementation summary	Development of the integrated management system is ongoing. Partially implemented

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	8.4
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>When a child is on an order and there is a report of harm being caused to them by an adult in the place of residence, a special appraisal needs to be conducted regardless of whether the child is living at home or in care.</i>
Assessability of recommendation	Yes. While the term "special appraisal" is no longer used, the legislation specifies action required following receipt of a child concern report.
Additional information request	NA
Submitted document/ source details	1. M8.4A Care and Protection for Children and Young People: Interim Policy and Procedures for Legislative compliance in the ACT 2. M8.4B Chapter D12: Abuse in Care Reports (Appraisal) Policy and Procedures 3.M8.4C The Children and Young People Act 2008 – Section 507

Relevant to at least one aspect of recommendation	1. Yes 2. Yes 3. Yes
Documentation currency	May 2013
Reliability contribution of documents	1. Medium 2. Medium 3. High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>S.360 of the <i>Children and Young People Act 2008</i> (replaced <i>Children and Young People Act 1999</i>) provides that Director-general must consider all child concern reports and must carry out an initial assessment to of the matters raised in the report to decide if the child or young person may be in need of care and protection.</p> <p>S. 361 provides that if the Director-general decides that a child concern report is a child protection report, then the Director-general must take the action that the Director-general considers appropriate in relation to the report.</p> <p>S.506 provides that if the Director-general has daily care responsibility for a child or young person and the Director-general decides that a child concern report about the child or young person is a child protection report, and the Director-general then carries out a child protection appraisal for the child or young person, then the Director-general must give the public advocate a report about the incident and what action (if any) the Director-general has taken because of the appraisal.</p>
Excluded actions	NA
When action was taken	Policy and procedure reviews starting 2004 Legislation 2008
Implemented as recommended?	Yes. The provisions apply to all children.
Government statement about status of implementation	
Reason provided	NA

Implementation summary	Implemented in full
Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	9.9
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>Investigation is undertaken to develop systems for employment screening, similar to 'Working With Children Checks' conducted by the NSW Commission for Children and Young People.</i>
Assessability of recommendation	Yes by reference to the legislation.
Additional information request	NA
Submitted document/ source details	1. M9.9B <i>Working with Vulnerable People (Background Checking) Act 2011</i>
Relevant to at least one aspect of recommendation	1. Provides the legislative schema for the checks.
Documentation currency	May 2013
Reliability contribution of documents	High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The legislation sets requirements for people working with vulnerable people including children, young people, persons with a disability and aged persons. The provisions regarding the requirement for a WWVP check for people working with children and young people must be completed by those employed in the sector by 8 November 2013.
Excluded actions	NA

When action was taken	<p>September 2004, the Minister released a position paper on the roles and functions of the proposed Commissioner for Children and Young People.</p> <p>Consultation on the position paper concluded on 10 December 2004</p> <p>August 2010 Government tabled the <i>Working with Vulnerable People (Background Checking) Bill 2010</i></p> <p>Working with Vulnerable People (Background Checking) Act 2011 commenced in Nov 2012</p>
Implemented as recommended?	Yes
Government statement about status of implementation	<p>Recommendation implemented in full.</p> <p>In September 2004 the Minister for Children, Youth and Family Support released a position paper on the roles and functions of the proposed Commissioner for Children and Young People. The position paper referred to 'Working with Children Checks'*. In August 2010, the ACT Government tabled the <i>Working with Vulnerable People (Background Checking) Bill 2010*</i>. The Act was notified on 8 November 2011 and commenced on 8 November 2012.</p>
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	29.01.2014
Recommendation number	9.13
Commission/Inquiry of origin	The Territory's Children: Ensuring safety and quality care for children and young people - Report on the Audit and Case Review (Gwenn Murray, July 2004)
Recommendation made	<i>There is a review of the Abuse in Care Policy and protocols with non-government agencies, Foster Care Association and CREATE Foundation. Develop protocols procedures in which Family Services and non-government agencies roles in assessing and actioning recommendations of concerns and abuse in care allegations are clearly defined and followed up.</i>

Assessability of recommendation	<p>1. Yes – can assess whether a review of the Abuse in care Policy & Protocols was conducted.</p> <p>2. Yes - Can assess if the Foster Care Association and CREATE Foundation were involved.</p> <p>3. Yes – can assess if protocols and procedures have been developed and roles are clearly defined.</p>
Additional information request	NA
Submitted document/ source details	<p>1. M9.13-A The Foster Carers and Kinship Carers Guide –A Resource for Carers was developed in consultation with the Out of Home Care sector</p> <p>2. M9.13-B CPS IMS Bulletin, Vol 1, Issue 1 & Care and Protection Services Manual 2004-5</p>
Relevant to at least one aspect of recommendation	1. Yes. The Guide makes reference to the processes following the receipt of allegations made involving the carers. The Introduction states that the guide was produced in collaboration with the ACT Out of Home Care Sector.
Documentation currency	September 2010
Reliability contribution of documents	1. Medium
Implementation	
Recommended actors involved	Yes. Although the Foster Care Association and CREATE were not named specifically as collaborators in the production of the guide.
Recommended actors not involved	NA
Included actions	<p>In September 2004 and January 2005, the Care and Protection Services Manual was reviewed and updated.</p> <p>In September 2010, the first version of The Foster Carers and Kinship Carers Guide –A Resource for Carers was developed in consultation with the Out of Home Care sector.</p> <p>A copy of the Guide was provided to all carers and a revised version of the Guide is being finalised to replace the 2010 Guide.</p>
Excluded actions	NA
When action was taken	Recommendation July 2004

First review of policy and procedures September 2004 – others followed.

Current policy and procedures dated June 2011.

Implemented as recommended?

Yes.

Government statement about status of implementation

Recommendation implemented.

Since 2004 when the Murray report made the recommendation, reviews of policies and procedures concerning allegations of children and young people abused or neglected while in care have taken place. In September 2004 and January 2005*, the Care and Protection Services Manual was reviewed and updated. From that time onwards, there have been ongoing reviews of policies and procedures. The current policy and procedure is dated 2 June 2011*.

Currently, the Integrated Management System is reviewing all Care and Protection Policies and Procedures. This work is to be completed in March 2014*.

In September 2010, the first version of The Foster Carers and Kinship Carers Guide -A Resource for Carers was developed in consultation with the Out of Home Care sector*. The Guide makes reference to the processes following the receipt of allegations made involving the carers. A copy of the Guide was provided to all carers and a revised version of the Guide is being finalised to replace the 2010 Guide.

Reason provided

NA

Implementation summary

Implemented in full

Policy and procedures have been reviewed and revised manual released.

Although the Foster Care Association and CREATE were not named specifically as collaborators in the production of the guide it is reasonable to assume that both organisations were part of the ACT Out of Home Care sector that was involved.

DOCUMENT AUDIT: COMMONWEALTH

Person extracting data	Auditor 1
Date of extraction	13 September 2013
Recommendation number	14
Commission/Inquiry of origin	Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997)
Recommendation made	<i>That monetary compensation be provided to people affected by forcible removal under the following headings. 1. Racial discrimination. 2. Arbitrary deprivation of liberty. 3. Pain and suffering. 4. Abuse, including physical, sexual and emotional abuse. 5. Disruption of family life. 6. Loss of cultural rights and fulfilment. 7. Loss of native title rights. 8. Labour exploitation. 9. Economic loss. 10. Loss of opportunities.</i>
Assessability of recommendation	Yes.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Link to Senate Standing Committee on Legal and Constitutional Affairs 2000 report - Healing: A Legacy of Generations – the Report of Inquiry into the Federal Government’s Implementation of the Recommendations made by the Human Rights and Equal Opportunity Commission in Bringing them Home (available at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/1999-02/stolen/report/contents)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2000
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High
Document details	
Recommended actors involved	Commonwealth Government
Recommended actors not involved	NA

Included actions and when	Recommendation not implemented. Related measures to address abuse in context of forcible removal outlined. These include establishment of RC into Institutional Responses to Child Abuse; establishment of the ATSI Healing Foundation; counselling, family tracing and reunion services such as Link Up; funding for oral history projects; and the Stolen Generations Working Partnership.
Excluded actions	Recommendation not implemented
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	<p>This recommendation has not been implemented, but a number of other measures have resulted from it.</p> <p>The government of the day did not agree with this recommendation.</p>
Reasons provided	Yes
Implementation summary	Not implemented

Person extracting data	Auditor 1
Date of extraction	13 November 2013
Recommendation number	6
Commission/Inquiry of origin	ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process (1997)
Recommendation made	<i>Each State and Territory should ensure that there are appropriate mechanisms, vested in either newly established or existing bodies, to:</i> <ul style="list-style-type: none"> • <i>handle complaints by or on behalf of children concerning the conduct of that State's or Territory's authorities including conduct of employees and omissions or failures to act by authorities.</i>
Assessability of recommendation	yes
Submitted documents/ source details	<p>1. Government response</p> <p>Links to the following docs provided:</p>

	<ol style="list-style-type: none"> 2. National Framework for Protecting Australia's Children 2009-2020 of Children (available at: http://www.aihw.gov.au/publication-detail/?id=60129544391) 3. Communiqués of COAG meetings in Dec 2002, June 2005, July 2008, October 2008, & Nov 2008 (available at http://www.coag.gov.au/meeting_outcomes) 4. Protecting Vulnerable Children: A National Challenge, second report of the inquiry into children in institutional or out of home care (2005) Community Affairs References Committee (Rec 17) (available at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/index) 5. Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005) (Rec 8) (available at : http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/completed_inquiries/2004-07/inst_care/report/index.htm)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant 5. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. April 2009 3. See dates above 4. 2005 5. 2005
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. Medium 5. Medium
Document details	
Recommended actors involved	Commonwealth, State and Territory Governments.
Recommended actors not involved	Recommendation should be put to each State and Territory government for information re state initiatives such as Children's Commissioners or equivalent office. Not all these State/Territory bodies have the power to deal with individual complaints as envisaged by the recommendation
Included actions and when	National Children's Commissioner appointed March 2013.

	Tardy response to this recommendation, recommendation in 2005 <i>Protecting Vulnerable Children</i> report, recommendation of UN Committee on the Rights of the Child 2005 country review, and key outcome identified by the National Framework for Protecting Australia's Children in 2009.
Excluded actions	The role of the National Commissioner, as outlined in the <i>Australian Human Rights Commission Amendment (National Children's Commissioner) Act 2012</i> (Cwth) does not extend to hearing individual complaints relating to services provided by Commonwealth instrumentalities (which State and Territory Commissioners have no power to deal with). Nor does it include the powers recommended in the <i>Forgotten Australians</i> report (rec 8 i.e., re hearing and mediating complaints made by children and young people relating to church processes).
When action was taken	See above
Implemented as Recommended?	N
Government statement about status of implementation	Not specified
Reasons provided	NA
Implementation summary	Undetermined – beyond the scope of the Commonwealth Government

Person extracting data	Auditor 1
Date of extraction	13 November 2013
Recommendation number	268
Commission/Inquiry of origin	ALRC Report 84: Seen and Heard: Priority for Children in the Legal Process (1997)
Recommendation made	<i>The national standard on juvenile justice should provide that an Official Visitors scheme be attached to every juvenile detention centre and visit detention centres regularly, preferably fortnightly.</i> <i>Implementation. The Attorney-General through SCAG should encourage States and Territories to adopt these measures.</i>
Assessability of recommendation	Yes. While no actor is specified, the authors of the standards (the Australasian Juvenile Justice Administrators, which is made up of

	senior executive officers from Commonwealth, State, Territory and NZ governments) could be instructed by SCAG to implement the recommendation.
Submitted documents/ source details	Government response
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided to the Royal Commission on request, 2013
Reliability contribution of document	Low
Document details	
Recommended actors involved	Not specified. Standing Council of Attorney Generals (SCAG)?
Recommended actors not involved	NA
Included actions and when	NA
Excluded actions	National standards have not been amended (see standards at http://www.ajja.org.au/files/updated_october_2012_-_ajja_juvenile_justice_standards_2009_part_1_and_2.pdf)
When action was taken	NA
Implemented as Recommended?	N
Government statement about status of implementation	Not implemented. “On 17 September 2011, SCAG transitioned into the Standing Council on Law and Justice (SCLJ). A review of the past relevant Communiqués for SCLJ do not specifically refer to the implementation of recommendation 268.”
Reasons provided	State responsibility; insufficient evidence.
Implementation summary	Not implemented

Person extracting data	Auditor 1
Date of extraction	13 November 2013
Recommendation number	12.1

Commission/Inquiry of origin	Management Response to Allegations of Paedophile Activity within the Foreign Affairs Portfolio: Report to the Public Service Commissioner, Pamela O'Neil, May 1997
Recommendation made	<p><i>12: I recommend that agencies, in consultation with the relevant staff associations and unions and the PSMPC, develop a complaints procedure, including a procedure for the handling of allegations of a breach of the Code of Conduct. The procedure should incorporate the following elements: - an acknowledgement that there are ways of dealing with matters of personal behaviour, particularly of a less serious nature, which do not involve employing the formal process prescribed by the Public Service Act; - the need to identify allegations which are of relevance to the employer. If the view is taken that an allegation is not of relevance to the employer the person making the allegation should be informed; - the need for respect for privacy and for the requirements of natural justice and procedural fairness to be observed in the handling of any allegations of misconduct; - the need for matters to be dealt with speedily. The facts need to be established before memories fade; - an allegation involving a possible breach of Australia criminal law, and which is of relevance to the employer, should be reported to the appropriate law enforcement authority; and - there should be a preference for regarding an allegation of misbehaviour as a misconduct matter, in addition to any requirement for dealing with the matter in some other manner.</i></p> <p><i>Agencies should ensure that they have in place appropriate awareness programs to provide staff and, where appropriate, members of their households, with necessary information about personal behaviour, complaints mechanisms and related matters. Suitable induction programs and refresher programs should also be provided.</i></p>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. APS Values and Code of Conduct (available at http://www.comlaw.gov.au/Series/C2004A00538) 3. Australian Public Service Commissioner's Directions 2013 (available at http://www.comlaw.gov.au/Details/F2013L00448) 4. Handling Misconduct – A human resources practitioner's guide to the reporting and handling of suspected and determined breaches of the APS Code of Conduct (Handling Misconduct) (available at http://www.apsc.gov.au/_data/assets/pdf_file/0019/6175/misconduct.pdf)

Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. Came into effect March 1998 3. Came into effect 1 July 2013 4. 2008
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. Medium
Document details	
Recommended actors involved	Commonwealth agencies in Foreign Affairs portfolio, public service unions and PSMPC
Recommended actors not involved	Unknown whether Unions and PSMPC consulted in development of complaints regime.
Included actions and when	The documents referred to achieve the intended purpose of the recommendation, as outlined in the government response.
Excluded actions	NA
When action was taken	1998 to current
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full Refer to legislation verification. This was a line-ball decision. It was considered that the excluded content was minor and was not sufficient to lead to a 'partial' status.
Person extracting data	Auditor 1
Date of extraction	15 November 2013
Recommendation number	111

Commission/Inquiry of origin	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998
Recommendation made	<p><i>Markedly different views have been expressed to us by former child migrants about the issue of compensation payments. Many believe that such a measure might impede the provision of records if governments or agencies become unduly nervous about the financial consequences of irregularities or indiscretions contained therein. We therefore do not recommend a compensation payment. Matters concerning identity and background are much more important to former child migrants.</i></p> <p><i>However, we would expect the full weight of the law to be felt in cases where physical and sexual abuse against former child migrants can be proven, Courts should award the maximum possible damages when a conviction is obtained. We would like to see Statutes of Limitation suspended in all cases related to the abuse of former child migrants.</i></p>
Assessability of recommendation	<p>Partial. Question of funding services for former child migrants in lieu of compensation not clearly articulated. Unclear who recommendation is directed at. Questions of prosecution of sexual offences and quantum of damages are for state Directors of Public Prosecution. Inappropriate for any government to intervene in the prosecution of allegations of abuse and in the penalties awarded (doctrine of separation of powers). The review of awards of damages to victims under state law is beyond the scope of this inquiry. Assessing whether the “full weight of the law” is felt in relevant cases is beyond the scope of this project.</p>
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government Response 2. Australian Government Response to the British Government Response to the Recommendations of the British House of Commons Health Committee’s Report of it’s Inquiry into the Welfare of Former British Child Migrants (2000) (unable to locate) 3. Lost Innocents: Righting the Record Report (2001) (available at http://pandora.nla.gov.au/pan/36671/20030819-0000/www.aph.gov.au/senate/committee/clac_ctte/child_migrat/report/contents.htm) 4. Lost Innocents and Forgotten Australians Revisited Report (2009) (available at http://www.forgottenaustralians.org.au/PDF/senatereport2009.pdf)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant? (Unable to locate) 3. Relevant

	4. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2000 3. 2001 4. 2009
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium
Document details	
Recommended actors involved	Not specified
Recommended actors not involved	NA
Included actions and when	Commonwealth provides funding for programs to assist former child migrants to reconnect with family (see response to rec 113 below).
Excluded actions	Suspension of Statute of Limitations is a question for individual States.
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Implemented in full
Reasons provided	Yes – state responsibility
Implementation summary	Undetermined – a matter for the States

Person extracting data	Auditor 1
Date of extraction	15 November
Recommendation number	113
Commission/Inquiry of origin	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998
Recommendation made	<i>We ask the governments of Canada, New Zealand and Australia to consider giving financial support to organisations in their respective countries who represent the interests of former child migrants.</i>

Assessability of recommendation	Partial – actions of overseas governments beyond the scope of this project.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Find and Connect Records Access Documentation Project Information. Note: the links provided in the response don't appear to be current. The following address is the only online information I could find, and also does not appear to be current – see http://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/find-and-connect-services-and-projects
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. No current?
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Low
Document details	
Recommended actors involved	Commonwealth government
Recommended actors not involved	NA
Included actions and when	Response indicates that the Commonwealth provides funding for support organisations as listed. Note however that information on the DSS website (see http://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/find-and-connect-services-and-projects) does not appear to be current, making it difficult to assess the implementation. The Find and Connect service as described on the website, rather than an “Australia-wide coordinated family tracing and supportto locate ...files and assist them to reunite with members of their family”, appears to consist primarily of a web-resource, and additional funding for support agencies.
Excluded actions	NA
When action was taken	<p>Unclear. Response to recommendation 116 suggests funding allocated in 2002. Find and Connect and other initiatives appear to have been developed 2010/2011.</p> <p>Actions of Canada and New Zealand governments beyond the scope of this project.</p>

Implemented as recommended?	N
Government statement about status of implementation	Implemented in full
Reasons provided	
Implementation summary	Undetermined – Australian government appears to have implemented, however the others are unknown.
Person extracting data	Auditor 1
Date of extraction	15 November 2013
Recommendation number	116
Commission/Inquiry of origin	Welfare of Former British Child Migrants, House of Commons (UK), Health Committee Publications: Health – Third Report, 1998
Recommendation made	<i>We urge the Federal Government of Australia to initiate an inquiry into post-war practices in institutions such as Bindoon and Neerkol, with a view to establishing the truth behind allegations of physical, mental and sexual abuse; discovering the names of any perpetrators; and prosecuting any surviving members of staff against whom evidence is available.</i>
Assessability of recommendation	Partial. Questions of prosecution of perpetrators of abuse are for state Directors of Public Prosecutions. Assessment of prosecution of members of staff is beyond the scope of this project.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Lost Innocents: Righting the Record Report (2001) (see http://pandora.nla.gov.au/pan/36671/20030819-0000/www.aph.gov.au/senate/committee/clac_ctte/child_migrat/report/contents.htm) 3. Australian Government Response (13 May 2002) to the Lost Innocents: Righting the Record Report (2001) (unable to locate)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Unable to locate
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2001 3. 2001

Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Document details	
Recommended actors involved	Federal Government
Recommended actors not involved	NA
Included actions and when	Inquiry conducted 2000/2001
Excluded actions	Terms of Reference of Inquiry did not extend to investigation of individual instances of abuse and pursuing perpetrators. Questions of prosecution of perpetrators of abuse relate to state Directors of Public Prosecutions.
When action was taken	See above
Implemented as Recommended?	Yes
Government statement about status of implementation	Implemented in full. This recommendation was implemented through the Lost Innocents: Righting the Record (2001).
Reasons provided	Yes
Implementation summary	Implemented in full – an Inquiry was conducted. The prosecution of members of staff is beyond the scope of the Commonwealth government.

Person extracting data	Auditor 1
Date of extraction	15 November 2013
Recommendation number	1
Commission/Inquiry of origin	Lost Innocents: Righting the Record – Report on Child Migration (2001)
Recommendation made	<p><i>That the Commonwealth Government</i></p> <ol style="list-style-type: none"> <i>urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and</i> <i>that the Senate Social Welfare Committee's 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.</i>

Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Lost Innocents and Forgotten Australians Revisited Report (2009) (available at http://www.forgottenaustralians.org.au/PDF/senatereport2009.pdf) 3. Links to relevant state inquiries
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2009 3. Vic (2013); SA (2008); WA (2012); Tas (2004); NSW (current)
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Document details	
Recommended actors involved	Commonwealth, State and Territory Government
Recommended actors not involved	NA
Included actions and when	The government response is silent as to part b) of the recommendation. However the treatment of children in institutional care was again subject to scrutiny in the 2004 national report <i>Forgotten Australians</i> .
Excluded actions	Part a) of the recommendation has not been implemented.
When action was taken	Part b) - 2004
Implemented as Recommended?	Partial
Government statement about status of implementation	Unspecified
Reasons provided	<p>Yes – the Commonwealth asserts that it will not encourage state inquiries for the following reasons:</p> <ul style="list-style-type: none"> • Recommendation not re-endorsed by Committee involved in the 2009 Lost Innocents and Forgotten Australians Revisited Report (see 6.86); • There have been a number of state inquiries held since the recommendation.
Implementation summary	Partially implemented part B implemented

Person extracting data	Auditor 1
Date of extraction	15 November 2013
Recommendation number	1
Commission/Inquiry of origin	Inquiry into Immigration Detention Procedures (Flood Inquiry) 2001
Recommendation made	<i>Australian Correctional Management Pty Ltd (ACM) should be asked to issue revised policy instructions to staff to incorporate the requirements of relevant State legislation on child welfare and sexual assault. The draft currently being prepared by ACM should be completed as quickly as possible and issued in all centres.</i>
Assessability of recommendation	Yes, as it relates to current contractor
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. SERCO PPM for Immigration Detention Centre and Alternate Place of Detention (3/02/2011) (Attachment H) 3. SERCO PPM for Immigration Residential Housing (5/03/2010) (Attachment I) 4. SERCO PPM for Immigration Transit Accommodation (3/02/2010) (Attachment J) 5. MAXNetWork Child Protection Policy (September 2013) (Attachment K) 6. International Health and Medical Services (IHMS), Child Protection and Mandatory Reporting (July 2013) (Attachment L)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant 5. Relevant 6. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. February 2011 3. March 2010 4. February 2010 5. September 2013 6. July 2013
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium 5. Medium 6. Medium

Document details	
Recommended actors involved	Commonwealth Government and ACM
Recommended actors not involved	NA
Included actions and when	Policies implemented
Excluded actions	NA
When action was taken	Unclear whether version dates above correlate with when policies were implemented. Unclear whether similar policies were included in contract with ACM, the previous contractor which managed centres up until 2003 (when it handed over management to it's parent company Group 4 Securicor). SERCO has been contracted by the Australian Government to manage immigration detention facilities since 2009.
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full (in relation to current contractor)

Person extracting data	Auditor 1
Date of extraction	17 November 2013
Recommendation number	14
Commission/Inquiry of origin	Inquiry into Immigration Detention Procedures (Flood Inquiry) 2001
Recommendation made	<i>The Contract with ACM should be amended to make it explicit that the reporting as such of allegations, instances or suspicion of child abuse has no impact whatsoever on performance payments. Performance payments should be affected by failure to report, failure to report in a timely way and of course by poor management of an allegation, instance or suspicion of child abuse.</i>
Assessability of recommendation	Yes, as it relates to current contractor
Submitted documents/ source details	1. Government response

	2. Immigration Detention Centre Contract – Incident Reporting Abatement Metric (Attachment M)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided to the Royal Commission on request, 2013 2. Undated
Reliability contribution of document	1. Low 2. Medium
Document details	
Recommended actors involved	Commonwealth Government
Recommended actors not involved	NA
Included actions and when	<p>‘Incident’ reporting and management requirements included in contract, however:</p> <ul style="list-style-type: none"> contrary to assertion in Govt response, the document provided (matrix) does not clearly show how failure to meet these conditions affects performance payments. May need to refer to 2.2.3 of the contract; and no definition of ‘incident’ is provided
Excluded actions	NA
When action was taken	Unclear. No date provided for inclusion of conditions in contract. Unclear whether similar conditions included in contract with ACM, the previous contractor which managed centres up until 2003 (when it handed over management to it’s parent company Group 4 Securicor). SERCO has been contracted by the Australian Government to manage immigration detention facilities since 2009.
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full - in relation to current contractor
Person extracting data	
	Auditor 1
Date of extraction	
	17 November 2013

Recommendation number	15.3
Commission/Inquiry of origin	Disability Care and Support: Productivity Commission Inquiry Report Volume 1, No. 54, 31 July 2011, Australian Government Productivity Commission
Recommendation made	<i>Drawing on the system currently in place for working with children, Australian governments should ensure that police checks and other safeguards should be implemented that target the risk of abuse of vulnerable people with disabilities, and cover those relevant workers for a given period, rather than for a particular job.</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government Response 2. Refers to Commonwealth Submission on Issues Paper 1, but no document or link to document provided
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. ?
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium
Document details	
Recommended actors involved	Commonwealth, State and Territory Governments
Recommended actors not involved	NA
Included actions and when	The NDIS is working with Commonwealth, State & Territory governments to use existing quality and safeguard mechanisms.
Excluded actions	
When action was taken	
Implemented as Recommended?	
Government statement about status of implementation	Implemented in part
Reasons provided	

Implementation summary	<p>Undetermined – no evidence provided about the use of police checks and other safeguards in relation to vulnerable people with disabilities.</p> <p>Commonwealth submission referred to was not provided.</p>
Person extracting data	Auditor 1
Date of extraction	17 November 2013
Recommendation number	2
Commission/Inquiry of origin	Report of the Review of allegations of sexual and other abuse in Defence - Facing the problems of the past: Volume 1 - General findings and recommendations, Rumble, McKean & Pearce, October 2011 (prepared for the Department of Defence)
Recommendation made	<p><i>The Review recommends that Phase 2 undertake discussions with Defence as a matter of urgency with a view to:</i></p> <ul style="list-style-type: none"> <i>a. the clarification and, if necessary, amendment of DI(G) PERS 35-4 to permit administrative action to be taken in respect of actions which may constitute sex offences under applicable criminal law. The other DI(G)s that seem to be relevant to these issues should also be examined. Consideration should be given to having a DI(G) which directs the relevant Commanding Officer to consider taking administrative action even though the same incident has also been referred to civilian police and to review the status of the matter at regular intervals to see whether administrative action should be taken. Regard should be had to the desirability of Defence procedures following the APS model for running administrative processes during or after criminal processes for the same facts.</i> <i>b. A broader examination should be undertaken of the management of actions which may be sexual offences under applicable criminal law and 'unacceptable behaviour' and the relevant DI(G)s redrafted to provide simpler and appropriate advice and guidance to management. (page 145).</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Defence Instruction (General) PERS 35-4 – <i>Reporting and Management of Sexual Misconduct including Sexual Offences (Attachment C)</i> 3. Defence Instruction (General) ADMINISTRATION 45-2 - <i>Reporting Investigation of Alleged Offences within the Australian Defence</i>

	<p><i>Organisation</i> (following URL provided is invalid http://www.defence.gov.au/oscdf/afc/pdf/GA450.2.pdf)</p> <p>4. Defence Instruction (General) PERS 35-3 – Management and Reporting of Unacceptable Behaviour (Attachment D)</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p>
Documentation currency	<p>1. Provided to the Royal Commission on request, 2013</p> <p>2. 28 August 2013</p> <p>3. ? Unable to view document</p> <p>4. 28 June 2009</p>
Reliability contribution of document	<p>1. Low</p> <p>2. Medium</p> <p>3. Medium</p> <p>4. Medium</p>
Document details	
Recommended actors involved	Department of Defence
Recommended actors not involved	NA
Included actions and when	Relevant policies appear to have been implemented as recommended.
Excluded actions	Note: these policies do not apply to cadets, some of whom may be under 18 years.
When action was taken	See above
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 1
Date of extraction	17 November 2013
Recommendation number	10
Commission/Inquiry of origin	Report of the Review of allegations of sexual and other abuse in Defence - Facing the problems of the past: Volume 1 - General

findings and recommendations, Rumble, McKean & Pearce, October 2011 (prepared for the Department of Defence)

Recommendation made

A suite of options should be adopted to provide means for affording reparation to persons affected by abuse in Defence comprising: • public apology/acknowledgements; • personal apology; • capped compensation scheme; • facilitated meeting between victim and perpetrator; • health services and counselling.

A body or team should be tasked to develop detailed proposals for the suite of options, so that they may be presented for a decision on implementation. While the suite of options are being developed, there should be further external investigation of matters recommended in Volume 2 for further external investigation. There could be referral of matters recommended for internal/external referral. Volume 2 recommendations are limited to existing options. Accordingly, matters recommended for 'no further action' in Volume 2 should be 'held', pending the development of the proposals and then - where appropriate - considered for possible action under any new processes adopted. There should be appropriate communication to complainants as to what will happen during the transition stage and into Phase 2. (page 194)

Assessability of recommendation

Yes

Submitted documents/ source details

1. Government response
2. Media Release, Government announcement of response to the DLA Piper Review of allegations of sexual and other abuse in Defence, 26 November 2012 (**Attachment E**)
3. Defence Abuse Response Taskforce First Interim Report to the Attorney-General and Minister for Defence, 14 March 2013
4. Defence Abuse Response Taskforce Second Interim Report to the Attorney-General and Minister for Defence, 20 June 2013 (available at <http://www.defenceabusetaskforce.gov.au/reports/Pages/default.aspx>)

Note: The Third Interim Report was submitted to the Minister for Defence and the Attorney-General on 4 October 2013 (available at same link)

Relevant to at least one aspect of recommendation

1. Relevant
2. Relevant
3. Relevant
4. Relevant

Documentation currency

1. Provided to the Royal Commission on request, 2013
2. 26 November 2012
3. 14 March 2013

	4. 14 March 2013
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Low 3. Medium 4. Medium
Document details	
Recommended actors involved	Department of Defence
Recommended actors not involved	NA
Included actions and when	<p>Defence Abuse Response Taskforce established 26 November 2012. The three interim reports of the Taskforce indicate the following:</p> <ul style="list-style-type: none"> • Capped reparations scheme has commenced • Restorative engagement process, involving facilitated meeting between victim and perpetrator developed further • Counselling services being sourced (but no other 'health services' provided as per recommendation) • A general apology to those who experienced abuse, delivered in the Australian Parliament by the Minister for Defence on behalf of the Government, and a general public apology made by the CDF • Personal apologies from appropriate Defence officers as part of restorative justice/conciliation processes • The Taskforce is hearing complaints where: <ul style="list-style-type: none"> ○ the complaint was made to DLA Piper and consent was subsequently given to refer it to the Taskforce; ○ new allegations and complaints were made to the Taskforce by the reporting deadline of 31 May 2013; and ○ the allegations and complaints refer to abuse that is alleged to have occurred prior to 11 April 2011.
Excluded actions	Provision of health services as well as counselling not reported
When action was taken	See above
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	No

Implementation summary	Implemented in full. Taskforce appears to have substantially addressed the options.
Person extracting data	Auditor 1
Date of extraction	19 November 2013
Recommendation number	4
Commission/Inquiry of origin	Complaint by a young person (under the age of 18) of an incident involving unacceptable behaviour at a Navy training establishment in mid-1996 (2004)
Recommendation made	<i>The RAN instructions in relation to the investigation of alleged sexual assault be revised to require that such cases be referred to the civilian police at an early stage.</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Defence Instruction (General) 35-4-PERSONNEL – <i>Management and Reporting of Unacceptable Behavior</i> 3. Defence Instruction (General) ADMINISTRATION 45-2 -Reporting and Investigation of Alleged Offences within the Australian Defence Organisation (available at http://www.defence.gov.au/oscdf/afc/pdf/GA45_02.pdf) 4. Defence Instruction (General) PERSONNEL 35-4 - Management and Reporting of Sexual Offences 5. Australian Defence Force Service Police Manual (Volume 2) (paragraphs 5.219 - 5.237)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. No longer relevant 3. Unsure as to relevance. Unable to view document – link not live 4. Relevant. Unable to view document – 2013 version not yet available on website 5. Relevant. Unable to view document – no doc or link provided
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 28 June 2009 3. Unknown. Unable to view document – link not live 4. Unknown. 2013 version not yet available 5. Unknown. Unable to view document – no doc or link provided
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium

5. Medium

Document details

Recommended actors involved Royal Australian Navy

Recommended actors not involved NA

Included actions and when DI(G) 35-4 first issued 2004. Unclear whether this was in response to recommendation. Direction to immediately report any incident of alleged sexual assault to the Australian Defence Force Investigative Service (ADFIS)

A revised version of DI(G)35-4 was said to have been released in July 2013 (no link to this version found so revised version not viewed) and is currently being further revised. Publication of complete revision early 2014. Claim that where the alleged victim is under 18 or is a cadet, revised version will require: immediate referral to State/Territory Child Protection Authority; preservation of crime scene and evidence and encouraging victim to report matter (including to civilian police).

Paragraphs 5.219 - 5.237 ADF Service Police Manual (Vol 2) requires ADFIS to immediately refer certain listed offences (including sexual assault and some offences involving young people) to civilian police.

Excluded actions Under DI(G) 35-4 a , no requirement for ADFIS to report alleged offence to civilian police promptly, or at all if not deemed appropriate, unless paragraphs 5.219 - 5.237 of the Australian Defence Force Service Police Manual (Volume 2) apply

When action was taken Unable to view relevant docs so cannot determine when actioned

Implemented as Recommended? Y

Government statement about status of implementation Unspecified

Reasons provided NA

Implementation summary **Implemented in full**

Person extracting data Auditor 1

Date of extraction 17 November 2013

Recommendation number 1

Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That the Commonwealth Government issue a formal statement acknowledging, on behalf of the nation, the hurt and distress suffered by many children in institutional care, particularly the children who were victims of abuse and assault; and apologising for the harm caused to these children.</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Link to text of formal apology to the Forgotten Australians and Former Child Migrants
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 16 November 2009
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High/Medium
Document details	
Recommended actors involved	Commonwealth Government
Recommended actors not involved	NA
Included actions and when	Formal apology delivered 16 November 2009
Excluded actions	NA
When action was taken	16 November 2009
Implemented as Recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full
Person extracting data	
Date of extraction	Auditor 1, Auditor 2, Auditor 6
Recommendation number	19 November 2013
	2

Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children, and the hurt and distress suffered by the children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Links to formal apologies provided by State Governments: Qld – 1999; WA – 2005; Tas – 2005; Vic – 2006; SA – 2008; NSW – 2009.
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. See dates above
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium
Document details	
Recommended actors involved	All State Governments, churches and agencies involved in the provision of institutional care
Recommended actors not involved	NA
Included actions and when	Each State Government and some churches and other organisations involved in the provision of institutional care have issued formal apologies (see dates above)
Excluded actions	Extent to which churches and other agencies in all states have issued formal apologies.
When action was taken	See dates above
Implemented as Recommended?	Unclear
Government statement about status of implementation	Not specified
Reasons provided	Responsibility of States, Churches and other non-government agencies

Implementation summary	Partially implemented While there is insufficient evidence covering all States, Churches and agencies, evidence has been provided of the issuing of formal apologies by some States and Churches. Implementation therefore appears to be partial.
Person extracting data	Auditor 1
Date of extraction	19 November 2013
Recommendation number	3
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That State Governments review the effectiveness of the South Australian law and consider amending their own statutes of limitation legislation to achieve the positive outcomes for conducting legal proceedings that have resulted from the amendments in the South Australian jurisdiction. [NOTE: The South Australia law was the Criminal Law Consolidation (Abolition of Time Limit for the Prosecution of Certain Sexual Offences) Amendment Act 2003 (SA) which removed a 3 year limitation period for the prosecution of sexual offences committed between 1952-1982. It was used in 2004 to prosecute 9 people for child sexual abuse committed in the 1950s and 1960s]</i>
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Government response to Forgotten Australians report http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Committees?url=clac_ctte/completed_inquiries/2004-07/inst_care/index.htm (note: URL no longer valid) 3. 'Lost Innocents and Forgotten Australians Revisited' report (2009) Available at: http://www.aph.gov.au/Senate/committee/clac_ctte/recs_lost_innocents_forgotten_aust_rpts/report/report.pdf
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 2005 3. 2009
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Document details	

Recommended actors involved	State Governments
Recommended actors not involved	NA
Included actions and when	Issue previously considered
Excluded actions	<p>Query whether this issue has been fully investigated and resolved. The Statute of limitations appears to still affect some historical cases in Victoria – see http://www.abc.net.au/news/2013-05-13/royal-commission-urged-to-address-victoria27s-statute-of-limit/4685150.</p> <p>Note also that time limitations apply in relation to civil action for damages resulting from historical child abuse in most sSates and Territories.</p>
When action was taken	NA
Implemented as Recommended?	N
Government statement about status of implementation	This recommendation is not directed at the Commonwealth.
Reasons provided	Yes. Recommendation not directed at Commonwealth Government, and response suggests that no other state imposes restrictions of the commencement of criminal proceedings relating to historic sexual crimes.
Implementation summary	Undetermined. Further information should be sought from State Governments.

Person extracting data	Auditor 6
Date of extraction	14 January 2014
Recommendation number	4
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.</i>
Assessability of recommendation	Yes – actor and action is specific and verifiable.

Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response to RC, 2013 2. Government response tabled to the Senate, 2005 (the government's link to this document was broken; I have requested a copy 14/1/14)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request 2013 2. 2005
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High – tabled in Parliament
Document details	
Recommended actors involved	"The Government"
Recommended actors not involved	NA
Included actions and when	The recommendation was considered and rejected.
Excluded actions	Changes to the corporations act.
When action was taken	
Implemented as recommended?	N
Government statement about status of implementation	Government did not support the recommendation.
Reasons provided	Requiring charities to be incorporated to receive tax concessions would not be feasible administratively or in terms of equity.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	14/01/14
Recommendation number	6
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that: • the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately; • the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme; • a board be established to administer the scheme,</i>

	<i>consider claims and award monetary compensation;• the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;• the board should have regard to whether legal redress has been pursued;• the processes established in assessing claims be non-adversarial and informal; and• compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.</i>
Assessability of recommendation	Yes – actions and actors clearly specified
Submitted documents/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of document	Low
Document details	
Recommended actors involved	The government
Recommended actors not involved	NA
Included actions and when	A national reparations fund was considered but rejected.
Excluded actions	Establishment of a national reparations fund.
When action was taken	
Implemented as Recommended?	N
Government statement about status of implementation	This recommendation has not been implemented.
Reasons provided	Reparation for victims rests with those who managed or funded the institutions in questions. Redress schemes would be better established by States and Territories.
Implementation summary	Not implemented
Person extracting data	Auditor 2
Date of extraction	11.02.2014
Recommendation number	7

Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That all internal Church and agency-related processes for handling abuse allegations ensure that:• informal, reconciliation-type processes be available whereby complainants can meet with Church officials to discuss complaints and resolve grievances without recourse to more formal processes, the aim being to promote reconciliation and healing;• where possible, there be independent input into the appointment of key personnel operating the schemes;• a full range of support and other services be offered as part of compensation/reparation packages, including monetary compensation;• terms of settlement do not impose confidentiality clauses on complainants;• internal review procedures be improved, including the appointment of external appointees independent of the respective Church or agency to conduct reviews; and• information on complaints procedures is widely disseminated, including on Churches' websites</i>
Assessability of recommendation	Y; actions and outcome clearly specified, although the meaning of 'agency-related' is not clear
Submitted documents/ source details	1. Government Response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Churches and related agencies
Recommended actors not involved	NA
Included actions and when	
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	This recommendation was not directed to the Commonwealth.

Reasons provided	1. "This recommendation was not directed to the Commonwealth. The Commonwealth notes that the current Victorian inquiry is examining the processes by which religious organisations handle reports of child abuse and it will make finding relating to charges to practices, process and policies"
Implementation summary	Undetermined. Lack of information from other churches, and about agency processes, leaves this undetermined.

Person extracting data	Auditor 6
Date of extraction	14/01/14
Recommendation number	8
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<i>That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to:• investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority;• review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability;• publicise the existence of Church-sponsored complaints mechanisms widely throughout the community.</i>
Assessability of recommendation	Yes – actions and actors clearly specified
Submitted documents/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of document	Low
Document details	
Recommended actors involved	National Commissioner for Children and Young People
Recommended actors not involved	NA
Included actions and when	Establishment of National CCYP as recommended (for the most part).

Excluded actions	Does not have role of monitoring individual complaints as recommended.
When action was taken	National Commissioner for Children and Young People appointed 25 February 2013 – 8 years after the Inquiry.
Implemented as recommended?	Y
Government statement about status of implementation	Key aspects of this recommendation were implemented.
Reasons provided	
Implementation summary	Partially implemented – see legislation verification

Person extracting data	Auditor 2
Date of extraction	12.02.2014
Recommendation number	11
Commission/Inquiry of origin	Forgotten Australians: A Report on Australians who experienced institutional or out-of-home care as children (2005)
Recommendation made	<p><i>That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault, including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations; And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report's tabling, that the Commonwealth Government then, following consultation with state and territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission:</i></p> <ul style="list-style-type: none"> <i>• be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; and</i> <i>• be narrowly conceived so as to focus within these institutions, on</i> <ul style="list-style-type: none"> <i>— the nature and extent of criminal physical assault of children and young persons, including assault leading to death;</i>

	<p>— <i>criminal sexual assault of children and young persons;</i></p> <p>— <i>and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations.</i></p>
Assessability of recommendation	Yes; Actions and outcome clearly specified
Additional information request	NA
Submitted document/ source details	<p>1. Government response to the RC; 2013</p> <p>2. Government response to Forgotten Australians and Protecting Vulnerable children reports (on website)</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p>
Documentation currency	<p>1. Provided on request; 2013</p> <p>2. Provided on request; 2013</p>
Reliability contribution of documents	<p>1. Low</p> <p>2. Medium</p>
Implementation	
Recommended actors involved	Commonwealth Government
Recommended actors not involved	
Included actions	<p>1. Response to Forgotten Australians and Protecting Vulnerable Children table in Senate</p> <p>2. Royal Commission into Institutional responses into Child Sexual Abuse</p> <p>3. Facilitated access to records through the Find and Connect Records Access Documentation Project.</p> <p>4. Cash grants made available to organisations to manage documents relating to children in various kinds of out of home care between the 1920s and 1980s</p>
Excluded actions	<p>1. Government did not find means to require charitable, church-run institutions and out-of-home care facilities to provide full cooperation with authorities investigating the nature and extent of criminal behaviour</p>

	2. No evaluation or assessment undertaken to date as Records Access Documentation Project and the Royal Commission into Institutional Responses to Child Sexual Abuse have only recently begun
When action was taken	1. 2005 2. 2013 3. 2011-2012 4. 2011-2012
Implemented as recommended?	In part
Government statement about status of implementation	Implemented in part
Reason provided	
Implementation summary	Partially implemented

Person extracting data	Auditor 2
Date of extraction	12.02. 2014
Recommendation number	17
Commission/Inquiry of origin	Protecting Vulnerable Children – A National Challenge, second report of the inquiry into children in institutional or out-of-home care (2005)
Recommendation made	<i>The Commonwealth establish a national commissioner for children and young people to drive a national reform agenda for child protection. In doing so, the national commission should: • bring together all stakeholders, including the States and Territories, child protection professionals and researchers and peak organisations, to establish an agenda for change including the identification of key areas of concern; • encourage the development of innovative models within the child protection system; and • encourage State and Territory Governments to work toward harmonising child protection legislation, including agreement on common definitions.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	NA
Submitted document/ source details	1. Government Response to RC; 2013

Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on Request; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	The Commonwealth
Recommended actors not involved	NA
Included actions	<p>1. A National Children's Commissioner was appointed, established within Australian Human Rights Commission, with the power to consult with broad powers for consultation including cross-jurisdictional matters</p> <p>2. Commonwealth refers to discussion regarding Commissioner in relation to ALRC Report 84, 'Seen and Heard :Priority for Children and the Legal Process'(1987)</p>
Excluded actions	1. To soon for assessment or evaluation to be undertaken
When action was taken	1. 2013
Implemented as recommended?	Y
Government statement about status of implementation	Not specified
Reason provided	
Implementation summary	Implemented in full

Person extracting data	Auditor 2
Date of extraction	12.02.2014
Recommendation number	2
Commission/Inquiry of origin	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)
Recommendation made	<i>That legal advice on care for minors be used to develop a Defence Instruction (General) (DI(G)) that would define the ADF's responsibilities for the administration of minors. It should include examples of the risks associated with care of minors that must be covered in any service arrangements to give effect to the DI(G).</i>

Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response; 2013 2. PERSONNEL 33-4 <i>Management and administration of Australian Defence Force members under 18 years of age</i> (on website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request; 2013 2. Provided on request; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Australian Defence Force (ADF)
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. ADF acknowledged that Defence Instruction (General) PERSONNEL 33-4 <i>Recruitment and employment of members under 18 years in the Australian Defence Force (05)</i> lacked instruction regarding duty of care to minors. 2. ADF incorporated legal advice, re-drafted instructions and released Defence Instruction (General) which addressed the full requirements of exercising the duty of care to minors 3. A training package was also created to accompany the new policy
Excluded actions	
When action was taken	<ol style="list-style-type: none"> 1. 2008
Implemented as recommended?	
Government statement about status of implementation	"This recommendation has been implemented in full"
Reason provided	NA

Implementation summary	Implemented in full - Policy was re-drafted to include duty of care to minors
Person extracting data	Auditor 2
Date of extraction	13.02.2014
Recommendation number	3
Commission/Inquiry of origin	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)
Recommendation made	<i>That, consistent with good administrative practice, each service develop its own Instruction identifying how minors will be managed within service personnel management and training structures. The DI(G) should address risks specifically associated with that service. It should inform the development of procedures to manage those risks within individual training establishments.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	<p>1. Government response; 2013</p> <p>2. <i>Management and administration of Australian Defence Force members under 18 years of age</i> – on website</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p>
Documentation currency	Provided; 2013
Reliability contribution of documents	<p>1. Low</p> <p>2. Low</p>
Implementation	
Recommended actors involved	Australian Defence Forces (ADF)
Recommended actors not involved	NA
Included actions	<p>1. DI(G) 33-4 Management and administration of Australian Defence Force member under 18 years of age is an overarching instruction that applies to entire ADF</p> <p>2. When specific unit-level policy was not produced, management is in accordance with overarching policy (DI(G) 33-4.</p>

	3. Numerous Units and training establishments within the Navy, Army and Air Force developed specific directives and instructions for the management and administration of ADF members under 18 years. Examples of separate policies and instruction can be provided on request.
Excluded actions	1. Is not clear if DI(G) 33-4 addresses risks specifically associated with each service
When action was taken	1. Unspecified 2. unspecified 3. unspecified
Implemented as recommended?	N
Government statement about status of implementation	"This recommendation has been implemented in part"
Reason provided	"Defence took a different view on the treatment of each service"
Implementation summary	Partially implemented. Not all parts of ADF have own instruction on management of minors. Unclear if risk assessment of each service is covered in DI(G) 33-4

Person extracting data	Auditor 2
Date of extraction	17.02.2014
Recommendation number	4
Commission/Inquiry of origin	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)
Recommendation made	<i>That comprehensive and accurate information about the ADF's duty of care for minors (and what this means within each service and training establishment, where appropriate) be provided for all potential enlistees who are minors, and their parents/guardians. This information should include examples of how the duty of care will be delivered day-to-day, as well as the limits of the ADF's responsibilities.</i>
Assessability of recommendation	Yes; outcomes and actions are clearly specified.
Additional information request	NA
Submitted document/ source details	1. Government response to RC; 2013 2. DFR-RECREFO50 – <i>Important Information for General Entry and Officer Entry Candidates</i> (on website)

	3. DFR-RECF051. <i>Information for Reserves GE and OE candidates</i> (on website)
	4. DFR-RECF051. Important Information for Reserve Candidates (on website)
	5. DFR-FINPOL002 – <i>Candidate Travel Policy</i> (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant 3. Relevant 4. Relevant 5. Relevant
Documentation currency	1. Provided on request; 2013 2. Provided on request; 2013 3. Provided on request; 2013 4. Provided on request; 2013 5. Provided on request; 2013
Reliability contribution of documents	1. Low 2. Medium 3. Medium 4. Medium
Implementation	
Recommended actors involved	Australian Defence Force (ADF)
Recommended actors not involved	NA
Included actions	1. DI(G) PERSONNEL 33-4 <i>Recruitment and employment of member under 18 years in the Australian Defence Force</i> posted on website 2. Information for prospective ADF members and parents/guardians available on website; <ul style="list-style-type: none"> • DFR- RECF050 – Important Information for General Entry and Officer Entry Candidates • DFR-RECF051 - Information for Reserves in GE and OE candidates posted

	<ul style="list-style-type: none"> • DFR-RECREFO51. Important Information for Reserve Candidates • DFR-FINPOL002 – <i>Candidate Travel Policy</i>
	3. Specific information for parents also available on website; http://www.defencejobs.gov.au/RecruitmentCentre//supportAndDownloads/infoForParents
Excluded actions	NA
When action was taken	Unspecified
Implemented as recommended?	Y
Government statement about status of implementation	In response to the Commonwealth Ombudsman's report, the ADF updates its website with relevant policy
Reason provided	
Implementation summary	Implemented in full. Information regarding duty of care of minors made available to minors and their parents/guardians on website

Person extracting data	Auditor 2
Date of extraction	17.02.2014
Recommendation number	7
Commission/Inquiry of origin	Australian Defence Force: Management of Service Personnel under the age of 18 years (2005)
Recommendation made	<p><i>That the ADF review accessibility of support arrangements for minors, including :</i></p> <ul style="list-style-type: none"> • <i>Conducting surveys of the opinions of minors on current arrangements. Surveys should be anonymous, include minors who do not complete their training, and provide the option for free comment on barriers to access. Given that many minors lack broad life experience, it would also be appropriate to suggest options for improvement, on which they can comment. Examples could include greater access to their families (such as more opportunity for telephone contact) and tighter confidentiality when a problem is raised.</i> • <i>Analysing factors, which contribute to successful support arrangements for minors; and using these as a basis for developing a best practice model for application across the ADF.</i>

	<ul style="list-style-type: none"> • <i>Regularly seeking feedback from minors to ensure high standards set by the best practice model are maintained. Results from feedback should be consolidated across all services and form the basis of an annual report to the Chief of the Defence Force on the effectiveness of support arrangements for minors.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	<ol style="list-style-type: none"> 1. the number of minors who responded to the Longitudinal ADF Study Evaluating Retention, at the time of entry into the organisation and at the specified interval thereafter, as a proportion of the total number of minors in the ADF; and 2. the number of minors who responded to the Longitudinal ADF Study Evaluating Resilience, at the time of entry into the organisation and at the specified intervals thereafter, as a proportion of the total number of minors in the ADF; and 3. two examples of the annual reports to the Chief of the Defence Force containing feedback from minors across all services
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC 2. Annex A 3. Additional Information requests; 1. 2. & 3.
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request; 2013 2. Provided on request; 2013 3. Provided on request; 2013 & 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Low
Implementation	
Recommended actors involved	ADF
Recommended actors not involved	NA

Included actions	<ul style="list-style-type: none"> a) Longitudinal ADF Study Evaluating Retention assesses attitudes, beliefs & expectations throughout individual member's career. Those who leave during mandatory period are also surveyed. b) Longitudinal ADR Study Evaluating Resilience, follows members through first five years of career c) Cadets surveyed re; experience in ADF, communication & training d) Learning Culture Inquiry into the culture of ADF schools and training establishments, which lead to Defence Youth Policy Manual (YOUTHPOLMAN – edition 1; currently under internal review. When released will guide policy & procedure for young adults 12 to 25 yrs. e) Cadet Policy Manual outlines good practice for dealing with under 18 yr olds f) Cadet Youth Development Framework developed with University of Melbourne
Excluded actions	<ul style="list-style-type: none"> b). Longitudinal ADF Study Evaluation Retention and Longitudinal ADR Study Evaluating Resilience do not record age. Participation is voluntary. c). Annual reports on consolidated feedback from minors across service not available as surveys do not record ages and are voluntary d. Information from minors varies according to training unit
When action was taken	<ul style="list-style-type: none"> a). 2007 b). 2009 c). 2007 & 2010 d). 2005 e). unspecified f). Unspecified
Implemented as recommended?	Partial
Government statement about status of implementation	Defence is utilising existing survey arrangement to obtain opinions from minors on appropriateness of their training
Reason provided	
Implementation summary	Partially implemented. Conflicting statements as to the capture of feedback from minors in longitudinal surveys

Date of extraction	Auditor 2
Recommendation number	3.1
Commission/Inquiry of origin	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission
Recommendation made	<p><i>The National Judicial College, the Judicial College of Victoria, the Judicial Commission of New South Wales and the state and territory law societies and bar associations should consider conducting educational programs about the policy underlying the approach of the uniform Evidence Acts to admissibility of evidence. The Inquiry also identified the following areas as warranting consideration:</i></p> <p><i>- Improper questioning; the admissibility of evidence of expert opinion; the cognitive behavioural development of children and the implications of this for the reliability of the evidence of child witnesses' the nature of sexual assault, including the context in which sexual offences typically occur, and the emotional, psychological and social impact of sexual assault.</i></p>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	NA
Submitted document/ source details	<p>1. Government response to the RC; 2013</p> <p>2. National Judicial College of Australia, <i>Information Concerning Judicial Education, September, 2013 (Attachment A)</i></p> <p>3. Uniform Evidence Law (ALRC Report 102) 2006</p> <p>http://www.alrc.gov.au/publications/3.%20Understanding%20the%20Uniform%20Evidence%20Acts/introduction</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p> <p>3. Relevant</p>
Documentation currency	<p>1. Provided; 2013</p> <p>2. Provided; 2013</p> <p>3. Provided; 2013</p>
Reliability contribution of documents	1. Low

	2. Medium
	3. Medium
Implementation	
Recommended actors involved	<ul style="list-style-type: none"> • National Judicial College of Australia Council (NJCA) • Judicial College of Victoria (JCV) • Judicial Commission of New South Wales (JCNSW) • State & territory law societies • Bar associations
Recommended actors not involved	NA
Included actions	<p>1. Attorney-General Ruddock wrote to Chair of National Judicial College of Australia Council expressing support for educational programmes about the policy behind the uniform Evidence Acts</p> <p>2. Standing Council of Attorneys-General Evidence Working Group decided to connect relevant judicial college persons and re-engage them on the issue.</p> <p>3. NJCA conducts Annual Orientation Program for Magistrates, includes a session on child witnesses.</p> <p>4. The Travelling Judicial Professional Development Program included a session on the Uniform Evidence Act</p> <p>5. Judicial officer from NT, SA, NSW, & Vic have attended Judicial seminars of child witnesses</p> <p>6. NJCA will present a programme for judicial officer to better understand child development, children giving evidence in Courts, questioning techniques and capacity of children to give evidence</p> <p>7. Annual Reports for the Judicial College of Victoria 08/09 & 09/10 & 2011, provide information on its activities with the Evidence Act and special rules of evidence in relations to sexual offences (on website)</p> <p>8. Judicial Commission of New South Wales has published Benchbooks relating to the Evidence Act (on website)</p> <p>9. Australasian Institute for Judicial Administration published Benchbook for Children Giving Evidence in Australian Courts</p>
Excluded actions	
When action was taken	<p>1. 2007</p> <p>2. 2008</p> <p>3. Annual</p> <p>4. 2006</p>

	5. 2007
	6. 2014
	7. 08/09/010 & 2011
	8. unspecified
	9. 2011
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full. Educational programs about uniform Evidence Act were conducted

Person extracting data	Auditor 2
Date of extraction	17.02.2014
Recommendation number	9-1
Commission/Inquiry of origin	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission
Recommendation made	<i>The Opinion Rule and its Exceptions</i> <i>Section 79 of the uniform Evidence Acts should be amended to provide that, to avoid doubt, the provision applies to evidence of a person who has specialised knowledge of child development and behaviour (including specialised knowledge of the effect of sexual abuse on children and of their behaviour during and following the abuse), being evidence in relation to either or both of the following:(a) the development and behaviour of children generally;(b) the development and behaviour of children who have been the victims of sexual offences, or offences similar to sexual offences.</i>
Assessability of recommendation	Yes. Action and outcomes clearly specified
Additional information request	1. Legislation check; 1. Model Uniform Evidence Bill, s79(2) 2. <i>Evidence Act 1995 (Cth), s79(2) [amended by Evidence Amendment Act 2008, Schedule 1, item 38]</i>
Submitted document/ source details	1. Government response to RC; 2013

	2. Legislation check; 2013
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2014
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Legislation changed
Excluded actions	NA
When action was taken	2008
Implemented as recommended?	Y
Government statement about status of implementation	“In the Commonwealth jurisdiction, this recommendation has been implemented.”
Reason provided	
Implementation summary	Implemented in full – see legislation check

Person extracting data	17.02.2014
Date of extraction	Auditor 2
Recommendation number	15-6
Commission/Inquiry of origin	Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission
Recommendation made	<i>Privilege: Other Privileges</i> <i>The sexual assault communications privilege should apply to any compulsory process for disclosure, such as pre-trial discovery and the production of documents in response to a subpoena and in non-curial contexts including search warrants and notices to produce documents, as well as court proceedings.</i>

Assessability of recommendation	Yes. Actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC; 2013 2. Communiqué, Standing Committee of Attorneys-General, May, 2010, p 3,4,10 & 11 (Attachment B)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2013 2. Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	1. Standing Council of Attorneys-General (SCAG) agreed to establish 7 principles as a minimum standard for protection of sexual assault counselling communications, where jurisdictions choose to legislate to restrict the disclosure of sexual assault counselling communications.
Excluded actions	1. Single model for sexual assault counselling protection in Australia 2. Consideration has been given to progressing this at the Commonwealth level as a public interest immunity bases on South Australian Legislation. Provisions have been drafted for inclusion in an Evidence Amendment Bill 2010 but have not yet been implemented.
When action was taken	1. May, 2010
Implemented as recommended?	N
Government statement about status of implementation	Implemented in part. SCAG agreed that it is not appropriate to provide a single model for sexual assault counselling protection for Australia
Reason provided	Small number of Commonwealth offences for which counselling immunity would be relevant.

Implementation summary		Partially implemented
Person extracting data		
Auditor 2		
Date of extraction		
17.02.2014		
Recommendation number		
18-2		
Commission/Inquiry of origin		
Uniform Evidence Law Report: ALRC Report 102; NSWLRC Report 112; VLRC Final Report – December 2005, Australian Government Law Reform Commission; NSW Law Reform Commission and Victorian Law Reform Commission		
Recommendation made		
<i>Comments, Warnings and Directions to the Jury The uniform Evidence Acts should be amended to include provisions dealing with warnings in respect of children's evidence similar to those contained in ss 165(6), 165A and 165B of the Evidence Act 1995 (NSW). Section 165B should be amended to make it clear that a trial judge is not to give a warning about the reliability of the evidence of a child solely on account of the age of the child.</i>		
Assessability of recommendation		
Yes; actions and outcomes clearly stated		
Additional information request		
1. Legislation check; Evidence Act 1995 (Cth) s165A [amended by Evidence Amendment Act 2008]		
Submitted document/ source details		
1. Government Response to RC; 2013		
Relevant to at least one aspect of recommendation		
1. Relevant		
Documentation currency		
1. Provided; 2013		
Reliability contribution of documents		
1. Low - Government response		
2. High - Legislation Check		
Implementation		
Recommended actors involved		
NA		
Recommended actors not involved		
NA		
Included actions		
Legislation changed		
Excluded actions		
NA		
When action was taken		
2008		
Implemented as recommended?		
Y		

Government statement about status of implementation	Implemented in full.
Reason provided	
Implementation summary	Implemented in full – see legislation check

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	1
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Commonwealth government issue a formal acknowledgement and expression of regret to former child migrants in accordance with recommendation 30 of the Lost Innocents report; and that this statement be issued in conjunction with, or as a part of, a broader Commonwealth apology to people who experienced abuse and/or neglect in institutional or out-of-home care as children.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	NA
Submitted document/ source details	1. Government response to RC; 2013 2. Apology (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2013 2. Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	1. Commonwealth Government
Recommended actors not involved	NA
Included actions	1. Former Prime Minister, Kevin Rudd formally apologised.

Excluded actions	NA
When action was taken	1. Nov 16, 2009
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in Full
Reason provided	
Implementation summary	Implemented in full: Apology delivered

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	3
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Prime Minister write to relevant churches and religious agencies requesting that they provide formal statements concerning the need for such bodies to make reparation to children who suffered abuse and neglect in their care in the last century, and addressing in particular the issues of apology, redress and provision of services to care leavers, and the implementation of the recommendations of the Forgotten Australians report; the Committee further recommends that the Prime Minister cause the statements provided by churches and religious agencies to be collated and tabled in parliament</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to the RC; 2013 2. Report; Senate Committees; 2013 (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	

Recommended actors involved	1. Prime Minister of Australia 2. Relevant churches and religious agencies
Recommended actors not involved	
Included actions	1. Government response tabled in Senate 2. Government wrote to past care providers and consulted them in the lead up to the national apology to Forgotten Australians and former child migrants
Excluded actions	1. Statements from churches and religious agencies regarding redress or provision of services were not collated or tabled in parliament
When action was taken	1. 2009 2. unspecified
Implemented as recommended?	N
Government statement about status of implementation	"The government supported this recommendation in principle. However it was not implemented."
Reason provided	Reparation is a matter for care providers
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	4
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Commonwealth government pursue all available policy and political options to ensure that South Australia, (COAG) New South Wales and Victoria establish redress schemes for people who suffered neglect and/or abuse in institutional settings or out-of-home care in the last century; and that the remaining States make provision to ensure continued receipt of redress claims.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to the RC; 2013

	2. Parliamentary Business, Senate Committee; 2013 (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	1. Commonwealth Government
Recommended actors not involved	
Included actions	1. Government response to Lost Innocents and Forgotten Australians Revisited report was tabled in Senate; in it: <ul style="list-style-type: none"> the issue of redress was raised as a matter for each State & Territory the issue was also raised at the Community and Disability Services Ministers' Conference (CDSMC), on 11 September 2009 Government noted that a number of States and Territories and past care providers had provided redress 11 September, 2009
Excluded actions	1. Commonwealth did not pursue all available policy and political options to ensure South Australia, New South Wales and Victoria establish redress schemes and remaining states make provision for continues receipt of redress claims
When action was taken	1. November, 2009 2. 11 September, 2009
Implemented as recommended?	N
Government statement about status of implementation	Redress is a matter for each State and Territory government and past care providers to consider and questions in relation to it, needs to be put to them
Reason provided	
Implementation summary	Not implemented: Commonwealth government considers redress a matter for each State & Territory government and past care-givers to provide

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	5
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Commonwealth government pursue the establishment of State redress schemes through the Council of Australian Governments (COAG) and other appropriate national forums.</i>
Assessability of recommendation	Yes: actions & outcomes clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC; 2013 2. COAG Meeting Outcomes (on website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided; 2013 2. Provided; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – Government response 2. Medium – COAG report (on website)
Implementation	
Recommended actors involved	1. Commonwealth Government
Recommended actors not involved	1. States of Australia
Included actions	<ol style="list-style-type: none"> 1. Government response to Lost Innocents and Forgotten Australians Revisited report was tabled in Senate: 2. COAG has had ongoing discussions on how Commonwealth, States & Territories can improve child protection 3. COAG Communique of 30 April, 2009, released The National Framework for Protecting Australia's Children
Excluded actions	State redress schemes were not pursued through COAG
When action was taken	<ol style="list-style-type: none"> 2. Nov, 2009 3. April, 2009

Implemented as recommended?	N
Government statement about status of implementation	
Reason provided	Redress is a matter for State and Territories
Implementation summary	Not implemented: State redress schemes through COAG were not pursued

Person extracting data	Auditor 2
Date of extraction	12.03..2014
Recommendation number	6
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that churches take steps to ensure that processes for handling abuse allegations are consistent across all jurisdictions; and that such processes conform to recommendation 7 of the Forgotten Australians report.</i>
Assessability of recommendation	Yes; actions and outcomes clearly
Additional information request	
Submitted document/ source details	1. Government response to RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Churches
Recommended actors not involved	N/A
Included actions	
Excluded actions	
When action was taken	
Implemented as recommended?	N

Government statement about status of implementation	This is not directed to the Commonwealth.
Reason provided	1. A matter for the churches to address
Implementation summary	Undetermined

Person extracting data	Auditor 2
Date of extraction	18.02.2014
Recommendation number	15
Commission/Inquiry of origin	Lost Innocents and Forgotten Australians Revisited (2009)
Recommendation made	<i>The Committee recommends that the Ministerial Council for Police and Emergency Management (Police) develop and implement a national policy on the prosecution of, and data collection and sharing about, historical crimes of sexual and physical abuse of children in care; and that the establishment or further development of specialist State police units be considered as part of this policy development process.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation check; <ul style="list-style-type: none"> • <i>Crimes Amendment (Working With Children-Children History) Act 2010</i> • <i>Crimes Act 1914 (Cth)</i>
Submitted document/ source details	1. Government response to RC; 2013 2. National Framework for Protecting Australia's Children 2009-2010 (on website) 3. Memorandum of Understanding (MOU) between Commonwealth, State and Territory Governments (on website)
Relevant to at least one aspect of recommendation	1. Relevant 2. Not Relevant 3. Relevant
Documentation currency	Provided; 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check 3. Medium - National Framework

	4. Medium - MOU
Implementation	
Recommended actors involved	1. Ministerial Council for Police and Emergency management (MCPEM)
Recommended actors not involved	NA
Included actions	<p>1. Amendments to the <i>Crimes Act 1914</i>, were introduced under the <i>Crimes Amendment (Working With Children-Criminal History) Act 2010</i>, permitting criminal history to be disclosed and considered when person is applying to work with children</p> <p>2. COAG agreed, in 2009, to a 12 month trial program for inter-jurisdictional exchange of criminal history information for screening people working with children. The program continues to operate under a MOU</p>
Excluded actions	<p>1. National policy on the prosecution of historical crimes of sexual and physical abuse of children in care has not been developed</p> <p>2. Specialist police units not established</p>
When action was taken	1. 2008
Implemented as recommended?	N
Government statement about status of implementation	<p>1. Recommendation was not implemented but the Commonwealth took steps to address the intent of the recommendation.</p> <p>2. Specialist Police units are a matter for individual States & Territories</p>
Reason provided	Yes.
Implementation summary	Partially implemented – see legislation check

Person extracting data	19.02.2014
Date of extraction	Auditor 2
Recommendation number	25-1
Commission/Inquiry of origin	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)
Recommendation made	<i>State and territory sexual assault provisions should include a wide definition of sexual intercourse or penetration, encompassing:</i>

	<p><i>(a) penetration (to any extent) of the genitalia (including surgically constructed genitalia) or anus of a person by the penis or other body part of another person and/or any object manipulated by a person;</i></p> <p><i>(b) penetration of the mouth of a person by the penis of a person; and</i></p> <p><i>(c) continuing sexual penetration as defined in paragraph (a) or (b) above.</i></p>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Response Provided; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	States and Territories
Recommended actors not involved	NA
Included actions	1. Ministers at SCAG meeting agreed to develop a National Response to the ALRC Report
Excluded actions	No wide definition of sexual intercourse or penetration within State and territory sexual assault provisions
When action was taken	1. SCAG meeting 22 July, 2011
Implemented as recommended?	N
Government statement about status of implementation	This recommendation was not expressly directed to the Commonwealth and is within the responsibility of the State and Territory governments.
Reason provided	SCAG meeting agreed that States and Territories should assess Report as it applies to their own jurisdictions, as it relates to criminal procedures, evidence criminal law and child protection generally.
Implementation summary	Undetermined: No evidence of a National Response to ALRC Report. States & Territories have not been approached for a response

Person extracting data	Auditor 2
Date of extraction	19.02. 2014
Recommendation number	25-2
Commission/Inquiry of origin	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)
Recommendation made	<i>Federal, state and territory sexual offence provisions should provide a uniform age of consent for all sexual offences.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government Response to the RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Federal, State and Territories
Recommended actors not involved	NA
Included actions	1. Government response to ALRC report is being considered but has not been finally approved by Government. It anticipates it's response to this, to be tabled in Parliament in June-July 2013
Excluded actions	No uniform age of consent for sexual offences
When action was taken	unspecified
Implemented as recommended?	N
Government statement about status of implementation	This recommendation is the responsibility of the Commonwealth and the respective States and Territories separately
Reason provided	Relevant States and Territories will be best placed to provide further information to the Commission in relation to this recommendation
Implementation summary	Undetermined : insufficient relevant evidence provided of Commonwealth's response; States & territories not approached for response

Person extracting data	Auditor 2
Date of extraction	10.02.2014
Recommendation number	25-8
Commission/Inquiry of origin	ALRC Report 114, NSWLRC Report 128: Family Violence: A National Legal Response (2010)
Recommendation made	<i>State and territory legislation dealing with sexual offences should state that the objectives of the sexual offence provisions are to: (a) uphold the fundamental right of every person to make decisions about his or her sexual behaviour and to choose not to engage in sexual activity; and (b) protect children, young people and persons with a cognitive impairment from sexual exploitation.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC;2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	State and Federal Territories
Recommended actors not involved	NA
Included actions	1. Government response to ALRC report is being considered but has not been finally approved by Government. It anticipated it's response to this to be tabled in Parliament in June-July 2013
Excluded actions	Describe or NA
When action was taken	Unspecified
Implemented as recommended?	N
Government statement about status of implementation	This recommendation is the responsibility of the Commonwealth and the respective States and Territories separately
Reason provided	Relevant States and Territories will be best placed to provide further information to the Commission in relation to this recommendation

Implementation summary	Undetermined: insufficient relevant evidence provided of Commonwealth's response; state & territories, not approached for a response
Person extracting data	Auditor 2
Date of extraction	19.02.2014
Recommendation number	16
Commission/Inquiry of origin	2011 Immigration detention at Villawood. Summary of observations from visit to immigration detention facilities at Villawood (Australian Human Rights Commission)
Recommendation made	<i>DIAC should ensure that all relevant DIAC officers and staff members of detention service providers are provided with a localised policy setting out the requirements, procedures and contact details for making child welfare and protection notifications in relation to concerns that arise in respect of children in immigration detention in the location in which they work.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	<p>1. Government Response to RC; 2013</p> <p>2. Attachment H – Serco PPM for Immigration Detention Centre and Alternate Place of Detention (3/02/2011 –Section 13</p> <p>3. Attachment I – SERCO PPM for Immigration Residential Housing (5/03/2010) – Section 14</p> <p>4. Attachment J – SERCO PPM for Immigration Transit Accommodation (3/02/2010)</p> <p>5. Attachment K – MAXNetWork Child Protection Policy (September 2013)</p> <p>6. Attachment L – International Health and Medical Service (IHMS), Child Protection and Mandatory Reporting (July 2013)</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p> <p>3. Relevant</p> <p>4. Relevant</p> <p>5. Relevant</p> <p>6. Relevant</p>

Documentation currency	<ol style="list-style-type: none"> 1. Provided; 2013 2. Provided; 2013 3. Provided; 2013 4. Provided; 2013 5. Relevant; 2013 6. Relevant; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium 5. Medium 6. Medium
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. DIBP (formerly DIAC) 2. DIBP staff 3. Detention Service Providers
Recommended actors not involved	NA
Included actions	<p>1. Australian Government responded in 2011. The response noted;</p> <ul style="list-style-type: none"> • DIBP policy is that any suspicion or allegations relating to child welfare should be immediately referred to relevant state/territory welfare authority regardless of whether or not mandatory reporting is a requirement • Regional Managers to escalate any child welfare issues, including allegation or suspicion of abuse or neglect, to Compliance & Case Resolution secretaries, depending on Detention Facility location, who will liaise with relevant state/ territory authorities • This is documented in Detention Service Manual, (updated 15 May, 2011) • DIBP staff advised or new or revised instruction by email • Serco advised by letter with copy of revised instruction • Since 2011, reported lines have changed but premise remains the same; in all matters regarding child welfare, DIBP & Detention Service provider staff must immediately escalate matter to senior staff and allegations reported to relevant State/Territory Child Protection agencies • DIBP requires Detention Service Providers to ensure child protection procedures are formed and implemented as part of their own policy and procedure. • Detention service provider must ensure all their staff receive training adhere to child protection procedures and remain aware of any potential instances of child abuse or neglect
Excluded actions	Describe or NA

When action was taken	1. 2011
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full DIBP (formerly DIAC) and Detention Service Providers are provided with policy, procedures and training regarding notification of child welfare and protection notifications.

Person extracting data	Auditor 2
Date of extraction	20.02.2014
Recommendation number	22
Commission/Inquiry of origin	Report on the Review into the Treatment of Woman in the Australian Defence Force Academy - Phase 1, October 2011, Australian Human Rights Commission
Recommendation made	<i>ADFA, in collaboration with an expert educator, provide cadets with interactive education on: a. respectful and healthy relationships, and sexual ethics; b. the meaning, inappropriateness and impact of sexist language and sexual harassment; c. the meaning of consent; d. the appropriate use of technology; e. stalking, controlling and threatening behaviours. And evaluate the effectiveness of this education every two years with an external evaluator and assess it against key indicators that measure attitudinal and behaviour change.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	i.) The total number of cadets attending the Australian Defence Force Academy annually post-inquiry ii.) The number of cadets who have received the Commencing the Australian Defence Force Academy Citizenship Package 8 annual post-inquiry
Submitted document/ source details	1. Government Response to RC; 2013 2. Information request; (email)
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant

Documentation currency	<p>1. Provided; 2013</p> <p>2. Provided; i.) 2013 ii.) 2014</p>
Reliability contribution of documents	<p>1. Low</p> <p>2. Medium</p>
Implementation	
Recommended actors involved	ADFA
Recommended actors not involved	
Included actions	<p>a.) Interim Healthy Relationships and Ethics Program</p> <p>b.) ADFA Commencing the Australian Defence Force Academy Citizenship Package (can be provided on request) covers points; a, b, c, d & e of the recommendation</p> <p>Package includes:</p> <ul style="list-style-type: none"> • Equity & Diversity (provided on request) • Sexual ethics (interim) • E Safety Package (includes social media training by Australian Federal Police) <p>c.) Inaugural Annual ethical Decision Making Seminar (collaboration with Group 8 Universities, AFP & Australian Institute of Sport</p> <p>d.) Sexual Misconduct Prevention and Response Office (SeMPRO) is being established in part to provide an enterprise solution for sexual ethics. Further information on SeMPRO online; http://www.defence.gov.au/sempro/about/default.asp</p> <p>e.) Updating Equity & Diversity Package</p> <p>f.) Educators to validate interim ADFA Healthy Relationships and Sexual Ethics Program for endorsement</p> <p>g.) Following validation program will be roll out will commence, including other ADF training units</p> <p>h.) Evaluation scheduled</p> <p>i.) Information request</p> <p>i.) Post-Inquiry; total number of cadets at ADFA; 877 (2012) & 878 (2013)</p> <p>ii.) Post- Inquiry; no of cadets receiving Commencing the Australian DF Academy Citizenship Package 8</p>

Excluded actions	<ul style="list-style-type: none"> • Healthy Relationships & Sexual Ethics provided to all cadets • Bystander & Intervention only received by 2nd year cadets in 2013, 1st year cadets will receive this in 2014 • 3rd year cadets will receive this as it is rolled out across ADF
When action was taken	NA
Implemented as recommended?	<p>a.) from April 2012</p> <p>b.) from Jan 2013</p> <p>c.) April 2013</p> <p>d.) unspecified</p> <p>e.) June 2013</p> <p>f.) Sep 2013</p> <p>g.) 2014</p> <p>h.) 2016</p>
Government statement about status of implementation	Y
Reason provided	<p>Implemented in full. "Defence has taken the following steps to implement this recommendation."</p> <p>Information request response:</p> <p>ii) "Defence has interpreted this request as referring to ADFA Healthy Relationships and Sexual Ethics Program which forms part of the ADFA Citizenship Package"</p>
Implementation summary	Implemented in full: Although too soon for evaluation recommendation has been enacted in full

Person extracting data	Auditor 2
Date of extraction	20.02.2013
Recommendation number	2(3)
Commission/Inquiry of origin	Report on the Review into the Treatment of Woman in the Australian Defence Force Academy - Phase 2, Report 2012, Australian Human Rights Commission
Recommendation made	<i>COSC should articulate and communicate a strong and unambiguous commitment to the effect that: • Every sexual offender and harasser will be held to account together with leaders who fail to appropriately address the behaviour.</i>
Assessability of recommendation	Yes; actions and outcome clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC.

	2. Attachment F ; Foundation Statement
Relevant to at least one aspect of recommendation	1. relevant 2. relevant
Documentation currency	1. Provided; 2013 2 Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	Chief of Service Committee (COSC)
Recommended actors not involved	
Included actions	1. COSC issued Foundation Statement stating strong and unambiguous commitment to every sexual offender and harasser being held to account with leaders who fail to address behaviour as a stated in <i>Review into the Treatment of Women in the Australian Defence Force: Phase 2</i>
Excluded actions	
When action was taken	1. 12, October, 2012
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full – commitment communicated and articulated

Person extracting data	Auditor 2
Date of extraction	20.02.2014
Recommendation number	21
Commission/Inquiry of origin	Report on the Review into the Treatment of Woman in the Australian Defence Force Academy - Phase 2 Report 2012, Australian Human Rights Commission
Recommendation made	<i>COSC should amend all policies addressing the waiver of Initial Minimum Provision of Service and Return of Service Obligations to</i>

	<i>ensure that a member who has made a decision to discharge from the ADF because of sexual assault or sexual harassment, is able to do so expeditiously and without financial penalty, upon production of supporting evidence of physical, psychological or emotional trauma.</i>
Assessability of recommendation	Yes, action and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC; 2013 2. Attachment G – Defence Instruction (General) PERS 33-5
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Provided; 2013 2. Provided; 2013
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	Chief of Services Committee (COSC)
Recommended actors not involved	
Included actions	1. Defence Instruction (General) PERS 33-5 was re-issued in January 2013 and states; members who had reported sexual assault, sexual harassment or other significant workplace harassment would normally be allowed to separate without conditions
Excluded actions	NA
When action was taken	1. January 2013.
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full – policies amended

DOCUMENT AUDIT: NEW SOUTH WALES

Person extracting data	Auditor 2
Date of extraction	14.04.2014
Recommendation number	4
Commission/Inquiry of origin	Prevention of Abuse and Safeguarding Mechanisms in Ageing Disability and Home Care (21 January 2013)
Recommendation made	<i>Collect new data on misconduct, abuse and neglect to inform organisation understanding, management and response. This should include: - Change the current categorisation of offence and misconduct to differentiate the types of misconduct; - Collect data that provides information and understanding of the contextual factors, causes, precursors and enablers associated with individual cases of misconduct, abuse and neglect; - Collect data on the outcomes of actions and undertaken in the course of an investigation to support a person to report an allegations and respond to trauma and harm experienced by the victim; - Communicate the outcomes and findings of investigations into abuse and neglect across the organisation to reinforce awareness and demonstrate the consequences of misconduct and create a deterrent effect.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. NSW Government response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to the Royal Commission on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Describe or NA
Excluded actions	Describe or NA
When action was taken	

Implemented as recommended?	N
Government statement about status of implementation	'Still under consideration'
Reason provided	'This recommendation is still being considered for implementation. As part of the consolidation of its professional conduct functions, FACS is currently assessing case management systems options. Recommendation 4 will be considered in developing the case management system specifications. It is expected that the FACS case management system will be operational for professional conduct purposes in the first half of 2014.'
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	14.04.14
Recommendation number	2
Commission/Inquiry of origin	Prevention of Abuse and Safeguarding Mechanisms in Ageing Disability and Home Care (21 January 2013)
Recommendation made	<i>Develop training modules for ADHC staff and managers that establish understanding, skills and capabilities in preventing and responding to abuse: Revise the ADHC induction program to include comprehensive information on the rights of people with a disability, what constitutes abuse and neglect, the impact of abuse and neglect on a person, enablers and staff accountabilities in preventing and responding to abuse. Develop a learning and development module focused on the practical requirements of the care and support role, particularly in the provision of interventions that can require physical contact to prevent the incidence of inadvertent physical harm. Develop a learning and development module focused on supporting managers in understanding and undertaking their role in the management and response to incidences of abuse and neglect and investigations procedures. Re-introduce the requirement for the Code of Conduct to be re-signed on an annual basis, supported by mandatory information and education sessions prior to signing.</i>
Assessability of recommendation	Yes; action and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. NSW Government response

Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on Request; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	ADHC
Recommended actors not involved	NA
Included actions	
Excluded actions	<p>ADHC have made the decision not to implement part 2 of this recommendation, as it is considered that the learning and development strategies already in place are sufficient. These focus on the practical requirements of the care and support role, particularly in the provision of interventions that can require physical contact to prevent the incidence of inadvertent physical harm, and include face to face training, small group training and one-on-one coaching in the following areas: · PART (proactive response approach to the prevention and management of aggression in the workplace consistent with a positive support framework); · positive behaviour support; · manual handling; · restrictive practices; · mandatory reporting · nutrition and swallowing; · establishing boundaries and managing interactions with challenging clients; · communication strategies; · code of conduct and professional conduct; · first aid; · epilepsy management etc.</p> <p>Training and support is also provided by the Regional Behaviour Support Teams (behavioural specialists) on an as required basis.</p>
When action was taken	
Implemented as recommended?	N
Government statement about status of implementation	‘Still under consideration’
Reason provided	Parts 1, 3 and 4 of this recommendation are still being considered for implementation.
Implementation summary	Not implemented
Person extracting data	Auditor 6

Date of extraction	28 October 2013
Recommendation number	8
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)
Recommendation made	<i>The establishment by the Police Service of a comprehensive database and information system that will support officers working in the CPEA, permit a link through the Australian Bureau of Criminal Intelligence to intelligence available on a national basis (para. 6.134), facilitate modern investigative techniques based on intelligence matching, and provide appropriate security for sensitive information (so as to avoid the existence of enclaves of hidden intelligence) (para 6.135).</i>
Assessability of recommendation	<p>Partial</p> <p>The existence of a database/information system is assessable through documentation, however, ‘comprehensive’ would require a more subjective assessment. The extent to which such a database could facilitate modern investigate techniques would be challenging to assess. Provision of security is assessable, although ‘appropriate’ requires a more subjective assessment.</p>
Additional information request	Attachment K4
Submitted document/ source details	<ol style="list-style-type: none"> 1. NSW government response 2. K1: Computerised Operational Policing System User Guide, December 2010 3. K2: Intelligence Note Issue 22, July 2010 4. K3: THE CHILD PROTECTION REGISTER AND DISCLOSURE OF REGISTRABLE PERSONS, April 2005 5. K4: NSW Information and Intelligence Centre for 2001 for Storage, Review & Destruction of COPS Information Reports
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – a detailed operating manual for the database 3. Relevant – overview of link between systems 4. Relevant - one paragraph on the national register 5. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. Original document April 1994; Most recent update September 2010 3. July 2010 4. April 2005 5. 2001

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Low 3. Low 4. Medium – authoritative author 5. Medium
Implementation	
Recommended actors involved	NSW Police; Police Australia-wide; Australian Crime Commission
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Government response <ul style="list-style-type: none"> • Information is stored in the COPS database; COPS is the sole repository of intelligence. • Intelligence is shared nationally through the Australian Criminal Intelligence Database • The National Child Offender System is for information about convicted sex offenders. 2. Computerised Operational Policing System User Guide Very brief overview of confidentiality arrangements. Options for accessing information vary according to rank and duties. 3. Intelligence Note Issue 22 In 2007, automated process was developed to transfer information from COPS to the national criminal intelligence database. 4. The Child Protection Register and Disclosure of Registrable Persons One very brief paragraph on the sharing of information between COPS and the national register.
Excluded actions	<ul style="list-style-type: none"> • No information as to whether the linking of intelligence systems might facilitate ‘modern investigative techniques’.
When action was taken	Linking of COPS to national database was in 2007 – a 10 year lapse.
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	N/A
Implementation summary	It is not possible to assess whether the COPS database is ‘comprehensive’ or whether security for sensitive information is ‘appropriate’. However, based on this documentation, the recommendation does appear to have been implemented through the linking of information systems and the grading of access to information. Implemented in full

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	62
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)
Recommendation made	<i>Amendment of s. 22(4) of the Children (Care and Protection) Act 1987 to remove any ambiguity or inconsistency with s. 22(3) of the Act (para. 10.29).</i>
Assessability of recommendation	
Additional information request	
Submitted document/ source details	
Relevant to at least one aspect of recommendation	
Documentation currency	
Reliability contribution of documents	
Implementation	
Recommended actors involved	
Recommended actors not involved	
Included actions	
Excluded actions	
When action was taken	
Implemented as recommended?	
Government statement about status of implementation	Implemented in full
Reason provided	
Implementation summary	Implemented in full - Refer to legislation check

Person extracting data	Auditor 6
Date of extraction	28 October 2013

Recommendation number	64
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)
Recommendation made	<i>Exercise of greater care to ensure accuracy and honesty in relation to the issue of certificates of service and references in relation to teachers who have resigned or been dismissed in the face of allegations of child sexual abuse, and to ensure that allegations or suspicions of sexual abuse are not answered by a transfer alone (paras. 10.115 & 10.154).</i>
Assessability of recommendation	Partial: ‘Exercise of greater care’ is poorly defined and difficult to assess with documentary evidence. The issue of certificates and references is assessable if data is available, as is the action taken in relation of allegations of sexual abuse.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. DEC Code of Conduct
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. Approved: 26 October 2009 ; Implementation date: 27 January 2010
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Department of Education
Recommended actors not involved	NA
Included actions	A database that flags the names of people who are not to be employed in any capacity by the Department. Names also provided to the Children’s Guardian. EPAC must be contacted prior to references being given.
Excluded actions	NA
When action was taken	Unclear
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented in full

Reason provided	NA
Implementation summary	Implemented Steps have been taken to ensure that all references, certificates of service etc be checked by a centralised unit.

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	117
Commission/Inquiry of origin	The Hon Justice JRT Wood Royal Commission into the New South Wales Police Service: Final Report – Volume V: The Paedophile Inquiry (1997)
Recommendation made	<i>Encouragement be given to the establishment of a National Index of Intelligence concerning paedophile offenders for use by law enforcement agencies, through the agency of the Australian Bureau of Criminal Intelligence (paras. 18.141 & 18.147).</i>
Assessability of recommendation	All aspects are verifiable through documentation.
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Page 46 of the Implementation schedule for recommendations of the Wood Royal Commission Pedophile Inquiry
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 1999
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. NSW Police 2. NSW Police
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Government response <ul style="list-style-type: none"> • Information about the COPS database and its links to the Australian Criminal Intelligence Database. • Enhancements have been made to the National Names Index (through Crimtrac). • “These changes to information system capabilities and policy obviate any requirement for a national index specific to child

	sex offenders as envisaged at the time of the Wood Royal Commission.”
	<ul style="list-style-type: none"> • Each jurisdiction also has a system for child offender registration, created under the umbrella of the National Child Offender System (NCOS). • Sharing of child sex offender information with overseas agencies is done through Interpol and the Federal Police.
	2. Feasibility study to establish a national sex offender register underway.
Excluded actions	NA
When action was taken	<ul style="list-style-type: none"> • Feasibility study re: national sex offender register undertaken in 1999. • Enhancement to allow automatic transfer of data from COPS to ACID was implemented in 2010 (a 13 year time lapse).
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	N/A
Implementation summary	The recommendation was that encouragement be given to a National Index of Intelligence. The government response and supporting documentation suggests that, through the use and fine-tuning of existing systems, intelligence on paedophile offenders is available at a national level. Implemented in full

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	1a
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)
Recommendation made	<p><i>Development of a model system by the DET for child protection:</i></p> <p><i>a. The DET should develop a proposal for an appropriate legislative, policy and administrative framework which should allow the DET to implement a timely and effective management response to allegations against, and concerns about, possible child abuse by teachers and other departmental staff involved in the care of children. The proposed framework should seek to overcome the deficiencies of the current system, which have been highlighted in this report and summarised above in 22.1* Summary of the problems. (In developing this proposal the DET should consider</i></p>

whether the new framework might be applicable to deal with a wider range of conduct issues.)

**Management action precluded by disciplinary requirements; standard of proof very high in adversarial approaches; limited responses available to substantiated allegations; monitoring is open to legal challenge.*

Assessability of recommendation

All elements of the recommendation are assessable through documentary evidence, although what constitutes a ‘timely and effective management response’ is open to subjective interpretation.

Additional information request

Briefly describe request & gov response

Submitted document/ source details

1. Government response.
2. Guidelines for the Management of Conduct and Performance.
3. Policy for responding to allegations against employees in the area of child protection.

Relevant to at least one aspect of recommendation

1. Relevant
2. Relevant
3. Relevant

Documentation currency

1. Provided to Royal Commission on request, 2013
2. Implemented 4 August 2006
3. First published 23 April 2004 (4 years after inquiry) and updated 11 June 2010.

Reliability contribution of documents

1. Low
2. High
3. High

Implementation

Recommended actors involved

Department of Education; Ombudsman

Recommended actors not involved

NA

Included actions

- 1. Government response**
 - A range of policy, legislative, administrative changes have taken place in consultation with the Ombudsman.
 - A 2006 review of employment legislation undertaken.
 - Streamlined disciplinary processes.
 - Risk assessment model recently reviewed and updated.
 - Procedures for investigating child protection allegations against employees were reviewed in 2003 and 2004.
- 2. Guidelines for the Management of Conduct and Performance**
 - Explains the legislative scheme, consisting of the Education Legislation Amendment (Staff) Act 2006 which replaced the Teaching Service Act 1980, the Technical and Further Education Commission Act 1990, and the Education (School Administrative and Support Staff) Act 1987.

	<ul style="list-style-type: none"> • Has a section on timeliness (p.7) and timeframes (p.11). • Circumstances in which to take remedial or disciplinary action, and the different types of action available. • The stages in the disciplinary process and the investigatory stage. • Dealing with a serious criminal offence. • Contains a range of sample letters.
Excluded actions	<p>3. Responding to allegations against employees in the area of child protection.</p> <ul style="list-style-type: none"> • Detailed procedures for dealing with allegations in a variety of circumstances. • Includes timeframes. • Referring employee names to the CCYP. • Disciplinary processes. • Various forms. <ul style="list-style-type: none"> • Guidelines for the Management of Conduct and Performance ‘do not apply to administrative staff in TAFE (who are employed under the Public Sector Employment and Management Act 2002) or to public servants who are employed under the same legislation. Nor do they apply to persons who are employed on a probationary, temporary or casual basis’.P4
When action was taken	<ul style="list-style-type: none"> • Submission made to the Minister “following the release of the report”. • Deputy Ombudsman wrote 7 September 2000 • At that stage the report that went to the Minister was still under consideration by the Minister’s office.
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	<p>Implemented in full</p> <p>A legislative framework was developed enabling remedial (managerial) and/or disciplinary action in relation to a wide range of conduct issues including child abuse. Policy and administrative guidelines were developed in accordance with legislation.</p> <p>Re: Management action precluded by disciplinary requirements; standard of proof; monitoring open to legal challenge</p> <p>‘Remedial action can be taken under the Acts if an allegation is made that an officer or permanent employee may have engaged in misconduct. A determination that misconduct has occurred does not have to be made for remedial action to be imposed by a decision maker.’P19</p>

Re: limited responses to substantiated allegations available

‘The option to take remedial action, instead of disciplinary action, is also available in cases of misconduct and conviction of a serious offence at the discretion of the Director-General or delegate’
Guidelines for the Management of Conduct and Performance, P6

Re: timeliness

‘Managers are responsible for managing conduct and performance issues of employees in a fair, timely, expeditious and transparent manner.’ P7

Some exclusion apply:

Guidelines for the Management of Conduct and Performance ‘do not apply to administrative staff in TAFE (who are employed under the Public Sector Employment and Management Act 2002) or to public servants who are employed under the same legislation. Nor do they apply to persons who are employed on a probationary, temporary or casual basis’.P4

SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 1

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	1b
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)
Recommendation made	<i>Development of a model system by the DET for child protection:</i> <i>b. The DET should submit the proposed framework to the Minister for Education and Training for consideration as soon as possible. At the same time, the DET should provide us with a copy of the proposed framework provided to the Minister.</i>
Assessability of recommendation	Assessable through documentary evidence.
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none">1. Government response2. Submission to the A/D-G 5 December 2000
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none">1. Relevant2. Relevant

Documentation currency	1. Provided to Royal Commission on request, 2013 2. 5 December 2000
Reliability contribution of documents	1. Low 2. Medium
Implementation	
Recommended actors involved	Department and Minister of Education and Training Ombudsman
Recommended actors not involved	NA
Included actions	Refers to a submission made to the Minister about progress.
Excluded actions	NA
When action was taken	Before December 2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	Implemented in full SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 1

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	1c
Commission/Inquiry of origin	NSW Ombudsman Report – Handling of Child Abuse Allegations Against Employees (May 200)
Recommendation made	<i>Development of a model system by the DET for child protection: c. Upon receipt of the Minister’s response to the proposed framework, the DET should advise us of the Minister’s response.</i>
Assessability of recommendation	Assessable through documentary evidence.
Additional information request	Briefly describe request & gov response

Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Letter to NSW Deputy Ombudsman 5 December 2000 3. Letter from Assistant Ombudsman 29 August 2001
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 5 December 2000 3. 29 August 2001
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	Department, Minister, Ombudsman
Recommended actors not involved	NA
Included actions	<p>Update of the consultations and actions taken in relation to the Ombudsman's report.</p> <p>Ombudsman's input to the department on the progress made.</p>
Excluded actions	NA
When action was taken	2001
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	Implemented in full
SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 1	

Person extracting data	Auditor 6
Date of extraction	5 December 2013
Recommendation number	1 – overall ratings
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)

Recommendation made	<p><i>Development of a model system by the DET for child protection:</i></p> <ol style="list-style-type: none"> <i>The DET should develop a proposal for an appropriate legislative, policy and administrative framework which should allow the DET to implement a timely and effective management response to allegations against, and concerns about, possible child abuse by teachers and other departmental staff involved in the care of children. The proposed framework should seek to overcome the deficiencies of the current system, which have been highlighted in this report and summarised above in 22.1 Summary of the problems. (In developing this proposal the DET should consider whether the new framework might be applicable to deal with a wider range of conduct issues.)</i> <i>The DET should submit the proposed framework to the Minister for Education and Training for consideration as soon as possible. At the same time, the DET should provide us with a copy of the proposed framework provided to the Minister.</i> <i>Upon receipt of the Minister's response to the proposed framework, the DET should advise us of the Minister's response.</i>
Assessability of recommendation	<p>Partial</p> <p>All elements of the recommendation are assessable through documentary evidence, although what constitutes a 'timely and effective management response' is open to subjective interpretation. Full assessment is beyond the scope of this project.</p>
Additional information request	
Submitted document/ source details	
Relevant to at least one aspect of recommendation	
Documentation currency	
Reliability contribution of documents	
Implementation	
Recommended actors involved	
Recommended actors not involved	
Included actions	
Excluded actions	
When action was taken	

Implemented as recommended?	Y
Government statement about status of implementation	
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	2
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)
Recommendation made	<i>Whole of government approach: The Minister for Education and Training should approach Ministers of departments with child protection responsibilities about developing a comprehensive and consistent risk management approach to govern the response by these departments to allegations of child abuse against their employees.</i>
Assessability of recommendation	Yes
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Letter to NSW Deputy Ombudsman 5 December 2000
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. December 2000
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Minister and Department of Education & Training; Premier's Department
Recommended actors not involved	Ministers of departments with child protection responsibilities
Included actions	The Minister for Education & Training wrote to Premier's Department about possible legislative change at a whole-of-

	government level. Senior Officers from the 2 departments met in 2000.
	The Department took part in drafting the Interagency Guidelines.
Excluded actions	No approach to Ministers of relevant departments.
When action was taken	2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in part
Reason provided	The Interagency Guidelines were signed off in September 2000.
Implementation summary	<p>Partially implemented</p> <p>While the action of approaching Ministers was not taken, all relevant Departments were involved in the development of the Interagency Guidelines.</p>

Person extracting data	Auditor 6
Date of extraction	28 October 2013
Recommendation number	3
Commission/Inquiry of origin	NSW Ombudsman: Handling of Child Abuse Allegations Against Employees (2000)
Recommendation made	<p><i>Consultation with key players: For the purposes of the development of an appropriate model framework, the DET should consult with key stakeholders and relevant experts. The relevant players for the purposes of such consultation should include (but not necessarily be limited to):</i></p> <ul style="list-style-type: none"> <i>· Appropriate organisations representing the legitimate interests of teachers and other employees of the DET involved in the care of children appropriate organisations representing the legitimate interests of children and their parents or other guardians,</i> <i>· The interagency investigative forum established by us and the forum's working parties, and</i> <i>· People with other relevant expertise and experience in the area of child protection.</i> <p><i>The DET should also obtain appropriate advice on the legal issues involved in developing the proposed framework, from lawyers within and/or external to the DET. Appropriate external legal expertise</i></p>

	<i>might well be in the form of advice to the DET from the Crown Solicitor.</i>
Assessability of recommendation	Yes Consultation with key stakeholders and obtaining legal advice can both be evidenced through documentation.
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Outline of the consultation process and relevant letters
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. May 2000
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	Department of Education and Training and a variety of relevant groups and associations.
Recommended actors not involved	NA
Included actions	<p>Letters were sent to a variety of stakeholders requesting time to consult with them about the inquiry's report.</p> <p>There are letters showing receipt of input from stakeholders.</p> <p>Regular liaison between DET and the Ombudsman.</p> <p>Legal advice sought and provided.</p>
Excluded actions	NA
When action was taken	December 2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	<p>Implemented in full</p> <p>Consultation with key players was broad, and regular meetings between DET and the Ombudsman took place.</p>

Legal advice was sought and provided.

Person extracting data	Auditor 6
Date of extraction	6 November 2013
Recommendation number	6
Commission/Inquiry of origin	Review of the Child Protection Register report under s25(1) of the Child Protection (Offenders Registration) Act 2000 (2005)
Recommendation made	<i>That NSW Police establish and implement minimum standards for assessing, monitoring and managing of registered persons. These standards should provide clear direction about the expectations of local area commands in dealing with registered persons, with a focus on the monitoring of high risk persons.</i>
Assessability of recommendation	Yes Establishment of standards, and the direction they provide, are assessable through documentation. The extent to which standards are implemented is more complex to assess and would require in-depth investigation, but if the standards were clear, implementation could be assessed.
Additional information request	Briefly describe request & gov response
Submitted document/ source details	<ol style="list-style-type: none">1. Government response2. Child Protection Register Standard Operating Procedures
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none">1. Relevant2. Relevant
Documentation currency	<ol style="list-style-type: none">1. Provided to the Royal Commission on request, 20132. Version 1 dated August 2001; Version 3 dated September 2005
Reliability contribution of documents	<ol style="list-style-type: none">1. Low2. Medium
Implementation	
Recommended actors involved	NSW Police
Recommended actors not involved	NA
Included actions	Detailed operating procedures for the Child Protection Register.
Excluded actions	NA

When action was taken	September 2005
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	Implemented in full: The standards are a clear guide for users in NSW Police.

Person extracting data	Auditor 6
Date of extraction	6 November 2013
Recommendation number	9
Commission/Inquiry of origin	Review of the Child Protection Register report under s25(1) of the Child Protection (Offenders Registration) Act 2000 (2005)
Recommendation made	<i>That NSW Police ensure that the protocols and evaluation criteria developed for the trial of the child protection watch teams take account of the principles and practices for disclosure and sharing of information about registered persons, as well as the resourcing and support provided by participating agencies.</i>
Assessability of recommendation	Fully: The extent to which protocols and evaluation criteria take account of certain principles and practices and resourcing/support is assessable by documentation.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Evaluation of the Child Protection Watch Team Trial in South Western Sydney: Draft Report to the Director-General of the Ministry of Police 3. MOU 4. CPWT Annual Report
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Not relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. February 2008 3. March 2013 4. NA

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. NA
Implementation	
Recommended actors involved	<p>CHILD PROTECTION WATCH TEAM DIRECTOR-GENERAL OF THE MINISTRY FOR POLICE Jan McClelland and Associates Pty Limited</p>
Recommended actors not involved	NA
Included actions	<p>The first interagency Child Protection Watch Team (CPWT) was established in 2004 on a trial basis in South West Sydney. Protocols included information-sharing principles and resourcing considerations. 'While the CPWT trial officially commenced in September 2004, the trial did not become operational until April 2005 after issues relating to the exchange of information between agencies had been resolved.' Doc 2 p12</p> <p>The CPWT provides a formal structure for the interagency exchange of information in relation to certain high risk registrable persons.</p> <p>An evaluation, conducted by the Ministry for Police in 2006 recommended that the trial be extended to seven regions throughout the state however this was not supported by a number of key agencies largely because of costs, logistical issues and the limited availability of expert staff.</p> <p>An independent evaluation of the CPWT trial was conducted in 2007. 'The evaluation considered an extensive range of documentation including reference guides, procedural documents, case files and statistical information relating to the trial area, a comparison area in the Lower Hunter and state-wide. The evaluation also involved interviews with operational and policy staff of participating agencies as well as interviews with a number of registrable persons being managed by the CPWT trial.' Doc 2 p4.</p> <p>Evaluation resulted in a recommendation to progressively implement a centrally co-ordinated state-wide interagency approach to the risk management of high risk registrable persons.</p> <p>The state-wide roll out of the CPWT was complete by March 2010.</p> <p>A Memorandum of Understanding (MOU) supports the operations of the CPWT state-wide, together with the Standard Operating Procedures or equivalent of each participating agency.</p>

Excluded actions	NA
When action was taken	<p>Trial established 2004/2005</p> <p>First evaluation 2006 by Ministry of Police (not supported due to resource issues)</p> <p>Independent evaluation Feb 2008 (supported & covered resourcing and information sharing)</p> <p>State-wide roll out 2010</p>
Implemented as recommended?	Not one but two evaluations. At least one of these addressed resourcing and data-sharing principles and protocols as recommended.
Government statement about status of implementation	Implemented in full
Reason provided	NA
Implementation summary	<p>Implemented in full</p> <p>A trial was established the year of the inquiry, evaluated within a year and again in 2007. Evaluations and the subsequent roll out of CPWT refer to principles of information exchange and resourcing considerations:</p> <ul style="list-style-type: none"> • Non-personal information about strategies and options which may be useful in developing risk management plans; • Personal information (including health information) where any agency has reasonable grounds to suspect that there is a risk of substantial adverse impact. <p>The intention of the CPWT is that all relevant information in relation to an accepted person which is held by participating agencies is shared. Relevant types of information could include, though are not limited to:</p> <ul style="list-style-type: none"> • Whether the person is a client of the agency; • Whether the person is attending or has attended any TAFE courses; • Whether the person has any current disabilities that would qualify for FACS (Ageing, Disability and Home Care) assistance; • For those persons living in social housing provided by FACS (Housing NSW), whether any children reside in that house or in nearby houses.

Re: resourcing

After two evaluations, the following agencies are considered core agencies for the state roll out. These agencies determine if a person is to be accepted into the CPWT:

- NSW Police Force
- Corrective Services NSW
- FACS (Community Services)

Person extracting data	Auditor 6
Date of extraction	6 November 2013
Recommendation number	6
Commission/Inquiry of origin	NSW Joint Investigative Response Team (JIRT) Review, November 2006. (NSW Health; NSW Police & NSW Department of Community Services.
Recommendation made	<i>JIRT team member(s) should meet with the child or young person to conduct a rapport-building session prior to the formal investigative interview in order to help the child or young person to feel comfortable, facilitate communication and enable JIRT staff to assess the child or young person's readiness and capacity to disclose.</i>
Assessability of recommendation	Fully The development of policies, procedures or guidelines covering rapport-building sessions is assessable through documentation. The extent to which a rapport-building session is conducted prior to every investigative interview would rely on the relevant data being collected.
Additional information request	Requested submission of the missing attachment O-7: Agenda for JIRT Senior Management Group meeting on 14 October 2013.
Submitted document/ source details	<ol style="list-style-type: none">1. Government response2. O-1: JIRT Foundation Skills Course Facilitators Manual3. O-2: Extracts of power point slides provided to investigators from the 2010 JIRT Foundation Course Training Manual4. O-3: Extracts of training notes provided to investigators from the 2010 JIRT Foundation Course Training Manual5. O-4: Interview prompt sheet6. O-5: Agenda for JIRT Senior Management Group meeting on 2 September 2013

Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 7. O-6: Agenda for JIRT Senior Management Group meeting on 14 October 2013 1. Relevant – government response 2. Relevant – while the issue of training is not mentioned in the recommendation, training materials can provide insight into the process of rapport-building being taught to JIRT team members 3. Relevant – as above 4. Relevant – as above 5. Relevant 6. Relevant 7. Not relevant – an agenda, no information
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. May 2013 – unclear whether previous versions existed closer to 2005 3. Undated 4. Undated 5. Undated 6. 2 September 2013 – no indication of why such a long delay 7. 14 October 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Low 4. Low 5. Low 6. Medium – inter-departmental endorsement 7. Medium – inter-departmental endorsement
Implementation	
Recommended actors involved	JIRT investigators
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Information on rapport-building through the JIRT Foundation Skills Course. • Notes for investigators. • Indication that the development of a rapport-building policy has not yet been completed; no explanation for why that is the case.
Excluded actions	Completion of relevant procedures/guidelines.
When action was taken	Only actions for 2013 are evident from the documentation provided.
Implemented as recommended?	N
Government statement about status of implementation	Implemented in part

Reason provided	No reasons for a delay provided.
Implementation summary	<p>Partially implemented</p> <p>While the JIRT training clearly covers rapport-building, it is unclear when that was introduced. No reason is provided for why policies and procedures have not yet been finalised.</p> <p>The PRC requested data showing the number of rapport-building sessions conducted. The government's response was as follows:</p> <p>"In relation to recommendation 6 of the 2006 Review of JIRT by NSW Health, NSW Police and Community Services, you have asked for data showing the annual number of formal investigative interviews conducted post-review, and the annual number of rapport-building sessions conducted post-review. The JIRT partner agencies have advised that this information is not recorded centrally, and cannot be provided."</p>

Person extracting data	Auditor 1
Date of extraction	11 November 2013
Recommendation number	1
Commission/Inquiry of origin	NSW Ombudsman (December 2010) Improving Probity Standards for Funded Organisations
Recommendation made	<p>Recommendation:</p> <p><i>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:</i></p> <ol style="list-style-type: none"> <i>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.</i> <i>Include clear guidelines which promote good practice and deal with a range of practical issues including (but not necessarily limited to):</i> <ol style="list-style-type: none"> <i>Who and what should be checked, and how the checks should be done.</i> <i>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</i>

for a position and, where risks factors are identified and an appointment is still made, how to manage any related risks.

- iii. *The expectations of employers in relation to completing and recording employment proceedings and disciplinary matters in cases where an employee who is the subject of serious allegations, resigns before a matter is finalised.*
- iv. *The requirements on, and expectations of, previous employers who are asked to provide references; including details relating to what information they should (and should not) provide; and the need for full and frank disclosure.*
- v. *The requirements on, and expectations of, prospective employers in relation to carrying out previous employment and other referee checks, including the nature of the information that they should seek (and how best to obtain it).*
- vi. *Processes for requiring declarations from those seeking appointments/employment as part of the pre-appointment checking process.*
- vii. *Requirements in relation to accessing, recording and maintaining information from various sources during and after checking processes. These requirements should adequately reflect relevant privacy considerations and outline good practice in this regard, including the circumstances in which it is appropriate to obtain consent.*
- viii. *Documenting decision-making processes.*
- ix. *Critical procedural fairness requirements, and review mechanisms for individuals who have been refused employment on the basis of probity issues identified through criminal record or other probity checks.*

[Auditor's note: 3.3.1 relates to how concerns identified through probity checking are responded to. Ombudsman does not support any system which generally excludes people on the basis of previous convictions (or past employment related disciplinary action) alone]

Assessability of recommendation Assessable

Consultation is assessable through documentary evidence, as is the implementation of a probity checking system. 'more consistent' is subjective, however the criteria outlined provide assessment criteria.. The extent to which such a system is implemented is assessable, but is beyond the scope of this current project.

The existence and clarity of guidelines are both assessable. A check of the listed issues in the guidelines is achievable.

Submitted documents/ source details

PART A:

1. Government response

Re FACS

2. Ageing, Disability and Home Care's (ADHC) current Funding Agreement (Doc A-01)

3. Position Statement on Probity in Employment for ADHC Funded Organisations (Doc A-02)
4. Standard Services Agreement (Dept of Family and Community Services) (Doc A-03)

Re Health

5. Policy Directive: Non-Government Organisation Grant Program – Operation Guidelines (Doc A-07)
6. PD2008_029 Employment Screening Policy (Doc A-08).
7. PD2005_626 Code of Conduct – NSW Health (Doc A-09).
8. PD2011_032 Recruitment and Selection of Staff of NSW Health (Doc A-10)

PART B:

6. Government response
7. 'It's Your Business Governance Resource' for ADHC services. Chapter 8: Probity in Employment (Doc A-04)
8. Media Release: National Regulation of Community Housing Begins (Doc A-05)
9. National Regulatory Code for the National Regulatory System for Community Housing (Doc A-06)

Relevant to at least one aspect of recommendation **PART A:**

1. Relevant
2. Relevant
3. Relevant
4. Relevant
5. Relevant
6. Relevant
7. Relevant
8. Relevant

PART B:

1. Relevant
2. Relevant
3. Minimal relevance
4. Relevant

Documentation currency

PART A:

1. Provided to the Royal Commission on request, 2013
2. May 2012
3. September 2011
4. Issue date not provided
5. 29 July 2011
6. 27 August 2013
7. 29 March 2012
8. 30 May 2012

PART B:

6. Provided to the Royal Commission on request, 2013
7. Date unknown
8. 5 July 2013
9. May 2013

Reliability contribution of document	<p>PART A:</p> <ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium 5. Medium 6. Medium 7. Medium 8. Medium <p>PART B:</p> <ol style="list-style-type: none"> 6. Low 7. Medium 8. Low 9. High
Additional information requested	
Document details	
Recommended actors involved	<p>PART A:</p> <p>Department of Human Services (Family and Community Services) in consultation with Department of Health & NGOs in these sectors. Commission for Children and Young People were given the task of leading the development of the regime.</p> <p>PART B:</p> <p>Department of Human Services (Family and Community Services) in consultation with Department of Health & NGOs in these sectors. Commission for Children and Young People were given the task of leading the development of the regime.</p>
Recommended actors not involved	Query whether consultations were held with NGOS relating to baseline criteria for checks.
Included actions and when	<p>PART A:</p> <p>‘Probity checking’ is defined in the Ombudsman’s report as “a range of formal and informal processes ...to assess the integrity, character and honesty of prospective employees, board or management committee members and other volunteers...” These processes complement and are in addition to the WWC regime in determining whether a person is suitable to work with children.</p> <p>Re FACS</p> <p>Query whether ADHC has responsibility for all government-funded organisations in the human services sector.</p>

Clause 4 of the position statement (Doc A-02) adopts the Ombudsman's suggested baseline checking word for word. The document is dated September 2011. The government response indicates that this is a policy agencies must comply with. However the status of the position statement is not clear (unlike Department of Health probity policies). Query whether this is a policy that agencies must comply with or guidelines that they must have regard to (as per 6.1 of funding agreement).

Doc A-02 doesn't provided any guidance on how agencies should respond to concerns arising from the check – guidance on this, and the Ombudsman's concerns at 3.3.1 of the report, are addressed in the government response to part 1(b) of the recommendation (see below).

Re Health

The various probity and pre-employment checking guidelines and policies (Docs A-05, 06, 07 & 08) applicable to funded agencies in the health sector are clear, comprehensive and compliance is mandatory.

PART B:

Re FACS

Doc A-04 provides some guidance on how ADHC-funded agencies should approach probity checking but does not in itself provide "clear guidelines" on the listed matters, or the degree of detail or comprehensiveness envisaged by the recommendations. Rather the resource is guide for agencies in developing probity policies and procedures. Links in the document to external resources, as well as training and other ADHC and NDS resources are provided to assist agencies to develop these procedures. Having guidelines contained in one document or suite of associated documents, with an unequivocal statement relating to their status - as is the case with health – would assist in achieving both consistency and clarity.

The new regulatory code relating to community housing (Doc A-06) requires providers to comply with probity requirements and commenced in July 2013.

Query whether, when taken together, the documents submitted cover the field of all government-funded organisations in the human services sector.

Re Health

The various probity and pre-employment checking guidelines and policies discussed for recommendation 1(a) (Docs A-05, 06, 07 & 08)

Excluded actions	appear to provide clear and comprehensive guidelines relating to the matters listed in the recommendation, and compliance is mandatory. See above
When action was taken	PART A: See queries above PART B: Re FACS - Supplementary chapter of <i>It's Your Business</i> produced by 2011. RE Health – 2011 to 2013
Implemented as recommended?	
Government statement about status of implementation	Is being implemented
Reasons provided	NA
Implementation summary	PART A: Implemented (subject to satisfaction as to the issues raised re FACS). PART B: Implemented. FACS' guidelines could be clearer and easier to use, and the mandatory compliance could be expressed more clearly. However, resources are in clearly place for agencies funded by FACS, Health. Overall Rating- Implemented in full

Person extracting data	Auditor 1
Date of extraction	11 November 2013
Recommendation number	2
Commission/Inquiry of origin	NSW Ombudsman (2010) Improving Probity Standards for Funded Organisations
Recommendation made	<i>As part of developing a more consistent, efficient and rigorous probity checking system, the Department of Human Services should:</i> <i>a. Reach agreement with the non-government sector regarding the best strategies for:</i>

	<p><i>i. Ensuring compliance with mandatory probity checking requirements.</i></p> <p><i>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</i></p> <p><i>iii. Monitoring the implementation by funded agencies of practice requirements (and the adoption of best practice).</i></p> <p><i>b. have regard to the issues canvassed in section 3 of this report in relation to:</i></p> <p><i>i. Additional or extended checking</i></p> <p><i>ii. Criminal record checking of existing appointees</i></p> <p><i>iii. Current triggers for checks, and</i></p> <p><i>iv. A centralised approach to probity checking.</i></p>
Assessability of recommendation	<p>Yes.</p> <p>An agreement is assessable through documentary evidence, as are the efforts made to secure an agreement.</p>
Additional information requested	
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Government response 2. Letter to Participants Carer Screening Roundtable (Doc B-1) 3. Survey – Carer Screening Roundtable (Doc B-2) 4. Survey Results – Probity Roundtable Recommendations (Doc B-3)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. June 2013 3. Undated (post June 2013) 4. Undated (post June 2013)
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Low 3. Low 4. Low
Document details	
Recommended actors involved	Department of Human Services and the NGO human services
Recommended actors not involved	NA

Included actions and when	There has been consultation with the sector relating to out-of-home care (OOHC) and a degree of consensus reached on issues that will inform the development of a Carers register and assessment processes.
Excluded actions	<p>The government response does not indicate that consultation with the broader sector took place, or provide any documentary evidence in relation to that.</p> <p>Query whether the consultations relating to OOHC that took place addressed all the matters listed in the recommendation. For example, the discussion focussed only on <i>prospective</i> carers and members of their household and not of <i>existing</i> carers. In addition, the roundtable discussions omitted the question of when further assessment may be required when it is uncovered that a potential carer has a history of assault (Doc B-3)</p>
When action was taken	From September 2011 to current
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full While there are a few questions, the recommendation appears to have been substantially implemented.

Person extracting data	Auditor 2
Date of extraction	15.04.14
Recommendation number	6
Commission/Inquiry of origin	NSW Ombudsman Report (2010) Improving Probity Standards for Funded Organisations
Recommendation made	<i>Ageing Disability and Home Care (ADHC), as an agency of the Department of Human Services, provide advice to Government on the best way of effectively dealing with the current shortcomings of the Community Services Regulation 2010, insofar as it fails to require that all existing licensees, licensed managers and direct care staff of licensed boarding houses be subject to criminal record checks</i>
Assessability of recommendation	Yes; action and outcomes clearly specified
Additional information request	1. Legislation Check; Boarding Houses Act 2012 & Boarding Houses Regulation 2013

Submitted document/ source details	<ol style="list-style-type: none"> 1. NSW Government response 2. C1 - Boarding Houses Act 2012 3. C2 - Boarding Houses Regulations 2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on Request; 2013 2. 2013 3. 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. High
Implementation	
Recommended actors involved	NSW Government
Recommended actors not involved	
Included actions	<p>A new Act, <i>the Boarding Houses Act 2012</i> (refer to Attachment C-1) Was introduced. The Act, which was passed in October 2012 and commenced on 1 July 2013 together with the Boarding Houses Regulation 2013 (refer to Attachment C-2), regulates ‘general’ boarding houses, i.e.</p> <p>those accommodating 5 or more people for fee or reward, and ‘assisted’ boarding houses, i.e. those which accommodate 2 or more ‘people with additional needs’</p> <p>(previously these premises were known as licensed boarding houses).The Act replaced and repealed the <i>Youth and Community Services Act 1973</i> and the</p> <p><i>Youth and Community Services Regulation 2010</i>, which previously regulated licensed boarding houses. The provisions relating to assisted boarding houses require new and existing boarding house proprietors (whether as individuals or as members of a company, trust or unincorporated body), ‘close associates’, managers and staff members to undergo criminal record checks prior to commencing the position and every 3 years thereafter. A person applying to be a boarding house proprietor and any ‘close associates’ must also undergo financial probity checks. Referee checks and reference to any enforcement action taken in relation to relevant individuals is also taken into account.</p>

	<p>The Act also prohibits persons who have been convicted of a 'serious criminal offence' from being employed in an assisted boarding house.</p> <p>Records of staff probity checks are required to be kept by the boarding house operator for 7 years, and be made accessible to FACS enforcement officers on request.</p>
Excluded actions	
When action was taken	In April 2012, the NSW Government approved a final reform proposal for the regulation of boarding houses in NSW,
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented in Full
Reason provided	
Implementation summary	Implemented in full – see legislation check

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	8.1
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>The JIRT Reform Program, as set out in the Implementation Plan should be completed.</i>
Assessability of recommendation	<p>Yes</p> <p>Actions outlined in the JIRT Implementation Plan can be checked against recommendations from the 2006 review</p>
Submitted documents/ source details	<p>Document</p> <ol style="list-style-type: none"> 1. Confidential Government Response 2. JIRT Review 2006 (FACS Doc 1A) 3. JIRT Review 2007 Finalisation Report (FACS Doc 1B) 4. JIRT Foundation Training Documents – Training Package (FACS Doc 1C(a)) 5. JIRT Foundation Training– e-learning modules (FACS Doc 1C(b)) 6. JIRT Foundation Training – Facilitator's Manual (FACS Doc 1C(c)) 7. JIRT Local Planning & Response Procedures (FACS Doc 1D) 8. JIRT – Working together to stop child abuse (brochure) (FACS Doc 1E) 9. JIRT Aboriginal Engagement Guidelines (FACS Doc 1F) 10. JIRT Aboriginal Consultation Guidelines (FACS Doc 1G) 11. JIRT Induction Training Package (FACS Doc 1H)

Relevant to at least one aspect of recommendation

12. JIRT CEO Report Card 2010/11 (2011/12 Report Card currently being finalised) (FACS Doc 1I) [Note: this document was incorrectly referred to as the 2009/10 Report Card]
13. JIRT Administration Guidelines – endorsed, but pending NSW Police signature (FACS Doc 1J)
14. Aboriginal Enhanced Services (FACS Doc 1K)
 1. Relevant
 2. Relevant – High level review of Joint Investigative Response Team (JIRT) mechanisms by NSW Police, Health and Community Services with recommendations directly referenced (but not described) in implementation plan
 3. Relevant. Overview of actions and degree of implementation of recommendations as at May 2013
 4. Relevant – re recommendations relating to training (12 & 13 JIRT Review) and supports other recommendations
 5. Relevant – as above
 6. Relevant – as above
 7. Relevant – see rec 8 JIRT Review
 8. Relevant- see rec 15 JIRT Review
 9. Relevant - see rec 15 JIRT Review
 10. Relevant - see rec 15 JIRT Review
 11. Relevant
 12. Relevant
 13. Relevant

Documentation currency

14. Relevant – Memorandum to JIRT partners
 1. Provided to Royal Commission on request, 2013.
 2. November 2006
 3. Created in 2007(?). Updated to include implementation status at 2012, but said to be current as at May 2013.
 4. Undetermined
 5. Undetermined
 6. Undetermined
 7. Undetermined
 8. Undetermined
 9. August 2008
 10. December 2009
 11. 14 November 2012
 12. Undetermined
 13. Undetermined
 14. 27 January 2012

Reliability contribution of document

1. Low
2. Medium
3. Medium
4. Medium
5. Medium
6. Medium
7. Medium
8. Medium
9. Medium
10. Medium
11. Medium

12. Medium
13. Medium
14. Low

Document details

Recommended actors involved

NSW Departments of Community Services and Health and NSW Police

Recommended actors not involved

NA

Included actions

Implementation plan addresses all recommendations except 16

1. Health an equal partner with DoCS and Police
2. Safety, welfare and wellbeing planning procedure
3. Benchmarks for timely action
4. Therapeutic response increased including 24 new senior staff with ongoing funding
5. Review of abuse criteria for JIRT acceptance
6. Rapport & support guidelines
7. End of reliance on disclosure of sexual abuse
8. Local Planning and Response standards and procedures established with continuous improvement planning
9. Services include forensic and medical counselling; training is provided; unclear what level of networking is established but this item noted as ongoing
10. Extensive operation management processes documented and approved by tripartite management structure
11. Common data and admin systems implemented
12. PD, support and supervision implemented
13. Interagency joint training for workers and managers
14. Support person available for Aboriginal clients
15. Pro-active engagement strategies include community information, organisational guidelines and community links
16. JIRT Aboriginal consultation protocol and Guidelines for utilising Aboriginal staff for JIRT demonstrate increased use of Aboriginal staff to advise and assist with Indigenous matters
17. consultation Aboriginal staff
18. Cultural awareness training provided to all JIRT staff
19. Review of LMG approaches with Aboriginal communities and trial of transport service

Excluded actions

None

Implemented as Recommended?

Y

Government statement about status of implementation

Each of the recommendations in the JIRT review has been actioned and is in the process of being implemented.

Reasons given	NA
When action was taken	2006-2012, ongoing
Implementation summary	<p>Implemented in full</p> <p>Documentation dates back to 2005. It is unclear which actions were taken immediately following the inquiry or which actions were as a direct result of the inquiry but action evidently continued and was reported as ongoing in 2012. There is evidence of comprehensive implementation of the recommendations, including relevant evidence at the highest available standard to report action on all aspects of the 18 areas of the implementation plan.</p>

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	8.3
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>Pending amendment of the privacy laws as recommended in Chapter 24, a Privacy Direction should be issued in relation to the JIRT process so as to facilitate the free exchange of information between the NSW Police Force, NSW Health, each Area Health Service, The Children's Hospital at Westmead and DoCS.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes.
Submitted documents/ source details	<p>1. Confidential Government Response</p> <p>No documents submitted or sourced to support Confidential Government Response. However this recommendation actioned as part of recommendation 24.6 (see audit below).</p>
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Not specified. (Attorney General's Department?)
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Interim Privacy Direction not issued.

When action was taken	Prior to amendments coming into effect on 30 October 2009. Not specified (but likely) that amendments resulted from this recommendation.
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reasons provided	The Government did not implement this interim recommendation as the legislative amendments relating to the exchange of information between agencies came into effect on 30 October 2009. This amendment, referred in recommendation 24.6, has been implemented, and is discussed in detail below.
Implementation summary	Not implemented

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	8.4
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>NSW Health should provide an appropriately trained workforce to provide forensic medical services where needed for children and young persons who have suffered sexual assault and physical injury.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Partial The recommendation is ill-defined (query what “ <i>appropriately trained</i> ” means) and does not specify action required or means by which implementation of the recommendation can be measured with any reliability.
Submitted documents/ source details	1. Confidential Government Response No documents submitted or sourced to support Confidential Government Response.
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	NSW Health

Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Workforce training relating to improved forensic medical services for child and youth victims of sexual assault available in metropolitan areas. No details relating to this training are provided; • Trialling of a new protocol for recording results of examination of children where abuse and neglect are suspected (current); • Child sexual assault counsellor positions (1 new, 7 recurrent funding) <p>Other actions reported relate to investigation into and /or trialling of generic (adult) service models, education and training and other professional development opportunities and incentive schemes.</p> <p>It is unclear which of these actions are as a result of the 2008 recommendation.</p>
Excluded actions	Workforce development relating to child forensic medical services in regional and remote areas.
When action was taken	Where date as are provided, most action appears to have occurred from 2010 to current.
Implemented as recommended?	In part
Government statement about status of implementation	Implemented in part
Reasons provided	<ul style="list-style-type: none"> • Lack of response to 2010 to request for tender for state-wide workforce development package (attributed to complexity of issues relating to forensic medical services); • No comprehensive training programs for forensic medical services available in NSW; • General lack of medical personnel in rural and remote regions
Implementation summary	<p>Partially implemented</p> <p>The government clearly made attempts to develop a forensic medical services workforce, however the results in rural and remote NSW were poor due to a range of difficulties.</p>

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	11.1
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008

Recommendation made	<i>With respect to the Children and Young Persons (Care and Protection) Act 1998: vii. D be Section 29(1)(f)[of the Children and Young Persons (Care and Protection) Act 1998] should be amended to permit the disclosure of the reporter's details to a law enforcement agency pursuant to the investigation of a serious crime committed upon a child or young person, where that might impact on the child's safety, welfare or well-being</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. <i>Children and Young Persons (Care and Protection) Act 1998, ss29(4A), (4B), (4C) and (6) (FACS Doc 2)</i>
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. Current
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High
Document details	
Recommended actors involved	Not specified. (Attorney General's Department?)
Recommended actors not involved	NA
Included actions	<p>Sections 29(4A), (4B) &(4C) of the C&YP(C&P)A impose more restrictions on the ability to disclose the identity of persons who make reports of potential harm to a child, than envisaged in the recommendation, i.e.:</p> <ul style="list-style-type: none"> • The disclosure must be <i>necessary</i> for the "safety, welfare and wellbeing" of a child, rather than there being a possibility that the disclosure <i>might impact</i> on a child's safety (subsection(4A)(b)); • There must be certification in writing that it is either impractical to obtain the consent of the person making the report to disclose their identity or to do so would prejudice the investigation (subsection(4B)); • The person disclosing the identity of the report must notify them of the disclosure unless it's not reasonably practicable, or to do so or to do would prejudice the investigation (subsection(4C)). <p>However the exception to confidentiality is cast wider than that recommended in one respect, i.e., disclosure may be allowed where to do so is necessary to safeguard or promote the safety etc., of <i>any child</i>, and not only of the child victim</p>

Excluded actions	See limitations above.
Reasons given	NA
When action was taken	Prior to amendment coming into effect on 24 January 2010
Implemented as recommended?	Y
Government statement about status of implementation	Unspecified
Reasons provided	NA
Implementation summary	Implemented in full. Legislative amendment made.

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	23.4
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>Information obtained by persons appointed by the Minister as official visitors should be available to the regulator/accreditor of OOHHC with appropriate procedural fairness safeguards and s.8 of Community Services (Complaints, Reviews and Monitoring) Act 1993 and clause 4 of Community Services (Complaints, Reviews and Monitoring) Regulation 2004 should be amended to achieve this outcome.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Section 8A Community Services (Complaints, Reviews and Monitoring) Act 1993 (FACS Doc 3)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. Current
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High
Document details	
Recommended actors involved	Not specified.
Recommended actors not involved	NA

Included actions	See Government response above in relation to the introduction of section 8A to the CS(C,R &M)A. The amendment goes further than that envisaged by the recommendation by <i>mandating</i> the disclosure of relevant information by Official Community Visitors
Excluded actions	Clause 4 of the CS(C,R &M) Regulation has not been amended to include the new function of Official Community Visitors introduced by section 8A of the CS(C,R &M)A. Neither the CS(C,R &M)A nor regulations made pursuant to the Act makes provision to ensure procedural fairness applies in relation to this function.
Government statement about status of implementation	Implemented in full
Reasons given	NA
When action was taken	24 Jan 2010
Implemented as recommended?	N
Reasons provided	NA
Implementation summary	Partially implemented. Legislative amendment made.

Person extracting data	Auditor 1
Date of extraction	6 November 2013
Recommendation number	23.5
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>The class or kind agreement between the NSW Ombudsman and CS should be revised to require CS to notify only serious allegations of reportable conduct and to impose timeframes within which CS will investigate those allegations.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes.
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Class of a Kind Agreement between the NSW Ombudsman and the Department of Community Services - 2010 (FACS Doc 4) [Note: 3. Class of a Kind Agreement between the NSW Ombudsman and the Department of Community Services - 2012(FACS Doc 5) [Note: 4. Community Services' Managing Allegations Against Employees - Policies and Procedures (FACS Doc 6)

Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. Not current 3. Current 4. Current
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. High
Document details	
Recommended actors involved	NSW Ombudsman and the Department of Community Services
Recommended actors not involved	NA
Included actions	Determination by Ombudsman of classes of allegations exempt from reporting requirement and subsequent refinement of determination (see clause 3). Timeframes for investigations outlined (see p11 of fourth document)
Excluded actions	NA
Reasons given	NA
When action was taken	<p>First revised agreement endorsed February 2010. Second revised agreement endorsed February 2012.</p> <p>Draft policy approved April 2013, endorsed later in 2013. These documents formalised policies that have been in use since 2010.</p>
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full. Revised agreement in place.

Person extracting data	Auditor 1
Date of extraction	7 November 2013
Recommendation number	23.6
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008

Recommendation made	<i>DoCS should centralise its Allegations Against Employees Unit and receive sufficient funding to enable this restructure, and to resource it to enable it to respond to allegations in a timely fashion</i>
Additional information request	
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Draft policy – Managing Allegations of Reportable Conduct (FACS Doc 7) 3. Draft Project Brief – Review of the Centralised Management of Reportable Conduct (FACS Doc 7)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. 2013 (draft provided) 3. 2013 (draft provided)
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium - policy 3. Low
Document details	
Recommended actors involved	NSW Family and Community Services
Recommended actors not involved	NA
Included actions	Allegations Against Employees Unit centralised (into Reportable Conduct Unit, or RCU). Centralised function is supported by working policy which has been recently formalised.
Excluded actions	The Government recognises the delays taken to investigate matters and attributes this to the backlog of cases and staffing issues at the RCU. While some administrative strategies to address this are outlined, no evidence of increased resourcing (apart from using external investigators in some cases) is provided.
Government statement about status of implementation	Implemented in full
Reasons given	See above
When action was taken	<p>All Community Services investigative functions centralised 17 May 2010 and now carried out by RCU.</p> <p>Draft policy approved April 2013 and endorsed later in 2013. These documents formalised policies that have been in use since 2010.</p>
Implemented as recommended?	N
Reasons provided	NA

Implementation summary	<p>Partially implemented</p> <p>While the Unit was centralised and received funding, insufficient resources were provided to enable the backlog to be cleared. Strategies are in place to address this issue.</p>
Person extracting data	Auditor 1
Date of extraction	7 November 2013
Recommendation number	23.8
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<p><i>The Commission for Children and Young People Act 1998 should be amended to require background checks as follows:</i></p> <ul style="list-style-type: none"> <i>a. in respect of CS and other key human service agencies all new appointments to staff positions that work directly or have regular contact with children and young persons (that is, permanent, temporary, casual and contract staff held against positions including temporary agency staff)</i> <i>b. any contractors engaged by those agencies to undertake work which involves direct unsupervised contact to children and young persons, and, in the case of CS, access to the KiDS system or file records on CS client</i> <i>c. students working with CS officer</i> <i>d. children's services licensees</i> <i>e. authorised supervisors of children's services</i> <i>f. principal officers of designated agencies providing OOHC or adoption agencies</i> <i>g. adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers</i> <i>h. volunteers in high risk groups, namely those having extended unsupervised contact with children and young persons</i>
Additional information request	
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> Confidential Government Response Auditor-General's Report Performance Audit – Working With Children Check (CCYP Doc 1). Report on the Review of the NSW <i>Commission for Children and Young People Act 1998</i> (CCYP Doc 2).
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Relevant Relevant only in that provides background information on the review of employee screening processes prior to implementation of the WWC Act.

	<ol style="list-style-type: none"> 3. Relevant only in that provides background information on the review of legislation relating to employee screening prior to implementation of the WWC Act.
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. 2010 3. June 2011
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. High
Document details	
Recommended actors involved	Not specified. (Attorney General's Department?)
Recommended actors not involved	NA
Included actions	<p>The new Child Protection (Working With Children) Act 2012 (WWC Act) which commenced on 15 June 2013 imposes a requirement for background checks for those categories of people listed in the recommendation that are engaged in child-related work via the following provisions:</p> <ol style="list-style-type: none"> a. All staff of Community Services and other key human service agencies, regardless of the form of their employment – see s6. Note: Given the prohibition of conducting “child-related work” without a clearance (s9), and the definition of “worker” in s5, the requirement relates to new <i>and existing</i> staff, including volunteers, and therefore is broader in scope than the recommendation; b. Contractors (including self-employed people) engaged by those agencies, whose work or role is listed in section 6, or who provides any other service that is prescribed by the regulations, are required to obtain clearance under the Act (see definition of “worker” in s5). Note: The definition of “child-related work” does not require that the work be unsupervised, and therefore is broader in scope than the recommendation; c. All workers, other than volunteers, who have access to confidential records or information relating to children and young persons “may” be required by an employer to obtain clearance under the Act – see s 7(2). While this provision brings a wider category of people with access to records within the scope of the legislation, it does not impose the mandatory requirement envisaged by the recommendation but leaves it up to the discretion of the employer, and specifically excludes volunteers; d. Students on placement as part of an educational or vocational course are covered, but younger students doing work experience are not - see definition of “worker “ in s5. e. Children's services licensees - see s6 and definition of “worker “ in s5;

	<ul style="list-style-type: none"> f. Authorised supervisors of children's services - see s6(3)(b) g. Principal officers of designated agencies providing OOHC or adoption agencies – see s6(3)(e) & (f); h. Adult household members, aged 16 years and above of foster carers, family day carers and licensed home based carers – see s10; i. Volunteers in high-risk groups, namely those having extended unsupervised contact with children and young persons – Section 12 allows for a volunteer engaged in child-related work to obtain a children check clearance. However employers may employ a volunteer who has not obtained a check where the volunteer has been engaged in that volunteer work for 30 consecutive days or less – see s12(2). While this provision brings a wider category of volunteers within the scope of the legislation, it does not ensure that a check is obtained at the outset.
Excluded actions	See comments above relating to b and c
Reasons given	NA
When action was taken	2009 & 2013
Implemented as recommended?	Y
Government statement about status of implementation	Unspecified
Reasons provided	NA
Implementation summary	<p>Partially implemented</p> <p>See comments above relating to b and c.</p>

Person extracting data	Auditor 1
Date of extraction	7 November 2013
Recommendation number	24.6
Commission/Inquiry of origin	Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry) 2008
Recommendation made	<i>The Children and Young Persons (Care and Protection) Act 1998 should be amended to permit the exchange of information between human services and justice agencies, and between such agencies and the nongovernment sector, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety, welfare and well-being of a child or young person in accordance with the principles set out in Chapter 24. The amendments should provide that, to the extent inconsistent, the provisions of the Privacy and Personal Information</i>

Protection Act 1998 and Health Records and Information Privacy Act 2002 should not apply. Where agencies have Codes of Practice in accordance with privacy legislation their terms should be consistent with this legislative provision and consistent with each other in relation to the discharge of the functions of those agencies in the area of child protection.

Additional information request

Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. <i>Children and Young Persons (Care and Protection) Act 1998</i> NSW (FACS Doc 8) 3. KPMG Final Report: Keep them Safe Interim Review – Location Based Evaluation
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant (see Chapter 16A) 3. Relevant – provides evidence on the effectiveness of the information-sharing provisions.
Documentation currency	<ol style="list-style-type: none"> 1. Provided to Royal Commission on request, 2013. 2. Current 3. November 2012
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. High 3. Medium
Document details	
Recommended actors involved	Not specified. (Attorney General's Department?)
Recommended actors not involved	NA
Included actions	Chapter 16A implements the recommendation in a more comprehensive and detailed way than envisaged. The Interagency Guidelines are consistent with the legislative requirements under Chapter 16A and promote consistency in practice.
Excluded actions	NA
Reasons given	NA
When action was taken	Prior to amendment being implemented on 20 October 2009
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 6
Date of extraction	28 February 2014
Recommendation number	14
Commission/Inquiry of origin	NSW Ombudsman report: <i>Responding to Child Sexual Assault in Aboriginal Communities</i> (2012)
Recommendation made	<i>That Community Services improves the guidance in the Mandatory Reporter Guide in relation to the reporting of diagnosed STIs in children in light of our observations in Chapter 7 of this report.</i>
Assessability of recommendation	Assessable
Additional information request	
Submitted documents/ source details	1. Confidential Government Response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Community Services
Recommended actors not involved	
Included actions	The NSW Government response to this report was due to be tabled on 31 July 2013.
Excluded actions	
Reasons given	Under consideration
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“The NSW Government is currently considering its response to the Ombudsman report. The Government has formed a Child Sexual Assault in Aboriginal Communities Reform Agenda Group, comprised of senior executives from across the NSW Public Service. This Group is chaired by the Director General of the Department of Premier and Cabinet and is charged with developing the Government response which is due to be tabled by 31 July 2013. The work of the Reform Agenda Group is being supported by a Project Team made up of Aboriginal community members and experts from across NSW and interstate.”
Reasons provided	As above
Implementation summary	Not implemented – under consideration

Person extracting data	Auditor 6
Date of extraction	28 February 2014
Recommendation number	76
Commission/Inquiry of origin	NSW Ombudsman report: <i>Responding to Child Sexual Assault in Aboriginal Communities</i> (2012)
Recommendation made	<i>That the NSW Police Force conducts a review of the current capacity of individual local area commands to effectively manage their responsibilities in administering the Child Protection Register.</i>
Assessability of recommendation	Assessable
Additional information request	
Submitted documents/ source details	1. Confidential Government Response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Community Services
Recommended actors not involved	
Included actions	The NSW Government response to this report was due to be tabled on 31 July 2013.
Excluded actions	
Reasons given	Under consideration
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“The NSW Government is currently considering its response to the Ombudsman report. The Government has formed a Child Sexual Assault in Aboriginal Communities Reform Agenda Group, comprised of senior executives from across the NSW Public Service. This Group is chaired by the Director General of the Department of Premier and Cabinet and is charged with developing the Government response which is due to be tabled by 31 July 2013. The work of the Reform Agenda Group is being supported by a Project Team made up of Aboriginal community members and experts from across NSW and interstate.”
Reasons provided	As above
Implementation summary	Not implemented – under consideration

Person extracting data	Auditor 6
Date of extraction	28 February 2014
Recommendation number	77
Commission/Inquiry of origin	NSW Ombudsman report: <i>Responding to Child Sexual Assault in Aboriginal Communities</i> (2012)
Recommendation made	That the NSW Police Force identifies best practice by local area commands in managing the Child Protection Register and develops a process for sharing information about successful initiatives across commands.
Assessability of recommendation	Assessable
Additional information request	
Submitted documents/ source details	1. Confidential Government Response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided to Royal Commission on request, 2013.
Reliability contribution of document	1. Low
Document details	
Recommended actors involved	Community Services
Recommended actors not involved	
Included actions	The NSW Government response to this report was due to be tabled on 31 July 2013.
Excluded actions	
Reasons given	Under consideration
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“The NSW Government is currently considering its response to the Ombudsman report. The Government has formed a Child Sexual Assault in Aboriginal Communities Reform Agenda Group, comprised of senior executives from across the NSW Public Service. This Group is chaired by the Director General of the Department of Premier and Cabinet and is charged with developing the Government response which is due to be tabled by 31 July 2013. The work of the Reform Agenda Group is being supported by a Project Team made up of Aboriginal community members and experts from across NSW and interstate.”
Reasons provided	As above

Implementation summary		Not implemented – under consideration
Person extracting data	Auditor 1	
Date of extraction	12 November 2013	
Recommendation number	1	
Commission/Inquiry of origin	NSW Ombudsman: The Need to Better Support Children and Young People in Statutory Care who have been Victims of Violent Crime (2010)	
Recommendation made	Rec 1: Consider whether an amendment to s78 of the Children and Young Persons (Care and Protection) Act 1998 which would require care plans to consider the issue of victims compensation is warranted. If so, Community Services should pursue this issue with the Minister for Community Services.	
Additional information request	Briefly describe request & gov response	
Assessability of recommendation	Yes - consideration of an issue is assessable.	
Submitted documents/ source details	1. Government response 2. Community Service’s Advice to NSW Ombudsman August 2010 regarding the handling of Victims Compensation Claims (Doc D-1)	
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant	
Documentation currency	1. Provided to the Royal Commission on request, 2013 2. August 2010	
Reliability contribution of document	1. Low 2. Low	
Document details		
Recommended actors involved	Family and Community Services	
Recommended actors not involved	NA	
Included actions and when	Amendment considered	
Excluded actions	Amendment determined to be unnecessary	
When action was taken	Prior to August 2010	
Implemented as recommended?	Y	
Government statement about status of implementation	Implemented in full	

Reasons provided	Amendment not deemed necessary. No impediment in Act to including the issue of victims compensation in a care plan and inclusion in the Act would create an unrealistic expectation of entitlement to compensation.
Implementation summary	Implemented in full

Person extracting data	Auditor 1
Date of extraction	12 November 2013
Recommendation number	2
Commission/Inquiry of origin	NSW Ombudsman: The Need to Better Support Children and Young People in Statutory Care who have been Victims of Violent Crime (2010)
Recommendation made	<p><i>Review its practice guidelines in relation to children and young people who have been victims of violent crime. The review should ensure:</i></p> <ol style="list-style-type: none"> <i>The guidelines reflect the agency's recent directive that legal officers are now required to identify children and young people with potential claims for victim's compensation during care proceedings.</i> <i>The responsibilities of legal officers and other relevant staff, and the timeframes for identifying children with potential compensation claims, are clearly stated.</i> <i>The responsibilities and timeframes of legal officers and caseworkers for taking the claim forward once identified are clearly stated.</i>
Additional information request	Briefly describe request & gov response
Assessability of recommendation	Yes
Submitted documents/ source details	<ol style="list-style-type: none"> Government response Rights of the Victims of Crime procedure (Doc E-1) PowerPoint presentation for Training of CS Staff for Rights of Victims of Crime Procedure (Doc E-2) Victims of Crime Facilitators Guide Final (Doc E-3) Summary of Changes to the scheme (Doc E-4)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Relevant Relevant Minimal relevance Relevant Relevant

Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 2013 2. 20 January 2012 3. 2011 4. 2011 5. Undated. Post May 2013
Reliability contribution of document	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Low 4. Low 5. Low
Document details	
Recommended actors involved	<p>DoCS Case Workers, Managers, Legal Officers</p> <p>Non-government agencies funded by DoCS</p>
Recommended actors not involved	NA
Included actions and when	<p>Procedures for identifying and progressing victims compensation claims are clear, as are timeframes.</p> <p>The new directive that legal officers are required to identify children with potential claims is not clear.</p>
Excluded actions	Requirement that legal officers identify potential children during care proceedings – is that the same as a legal audit?
When action was taken	By August 2010
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reasons provided	NA
Implementation summary	<p>Implemented in full</p> <p>Further clarify about the role of legal officers would assist the assessment of implementation. Assumptions have been made that ‘legal audit’ refers to identifying children with potential claims.</p>

DOCUMENT AUDIT: NORTHERN TERRITORY

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	8
Commission/Inquiry of origin	Department of Justice (2011) Report: Review of Vulnerable Witness Legislation
Recommendation made	That an amendment be made to the Sexual Offences (Evidence and Procedure) Act in response to the High Court's decision in Crofts to provide clear guidance as to the directions, if any, that should be given to the jury in relation to the timing of a complaint .
Assessability of recommendation	Yes – action and outcome clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Amendment to the Act.
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not specified.
Reason provided	Instead, has followed the recommendations of the 2010 Australian Law Reform Commission Report entitled 'Family Violence - a National Legal Response'.
Implementation summary	Not implemented. The High Court decision in Crofts has been criticised.

Person extracting data	Auditor 6
Date of extraction	16 January 2014
Recommendation number	1
Commission/Inquiry of origin	A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>That Section 34 of the Care and Protection of Children Act (CPC Act) be amended to extend the authority of the CPA to request information: ‘that may be relevant in connection with or incidental to a child’s wellbeing’, or ‘relevant to information received about a child’.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Proclamation of the Information Sharing amendments of the <i>Care and Protection of Children Act</i> . Led to much broader information gathering powers.
Excluded actions	NA
When action was taken	July 2012
Implemented as recommended?	
Government statement about status of implementation	Implemented in full.
Reason provided	
Implementation summary	Implemented – legislation check.

Person extracting data	Auditor 6
Date of extraction	16 January 2014
Recommendation number	2
Commission/Inquiry of origin	A Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>That a provision is inserted into Section 34 of the CPC Act to allow the CEO: 'to make those inquiries of any other persons who may reasonably be expected to have information about a child'.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Proclamation of the Information Sharing amendments of the <i>Care and Protection of Children Act</i> . Led to much broader information gathering powers.
Excluded actions	NA
When action was taken	July 2012
Implemented as recommended?	
Government statement about status of implementation	Implemented in full.
Reason provided	
Implementation summary	Implemented in full – legislation check.

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	4
Commission/Inquiry of origin	Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>Further that Section 15(2) of the CPC Act define harm to include: 'A child or young person of school going age frequently does not attend school without a reasonable excuse'.</i>
Assessability of recommendation	Fully assessable
Additional information request	NA
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Amendments made to Part 4 of the NT <i>Education Act</i> provide greater power to authorised officers to achieve reengagement.
Excluded actions	This recommendation will not be implemented by a change to the Act.
When action was taken	Unclear
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	<p>"This recommendation will not be implemented by a change to the Act.</p> <p>The Act (s.15) defines 'harm' as a significant detrimental effect caused by any act, omission or circumstance on the child.</p> <p>Including failure to attend school in s.15 would expand mandatory reporting (s.26) to include failure to attend school.</p>

	While ensuring children attend school is a priority across NT Government, amending the Act in this way is not considered to be the appropriate mechanism.”
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	5
Commission/Inquiry of origin	Life Long Shadow. Report of a partial investigation of the child protection authority (2011)
Recommendation made	<i>That Section 26 of the Care and Protection of Children Act be amended to extend the mandatory reporting requirement to frequent non-attendance at school without a reasonable excuse.</i>
Assessability of recommendation	Fully assessable
Additional information request	NA
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>A guide for professionals on mandatory reporting in the NT has been developed and is available from the Department of Children and Families website. The publication guides decision making.</p> <p>To help all new health professionals in the NT understand the NT’s mandatory reporting provisions, a mandatory online training course has been developed and rolled out to 89 doctors and nurses. The course will form part of the mandatory orientation program for Department of Children and Families staff in early 2014.</p>

Excluded actions	This recommendation will not be implemented by a change to the Act.
When action was taken	Unclear
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	<p>“The Act (s. 15) defines ‘harm’ as a significant detrimental effect caused by any act, omission or circumstance on the child.</p> <p>Including failure to attend school in s.15 would expand mandatory reporting (s.26) to include failure to attend school.</p> <p>While ensuring children attend school is a priority across NT Government, amending the Act in this way is not considered to be the appropriate mechanism.”</p>
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	4.3
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory’s Children (2010)
Recommendation made	<i>That there is recognition in the Care and Protection of Children Act of the functions of an Aboriginal agency or agencies or other recognised entities.</i>
Assessability of recommendation	Fully assessable
Additional information request	NA
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Update <i>Care and Protection of Children Act</i>
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	This matter is still being considered as part of a suite of reforms to the Act.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	9.4
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory's Children (2010)
Recommendation made	<i>That an independent body is auspiced to review investigations into allegations of 'abuse in care' undertaken by the Department of Health and Families. The Office of the Children's Commissioner would be an appropriate body to take on this role.</i>
Assessability of recommendation	Assessable – action and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA

Recommended actors not involved	NA
Included actions	Two new pieces of legislation being introduced. Will result in Children's Commissioner having the envisaged role.
Excluded actions	NA
When action was taken	October 2013
Implemented as recommended?	Y
Government statement about status of implementation	"In progress"
Reason provided	N
Implementation summary	Partially implemented – legislation currently being passed, will result in Children's Commissioner having the envisaged role.

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	11.1
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory's Children (2010)
Recommendation made	<p><i>That the Act be amended to:</i></p> <p><i>1. provide a workable framework that permits and encourages the exchange of information between public sector organisations, between these organisations, the non-government sector and, where appropriate, individual community members, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety and/ or wellbeing of a child or young person; and</i></p> <p><i>2. provide that, to the extent that provisions are inconsistent, the Information Act (NT) should not apply.</i></p>
Assessability of recommendation	Assessable – 'workable framework' is open to interpretation but all other actions and outcomes are specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant

Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear
Implemented as recommended?	Y/N
Government statement about status of implementation	'fully implemented': Amending legislation commenced 1 July 2012.
Reason provided	NA
Implementation summary	Implemented in full – legislation check

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	13.6
Commission/Inquiry of origin	Growing Them Strong, Together: promoting the safety and wellbeing of the Northern Territory's Children (2010)
Recommendation made	<i>That a community visitor model be implemented to involve a sampling of children in out of home care (OOHC) with a view to informing the Children's Commissioner about OOHC issues from the perspective of the visitor, and also from the children being visited.</i>
Assessability of recommendation	Yes – actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Will not be implemented as recommended.
Reason provided	<ul style="list-style-type: none"> • CREATE Foundation undertakes an annual survey to find out about children and young people's experiences in out of home care. • In 2014, the NT Government, in accordance with all Australian States and Territories will carry out the first biennial survey of children and young people in out-of-home care.
Implementation summary	Not implemented.

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	8
Commission/Inquiry of origin	Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)
Recommendation made	<i>That employment screening be mandatory for all employed persons and volunteers working with children as described in the draft Care and Protection of Children Bill 2007.</i>
Assessability of recommendation	Yes – clearly specified action and outcome.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Ochre Card introduced
Excluded actions	
When action was taken	Unclear
Implemented as recommended?	Y
Government statement about status of implementation	<p>“The Working With Children Clearance - Ochre Card was one of a range of initiatives introduced under the Act to ensure the safety of children and young people in the community. It operates to prevent those people who may harm or exploit children from working with them in either a paid or voluntary capacity.</p> <p>It has been a requirement from 1 July 2011 that people engaged in child related employment apply for a Working With Children Clearance. “</p>
Reason provided	NA
Implementation summary	Implemented in full – legislation verification

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	9
Commission/Inquiry of origin	Ampe Akelyernemane Meke Mekarle Little Children are Sacred (2007)
Recommendation made	<p><i>That a position of Commissioner for Children and Young People be established, with duties and responsibilities as described in the draft Care and Protection of Children Bill 2007. The Inquiry further recommends that:</i></p> <p><i>a. The Commissioner should have a broad role not limited to individual complaints handling with the power to conduct inquiries into any issues affecting children and young people in the Northern Territory, but with an emphasis on child protection and child abuse prevention.</i></p>

Assessability of recommendation	Yes – action and outcome clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Commission for Children and Young People established.
Excluded actions	NA
When action was taken	Commissioner commenced June 2008. Powers were expanded to cover all vulnerable children, July 2011.
Implemented as recommended?	Y
Government statement about status of implementation	‘Fully implemented’
Reason provided	NA
Implementation summary	Implemented in full – legislation check

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	18
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>The Territory should provide specialist training for prosecutors concerning their role in relation to the victims of sexual assault, particularly children</i>

Assessability of recommendation	Yes, clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • On 25 January 2000 AG wrote to DPP re: recommendation for specialist training for prosecutors. • On 13 June 2000 AG noted the ODPP was to be responsible for conducting and funding the training. • On 18 January 2001 AG wrote to DPP and informed the Director of the same. • In 2005-2006, funding was approved to employ two specialist sexual assault prosecutors, although only one was actually employed. • Further funding was requested in 2007-2008 and \$0.394 million ongoing for 2008-09 was approved to improve the prosecution of child sex offences.
Excluded actions	Training not provided.
When action was taken	
Implemented as recommended?	No
Government statement about status of implementation	Not implemented
Reason provided	To the extent that recommendations 18 to 21 were not implemented, it is not possible to answer they were not implemented as it would involve speculation.
Implementation summary	Not implemented

Date of extraction	5 January 2014
Recommendation number	19
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<p><i>The purpose of such training should be two fold:</i></p> <p><i>I. to ensure those involved in prosecuting sexual offences are appropriately skilled in this area of work, and able present matters before the courts competently and effectively; and</i></p> <p><i>II. to ensure those involved in the prosecution of sexual offences are aware of the dynamics and psychological aspects that apply to victims of sexual assault, particularly children.</i></p>
Assessability of recommendation	Yes – clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> On 25 January 2000 AG wrote to DPP re: recommendation for specialist training for prosecutors. On 13 June 2000 AG noted the ODPP was to be responsible for conducting and funding the training. On 18 January 2001 AG wrote to DPP and informed the Director of the same. In 2005-2006, funding was approved to employ two specialist sexual assault prosecutors, although only one was actually employed. Further funding was requested in 2007-2008 and \$0.394 million ongoing for 2008-09 was approved to improve the prosecution of child sex offences.
Excluded actions	Training not provided.

When action was taken	
Implemented as recommended?	No
Government statement about status of implementation	Not implemented
Reason provided	To the extent that recommendations 18 to 21 were not implemented, it is not possible to answer they were not implemented as it would involve speculation.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	20
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Such training should be structured and delivered with an awareness of the legal limitations placed upon prosecutors and their necessary objectivity in presenting materials before the court.</i>
Assessability of recommendation	Yes, clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> On 25 January 2000 AG wrote to DPP re: recommendation for specialist training for prosecutors. On 13 June 2000 AG noted the ODPP was to be responsible for conducting and funding the training.

Excluded actions	<ul style="list-style-type: none"> On 18 January 2001 AG wrote to DPP and informed the Director of the same. In 2005-2006, funding was approved to employ two specialist sexual assault prosecutors, although only one was actually employed. Further funding was requested in 2007-2008 and \$0.394 million ongoing for 2008-09 was approved to improve the prosecution of child sex offences. <p>Training not provided.</p>
When action was taken	
Implemented as recommended?	No
Government statement about status of implementation	Not implemented
Reason provided	To the extent that recommendations 18 to 21 were not implemented, it is not possible to answer they were not implemented as it would involve speculation.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	21
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Such training should recognise that the prosecutor cannot replace the support and assistance offered to victims of sexual assault through the Victim Support Unit.</i>
Assessability of recommendation	Yes – clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. October 2013
Reliability contribution of documents	1. Low

Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • On 25 January 2000 AG wrote to DPP re: recommendation for specialist training for prosecutors. • On 13 June 2000 AG noted the ODPP was to be responsible for conducting and funding the training. • On 18 January 2001 AG wrote to DPP and informed the Director of the same. • In 2005-2006, funding was approved to employ two specialist sexual assault prosecutors, although only one was actually employed. • Further funding was requested in 2007-2008 and \$0.394 million ongoing for 2008-09 was approved to improve the prosecution of child sex offences.
Excluded actions	Training not provided.
When action was taken	
Implemented as recommended?	No
Government statement about status of implementation	Not implemented
Reason provided	To the extent that recommendations 18 to 21 were not implemented, it is not possible to answer they were not implemented as it would involve speculation.
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	22
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>The Territory should provide training for all legal and judicial officers aimed at ensuring an awareness of the dynamics and psychological aspects that apply to victims of sexual assault, particularly children. No suggestion, however, should be made that judges or magistrates are obliged to undertake any such training.</i>

Assessability of recommendation	Yes, action and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented.
Reason provided	<p>Recommendation 22 to 26-judicial and legal officer training</p> <ul style="list-style-type: none"> • The recommendations were placed on the agenda for the Supreme Court Judges Meeting of 2 March 2000 • Chief Justice wrote to the Attorney-General on March 2000 and noted the following: <p>"The training of judicial officers (Recommendation 21) is a vexed issue. As the Committee says, no suggestion should be made that judicial officers are obliged to undergo such training. The conduct of criminal trials in this jurisdiction is before a jury. The presiding Judge is involved to make rulings and provide instruction on matters of law. It is up to the parties to provide evidence to the Court, if it is relevant, going to the 'dynamics and psychological aspects' applying to victims of sexual assault. A Judge could not introduce any such matter into the trial process of his or her own volition. So far as I am aware, there have been no complaints made concerning members of this Court in regard to their conduct of such trials. Until a verdict of guilty is returned by the jury, the Judge must remain circumspect, although making allowance for any distress. That regularly occurs. It</p>

must be remembered, in this context, that an accused person is presumed to be innocent until found otherwise and that until such time as that happens, the person upon whom the sexual offence is said to have been committed cannot strictly be categorised as a 'victim'."

We are informed that members of the Judiciary regularly attend conferences and training sessions, of which topics such as greater awareness in dealing with the victims of sexual assault, particularly children, child sexual abuse and vulnerable witnesses in general are regularly addressed.

On 25 January 2000 the Attorney-General wrote to His Honour Chief Magistrate Mr Hugh Bradley. We are informed that Magistrates have in the past attended conferences and training sessions in which child sex abuse was a topic. On 13 June 2000 the former Attorney-General has signed a Ministerial approving liaison with the Law Society in relation to a Continuing Legal Education seminar to address the training of 'other legal officers' on the basis that the Law Society was to be responsible for conducting and funding their own training. A Ministerial Briefing was prepared for the Acting Attorney-General, Mr Mike Reed, enclosing a letter to the Law Society proposing a Continuing Legal Education Seminar on the 'various intricacies and difficulties involved in dealing with sexual assault matters'. We have been unable to locate a signed copy of the Ministerial or letter.

To the extent that recommendations 22 to 26 were not implemented, it is not possible to answer why they were not implemented as it would involve speculation.

Implementation summary

Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	24
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Such training should also allow for the consideration of issues related to victims of sexual assault and the impact of:</i> <ul style="list-style-type: none"> • cultural background; • physical ability; • intellectual disability; or • gender
Assessability of recommendation	Yes, action and outcomes clearly specified.

Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented.
Reason provided	<p>Recommendation 22 to 26-judicial and legal officer training</p> <ul style="list-style-type: none"> • The recommendations were placed on the agenda for the Supreme Court Judges Meeting of 2 March 2000 • Chief Justice wrote to the Attorney-General on March 2000 and noted the following: <p>"The training of judicial officers (Recommendation 21) is a vexed issue. As the Committee says, no suggestion should be made that judicial officers are obliged to undergo such training. The conduct of criminal trials in this jurisdiction is before a jury. The presiding Judge is involved to make rulings and provide instruction on matters of law. It is up to the parties to provide evidence to the Court, if it is relevant, going to the 'dynamics and psychological aspects' applying to victims of sexual assault. A Judge could not introduce any such matter into the trial process of his or her own volition. So far as I am aware, there have been no complaints made concerning members of this Court in regard to their conduct of such trials. Until a verdict of guilty is returned by the jury, the Judge must remain circumspect, although making allowance for any distress. That regularly occurs. It must be remembered, in this context, that an accused person is</p>

presumed to be innocent until found otherwise and that until such time as that happens, the person upon whom the sexual offence is said to have been committed cannot strictly be categorised as a 'victim'."

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To the extent that recommendations 22 to 26 were not implemented, it is not possible to answer why they were not implemented as it would involve speculation.

Implementation summary

Not implemented

Person extracting data

Auditor 6

Date of extraction

5 January 2014

Recommendation number

25

Commission/Inquiry of origin

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

Recommendation made

Training should be delivered in a manner that allows it to be accessed by legal and judicial officers located outside Darwin.

Assessability of recommendation

Yes, action and outcomes clearly specified.

Additional information request

Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented.
Reason provided	<p>Recommendation 22 to 26-judicial and legal officer training</p> <ul style="list-style-type: none"> • The recommendations were placed on the agenda for the Supreme Court Judges Meeting of 2 March 2000 • Chief Justice wrote to the Attorney-General on March 2000 and noted the following: <p>"The training of judicial officers (Recommendation 21) is a vexed issue. As the Committee says, no suggestion should be made that judicial officers are obliged to undergo such training. The conduct of criminal trials in this jurisdiction is before a jury. The presiding Judge is involved to make rulings and provide instruction on matters of law. It is up to the parties to provide evidence to the Court, if it is relevant, going to the 'dynamics and psychological aspects' applying to victims of sexual assault. A Judge could not introduce any such matter into the trial process of his or her own volition. So far as I am aware, there have been no complaints made concerning members of this Court in regard to their conduct of such trials. Until a verdict of guilty is returned by the jury, the Judge must remain circumspect, although making allowance for any distress. That regularly occurs. It must be remembered, in this context, that an accused person is presumed to be innocent until found otherwise and that until such time as that happens, the person upon whom the sexual offence is</p>

said to have been committed cannot strictly be categorised as a 'victim'."

We are informed that members of the Judiciary regularly attend conferences and training sessions, of which topics such as greater awareness in dealing with the victims of sexual assault, particularly children, child sexual abuse and vulnerable witnesses in general are regularly addressed.

On 25 January 2000 the Attorney-General wrote to His Honour Chief Magistrate Mr Hugh Bradley. We are informed that Magistrates have in the past attended conferences and training sessions in which child sex abuse was a topic. On 13 June 2000 the former Attorney-General has signed a Ministerial approving liaison with the Law Society in relation to a Continuing Legal Education seminar to address the training of 'other legal officers' on the basis that the Law Society was to be responsible for conducting and funding their own training. A Ministerial Briefing was prepared for the Acting Attorney-General, Mr Mike Reed, enclosing a letter to the Law Society proposing a Continuing Legal Education Seminar on the 'various intricacies and difficulties involved in dealing with sexual assault matters'. We have been unable to locate a signed copy of the Ministerial or letter.

To the extent that recommendations 22 to 26 were not implemented, it is not possible to answer why they were not implemented as it would involve speculation.

Implementation summary

Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	26
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>Training should be delivered by training providers, who have previous experience in the delivery of training regarding the dynamics and psychological aspects that apply to victims, including child victims of sexual assault, and in the delivery of training to legal and judicial officers.</i>
Assessability of recommendation	Yes, action and outcomes clearly specified.

Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented.
Reason provided	<p>Recommendation 22 to 26-judicial and legal officer training</p> <ul style="list-style-type: none"> • The recommendations were placed on the agenda for the Supreme Court Judges Meeting of 2 March 2000 • Chief Justice wrote to the Attorney-General on March 2000 and noted the following: <p>"The training of judicial officers (Recommendation 21) is a vexed issue. As the Committee says, no suggestion should be made that judicial officers are obliged to undergo such training. The conduct of criminal trials in this jurisdiction is before a jury. The presiding Judge is involved to make rulings and provide instruction on matters of law. It is up to the parties to provide evidence to the Court, if it is relevant, going to the 'dynamics and psychological aspects' applying to victims of sexual assault. A Judge could not introduce any such matter into the trial process of his or her own volition. So far as I am aware, there have been no complaints made concerning members of this Court in regard to their conduct of such trials. Until a verdict of guilty is returned by the jury, the Judge must remain circumspect, although making allowance for any distress. That regularly occurs. It must be remembered, in this context, that an accused person is</p>

presumed to be innocent until found otherwise and that until such time as that happens, the person upon whom the sexual offence is said to have been committed cannot strictly be categorised as a 'victim'."

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To the extent that recommendations 22 to 26 were not implemented, it is not possible to answer why they were not implemented as it would involve speculation.

Implementation summary

Not implemented

Person extracting data

Auditor 6

Date of extraction

5 January 2014

Recommendation number

27

Commission/Inquiry of origin

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

Recommendation made

Further consideration should also be given to the introduction of education on these issues into undergraduate and post-graduate legal training.

Assessability of recommendation

Yes – action clearly specified

Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	“The Faculty of Law at Charles Darwin University advised that at present, the criminal law unit, which is taught to undergraduate law students, covers the under-reporting of sexual assault including the reasons for under-reporting, the prevalence and difficulty of conducting successful prosecutions and how the rules/laws of evidence clash with the multiple vulnerabilities of the complainants. Material on the development of new offences (such as Maintaining a Relationship with a Child), along with the policy reasons for them, and the successes and failures of the criminal justice system are also addressed.”
Excluded actions	NA
When action was taken	AG wrote to VC of NTU on 25 January 2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented.
Reason provided	NA
Implementation summary	Implemented in full
Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	28

Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>A recommendation regarding the inclusion of education on these issues in undergraduate and post-graduate legal training should be forwarded to the Northern Territory University Faculty of Law.</i>
Assessability of recommendation	Yes – action clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	“Attorney-General wrote to the Vice Chancellor of the Northern Territory University in relation to recommendation 27 and 28 on 25 January 2000 suggesting that consideration be given to introducing education on the special needs of victims of sexual assault and the particular dynamics of such cases.”
Excluded actions	NA
When action was taken	AG wrote to VC of NTU on 25 January 2000
Implemented as recommended?	Y
Government statement about status of implementation	Implemented.
Reason provided	NA
Implementation summary	Implemented in full
Person extracting data	Auditor 6
Date of extraction	5 January 2014

Recommendation number	29
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>That in considering future appointments to the judiciary or magistracy the Attorney-General may consider inter alia, the potential capacity of any person (whether by training or personality) to understand and appreciate the special problems associated with cases of sexual assault.</i>
Assessability of recommendation	Yes, actions clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	“Under section 32 of the Supreme Court Act, the prescribed pre-requisite for appointment of a judicial officer is that an individual has been a legal practitioner for at least 10 years. When considering suitability for appointment to the judiciary or magistracy, the Attorney-General has regard to a number of matters, including the experience of each candidate.

	To the extent that this recommendation was not implemented, it is not possible to answer why it was not implemented as it would involve speculation.”
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	31
Commission/Inquiry of origin	Report on the Law Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory, Northern Territory Law Reform Committee (1999)
Recommendation made	<i>That the Government sponsor a vigorous campaign to educate and alert the public to the tragedies and traumas experienced by victims of sexual assault, particularly children, to the means of identifying such cases and to the necessity to report such cases.</i>
Assessability of recommendation	Yes, action and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 14/10/13
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 14 October 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Sexual assault issues were integrated into domestic violence campaigns such as the Let’s Stop It...Now campaign in 2002. Specific sexual assault community education materials were produced as part of this campaign. • In December 2003 a Sexual Assault Taskforce was created to operate for 12 months and develop a Sexual Assault Prevention Plan. A public education booklet was also produced ‘Step Forward – Getting Help About Sexual Violence’.

Excluded actions	In June 2000, AG did not approve the public education campaign proposal. Reasons are not known.
When action was taken	2002, 2003
Implemented as recommended?	N
Government statement about status of implementation	Not implemented
Reason provided	Government will not speculate as to reasons why.
Implementation summary	Not implemented

DOCUMENT AUDIT : QUEENSLAND

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	32
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the title official visitor be changed to 'community visitor'.</i>
Assessability of recommendation	Yes – outcome clearly specified
Additional information request	NA
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Name changed through the Commission Children & Young People Act 2000
Excluded actions	NA
When action was taken	2000
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full"
Reason provided	NA
Implementation summary	Implemented in full – see also legislation verification

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	33
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That private homes be generally exempt from the community visitor program, but be included if: More than a specific number of unrelated children and young people, say four or more, are placed in the same foster home; and A private home is providing accommodation for a child in care and a complaint has been made which hasn't been or can't reasonably and practicably be resolved by internal grievance processes.</i>
Assessability of recommendation	Yes, outcomes clearly specified
Additional information request	1. Legislation Check; Commission for Children and Young People and Children Guardian Act 2000
Submitted document/ source details	1. Government response to RC provided 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation Check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	See legislation verification for full details
Excluded actions	The Act does not require a specific number of unrelated children to be present in a private home in order for it to become a visitable site. Nor does it require an unresolved complaint to have been made in a private home in order for it to become a visitable site.
When action was taken	
Implemented as recommended?	Partially
Government statement about status of implementation	"Implemented in full"

Reason provided	
Implementation summary	Partially implemented –see excluded actions
Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	34
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the community visitor program be extended to cover children and young people who live in residential facilities but who aren’t subject to statutory care orders</i>
Assessability of recommendation	Yes, action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Extended community visitor program.
Excluded actions	NA
When action was taken	Unclear when legislation was updated. Community visitors program began in 2001.
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”
Reason provided	NA

Implementation summary	Implemented in full - See also legislation verification.
Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	35
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That the role and purpose of community visitors be to develop trusting relationships with children and young people in residential facilities to facilitate their ability to advocate on the child's or young person's behalf as necessary.</i>
Assessability of recommendation	Yes, outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full".
Reason provided	NA
Implementation summary	Implemented in full

See also legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	36
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That community visitors be authorised to facilitate 'on site' resolution of complaints, and to refer serious matters to the Commission in accordance with formal protocols and guidelines.</i>
Assessability of recommendation	Yes, outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full".
Reason provided	NA
Implementation summary	Implemented in full. See also legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	37
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That community visitors be authorised to access otherwise confidential information held at residential facilities about the children and young people who reside there, subject to the same overarching principles and confidentiality requirements as other Commission staff.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full".
Reason provided	NA
Implementation summary	Implemented in full See also legislation verification.

Person extracting data	Auditor 6
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Date of extraction	3 January 2014
Recommendation number	38
Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	That the Act oblige the management and staff of residential facilities to cooperate with community visitors in the exercise of their functions.
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full".
Reason provided	NA
Implementation summary	Implemented in full See also legislation verification.
Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	39

Commission/Inquiry of origin	Briton, J, Gordon P, Parker S & Airo-Farulla G, (1999) Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunal Act 1996: Report and Recommendations
Recommendation made	<i>That consideration be given to 'harmonising' the legislative and administrative frameworks applying to community visitor and the programs under the Children's Commission and Juvenile Justice Acts and envisaged adult guardianship and mental health legislation.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Role of the adult guardian not covered by the CCYP Act.
When action was taken	Unclear, but the CCYP Act is 2000.
Implemented as recommended?	Y
Government statement about status of implementation	"Partially implemented".
Reason provided	NA
Implementation summary	Partially implemented See also legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	2
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)

Recommendation made	<i>That a working party be established comprising Education Queensland, the Board of Teacher Registration, the Association of Independent Schools Queensland (AISQ), the Queensland Catholic Education Commission and the Children's Commission Queensland to develop appropriate policies for responding to suspicions or disclosures of child sexual abuse in non-government schools. This should be undertaken in consultation with Families Youth and Community Care Queensland and the QPS (see also Recommendations 11 and 15).</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to the RC, 2013 2. Minutes of the Non-State School Authorities Council meeting, April 2002
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request, 2013 2. April 2002
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low
Implementation	
Recommended actors involved	Queensland Catholic Education Commission, Children's Commission Queensland.
Recommended actors not involved	Families Youth and Community Care Queensland, and the QPS. Education Queensland, Board of Teacher Registration, Association of Independent Schools Queensland.
Included actions	Working party established November 2002. Run by the Non-State School Authorities Council.
Excluded actions	Unclear whether all of the mentioned organisations were involved in the Working Party. Unclear whether the recommended consultation took place. Unclear whether policies were developed by the Working Party.
When action was taken	Began November 2002.
Implemented as recommended?	N
Government statement about status of implementation	"Implemented in full".

Reason provided	NA
Implementation summary	Undetermined. A working party was established but its membership, work and consultation mechanisms have not been provided.

Person extracting data	Auditor 6
Date of extraction	02.01.2014
Recommendation number	3
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government consider including, as a requirement of their accreditation, that non-government schools have in place adequate policies for responding to suspicions or disclosures of child sexual abuse (see also Recommendations 12 and 16).</i>
Assessability of recommendation	Yes – clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to the RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Enacted the <i>Education (Accreditation of Non-State School Regulation) 2001</i>.
Excluded actions	NA
When action was taken	2001
Implemented as recommended?	Y

Government statement about status of implementation	"Implemented in full".
Reason provided	Y
Implementation summary	Implemented in full – see legislation verification

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	4
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That appropriate funding be provided to the Children's Commission Queensland to undertake a formal evaluation of the Coordinating Committee on Child Abuse (CCOCA) and Suspected Child Abuse and Neglect (SCAN) team procedures.</i>
Assessability of recommendation	Yes, action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	1. Government response provided to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N

Government statement about status of implementation	"This recommendation concerns the Children's Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation."
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	6
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Children's Commission Queensland be granted sufficient funding to expand its trial data tracking project to examine the progress of individual cases of child sexual abuse through the criminal justice system with a view to: • gaining a comprehensive understanding of why child sex offence matters are withdrawn and discontinued at a higher rate than other offence types; • providing information about the effect of changes to legislation and court practices. This research should be commenced as soon as possible to enable information to be collected against which the effectiveness of any reforms can be measured.</i>
Assessability of recommendation	Yes, for the most part clearly specified actions and outcomes. "Comprehensive understanding" could be open to interpretation.
Additional information request	NA
Submitted document/ source details	Government response provided to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA

Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	8
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Queensland Government commit greater resources to custody-based treatment programs for child sex offenders to enable all eligible inmates to participate in the program</i>
Assessability of recommendation	Yes, action and outcome clearly specified.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Funding for sex offender programs increased as recommended. Programs now available in 3 additional correctional facilities. Six

	different programs now available for different needs/target groups. Numbers completing a program each year have risen from 125 in 2006 to 522 in 2013.
Excluded actions	NA
When action was taken	New programs and/or injection of funds in 2001, 2005, 2007-2014
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full".
Reason provided	Y
Implementation summary	Implemented in full. Funding for additional programs in place, and numbers of sex offenders completing programs substantially increased.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	9
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Queensland Government increase funding for the Community Corrections Sex Offenders' program so that: • it will be more widely available as an option for courts to include as part of a community-based sentence in appropriate cases; and • it will provide more comprehensive treatment for offenders released from prison.</i>
Assessability of recommendation	In part. Most actions and outcomes clearly specified. However, 'more comprehensive' is open to interpretation, and it is unclear what is meant by it.
Additional information request	NA
Submitted document/ source details	Government response to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided on request, 2013
Reliability contribution of documents	Low

Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Reported increase in funding and number of programs available. 16 dedicated program staff across the State. Larger numbers of offenders have completed programs.
Excluded actions	Whether the increased program availability has led to 'more comprehensive treatment'. Further evidence of increased funding could have been provided.
When action was taken	Dedicated teams established 2006.
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented in full".
Reason provided	NA
Implementation summary	Implemented in full. Programs do appear to have been put in place following this Inquiry. Evidence beyond the governmental response could have been provided.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	10
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government establish a working party including representatives from the Department of Corrective Services, the QPS and Families Youth and Community Care Queensland, and other relevant government and community agencies, to develop a coordinated response to the treatment, monitoring and supervision of child sex offenders in the community.</i>
Assessability of recommendation	Yes – action, actors and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant

Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation Check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Working party chaired by Dept of Premier & Cabinet, with all relevant agencies represented. Coordinated response included new legislation for the monitoring of offenders, a National Offender Register; MOUs between government agencies,, the operation of a Serious Offenders Committee ; establishment of a Sexual Offender and Dangerous Offender Unit; an Interagency Public Protection Committee.
Excluded actions	NA
When action was taken	2003 onwards
Implemented as recommended?	Y
Government statement about status of implementation	“Implemented in full”.
Reason provided	NA
Implementation summary	Implemented in full. See Legislation check

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	11
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the working party referred to in Recommendation 2 also develops appropriate employment screening policies for non-government schools, taking into account the legislative requirements for other child-related employers under the proposed Commission for Children and Young People Act (see Recommendation 15).</i>
Assessability of recommendation	Yes – action and outcomes clearly specified.
Additional information request	

Submitted document/ source details	1. Government response, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Various legislative requirements.
Excluded actions	No evidence of employment screening policies for non-government schools.
When action was taken	2000 onwards
Implemented as recommended?	N
Government statement about status of implementation	"Implemented in full."
Reason provided	N
Implementation summary	Implemented in full. Working party established, and a range of screening mechanisms in place.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	12
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Government consider including, as a requirement of accreditation, that non-government schools have in place adequate policies for employment screening (see also Recommendations 3 and 16).</i>
Assessability of recommendation	Yes – action and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Government response, 2013

Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Various legislative requirements. Various screening mechanisms in place.
Excluded actions	
When action was taken	2000 onwards
Implemented as recommended?	N
Government statement about status of implementation	"Implemented in full."
Reason provided	N
Implementation summary	Implemented in full. Screening mechanisms in place for non-state schools.

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	13
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the 12 month review of the proposed Commission for Children and Young People Act consider the following issues: • whether adequate screening has been applied to private childcare providers; • whether the legislation should enable voluntary applications for suitability notices for areas of child-related employment not covered by existing provisions; • whether information in relation to disciplinary proceedings should be maintained by the Commission</i>
Assessability of recommendation	Yes, actions clearly specified
Additional information request	NA

Submitted document/ source details	Government response provided to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	17
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Children’s Commission Queensland consider the question of the accountability of church institutions when an allegation of child sexual abuse has been made involving a church employee, and consider whether the introduction of any official oversight mechanism might improve the response of churches.</i>
Assessability of recommendation	Yes, action clearly specified.
Additional information request	

Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response provided to RC, 2013 2. Government response provided to RC, 2013, Attachment 1.1
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. 2013 2. 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low
Implementation	
Recommended actors involved	Children's Commissioner
Recommended actors not involved	NA
Included actions	Offered help to major religious institutions to develop child protection policies.
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	"This recommendation concerns the Children's Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation."
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	5 January 2014
Recommendation number	18
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That Sport and Recreation Queensland, in conjunction with the Children's Commission Queensland and FYCCQ, encourage sport and recreation organisations to develop child protection policies for addressing complaints against staff or volunteers.</i>
Assessability of recommendation	Yes – action and outcomes clearly specified and measurable.
Additional information request	

Submitted document/ source details	1. Government response to RC, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Commission, Sport & Rec
Recommended actors not involved	NA
Included actions	Commission extended Working with Children Check to volunteers. S&R has conducted a number of workshops on Child Protection.
Excluded actions	No evidence of S&R consulting with the Commission (due to timeframe for holding public records).
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	"Partly implemented".
Reason provided	N
Implementation summary	Partially implemented – see excluded actions

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	19
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Children's Commission Queensland explore mechanisms for improving accountability of childcare centres and other youth recreation and adventure groups to ensure that complaints handling policies are in place and enforced, and that allegations of child sexual abuse are brought to the attention of the appropriate authorities.</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	NA

Submitted document/ source details	Government response provided to RC, 2013
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	2 January 2014
Recommendation number	20
Commission/Inquiry of origin	Project AXIS (Volume 2) Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)
Recommendation made	<i>That the Children’s Commission Queensland be adequately funded to enable it to document the services available for victims of child sexual abuse and identify any gaps in services provided.</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	NA
Submitted document/ source details	Government response provided to RC, 2013

Relevant to at least one aspect of recommendation	Relevant
Documentation currency	2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	“This recommendation concerns the Children’s Commission, which is a separate entity to the State, and is separately represented for the purposes of this Royal Commission. The State does not make any response in relation to this recommendation.”
Reason provided	NA
Implementation summary	Undetermined

Person extracting data	Auditor 6
Date of extraction	12 February 2014
Recommendation number	10
Commission/Inquiry of origin	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)
Recommendation made	<i>That the Queensland Police Service work closely with the Office of the Director of Public Prosecutions to expand the role of the Prosecution Review Committee. The role should include a review of: • all sexual offence matters that fail at committal (whether it be the responsibility of the police or the ODPP at that stage) • all sexual offence matters that are discontinued by the ODPP • all sexual offence matters that fail before the higher courts (including the Court of Appeal) • the role of the investigating/arresting officer in the matters • the role of the police prosecutor in the matters.</i>

Assessability of recommendation	Yes
	Means of implementation, outcome, and actors specified.
Additional information request	
Submitted document/ source details	1. Government response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Queensland Police Service; Office of the Director of Public Prosecutions
Recommended actors not involved	NA
Included actions	Introduction of Failed Sexual Offences Prosecutions Working Party
Excluded actions	Prosecution Review Committees not considered to be achieving the intent of the recommendation
When action was taken	2005 onwards
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full
Reason provided	A number of different approaches were tried, to improve work between QPS and ODPP.
Implementation summary	Implemented in full: A 2008 CMC report found that communication between ODPP and QPS had been strengthened but there was room for improvement. Since then the organisations do appear to be making efforts to improve communication and address failed sexual offence matters.

Person extracting data	Auditor 2 & Auditor 6
Date of extraction	10.02.2014 & 12.02.2014
Recommendation number	11
Commission/Inquiry of origin	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)

Recommendation made	<i>That all legal staff and Victim Liaison Officers at the Office of the Director of Public Prosecutions receive training in aspects relevant to sexual offending, such as the nature and extent of abuse, child development, the disclosure and reporting of abuse, interviewing techniques and historic cases.</i>
Assessability of recommendation	Yes, action and outcome clearly specified.
Additional information request	<ol style="list-style-type: none"> 1) Please supply the sections of the training program that relate to sexual offending (eg a facilitator's manual). 2) Please supply data indicating the number of legal staff and the number of Victim Liaison Officers that have attended training (annual data for 2010, 2011, 2012, 2013) as a proportion of the total numbers of legal staff and Victim Liaison Officers.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, 2013 2. Seeking Justice An Inquiry into How Sexual Offence Are Handled By The Queensland Criminal Justice System, June 2003 3. How the Criminal Justice System Handles Allegations of Sexual Abuse; A Review of the Implementation of the Recommendations of the Seeking Justice Report, 2008 4. Understanding Sexual Offences Training Forum, Resources Folder, submitted to RC, Jan 2014 5. Additional government response to RC, 22/11/2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant 5. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. 2013 2. 2013 3. 2013 4. 2014 5. 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Low 5. Low
Implementation	

Recommended actors involved	Office of the Director of Public Prosecutions (ODPP)
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Understanding Sexual Offences Training Forum (USOT) provided to 220 ODPP staff in 2009, including VLOs. • Ongoing training program for all legal staff, including sessions on sexual offences
Excluded actions	
When action was taken	2009 and ongoing.
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in full.
Reason provided	
Implementation summary	Implemented in full: The ODPP does not record the position titles of staff attending professional development so could not provide data for 2010-2013

Person extracting data	Auditor 2
Date of extraction	10.02.2014
Recommendation number	17
Commission/Inquiry of origin	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)
Recommendation made	<i>That the Department of Justice and the Attorney-General formally review the role and functions of Victim Liaison Officers employed by the Office of the Director of Public Prosecutions with a view to enhancing the response of the Office to complainants in sexual offence matters.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Government response to RC, 2013 2. Seeking Justice An Inquiry into How Sexual Offence Are Handled By The Queensland Criminal Justice System, June 2003 3. How the Criminal Justice System Handles Allegations of Sexual Abuse; A Review of the Implementation of the Recommendations of the Seeking Justice Report, 2008

Relevant to at least one aspect of recommendation	1. relevant 2. relevant 3. relevant
Documentation currency	1. 2013
Reliability contribution of documents	1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	1. Department of Justice and Attorney-General (JAG)
Recommended actors not involved	
Included actions	Review was undertaken
Excluded actions	Review did not result in any changes in VLO role or function
When action was taken	2006
Implemented as recommended?	Y
Government statement about status of implementation	Implemented in Full
Reason provided	
Implementation summary	Implemented in full - Role of VLO was reviewed

Person extracting data	Auditor 6
Date of extraction	7 January 2014
Recommendation number	20
Commission/Inquiry of origin	Seeking Justice: an inquiry into how sexual offences are handled by the Queensland Criminal Justice system (June 2003)
Recommendation made	<i>"That the definition of a 'prescribed sexual offence' contained in section 3 of the Criminal Law (Sexual Offences) Act 1978 (Qld) be deleted and replaced with a new definition modelled on the definition of a 'sexual offence' that appears in section 4 of South Australia's Evidence Act 1929."</i>
Assessability of recommendation	Yes, action and outcome clearly specified.

Additional information request	
Submitted document/ source details	1. Government response 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	Not implemented
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Not implemented. The AG advised the CMC in 2006 that the recommendation was rejected, with no explanation provided.
Reason provided	N
Implementation summary	Not implemented. Recommendation rejected.

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	4.1
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That a new Department of Child Safety be created to focus exclusively upon core child protection functions and to be the lead agency in a whole-of-government response to child protection matters.</i>
Assessability of recommendation	Yes, outcomes clearly specified.
Additional information request	n/a

Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response 2. Blueprint for implementing the recommendations of the January 2004 Crime & Misconduct Commission Report 3. Reform of Queensland's Child Protection System – One year on 4. Progress in reforming the Qld child protection system 5. Reforming child protection in Qld: A review of the implementation of recommendations contained in the CMC's Protecting Children report
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – an implementation plan 3. Relevant – implementation progress report 4. Relevant - implementation progress report 5. Relevant – CMC's review of implementation
Documentation currency	<ol style="list-style-type: none"> 1. Government response supplied to RC, 2013 2. Undated 3. March 2005 4. January 2006 5. June 2007
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium –jurisdictional strategic document with formal departmental endorsement 3. Medium –jurisdictional strategic document with formal departmental endorsement 4. Medium –jurisdictional strategic document with formal departmental endorsement 5. Medium –jurisdictional strategic document with formal departmental endorsement
Implementation	
Recommended actors involved	Department of Premier & Cabinet; newly established Department of Child Safety
Recommended actors not involved	NA
Included actions	<p>Action taken to establish a Department of Child Safety and to determine its role and responsibilities as having a child protection focus. Department of Families closed down.</p> <p>CMC implementation review report:</p> <p>“The Department of Child Safety (DCS) was created in February 2004, although the new department did not become fully functional until December of that year. The Department of Families ceased to exist, and its staff and functions were taken up by either the DCS or the Department of Communities. The new department's primary focus on child protection matters is demonstrated by the legislative</p>

	responsibilities of its minister and the structure of the new department.”
Excluded actions	NA
When action was taken	Began in 2004, new Dept became functional in December 2004.
Implemented as recommended?	Y
Government statement about status of implementation	“implemented in full”
Reason provided	NA
Implementation summary	Implemented in full New Department established as recommended.

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	5.21
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That a position of Child Guardian, to be situated within the Commission for Children and Young People, be established, whose sole responsibility would be to oversee the provision of services provided to, and decisions made in respect of, children within the jurisdiction of the DCS.</i>
Assessability of recommendation	Yes – actions and outcomes clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Various reports from the Children’s Guardian (via website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – indicates Guardian’s role
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. Various from 2002 onwards
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Medium – public annual reports, formal departmental endorsement
Implementation	
Recommended actors involved	Commission for Children & Young People; Children’s Guardian
Recommended actors not involved	NA

Included actions	Incorporated Guardian into existing Commission for Children & Young People
Excluded actions	NA
When action was taken	New legislation introduced 2004
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented".
Reason provided	NA
Implementation summary	Implemented in full (see also legislation verification)

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	5.23
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Community Visitor Program of the Commission for Children and Young People be extended to cover all children in the alternative care system, including those in foster care. This program should be administered by the Child Guardian.</i>
Assessability of recommendation	Yes – outcomes clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Various reports from the Children's Guardian (via website)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – indicates Guardian's role
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. Various from 2002 onwards
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Medium – public annual reports, formal departmental endorsement
Implementation	
Recommended actors involved	Commission for Children & Young People and Children's Guardian
Recommended actors not involved	NA

Included actions	Expanded the Community Visitor Program seven-fold, recruited 150 new Visitors.
Excluded actions	NA
When action was taken	Unclear
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented"
Reason provided	NA
Implementation summary	Implemented in full – more evidence could have been provided but it appears to have been implemented.

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	6.13
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That mandatory reporting of child abuse be extended to registered Queensland nurses by legislating under the Health Act.</i>
Assessability of recommendation	Yes – outcome clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Queensland Child Protection Guide
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Web link not accessible
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. Web link not accessible
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Web link not accessible
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Legislation updated
Excluded actions	NA

When action was taken	2005
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented"
Reason provided	NA
Implementation summary	Implemented in full – see also legislation verification

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	6.15
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That section 76K of the Health Act be amended to make it mandatory for doctors and nurses to notify the DCS about their suspicion of child abuse.</i>
Assessability of recommendation	Yes – action and outcome clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Public Health Act 2005
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. 2005
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. High - legislation
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Legislation updated
Excluded actions	
When action was taken	2005, the following year
Implemented as recommended?	Y

Government statement about status of implementation	"Implemented"
Reason provided	NA
Implementation summary	Implemented in full – see all legislation verification

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	7.1
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Department of Child Safety be responsible for receiving and investigating notifications of child abuse and neglect, and take over responsibility for the final assessment and certification of all carers, and for assessing the appropriateness of carers' reapproval's.</i>
Assessability of recommendation	Yes – action and outcome clearly specified
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC, provided 2013 2. Dept of Child Safety "Matters of Concern" policy 3. Chapter 4 of the Child Protection Act 1999
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Web link not accessible 3. Web link not accessible
Documentation currency	<ol style="list-style-type: none"> 1. Provided 2013 2. Web link not accessible 3. Web link not accessible
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low – confidential opinion 2. Web link not accessible 3. Web link not accessible
Implementation	
Recommended actors involved	Department of Child Safety
Recommended actors not involved	NA
Included actions	Department policy and relevant legislation updated
Excluded actions	NA
When action was taken	Unclear
Implemented as recommended?	Y

Government statement about status of implementation	"Implemented"
Reason provided	NA
Implementation summary	Implemented in full – while other organisations can carry out screening and assessment of carers, final approval rests with the Department of Child Safety. See also legislation verification .
Person extracting data	Auditor 6
Date of extraction	12 February 2014
Recommendation number	7.4
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Department of Child Safety: • identify the extent of the need for residential care services • identify the type of children who would most benefit from these services • identify the skills and training required by staff • develop service models that meet needs in this area • monitor and evaluate residential care services</i>
Assessability of recommendation	Yes – all actions specified clearly
Additional information request	NA
Submitted document/ source details	<ol style="list-style-type: none"> 1. Government response to RC provided 2013 2. Evaluation of residential care services, 2004-2007 3. Evaluation of the Therapeutic Residential Care services, 2010
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – fourth point of recommendation 3. Relevant – fourth point of recommendation
Documentation currency	<ol style="list-style-type: none"> 1. Provided to RC in 2013 2. 2007 3. 2010
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Low
Implementation	
Recommended actors involved	Department of Child Safety
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Extent of need – provided in government's response to RC and in the 2004-2007 Evaluation Report. • Children who would benefit – explored in the 2004-2007 Evaluation Report.

Excluded actions	<ul style="list-style-type: none"> • Required skills & training for staff – 2004-2007 Evaluation Report has some info about the training provided, but not really an exploration of the skills/training needed. • Service models – covered in the 2010 “ A Contemporary Model of Residential Care for Children and Young People in Care” • Monitor & evaluate – Evaluations in 2004-2007 and 2010 NA
When action was taken	2004 - 2010
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	
Implementation summary	Implemented in full: All aspects of the recommendation were addressed.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	7.11
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act 1999 be amended to regulate voluntary placements.</i>
Assessability of recommendation	Yes
Additional information request	NA
Submitted document/ source details	
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA

Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	Implemented in full – see legislation verification.

Person extracting data	Auditor 2
Date of extraction	10.02.2014
Recommendation number	7.18
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That a framework be developed for supporting relative care that includes enhanced screening and monitoring of carers and the provision of training opportunities and other support for carers. There should be an extensive consultation process, especially with Indigenous communities, in the development of the framework.</i>
Assessability of recommendation	Yes actions and outcomes are clearly specified, although ‘other support’ for carers, is not specified
Additional information request	<ul style="list-style-type: none"> • Please supply details of the consultation process undertaken, including which organisations, groups and/or communities were consulted. • Legislation Check; Chapter 4 Children Protection Act 1999
Submitted document/ source details	1. Government response to RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant 2. Relevant
Documentation currency	1. Government response; 2013 2. Kinship Care consultation, provided Jan 2014
Reliability contribution of documents	1. Low – Government response 2. Low - Kinship Care consultation

	2. High – Legislation check
Implementation	
Recommended actors involved	1. Communities Queensland
Recommended actors not involved	NA
Included actions	<p>1. Licensing and approval of carers in the Child Protection Act 1999</p> <p>2. Child Safety Practice Manual on website</p> <p>3. Framework for staff to identify out-of-home care options on website</p> <p>4. Information on Assessment and Approval of Foster and Kinship carers on website</p> <p>5. Training material for optional training for kinship carers on website; also some required training for foster carers</p> <p>6. Targeted and extensive consultation, including many Indigenous stakeholders.</p>
Excluded actions	NA
When action was taken	Not stated
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented
Reason provided	
Implementation summary	Implemented in full : Legislative changes made, community consultation broad; training in place.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	7.26
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act be amended to incorporate specific obligations on the part of the DCS to disclose relevant information to carers.</i>

Assessability of recommendation	Yes
Additional information request	NA
Submitted document/ source details	
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	Implemented in full – see legislation verification.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	7.27
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act incorporate a general disclosure obligation on the DCS to inform other departments, government agencies and non-government agencies (including 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’)</i>

	<i>will be bound by the confidentiality provision contained in section 188.</i>
Assessability of recommendation	Yes
Additional information request	NA
Submitted document/ source details	
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	Implemented in full – see legislation verification.

Person extracting data	Auditor 2
Date of extraction	10.02.2014
Recommendation number	7.28
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the department ensure that it has clear policies and procedures on disclosure of information and that it incorporate them in the training provided to departmental and agency staff.</i>
Assessability of recommendation	Yes; actions and outcomes are clearly specified

Additional information request	1. Legislation Check; Child Protection Act 1999
Submitted document/ source details	1. Government response to RC; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	Currency; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Communities Queensland
Recommended actors not involved	NA
Included actions	1. The Child Safety Practice Manual (on website) sets out procedures for information sharing
Excluded actions	1. There is no evidence that the procedures are incorporated into training for departmental and agency staff
When action was taken	Not stated
Implemented as recommended?	N
Government statement about status of implementation	Implemented
Reason provided	
Implementation summary	Undetermined Legislation changes made but no evidence of training provided.

Person extracting data	Auditor 6
Date of extraction	3 January 2014
Recommendation number	9.2
Commission/Inquiry of origin	Inquiry into Abuse of Children in Foster Care - Protecting children: An Inquiry into Abuse of Children in Foster Care (2004)
Recommendation made	<i>That the Child Protection Act be amended to ensure that it regulates the assessment and approval of all carers.</i>
Assessability of recommendation	Yes – action and outcome clearly specified.

Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Y
Government statement about status of implementation	"Implemented"
Reason provided	NA
Implementation summary	Implemented in full. See legislation verification.

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	4.2
Commission/Inquiry of origin	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry
Recommendation made	<i>The Department of the Premier and Cabinet and the Department of Communities, Child Safety and Disability Services lead a whole-of-government process to: - review and consolidate all existing legislative reporting obligations into the Child Protection Act 1999; - develop a single 'standard' to govern reporting policies across core Queensland Government agencies; - provide support through joint training in the understanding of key threshold definitions to help professionals decide when they should report significant harm to</i>

	<i>Child Safety Services and encourage a shared understanding across government.</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Still being considered
Reason provided	
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	12.7
Commission/Inquiry of origin	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry
Recommendation made	<i>The role of the Child Guardian be refocused on providing individual advocacy for children and young people in the child protection system. The role could be combined with the existing Adult Guardian</i>

	<i>to form the Public Guardian of Queensland, an independent statutory body reporting to the Attorney-General and Minister for Justice.</i>
Assessability of recommendation	Yes, outcome and potential actions clearly specified.
Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Still being considered
Reason provided	
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	12.8
Commission/Inquiry of origin	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry
Recommendation made	<i>The role of Child Guardian — operating primarily from state-wide ‘advocacy hubs’ that are readily accessible to children and young people — assume the responsibilities of the child protection</i>

	<i>community visitors and re-focus on young people who are considered most vulnerable.</i>
Assessability of recommendation	Yes – actions and outcomes clearly specified. ‘Advocacy hubs’ is open to interpretation.
Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Still being considered
Reason provided	
Implementation summary	Not implemented

Person extracting data	Auditor 6
Date of extraction	1 January 2014
Recommendation number	12.9
Commission/Inquiry of origin	Queensland Child Protection of Inquiry - Taking Responsibility: A Roadmap for Queensland Child Protection - June 2013, Queensland Child Protection of Inquiry
Recommendation made	<i>Complaints about departmental actions or inactions, which are currently directed to the Children’s Commission, be investigated by</i>

	<i>the relevant department through its accredited complaints-management process, with oversight by the Ombudsman.</i>
Assessability of recommendation	Yes, outcome and actions clearly specified
Additional information request	NA
Submitted document/ source details	NA
Relevant to at least one aspect of recommendation	NA
Documentation currency	NA
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	Still being considered
Reason provided	
Implementation summary	Not implemented

DOCUMENT AUDIT : SOUTH AUSTRALIA

Person extracting data	Auditor 2
Date of extraction	13.01.2014
Recommendation number	1
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p><i>1. That a statutory Office of Commissioner for Children and Young Persons be created to: • include the functions of advocacy, promotion, public information, research, develop screening processes for work with children and young persons • be based largely on the model in the Children and Young People Act 2000 (Qld) as contained in sections 15 (c) to (j) and (l) to (o), 19, 90, 92 and Part 6, combined with the Commission for Children and Young People Act 1998 (NSW) sections 11 (a) to (h), 14, 15, 16, 17, 23, and 24 • include sitting as a member of the South Australian Young Persons Protection Board • be independent of Government • report to Parliament.</i></p> <p><i>2. That a statutory position of Deputy Commissioner of Young Persons be created and to be occupied by an Indigenous person.</i></p> <p><i>3. That a Joint Parliamentary Committee on child protection be created and statutorily mandated in a way similar to section 27 of Commission for Children and Young People Act 1998 (NSW).</i></p>
Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. confidential government response, 2013
Relevant to at least one aspect of recommendation	1. relevant
Documentation currency	1. provided on request, 2013
Reliability contribution of documents	1. low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The South Australian Government established a number of separate mechanisms for advocacy, review and monitoring of children's

	<p>interests that range from covering individual issues through to providing overarching systemic advice:</p> <ol style="list-style-type: none"> 1. Council for the Care of the Children 2. Guardian for Children and Young People 3. Child Death and Serious Injury Review Committee 4. Proposal for a State Commissioner continues to be discussed
Excluded actions	<ul style="list-style-type: none"> • Statutory office of Commission for Children and Young Persons was not established. • Statutory position of Deputy Commissioner of Young Person to be occupied by an Indigenous Person was not established. • Joint Parliamentary Committee on child protection was not established.
When action was taken	<ol style="list-style-type: none"> 1. Council for the Care of Children was established in April 2006 after an amendment to the <i>Children's Protection Act (1993)</i> - the <i>Children's Protection Amendment Act (2005)</i> - was proclaimed on Feb 1, 2006. 2. The Guardian for Children and Young People -unspecified 3. The Child Death and Serious Injury Review Committee - unspecified
Implemented as recommended?	
Government statement about status of implementation	"The recommendation has been implemented in part"
Reason provided	<p>"Whilst a South Australian Commissioner for Children and Young Persons was not established, Families SA was cognizant of the importance of having mechanisms in place that ensure transparency and quality of services. As part of its response to the recommendation from the Layton Review, the South Australian Government established a number of separate mechanisms for advocacy, review and monitoring of children's interests that range from covering individual issues through to providing over arching systemic advice."</p> <p>Additionally;</p> <p>"South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date."</p>
Implementation summary	Partially implemented Three separate mechanisms were established as alternatives to a Commissioner

Person extracting data	Auditor 2
Date of extraction	23.01.14
Recommendation number	4
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p><i>That a statutory Office of Children and Young Persons' Guardian be created and placed in the Office of the Commissioner, having a separate function namely: • to ensure that children and young people under the Guardianship of the Minister are cared for in accordance with guidelines set out in a Charter of Rights of Children in Care to be developed consultatively and enshrined in legislation in similar fashion to the Child Protection Act 1999 (Qld) • include functions similar to the "community visitors" set out in the Commission for Children and Young People Act 2000 (Qld)</i></p> <p><i>Also: • monitoring the annual reviews of children and young people in long term care as discussed in Chapter 9 • receiving information from DHS/FAYS.</i></p> <p><i>That FAYS have responsibility to inform the Children and Young Persons' Guardian on matters of significant concern regarding a child or young person in care. Such matters would include repeated placement breakdown, serious abuse in care, criminal conduct, chronic truancy, homelessness and major health problems.</i></p>
Assessability of recommendation	Yes, actions and outcomes clearly specified
Additional information request	<p>1. Information request; For FAYS policy on informing the Guardian on matters of significant concern. Provided Jan, 2014</p> <p>2. Legislation Check: Children's Protection Act, 1993, amendment 2006 and Schedule 1 Children Protection Act 199 QLD Community Visitors in Part 4 Commission for Children & Young People Act 2000 (QLD)</p>
Submitted document/ source details	<p>1. Confidential government response;2013</p> <p>2. Management of Care Concerns: Manual of Practice, 2010</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p>
Documentation currency	1. provided on request, 2013
Reliability contribution of documents	<p>1. low - Government response</p> <p>2. low - Manual of Practice</p> <p>3. high - Legislation Check</p>
Implementation	

Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The Guardian for Children and People was established
Excluded actions	
When action was taken	The Guardian for Children and Young People had been engaged in anticipation of the change in legislation, and was then appointed on December 1 st , 2005, day the <i>Children Protection Amendment Act (2005)</i> was passed, three years after the Layton Inquiry.
Implemented as recommended?	Y
Government statement about status of implementation	"The recommendation has been implemented. "
Reason provided	
Implementation summary	Implemented in Full The office for Children & Young People's Guardian was established.

Person extracting data	Auditor 2
Date of extraction	24.01.2013
Recommendation number	54
Commission/Inquiry of origin	<i>Review of Child Protection in South Australia (Layton review) (2002)</i>
Recommendation made	<i>That the Children's Protection Act 1993 be amended to include: • all church personnel including ministers of religion (except in confessionals) • all individuals in services providing care to or supervision of children • all volunteers who are working with children (including both volunteers working in a supervised and unsupervised settings) • all people who may supervise or be responsible for looking after children as part of a sporting, recreational, religious or voluntary organisation • as mandated notifiers.</i>
Assessability of recommendation	Yes – clearly specified action and outcome.
Additional information request	1. Legislation check: Children's Protection Act 1993
Submitted document/ source details	1. Confidential Government response 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	Provided on request; 2013

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low - Government Response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	See Leg Check
Excluded actions	NA
When action was taken	Section 11 of the Children’s Protection Act 1993 was amended in 2006, for years after the Layton inquiry.
Implemented as recommended?	Y
Government statement about status of implementation	“The recommendation has been implemented.”
Reason provided	
Implementation summary	Implemented in Full: The Children’s Protection Act was amended to include a broader range of mandatory notifiers.

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	55
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the DHS in conjunction with the Attorney-General’s Department pursue the issue of establishing an appropriate agreed policy position between States, Territories and the Commonwealth on the exchange of information where there is a child protection concern ensuring appropriate coverage of relevant Commonwealth employees.</i>
Assessability of recommendation	Yes; action and outcome clearly specified
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Government response , 2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided on request 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. Department of Human Services 2. Attorney-General's Department 3. States, Territories & Commonwealth
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has not been completed."
Reason provided	There is no agreed policy position between the States, Territories and the Commonwealth regarding this recommendation. However, an <i>Information Sharing Protocol between the Commonwealth and child protection agencies</i> commenced in February 2009.
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	29.01.2014
Recommendation number	94
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p><i>That, in keeping with Recommendation 100 of the ALRC Report, the Evidence Act 1929 (SA) be amended to provide that corroboration of the evidence of a child witness whether sworn or unsworn, should not be required.</i></p> <p><i>That Judges be legislatively prohibited from warning or suggesting to a jury that children are an unreliable class of witness. An example of such legislation is section 106D of the Evidence Act 1906 (WA).</i></p> <p><i>That in accordance with Recommendation 100 of the ALRC Report, legislation provide that judicial warnings about the evidence of a particular child witness should be given only where 1) a party requests the warning, and 2) that party can show that there are exceptional circumstances warranting the warning.</i></p>

	<p><i>Such exceptional circumstances should not depend on the mere fact that the witness is a child, but on objective evidence that the particular child's evidence may be unreliable.</i></p> <p><i>That the warnings which are given should follow the formula in Murray v R to reduce the effect of an individual Judge's bias against, or general assumptions about, the abilities of children as witnesses.</i></p>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation check; Evidence Act 1929 (SA)
Submitted document/ source details	1. Confidential Government Response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	1. Changes were made to the Evidence Act 1929 (SA) <ul style="list-style-type: none"> • Warning of unreliability of child witnesses prohibited • Judicial warning re; evidence of particular child witness limited • Warnings to follow Murray v R
Excluded actions	1. No change to the Evidence Act was made regarding <ul style="list-style-type: none"> • Corroboration of evidence of child witness not required • Act does not require a party asking for a warning to be able to show objective evidence that the particular child's evidence may be unreliable
When action was taken	Changes to the <i>Evidence Act 1929 (SA)</i> were made by the <i>Statutes Amendment (Evidence and Procedure) Act 2008</i>
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has been implemented in part."
Reason provided	"12A, a new section was inserted into the <i>Evidence Act 1929 (SA)</i> by the <i>Statutes Amendment (Evidence and Procedure) Act 2008</i> provides that, in a criminal trial, a judge must not warn the jury that it is

	unsafe to convict on a child's uncorroborated account unless such a warning is required by cogent reasons in particular case or a party requests the warning and in giving any such warn, the judge is not to make any suggestion that children's evidence is inherently less credible or reliable than that of adults."
Implementation summary	Partially implemented Not all recommended changes to the Evidence Act 1929, were made.

Person extracting data	Auditor 2
Date of extraction	21.01.2014
Recommendation number	97
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the Evidence Act 1929 (SA) be amended to include a similar section to section 106 G Evidence Act (WA) which prevents an unrepresented defendant from directly cross-examining a child. Such amendment to be applicable to all children and not just those under 16 years of age.</i>
Assessability of recommendation	Yes. Action and outcomes are clearly specified.
Additional information request	<ol style="list-style-type: none"> 1. Legislation check: Evidence Act 1929 (SA) 2. 106 G Evidence Act (WA)
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response, 2013
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant
Documentation currency	Provided on request; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low - Government response 2. High - Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Section 13B (1) provides that a defendant in a criminal trial may not cross-examine a witness who is the alleged victim of a serious offence unless the cross examination is by Counsel. <p>In a vulnerable witness is to give evidence in Criminal proceedings, and the vulnerable witness is a child of or under the age of 16 years</p>

	and who is the alleged victim of a sexual offence-the court must order that an audio visual record be made of the witness's evidence before the court. Section 13A (2)(b));
Excluded actions	1. A child is defined under the Evidence Act 1929 as a person under the age of 18 years. The vulnerable witness provision only apply to children 16 years and younger.
When action was taken	Amendments were made by <i>the Statutes Amendment (Evidence and Procedure) Act 2008</i>
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has been implemented."
Reason provided	Section 13, 13 A & 13B of the <i>Evidence Act 1929 (SA)</i> provides appropriated protection for child witness evidence in court.
Implementation summary	<p>Partially implemented</p> <p>Summary - See Legislation check</p> <p>Additional Summary: South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	98
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That Recommendation 100 of the ALRC Report No. 84 be implemented by amendment of the Evidence Act 1929 (SA) to allow the court to permit expert opinion evidence to be given in any civil or criminal proceeding in which abuse or neglect of a child is alleged. The parameters of such legislation to include matters covered by the New Zealand legislation. That such amendment specifically permit evidence to be given regarding any capacity or behavioural characteristics of a child with a mental disability or impairment. In addition, an amendment should permit generalised evidence to be given by an expert about patterns of children's disclosure in abuse cases and the effects of abuse on children's behaviour and demeanour in and out of court, without specific reference by that expert to the particular child.</i>

Assessability of recommendation	Yes. Actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Confidential Government Response,, 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	<i>Evidence Act 1929 (SA)</i> was not amended
When action was taken	
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has not been included."
Reason provided	"The SA Government had concerns about aspects of the recommendation (in particular, children having to give evidence under the scrutiny of 'experts' who will then tell the court whether the child's evidence is consistent with that expert's view of the expected behaviour of an abused child). It was also felt that sufficient powers already exist."
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	30 .01.2014
Recommendation number	101
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the Evidence Act 1929 (SA) be amended to include the three models for taking of evidence in relation to a criminal trial involving</i>

sexual or violent offences against a child as provided in sections 106H to 106T of the Evidence Act (WA).

That the burden of proof remain on the prosecution to prove the charges beyond reasonable doubt.

That there is no requirement for a specialist court to sit on cases in which children are the alleged victims, instead the court must be comprised of Judges who have received special judicial training in respect of child development, victim responses and patterns of abusive behaviour.

That a court-based child witness support system similar to the Western Australian model be set up in South Australia.

That a committee(s) be set up to make recommendations as to the progressive implementation of strategically placed CCTV facilities and video rooms for courts using the Western Australian model as a basis. The design is to ensure the most cost effective manner of delivery of such services in South Australia.

Assessability of recommendation

Yes. Actions and outcomes clearly specified

Additional information request

1. Legislation check: Evidence Act 1929 (SA)

Evidence Act (WA)

Submitted document/ source details

1. Confidential Government Response; 2013

Relevant to at least one aspect of recommendation

1. Relevant

Documentation currency

1. Provided on request 2013

Reliability contribution of documents

1. Low – Government response
2. High – Legislation check

Implementation

Recommended actors involved

NA

Recommended actors not involved

NA

Included actions

1. Section 13C (Evidence and Procedure) Act 2008 provides, in the case of a vulnerable witness who is a child of or under the age of 16 years and who is the alleged victim of a sexual offence, that the court must order that an audio visual record be made of the witness's evidence before the court (unless an order has already been made under s13A). The section further provides that in the case of any

	<p>other vulnerable witness the court may, on application by the prosecution, order that an audio visual record be made of the witness's evidence before the court. Such audio-visual records may be used at any re-trial.</p> <p>2. Section 13 and 13A provide wide general powers of a court to make special arrangements to protect and assist both witnesses in general and vulnerable witnesses in particular. These general powers allow for the use of closed-circuit tv, the taking of evidence outside the trial court and audio recording, and the taking and pre-recording the evidence of children as a special arrangement.</p> <p>3. The Government submitted that all District Courts have CCTV facilities.</p>
Excluded actions	<ul style="list-style-type: none"> • The burden of proof on the prosecution to prove the charges beyond reasonable doubt, remains unchanged • Judges did not receive special training in respect of child development, victim response and patterns of abusive behaviour but the South Australian Government's Disability Justice Plan, which is currently being developed, will ensure staff who work with vulnerable witnesses in the criminal justice system are appropriately trained • A court-based child witness support system, similar to the Western Australia model was not set up, but the Office of the Director of Public Prosecutions (ODPP) operates a Witness Assistance Service (WAS). While not a service specifically for children, funding to specially trained social workers to provide services to child witnesses has been provided.
When action was taken	Amendment to the Evidence Act 1929 (SA) was made in 2008
Implemented as recommended?	N
Government statement about status of implementation	"This recommendation has been partly implemented"
Reason provided	"The court has wide general powers to make special arrangements to protect and assist vulnerable witnesses. These general powers would allow the taking and pre-recording of the evidence of children as a special arrangement."
Implementation summary	<p>Partially implemented</p> <p>Summary – see Legislation check</p>

Additional Summary South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.

Person extracting data	Auditor 2
Date of extraction	30.01.2014
Recommendation number	104
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the Evidence Act 1929 (SA) be amended to include a section similar to section 106F of the Evidence Act 1929 (WA) to allow for appointment of a child communicator to assist as an interpreter for a child in appropriate circumstances. In addition, the section to be available to all children and not only those under the age of 16 years. Further, that Recommendation 118 of the ALRC Report be implemented by amendment of the Evidence Act 1929 (SA) to include that a court may permit other means of evidence being adduced in the particular case of children with disabilities.</i>
Assessability of recommendation	Yes. Actions and outcomes clearly specified
Additional information request	1. Legislation check; Evidence Act 1929 (SA)
Submitted document/ source details	1. Confidential Government Response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on Request; 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	1. New section 13(2)(f) provides that if a vulnerable witness suffers from a physical or mental disability, the court can make an order that the evidence be taken in a particular way (to be specified by the court) that will, in the court's opinion, facilitate the taking of evidence from the witness or minimise the witness's embarrassment or distress"

Excluded actions	<p>1. There is not legislative reference to a child communicator.</p> <p>2. Provision relating to vulnerable children apply to children of 16 years or less.</p>
When action was taken	New section 13 was inserted in the <i>Evidence Act 1929 (SA)</i> by the <i>Statutes Amendment (Evidence and Procedure) Act 2008</i> .
Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has been partly implemented."
Reason provided	"The wide general powers of a court to make special arrangements to protect and assist both witnesses in general and vulnerable witnesses in particular should be noted. These general powers would allow the use of an interpreter or intermediary for a child witness in a suitable case for children with physical or intellectual disabilities."
Implementation summary & provisional rating	<p>Partial</p> <p>Summary – see legislation check</p> <p>Additional Summary South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	105
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That the Evidence Act 1929 (SA) be amended to permit answers given by a disabled child in response to leading questions, to be received if the judge is otherwise satisfied that the nature of the questioning does not give rise to the answers being unreliable answers.</i>
Assessability of recommendation	Yes, actions and outcome clearly specified.
Additional information request	
Submitted document/ source details	1. Confidential Government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request; 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	
Excluded actions	<i>Evidence Act 1929</i> was not amended.
When action was taken	
Implemented as recommended?	N
Government statement about status of implementation	"This recommendation has not been implemented."
Reason provided	<p>"The SA Government could not see how a judge could determine in advance whether the 'nature of the questioning does not give rise to the answers being unreliable answers'. The Government determined that a better approach the issue identified in recommendation 105 was to allow the court to hear that child's evidence by unconventional means, in the way the Government approached its response to recommendation 104.</p> <p>The South Australian Government's Disability Justice Plan, which is currently being developed, will:</p> <ul style="list-style-type: none"> • Introduce into Parliament changes to the <i>Evidence Act 1929</i> to improve the way the criminal justice system responds to vulnerable victims and witnesses • Develop guidelines for the taking of evidence by vulnerable victims and witnesses."
Implementation summary	Not implemented

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	130
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That a coordinated and comprehensive screening and monitoring system be developed in South Australia that is compatible with any National agreement or State/Territory system currently in operation.</i>

Assessability of recommendation	Yes, actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Confidential government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	South Australian Government
Recommended actors not involved	NA
Included actions	THE DCSI Screening Unit was established in 2007 pursuant to the <i>Children's Protection Act 1993</i> , and the <i>Children's Protection Regulations 2010</i> to conduct child-related employment screening.
Excluded actions	
When action was taken	THE DCSI Screening Unit was established in 2007.
Implemented as recommended?	Y
Government statement about status of implementation	"The recommendation has been implemented."
Reason provided	"No comprehensive intergovernmental system for child-related employment screening currently exists however, in May 2013, the National Operators' Forum, a group comprising Australia's screening units agreed to work towards more comprehensive information sharing arrangements, in particular, instances where negative notices were provided."
Implementation summary	<p>Implemented in full Comprehensive child- related pre-employment screening now exists in SA.</p> <p>Additional Summary: South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>
Person extracting data	Auditor 2
Date of extraction	30.01.2014

Recommendation number	131
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<p><i>That a working group be formed – the “Screening and Monitoring Working Group” to determine the most appropriate: • legislation • policies, protocols and guidelines and • declarations process for SA taking into consideration the proposed National Paedophile Register to be developed.</i></p> <p><i>That the working group consist of persons from the key agencies involved (SAPOL, Justice Department, DHS, Education sector, Non-Government, churches and Sport and Recreation, representatives of teachers’ unions and major unions covering employees including related employment and parent groups) and should involve the Commissioner for Children and Young Persons.</i></p> <p><i>That specific legislation be developed to deem certain persons as described in the legislation to be unsuitable persons from working with children and young people and to be placed on an Unsuitable Persons Register. Such legislation could be known as the Child Protection (Unsuitable Persons) Act. Legislation to include: • specific provisions for the establishment and maintenance of an Unsuitable Persons Register, • provide for the conditions upon which a person is placed on the register and is thereby deemed unsuitable for employment in child related circumstances • provide for an independent process for a declaration from a District Court for removal of a person from the register • provide the requirements of employers when employing persons in child-related activities and that the provisions are mandatory for employees but discretionary in respect of volunteers • cover all Government agencies, non-Government agencies, church organisations, sporting and recreation clubs who provide employment in child-related activities • create offences with penalties for non-compliance.</i></p> <p><i>Such legislation may in a general sense be modelled on the NSW scheme with particular modifications to minimise complexity and discretionary decision-making as well as placing the role of establishing and maintaining the register with SAPOL.</i></p> <p><i>Further, that the screening and monitoring working group consider the viability of providing persons screened and cleared a ‘portable’ photo card which can be used by employees.</i></p>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation check; Child Sex Offenders Registration Act 2006

Submitted document/ source details	1. Confidential Government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low - Confidential Government response 2. High – Legislation check 3. Medium - Standards for Dealing with Information about the Criminal of Employees and Volunteers Who Work with Children; issued by the Chief Executive, Department for Communities and Social Inclusion. 4. Medium - The Screening Unit of the Department for Communities and Social Inclusion is authorised under the <i>Children's Protection Regulations 2010</i> to conduct Child-Related Employment Screening for people who work with children and young people
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. A working group was to be formed – the “Screening and Monitoring Working Group.” The Working group was to consist of persons from key agencies; <ul style="list-style-type: none"> • SAPOL • Justice Department • DHS • Education sector • Non-Government • Churches and Sport and Recreation • Representatives of Teacher’s unions and major unions covering employees including related employment and parent groups • Commissioner for Children and Young Persons
Recommended actors not involved	NA
Included actions	
Excluded actions	<ol style="list-style-type: none"> 1. No unsuitable persons register in place 2. No portable card based system used.
When action was taken	A (i) Child-Related Employment Screening, for people who work with children and young people, conducted by the Screening Unit of the DCSI, was authorised by the <i>Children's Protection Regulations 2010</i>
Implemented as recommended?	Y
Government statement about status of implementation	“This recommendation has been implemented in part”
Reason provided	1. <i>Unsuitable Persons Register</i>

	<p>“Currently no specific Unsuitable Person Register exists. However, the comprehensive records maintained by the Screening Unit, which includes information as to whether or not a person has previously been denied a clearance to work with children, serves as a defection register of this kind in South Australia. All individuals registered on the <i>Australian National Child Offender Register</i> pursuant to the <i>Child Sex Offenders Registration Act 2006</i> are prohibited from applying to work in child-related employment and South Australia Police are notified immediately if/when an individual on ANCOR applies for child-related employment screening through the Screening Unit.</p>
	<p>2. <i>Portable Card Based System</i></p> <p>The Screening Unit currently provides clearances to people by way of a letter on special security paper and does not issue a card. Card-based systems are no longer considered best practice, and have been supplanted by a live internet database in some jurisdictions.”</p>
Implementation summary	<p>Partially implemented – see legislation check</p> <p>South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	30.01.2014
Date of extraction	Auditor 2
Recommendation number	132
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That all agencies who employ persons who work with or have access to children either in paid or a volunteer capacity should develop appropriate child protection policies and guidelines. All agencies funded by State Government agencies will be required to develop child protection policies and guidelines as a prerequisite to receiving Government funding.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	
Submitted document/ source details	1. Confidential Government Response
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request; 2013

Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. All agencies who employ persons who work with or have access to children either in paid or a volunteer capacity 2. All agencies funded by State Government agencies
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. <i>The Children's Protection Act 1993</i> was amended in 2005, to include provisions relating to child safe environments 2. In 2009, the Act was further amended to require organisation to lodge a statement about their policies and procedures with the Chief Executive, DECD
Excluded actions	
When action was taken	<ol style="list-style-type: none"> 1. The Act was amended in 2005 2. The Act was further amended in 2009
Implemented as recommended?	In part
Government statement about status of implementation	"This recommendation has been implemented in part."
Reason provided	
Implementation summary	<p>Partially implemented No requirement for agencies to provide guidelines as a pre-requisite for State funding</p> <p>Additional Summary South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	24.01.2014
Recommendation number	138
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That pending an Unsuitable Persons Register being set up as recommended in Chapter 17, the Teachers' Registration Board in consultation with all education sectors, progressively seek relevant police checks through SAPOL on all registered teaching personnel and that these police checks are updated each time renewal of registration is required.</i>
Assessability of recommendation	Yes, actions and outcomes clearly specified

Additional information request	<p>1. Data on the number of teacher registrations approved and the number of police checks requested year on year since 2004.</p> <p>2. Legislation check; Teachers Registration Act 2004</p>
Submitted document/ source details	1. Confidential government response; 2013
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p>
Documentation currency	<p>1. Provided on request, 2013</p> <p>2. Data on Teacher Registrations provided; Feb 2014</p>
Reliability contribution of documents	<p>1. Low – Government response</p> <p>2. Low - Data from Teachers Registration Board</p> <p>3. High – Legislation check</p>
Implementation	
Recommended actors involved	<p>1. The Teachers Registration Board</p> <p>2. All education sectors</p> <p>3. SAPOL</p>
Recommended actors not involved	NA
Included actions	<p>1. Teacher Registration Board changed requirements for registration</p> <p>2. Registration and police check data provided from 2004 – 2012.</p>
Excluded actions	NA
When action was taken	Changes to function of the Teachers Registration Board occurred in 2004 under the <i>Teachers Registration and Standards Act 2004</i>
Implemented as recommended?	Y
Government statement about status of implementation	“The recommendation has been implemented.”
Reason provided	
Implementation summary	<p>Implemented in full The Teacher’s Registration Board seeks police checks on all registered teaching personal, which are updated when registration is renewed.</p> <p>South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	24.01.2014

Recommendation number	145
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That representatives of non-Government education sectors including Independent Schools, Catholic Schools in conjunction with representatives of the Government education sector, FAYS, SAPOL and the proposed Commissioner for Children and Young Persons, develop guidelines which set out minimum standards to be applied across the schooling sector in relation to allegations of child sexual abuse by employees and volunteers. Such guidelines to be in keeping with the processes undertaken in the Government schooling sectors and should include an independent process both within employer organisations as well as an external independent process. The guidelines should clearly articulate the interaction with FAYS and SAPOL and the processes to be followed in relation to notification and reporting.</i>
Assessability of recommendation	Yes
Additional information request	1. Actions and outcomes are clearly specified.
Submitted document/ source details	1. Confidential Government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. Representative of non-Government Education sector <ol style="list-style-type: none"> i) Independent schools ii) Catholic schools 2. Representatives of Government Education Sector 3. FAYS 4. SAPOL 5. The proposed Commissioner for Children and Young Persons
Recommended actors not involved	Commissioner for Children and Young Persons was not involved as it was not established. The Guardian for Children and Young People, established in lieu of the Commissioner, was involved in the revision of the Interagency Code of Practice.
Included actions	1. Interagency Code of Practice. Investigation of suspected child abuse and neglect was re-written with the explicit inclusion

	<p>of the Government and non-Government education sectors as key partners.</p> <ol style="list-style-type: none"> 2. Protective Practices for Staff; Manual for Government and non-government 3. Mandatory notification training for staff and volunteers in Government and Non-government education sector was introduced by the Children's Protection Amendment Bill in December, 2005
Excluded actions	<ol style="list-style-type: none"> 1. It is not clear that an 'external independent process was established.
When action was taken	<ol style="list-style-type: none"> 1. Interagency Code of Practice was initially produced in 2001 and revised in 2009. 2. Protective Practices for Staff guidelines were released in 2005 3. Mandatory Notification training for staff and volunteers; Responding to Abuse and Neglect -Education and Care Training. It is not clear when this training commenced.
Implemented as recommended?	Y
Government statement about status of implementation	"The recommendation has been implemented"
Reason provided	
Implementation summary	<p>Undetermined As there is no clear evidence of an external independent process</p> <p>South Australian Government is seeking further information on any evaluation or assessment of the effect of these changes. Not provided to date.</p>

Person extracting data	Auditor 2
Date of extraction	30.01.2014
Recommendation number	170
Commission/Inquiry of origin	Review of Child Protection in South Australia (Layton review) (2002)
Recommendation made	<i>That Section 10 of the Children's Protection Act 1993 be amended to reflect the suggested amendments to sub-sections 6 (1) and 6 (2) of the Act as set out in Recommendation 166. In particular, if the contents of sub-section 6 (2) (c) (d) and (e) (presently excluded from applying to mandatory notification), are still regarded as necessary to be articulated in the legislation, these circumstances should be relevant to mandatory notification. Further, subsection 6 (2) (e) of the Act should not be limited to children under 15 years, but to all children.</i>

Assessability of recommendation	Yes; actions and outcomes are clearly specified
Additional information request	1. Legislation check; Children's Protection Act 1993 Children's Protection Act 1999 (Qld)
Submitted document/ source details	1. Confidential government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request, 2013
Reliability contribution of documents	1. Low – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	"Section 11 regarding mandatory notification was amended to expand persons identified as mandated notifiers as per Recommendation 54 of the Layton Review."
Excluded actions	1. The amended definition of 'at risk' has not been included as part of the statutory criteria for mandatory notification. The Government submitted that it was not feasible to require notifiers to make notifications in relation to events of future abuse or neglect that had not yet occurred. 2. Section 6 (2) (e) was not expanded to include all children under 18 years.
When action was taken	Section 10 of <i>the Children's Protection Act 1993</i> , which relates to mandatory notification, was amended in 2006
Implemented as recommended?	In Part
Government statement about status of implementation	"This recommendation was has been implemented in part."
Reason provided	The expansion of Section 6 to include a definition of a child "at serious risk of significant harm" shifts the focus away from an incident based system. It was not considered feasible to require notifiers to make notifications in relation to events of future abuse or neglect that had not yet occurred.

	No amendments were made in relation to children of compulsory school age and homeless children under the age of 15. It was considered that this would have unnecessarily expanded the criteria for mandatory notification.
Implementation summary	Partially implemented See Legislation check

Person extracting data	03.02.2014
Date of extraction	Auditor 2
Recommendation number	4
Commission/Inquiry of origin	Report of the Joint Committee on Immunity from Prosecution for Certain Sexual Offences: Second Session, Fiftieth Parliament 2002-2003, Parliament of South Australia (28 May 2003, Hon. G.E. Gago, Chairperson) (2003)
Recommendation made	<i>the Committee recommends investigating alternative methods of appropriately responding to allegations of sexual offences, to empower victims, and prevent re-offending, without minimising the serious nature of the crime.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified.
Additional information request	
Submitted document/ source details	1. Confidential Government response; 2013
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	1. Provided on request
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	
Excluded actions	NA
When action was taken	

Implemented as recommended?	N
Government statement about status of implementation	"The recommendation has not been implemented at all."
Reason provided	"We can find no record of there being a decision not implement recommendation 4, however as noted about, the Joint Committee acknowledged that recommendation 4 was beyond the Committee's Terms of Reference."
Implementation summary	Not implemented

Person extracting data	03.02. 2014
Date of extraction	Auditor 2
Recommendation number	2
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the self-protective training being taught by Second Story be reviewed to ensure that it covers the Keeping them safe: child protection curriculum developed for teaching all children in schools and is adapted to target specific needs and circumstances: • children and young people in care generally • Aboriginal children and young people in care • children and young people in care with disabilities. That such self-protective training is then delivered to children and young people in State care at their residential or secure care facility</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	Yes. a) Information provided on 30.01.2014, regarding The Second Story Training Review and Recommendations b) Information requested on the number of training session for children and young people run in state care residential facilities; not provided to date
Submitted document/ source details	1. Government Response; 2013 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008

2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct* September 2008
3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2009
4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct*. Nov 2010
5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2011
6. Fourth Annual Progress Report in response to the Children
In State Care Commission of Inquiry Report *Allegations of Sexual Abuse and Death from Criminal Conduct* Nov 2012
7. Documents in Response to Requests for Additional Information; Jan 2014; Attachments: a) i-viii
 - i. Action Plan; The Second Story Youth Health Service Children in State Care Commission of Inquiry
 - ii. Workforce Development and Training For Community Residential Care Workers Consultation Meeting; Agenda, 24.03.09
 - iii. Workforce Development and Training for Community Residential (non-family based) Care Workers Working Party Proposal, March 2009
 - iv. Women's and Children's Health Network, The Second Story Youth Primary Health Care Service Service Framework 2011-2016
 - v. Women's and Children's Health Network Local
 - vi. Procedure; The Second Story Youth Health Service Health Assessment for Residential Care (HARC) Clients
 - vii. Vulnerable Youth Advisory Group Terms of

Reference

viii. Health Summary Exert; Rec 2

Relevant to at least one aspect of recommendation

1-6. Relevant

7. Documents provided

- Relevant: i, ii, iii, viii,
- Not relevant; iv, v, vi, vii,

Documentation currency

1. Provided on request; 2013
2. Additional Information Requested;
 - a) i-viii provided on 30.01.2014
 - b. not provided to date

Reliability contribution of documents

1. 1 to 12: Medium
2. Attachments: Low

Implementation

Recommended actors involved

Department of Education and Child Development (DECD)

Recommended actors not involved

Included actions

A review of the self protective training being taught to children in state care by Second Story was undertaken. The review made a number of recommendations to strengthen self protective training being taught to children in State care; and

- Ensuring the children and young people in Community Residential Care (CRC's) receive an ongoing service response to health issues (including self protective behaviours).
- A multi-agency working party was established to oversee the implementation of the review findings.

Excluded actions

Self protective behaviours training does not appear to have been adapted to target the specific needs and circumstances of;

- Aboriginal children and young people in care;
- children and young people in care with disabilities;

or has been delivered to children and young people in secure care facilities

When action was taken

Review of self-protective training undertaken in Sep 2008 and completed in Nov 2009.

	By 2011 and 2012 training was an established part of The Second Story's ongoing service delivery. Program is subject to ongoing review.
Implemented as recommended?	N
Government statement about status of implementation	"COMPLETED"
Reason provided	
Implementation summary	Undetermined
	The review did not appear to target Aboriginal children, or those who had disabilities, who were in state care.
	It is not clear if self protective training was delivered to children and young people in secure care facilities.
	Numbers of children who attended training were not provided

Person extracting data	Auditor 2
Date of extraction	04.02.2014
Recommendation number	3
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<p><i>1. That the application of section 8B of the Children's Protection Act 1993 be broadened to include organisations as defined in section 8C. [NOTE: Section 8B required govt organisations and non-govt schools to obtain a criminal history, or police report for people holding, or to be appointed to, positions that involve regular contact with, proximity to, or access to records concerning children. Section s 8C applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children and are govt departments, agencies, instrumentalities, or local govt or non-govt organisations.]</i></p> <p><i>2. That consideration is given to reducing or waiving the fee for an organisation applying for a criminal history reporting order to comply with section 8B.</i></p> <p><i>3. That a criminal history report be defined as a report that includes information as to whether a person is on the Australian National Child Offender Register (ANCOR).</i></p>

Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation Check; section 8B of the Children's Protection Act, 1993
Submitted document/ source details	<ol style="list-style-type: none"> 1. SA Government response; 2013 2. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 3. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 4. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 5. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 6. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 7. Fourth Annual Progress Report in response to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1-6; Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Changes were made to the Act
Excluded actions	The legislation does not require that a criminal history include information as to whether a person is on the Australian National Child Offender Register
When action was taken	Implemented from 2009 with a one year phasing in period
Implemented as recommended?	<ol style="list-style-type: none"> 1. Yes 2. Yes

	3. No
Government statement about status of implementation	“The Minister for Families and Communities introduced the Children’s Protection (Implementation of Report Recommendations) Amendment Bill 2009 into Parliament on 16 July 2009. The Bill was then released for a period of public consultation.”
Reason provided	
Implementation summary	Partially implemented - See legislation check

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	4
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the Children’s Protection Act 1993 be amended to require organisations to lodge a copy of their policies and procedures established pursuant to section 8C(1) with the chief executive and that the chief executive be required to keep a register of those policies and procedures. [NOTE: Section 8C(1) required certain organisations to establish appropriate policies and procedures for ensuring that mandated reports of abuse were made and that child safe environments are established and maintained in the organisation. There was a penalty of \$10,000 for non compliance. It applied to organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children and are govt departments, agencies, instrumentalities, or local govt or non-govt organisations.]</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	Legislation Check required; Children’s Protection (Implementation Report Recommendations) Amendment Bill 2009
Submitted document/ source details	<p>1. SA Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008

	<ol style="list-style-type: none"> 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-7; Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1-6. Medium – Government response 2. High – Legislation check
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Amendments made to require organisation to lodge a copy of their policies and procedures with the Chief Executive and a register of these be kept
Excluded actions	NA
When action was taken	Act amended in 2009
Implemented as recommended?	Y
Government statement about status of implementation	“The Minister for Families and Communities introduced the Children’s Protection (Implementation of Report Recommendations) Amendment Bill, 2009 into Parliament on 16 July 2009. The Bill was then released for a period of consultation.”
Reason provided	
Implementation summary	Implemented in full

Person extracting data	05.02.2014
Date of extraction	Auditor 2
Recommendation number	5
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That Families SA, as part of the screening process of employees, carers and volunteers, obtains information as to whether or not that person is on the Australian National Child Offender Register (ANCOR).</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	Yes; Families SA to provide employment & volunteer screening process guidelines
Submitted document/ source details	<p>1. SA Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012 7. Response to request for additional information: <ol style="list-style-type: none"> i) Child Safe Environments: Standards for Dealing with information obtained about the criminal history of employees and volunteers who work with children ii) Intergovernmental Agreement For a National Exchange of Criminal History Information For People Working With Children

Relevant to at least one aspect of recommendation	1-6. Relevant 12. i) Relevant iii) Relevant
Documentation currency	1. Provided on request; 2013 2. Provided on request; 2014
Reliability contribution of documents	1. Medium i) Low ii) Low
Implementation	
Recommended actors involved	Families South Australia
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> Standards for Dealing with information about the criminal history of employees was established Intergovernmental agreement for a national exchange for criminal history information made
Excluded actions	NA
When action was taken	ii) version 2012 ii) 2009
Implemented as recommended?	Y
Government statement about status of implementation	<p>"The Children's Protection Act 1993 Families SA already obtains a criminal history check for each employee, carer, volunteer or contractor working with or around children or their records. This does not include information as to whether the person is on the national register, as under national arrangements, the of names of people recorded on the ANCOR register are not publicly released. However, information from national police databases about any criminal offences that would cause a person to be entered on the ANCOR register is provided in a persons criminal history report. This information is taken into account as part of the screen process for Families SA employees, carers and volunteers."</p>
Reason provided	
Implementation summary	Undetermined Statements regarding implementation appear to be conflicting.

Person extracting data	Auditor 2
Date of extraction	05.02.2014

Recommendation number	6
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That Families SA extends its screening processes to cover known regular service providers to children and young people in care with disabilities, such as regular bus or taxi drivers.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	<ol style="list-style-type: none"> 1. Legislation Check – Passenger Transport Regulations 2009 2. Provide <ul style="list-style-type: none"> • updated information on progress with screening checks conducted annually for regular service providers to children and young people in care with disabilities from 2009. • advise on the transport regulations due to be updated, July, 2013
Submitted document/ source details	<ol style="list-style-type: none"> 1. SA Government response; 2013 <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012 <p>Response to request for additional information;</p> <ol style="list-style-type: none"> i) Passenger transport Variation Regulations 2013 ii) Government response

Relevant to at least one aspect of recommendation	1-6. Relevant – SA Government response 7. Relevant – Supporting documents i) relevant ii) relevant
Documentation currency	1. Provided on request; 2013 2. Provided on request; 2014
Reliability contribution of documents	1. Medium - SA Government response 2. High- Legislation check 3. Low - Supporting Documents
Implementation	
Recommended actors involved	2.Families SA
Recommended actors not involved	NA
Included actions	1. Bus and taxi driver screening was transitioned to DCSI screening process for background screening and criminal history check. 2. Drivers for the Department of Education and Child Development, (DECD) are now accredited 3. Passenger Transport Variation Regulations 2013 was gazetted on Nov, 2013 to commence on Jan, 2014
Excluded actions	
When action was taken	1. Transition commenced on 1 July, 2011. 2. Stated in the Annual Report, 2012 3. Passenger Transport Variations gazetted Nov, 2013
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	
Implementation summary	Undetermined Refer to legislation check.
Person extracting data	Auditor 2
Date of extraction	05.02.2014

Recommendation number	20
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<p><i>That the practice guidelines of the Special Investigations Unit (SIU) be amended to include specific guidelines concerning notifications and investigations of alleged sexual abuse of children and young people in care. In regard to notifications, it is recommended that the guidelines include requirements for mandatory notification of sexual abuse allegations by SIU to South Australia Police and the Guardian for Children and Young People immediately or within 24 hours, depending on the urgency of the circumstances.</i></p> <p><i>In regard to SIU investigations, it is recommended that the guidelines include requirements for:</i> • 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.</p>
Assessability of recommendation	Yes; actions and outcomes are clearly specified
Additional information request	
Submitted document/ source details	<p>1. South Australian Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of

	<p>Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009</p> <p>4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010</p> <p>5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011</p> <p>6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012</p>
Relevant to at least one aspect of recommendation	1 - 6. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1-6. Medium
Implementation	
Recommended actors involved	1. Special Investigations Unit (SIU) of the Department for Families and Communities (SIU)
Recommended actors not involved	NA
Included actions	<p>1. "The Special Investigations Unit (SIU) has amended its guidelines to ensure that the Guardian for Children and Young People (GCYP) is notified where a child or a young person in care makes an allegation of sexual abuse.</p> <p>2. Interagency Code of Practice: Investigation of Suspected Child Abuse and Neglect was revised to include new working practices between the SIU, The GCYP and SAPOL.</p>
Excluded actions	1. "The direction contained within the Code of Practice has negated the need to implement a specific Memorandum of Understanding between SIU and South Australia Police."
When action was taken	<p>1. The amended guidelines were operational in October, 2008</p> <p>2. Interagency Code of Practice revised in 2009.</p>
Implemented as recommended?	Y
Government statement about status of implementation	
Reason provided	

Implementation summary	Implemented in full The SIU have amended guidelines for its investigation of sexual abuse allegation concerning a young person in care, which include working with SAPOL and The Guardian for Children and Young People.
Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	23
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the Children's Protection Act 1993 be amended to add a function to the Guardian for Children and Young People, namely to act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse. That in accordance with section 52B of the Act, the GCYP is provided with sufficient staff and resources to accomplish this function.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation Check; The Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009
Submitted document/ source details	<p>1. SA Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011

	6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	Provided on request; 2013
Reliability contribution of documents	1. High - Legislation 1-6. Medium – Government response
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	The Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009 amends the Children's Protection Act 1993 as to the power and function of the Guardian for Children and Young People to act as an advocate for a child in care who has disclosed sexual abuse.
Excluded actions	NA
When action was taken	Bill was amended in 2009.
Implemented as recommended?	Y
Government statement about status of implementation	"The Minister for Families and Communities introduced the Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009 into Parliament on 16 July 2009. The Bill was then released for a period of public consultation."
Reason provided	
Implementation summary	Implemented in full <i>The Children's Protection Act 1993</i> is now amended to allow The Guardian for Children and Young to act as an advocate for children and young people in state care who have disclosed sexual abuse.
Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	24

Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That it be mandatory for the chief executive of the Department for Families and Communities or Commissioner of Police to notify the Guardian for Children and Young People when a child or young person under the guardianship or in the custody of the Minister makes an allegation of sexual abuse. (Also refer Recommendation 20.)</i>
Assessability of recommendation	Yes; actions and outcomes are clearly specified
Additional information request	
Submitted document/ source details	<p>1. SA Government Response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	Provided on request; 2013
Reliability contribution of documents	1-6. Medium
Implementation	
Recommended actors involved	<p>1. Department for Families and Communities</p> <p>2. SAPOL</p>

Recommended actors not involved	
Included actions	<ol style="list-style-type: none"> 1. Guidelines for Special Investigations Unit (SIU) were amended 2. Interagency Code of Practice: Investigations of Suspected Child Abuse and Neglect was revised accordingly
Excluded actions	1. It was not made mandatory that the Commissioner of South Australia Police notify the Guardian when a child or young person under Guardianship or in custody of the Minister makes an allegation of police.
When action was taken	Department of Families and Communities policies and procedures were amended in October 2008
Implemented as recommended?	N
Government statement about status of implementation	1. "The Special Investigations Unit (SIU) has amended its guidelines to ensure that the Guardian for Children and Young People is notified where a child or young person in care makes an allegation of sexual abuse."
Reason provided	
Implementation summary	Undetermined The Department of Families and Communities policies and procedures were amended, but no evidence that the South Australia Police made any amendment has been received.

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	25
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That Families SA's new C3MS (Connection client and case management system) include a separate menu for allegations of sexual abuse of a child in State care, which would collate the names of all such children. That the system include a separate field in relation to each child in State care, which is dedicated to recording any information about allegations of sexual abuse, including when that information had been forwarded to the Guardian for Children and Young People.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	NA

Submitted document/ source details	1. SA Government response; 2013
	<ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1 - 6. Relevant
Documentation currency	1- 6. Provided on request; 2013
Reliability contribution of documents	1- 6. Medium
Implementation	
Recommended actors involved	1. Families SA
Recommended actors not involved	NA
Included actions	Department for Families and Communities made changes to the Connected Client and Case Management System (C3MS)
Excluded actions	
When action was taken	Changes commenced in July 2009. Full implementation was expected to take three years
Implemented as recommended?	Y
Government statement about status of implementation	"The Department for Families and Communities has commenced implementation C3MS across Families SA District Centres. Once fully implemented, C3MS will have the capacity to record information

Reason provided	about allegations of sexual abuse of children in care. It will also record information about whether the Guardian for Children and Young People was notified about the allegation.”
Implementation summary	Undetermined No evidence of implementation of C3MS has been received.

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	37
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That a panel of appropriately qualified people be formed to consider and establish a model for restorative justice in regard to complaints of child sexual abuse made by victims.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	A report of Report of the Restorative Justice was requested
Submitted document/ source details	<p>1. SA Government Response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012

	7. Restorative Justice for Victims of Sexual Abuse
Relevant to at least one aspect of recommendation	1-7. Relevant
Documentation currency	1-6. Provided on request; 2013 7. Provided on request; March 2014
Reliability contribution of documents	1-7. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	"A Restorative Justice Reference Group was established to consider a model of restorative justice in regard to complaints of child sexual abuse made by victims."
Excluded actions	
When action was taken	Late 2008
Implemented as recommended?	Y
Government statement about status of implementation	"The Government established a Restorative Justice Reference Group in late 2008. The Group met with a number of key people, who have provided the Group with information on existing arrangements within the South Australian criminal justice (including restorative justice practices) and views on the appropriateness of a restorative justice approach for victims of sexual assault. The Group has conducted an extensive literature review on this topic, including information on relevant practices, processes and legislation in other jurisdictions. The Group will deliver a report to the Attorney-General for consideration by Cabinet by the end of 2009.
Reason provided	
Implementation summary	Implemented in full – panel was formed and framework for model recommended
Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	38

Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the South Australian Government makes a formal acknowledgment and apology to those people who were sexually abused as children in State care.</i>
Assessability of recommendation	Yes; specific actions and outcomes are clear
Additional information request	NA
Submitted document/ source details	<p>1. SA Government response; 2013</p> <ol style="list-style-type: none"> 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1-6. Medium
Implementation	
Recommended actors involved	South Australian Government
Recommended actors not involved	NA

Included actions	An apology was made by the Premier of South Australia on behalf of the then current and previous Parliaments of South Australia to those who had been abused as children while in State care.
Excluded actions	
When action was taken	June 12, 2008
Implemented as recommended?	Y
Government statement about status of implementation	"The South Australian Government has implemented this recommendation."
Reason provided	
Implementation summary	Implemented in full An apology was made by the Premier of South Australia

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	39
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That the South Australian Government funds a free specialist service to adult victims of child sexual abuse (while in State care) as was provided by Respond SA. That the service is provided by an organisation that is independent of government and church affiliation, and has never provided institutional or foster care. That the organisation employs practitioners specially trained in the therapeutic response to adult victims of child sexual abuse.</i>
Assessability of recommendation	Yes; actions and outcome are clearly specified
Additional information request	NA
Submitted document/ source details	1. SA Government Response; 2013 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of

	<p>Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2009</p> <p>4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010</p> <p>5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011</p> <p>6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012</p>
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	Provided on Request; 2013
Reliability contribution of documents	1-6. Medium
Implementation	
Recommended actors involved	South Australian Government
Recommended actors not involved	NA
Included actions	<p>1. A position was funded co-ordinate services for adults who had been sexually abuse in State care for a three year period.</p> <p>2. Government widely promoted this service to care-leavers.</p> <p>2. Relationships Australia (SA) was funded to provide maintain a register of trained practitioners who were not affiliated to churches or government.</p> <p>3. The register was made available on the Relationships Australia (SA) website</p> <p>4. The South Australian government funded Relationships Australia (SA) to provide training to practitioners providing therapeutic services to those leaving care</p> <p>5. In 2009 this training was offered in metropolitan and regional areas of South Australia. Training was also planned for 2010</p>
Excluded actions	NA
When action was taken	2009
Implemented as recommended?	Y

Government statement about status of implementation	“The Department of Families and Communities (Post Care Services) has employed a senior social worker to co-ordinate the service linking adults who have experienced child sexual assault while in care to free, specialist counselling and related support services.”
Reason provided	
Implementation summary	Implemented in full: A free, specialist, post-care service, independent of church and state organisations was provided to adults who had experienced child sexual assault while in State care.

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	40
Commission/Inquiry of origin	Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct (Mullighan Inquiry) (2008)
Recommendation made	<i>That a task force be established in South Australia to closely examine the redress schemes established in Tasmania, Queensland and Western Australia for victims of child sexual abuse; to receive submissions from individuals and relevant organisations on the issue of redress for adults who were sexually abused as children in State care; and to investigate the possibilities of a national approach to the provision of services.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation Check; Victims of Crime Act 2001 2. Task force report on redress schemes for victims of child sexual assault was requested – but not provided
Submitted document/ source details	1. SA Government response; 2013 1. Response by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report, <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> June 2008 2. Implementation Statement by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> September 2008 3. First Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> . Nov 2009

	<ol style="list-style-type: none"> 4. Second Annual Report by the Minister for Families and Communities to the Children in State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i>. Nov 2010 5. Third Annual Progress Report in response to the Children in State Care Commission of Inquiry Report. <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2011 6. Fourth Annual Progress Report in response to the Children In State Care Commission of Inquiry Report <i>Allegations of Sexual Abuse and Death from Criminal Conduct</i> Nov 2012
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	Provided on request; 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. High – Legislation check 2. Medium – Government response 3. Low – Provided documents
Implementation	
Recommended actors involved	South Australian Government
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Taskforce was established 2. Amendment to the Victims of Crime Act 2001
Excluded actions	NA
When action was taken	<ol style="list-style-type: none"> 1. Taskforce in 2008 2. Amendment to Act in 2009
Implemented as recommended?	Undetermined
Government statement about status of implementation	“The taskforce has provided its report to Government. Common Law claims arising from sexual abuse can apply for <i>ex gratia</i> payments pursuant to the Victims of Crime Act 2001 as an alternative to litigation.”
Reason provided	
Implementation summary	Undetermined Task force was formed and appropriate changes made to legislation, but there is insufficient evidence to indicate the nature of the inquiry undertaken by the task force or their findings

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	21
Commission/Inquiry of origin	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) Lands Commission of Inquiry (Mullighan Inquiry) (2008)
Recommendation made	<i>That section 11 of the Children's Protection Act be amended to provide that it is an offence to prevent, obstruct or interfere with a person discharging or attempting to discharge the obligation of mandatory reporting pursuant to section 11(1) of that Act.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	1. Legislation check; Children's Protection Act 1993
Submitted document/ source details	<p>1. SA Government Response; 2013</p> <p>1. Reconciliation to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry <i>A Report into Sexual Abuse</i> July 2008</p> <p>2. Implementation Statement by the Minister for Families and Communities to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry <i>A Report into Sexual Abuse</i> Oct 2008</p> <p>3. First Annual Report to the Parliament of South Australia by the Minister for Families and Communities on the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – <i>A Report into Sexual Abuse</i>, Nov 2009</p> <p>4. Second Annual Report to the Parliament of South Australia by the Minister for Families and Communities on the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – <i>A Report into Sexual Abuse</i>, Nov, 2010</p> <p>5. Third Annual Implementation Report by the Minister for Education and Child Development, Nov 2011</p> <p>6. Fourth Annual Report by the Minister for Education and Child Development to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry, <i>A Report into Sexual Abuse</i> Nov, 2012</p>
Relevant to at least one aspect of recommendation	1-6. Relevant

Documentation currency	1. Provided on request; 2013
Reliability contribution of documents	1. Medium - Government Response 2. High - Legislation check 3. Low – provided documents?
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Children’s Protection (Implementation of Report Recommendations) Amendment Bill 2009 was introduced into Parliament
Excluded actions	NA
When action was taken	16 July, 2009
Implemented as recommended?	Y
Government statement about status of implementation	“The Minister for Families and Communities introduced the Children’s Protection (Implementation of Report Recommendations) Amendment Bill 2009 into Parliament on 16 July 2009. The Bill was then released for a period of public consultation. “
Reason provided	
Implementation summary	Implemented in full

Person extracting data	Auditor 2
Date of extraction	05.02.2014
Recommendation number	44
Commission/Inquiry of origin	Children on Anangu Pitjantjatjara Yankunytjatjara (APA) Lands Commission of Inquiry (Mullighan Inquiry) (2008)
Recommendation made	<i>That the Children’s Protection Act or regulations be amended to add a function of the Guardian for Children and Young People to act as an advocate of an Anangu child or young person who is not in State care but is the subject of a Family Care Meeting Agreement and who has made a disclosure of sexual abuse.</i>
Assessability of recommendation	Yes; actions and outcomes clearly specified
Additional information request	

Submitted document/ source details	1. SA Government Response; 2013
	<p>1. Response by the Minister for Aboriginal Affairs and Reconciliation to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry <i>A Report into Sexual Abuse</i> July 2008</p> <p>2. Implementation Statement by the Minister for Families and Communities to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry <i>A Report into Sexual Abuse</i> Oct 2008</p> <p>3. First Annual Report to the Parliament of South Australia by the Minister for Families and Communities on the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – A Report into Sexual Abuse, Nov 2009</p> <p>4. Second Annual Report to the Parliament of South Australia by the Minister for Families and Communities on the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – A Report into Sexual Abuse, Nov, 2010</p> <p>5. Third Annual Implementation Report by the Minister for Education and Child Development, Nov 2011</p> <p>6. Fourth Annual Report by the Minister for Education and Child Development to the Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry, <i>A Report into Sexual Abuse</i> Nov, 2012</p>
Relevant to at least one aspect of recommendation	1-6. Relevant
Documentation currency	1. Provided on Request;
Reliability contribution of documents	1-6. Medium
Implementation	
Recommended actors involved	SA Government
Recommended actors not involved	NA
Included actions	NA
Excluded actions	No amendment was made to the Children's Protection Act 1993 or any other regulations

When action was taken	2010
Implemented as recommended?	Partial
Government statement about status of implementation	“The current arrangements for advocacy and support of children on the APY Lands have been examined and found to address the intent of this recommendation. These processes are always subject to internal review.”
Reason provided	
Implementation summary	Partially implemented No amendments to legislation or regulations were made, however support and advocacy of children on APY Lands appear to have been addressed, through the Guardian

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Person extracting data	Auditor 5 (& Auditor 6 – update Feb 2014)
Date of extraction	03.2.2014
Recommendation number	3
Commission/Inquiry of origin	Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) 2004
Recommendation made	<i>It is recommended that a unit be established within the Department of Health and Human Services to manage claims referred to it by the independent unit, including the provision of guided access to personal files, assessment of other needs and referral to appropriate services, and referral to an Independent Assessor for determining ex gratia payments.</i>
Assessability of recommendation	Yes. All components of the recommendation are assessable.
Additional information request	<p>Please supply: A narrative response to this recommendation. Documentary evidence of unit being established to manage claims in a way outlined in the recommendation or reason for non-establishment of unit. Please provide document page number or relevant section.</p> <p><i>Provided:</i></p> <ul style="list-style-type: none"> • <i>another copy of document 17 (below)</i> • <i>official government response received Feb 2014</i>
Submitted document/ source details	<ul style="list-style-type: none"> • Doc 16. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN REPORT 2004 • Doc 17. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN FINAL REPORT – PHASE 2 Tasmanian Ombudsman June 2006 • Official government response, Feb 2014
Relevant to at least one aspect of recommendation	<p>Neither document 16 nor 17 is relevant. They are simply the documents from which the recommendations came.</p> <p>Government response - relevant</p>
Documentation currency	<ul style="list-style-type: none"> • 2004 • 2006 • 2014
Reliability contribution of documents	<ul style="list-style-type: none"> • Medium • Medium • Low
Implementation	

Recommended actors involved	Department of Health and Human Services
Recommended actors not involved	NA
Included actions	A unit was established. Referrals were made to an independent assessor in relation to ex gratia payments.
Excluded actions	No mention of the provision of guided access to personal files, assessment of other needs and referral to appropriate services.
When action was taken	NA
Implemented as recommended?	N
Government statement about status of implementation	<p>"In all four rounds of the Tasmanian Abuse in Care Review a unit within the Department of Health and Human Services existed to respond to recommendations relating to claims of abuse. In the first two rounds the recommendations were made by the Ombudsman. In later rounds the DHHS review team assessed claims themselves and made recommendations to an Independent Assessor to make decisions regarding ex gratia payments. Evidence of the establishment of the Unit is referred to in the Review of Claims of Abuse from Adults in State Care as Children - Final Report - Phase 2, Tasmanian Ombudsman, June 2006 on page 2 where the Ombudsman acknowledges "The DHHS Review Team for their research and advisory support and for following through on the Ombudsman's recommendations"</p>
Reason provided	NA
Implementation summary	<p>Implemented in full</p> <p>The government's response suggests that a unit was established to manage claims as recommended. However, no documentary evidence was provided to support the response, and there is no mention of the aspects of the unit's work recommended such as provision of guided access to personal files, assessment of other needs and referral to appropriate services.</p> <p>The government refers to evidence which is an acknowledgement from the Ombudsman of the DHHS Review Team's 'following through on recommendations' rather than providing any evidence about the existence and work of a specific unit.</p> <p>On balance, the rating is that the recommendation was substantially implemented, albeit with gaps in the evidence.</p>

Person extracting data	Auditor 5 (& update – Auditor 6)
Date of extraction	03.02.2014
Recommendation number	6
Commission/Inquiry of origin	Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) 2004
Recommendation made	<i>It is recommended that the Government liaise with church authorities to seek a contribution to the establishment of a private educational trust fund.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	<p>Please supply: a narrative response for this recommendation by clarifying whether or not the Government and the church authorities liaised to seek a contribution to the private education trust fund. Please supply evidence of this contribution if possible.</p> <p><i>Provided: government response received Feb 2014</i></p>
Submitted document/ source details	<ol style="list-style-type: none"> 1. Doc 16. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN REPORT 2004 2. Doc 17. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN FINAL REPORT – PHASE 2 Tasmanian Ombudsman June 2006 3. Official Government response, Feb 2014
Relevant to at least one aspect of recommendation	<p>Neither document 16 nor 17 is relevant. They are simply the documents from which the recommendations came.</p> <p>Government response is relevant.</p>
Documentation currency	<ol style="list-style-type: none"> 1. 2004 2. 2006 3. 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Medium 2. Medium 3. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA

Implemented as recommended?	N
Government statement about status of implementation	“Recommendation 5 of this report recommended the establishment of a trust fund to assist victims of child abuse to upgrade or continue their education. As the independent assessor had already taken account of education matters in determining the ex gratia payment to victims, any further payments were considered to be double dipping and as such Recommendation 5 was not adopted. As there was no trust fund established, Recommendation 6 became redundant and was not actioned. “
Reason provided	No
Implementation summary	<p>Not implemented</p> <p>Recommendation 6 was reliant on the implementation of Recommendation 5, with which the government did not agree. Recommendation 6 therefore became redundant.</p>

Person extracting data	Auditor 5 (& update – Auditor 6)
Date of extraction	03.02.2014
Recommendation number	7
Commission/Inquiry of origin	Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) 2004
Recommendation made	<i>It is recommended that the Government liaise with church authorities to seek an apology for claimants who allege that they had been abused while in Approved Children’s Homes run by the churches and who have specifically stated that they desire an apology.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	<p>Please supply a narrative response to this recommendation including information and evidence about how the Government liaised with church authorities around an apology.</p> <p>Received:</p> <ul style="list-style-type: none"> - Official government response, received Feb 2013 - Hansard transcript May 2005
Submitted document/ source details	<ol style="list-style-type: none"> 1. Doc 16. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN REPORT 2004 2. Doc 17. REVIEW OF CLAIMS OF ABUSE FROM ADULTS IN STATE CARE AS CHILDREN FINAL REPORT – PHASE 2 Tasmanian Ombudsman June 2006

	<ul style="list-style-type: none"> 3. Official government response 4. Hansard transcript
Relevant to at least one aspect of recommendation	<ul style="list-style-type: none"> - Neither document 16 nor 17 is relevant. They are simply the documents from which the recommendations came. - Government response and Hansard transcript are relevant.
Documentation currency	<ul style="list-style-type: none"> 1. 2004 2. 2006 3. 2014 4. 2005
Reliability contribution of documents	<ul style="list-style-type: none"> 1. Medium 2. Medium 3. Low 4. High
Implementation	
Recommended actors involved	Tasmanian government
Recommended actors not involved	NA
Included actions	The government wrote to a number of church organisations to seek an apology.
Excluded actions	NA
When action was taken	
Implemented as recommended?	Yes
Government statement about status of implementation	“On Tuesday 17 May 2005, the Premier of Tasmania, Hon Paul Lennon, wrote to church authorities, Catholic Archdiocese of Hobart, Anglican Diocese of Tasmania and Salvation Army, recommending that they offer an apology to those children who may have been abused in their care.”
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	8
Commission/Inquiry of origin	Review of Claims of Abuse from Adults in State Care as Children (O’Grady Report) 2004

Recommendation made	<i>It is recommended that the Commissioner for Children be asked by the Minister for Health and Human Services to investigate the 12 recent cases of alleged abuse referred to earlier in this report. The main purpose of the investigation should be to determine what action the Department had taken when the abuse was reported and whether the actions taken were appropriate. The investigation would also include a consideration of the selection of the foster families involved. The Commissioner should be asked to complete his investigation within a specific period and to ensure that the outcomes of his investigation are made public. Depending on the outcome of the Commissioner's investigation it may be necessary to conduct a more comprehensive audit of files of children currently on care and protection orders. At this stage, it would be inappropriate to make further recommendations in respect of foster care until the results of the Commissioner's investigations are known.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	NA
Submitted document/ source details	<i>Doc 18. Who is listening to the children now : the Commissioner for Children's response to recommendations 8 and 9 of the Tasmanian Ombudsman's report/Commissioner for Children, 2006</i> Report published and made public with recommendations in 2006
Relevant to at least one aspect of recommendation	In the Introduction to the Report, the Commissioner for Children states that "On 21 December 2004, the former Minister for Health and Human Services advised the Commissioner for Children that the Government had accepted Recommendation 8".
Documentation currency	2006
Reliability contribution of documents	High
Implementation	
Recommended actors involved	Yes. Commissioner for Children
Recommended actors not involved	NA
Included actions	The Government accepted the recommendation and notified the Commissioner for Children who duly conducted the investigation in accordance with the recommendation and reported publicly in 2006.
Excluded actions	NA

When action was taken	Recommendation 8 was contained in the O'Grady report which was delivered in 2004. In the same year the Government referred Recommendation 8 to the Commissioner for Children for investigation. The Commissioner's report was made publically available in 2006.
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented.
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5 (& Auditor 6 update 21/02/14)
Date of extraction	03.02.2014
Recommendation number	10.3.1
Commission/Inquiry of origin	Report on Child Protection Services in Tasmania (Jacob Fanning Report) 2006
Recommendation made	<i>A unit dedicated to investigating and responding to complaints and serious issues relating to child protection services will be established as part of the overall organisational model, after further consultation with staff.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	<p>Please provide a narrative response to this request and any documentary evidence of the establishment of a dedicated complaints and serious issues investigation and response unit.</p> <p>Received 21 Feb 2014:</p> <ol style="list-style-type: none"> 1. Complaints and Compliments Factsheet (undated) 2. Practice Advice: Complaint Handling and Reviews (Aug 2013) 3. Review of a Child Protection Decision (undated) 4. Seeking a Review of a Decision Factsheet (undated) 5. Official government response, received Feb 201
Submitted document/ source details	
Relevant to at least one aspect of recommendation	<p>Numbers 1, 3 and 4 of the above documents are not relevant, as they do not provide any evidence of a dedicated unit being established.</p> <p>Number 2, the Practice Advice, refers to the existence of a Child Protection Decision Advisory Panel (see below).</p> <p>Number 5 is relevant.</p>

Documentation currency	<ol style="list-style-type: none"> 1. Undated 2. Aug 2013 3. Undated 4. Undated 5. Feb 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Low 4. Low 5. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<p>“The following procedures describe the process steps to apply from the commencement of a person asking for a decision to be reconsidered, through to formal reviews, firstly through the local Area Director and if required, a referral for the matter to be reviewed by a Child Protection Decision Advisory Panel. The</p> <p>Child Protection Decision Advisory Panel (advisory panel) has been established to provide an independent and objective response if the client/carer remains unhappy following an internal review at the Area Director level. The Deputy Secretary makes the decision to hold a panel to review a child protection decision, who also chairs the meeting. The panel involves members from the Children and Youth Services Management Group and may also involve experts as required and as relevant to the matter under review.”</p>
Excluded actions	An independent unit was not established. The Advisory Panel appears to be an alternative approach.
When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	<p>“This recommendation was made in 2006 and since this time, complaint management and investigation/review processes have been developed which ensure transparency, accountability and timely responses to complaints at the relevant levels within the Agency. Although this has not involved the establishment of a dedicated complaints unit, it does provide a clear pathway to ensure that complaints and issues relating to child protection decision making are managed independently when required or requested. Additionally, a new team was established within Children and Youth Services (Quality Improvement and Workforce Development) in</p>

	2012. This team is made up of Senior Quality and Practice Consultants who are engaged when required to conduct independent reviews or investigations into Child Protection Matters.
Reason provided	No
Implementation summary	Not implemented: alternative action taken

Person extracting data	Auditor 5 (& update – Auditor 6)
Date of extraction	03.02.2014
Recommendation number	10.3.4
Commission/Inquiry of origin	Report on Child Protection Services in Tasmania (Jacob Fanning Report) 2006
Recommendation made	<i>The Commissioner for Children should have responsibility for oversight of all complaints processes in relation to children. The Ombudsman should retain responsibility for the investigation of individual complaints if a person is dissatisfied with the internal response to the complaint.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	Please provide a narrative response to this recommendation and any documentary evidence on specific workings of the Ombudsman and Children's Commissioner relevant to this recommendation. Received: government response, Feb 2014
Submitted document/ source details	
Relevant to at least one aspect of recommendation	1. Official government response received Feb 2014
Documentation currency	1. 2014
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Commission for Children and Young People; Ombudsman
Recommended actors not involved	
Included actions	None
Excluded actions	No action taken at the time.

When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	“This recommendation was made in 2006 and as the systemic requirements at any time are contextual, recommendations can become dated and may be superseded by other decisions. The Department of Health and Human Services is about to commence drafting stand-alone Commissioner for Children legislation which is likely to increase the powers of the Commissioner for Children”
Reason provided	No
Implementation summary	Not implemented

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	7.5
Commission/Inquiry of origin	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)
Recommendation made	<i>That if the evaluation of the current Children’s Visitors Pilot shows that children under the guardianship of the Secretary have obtained benefit from the Pilot that the Minister provide for the appointment of a Children’s Visitor for each such child whether in OOHC, in their birth family or in kinship care, such Visitors to be engaged by a body independent of the Government.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 10. Tasmanian Government’s response to recommendations in the Tasmanian Commissioner for Children’s report following an inquiry into the circumstances of a 12 year old child under guardianship of the Secretary of the Department of Health and Human Services. (2010)
Relevant to at least one aspect of recommendation	Not relevant. The 2010 document indicates a willingness to consider the matter further when the pilot was completed. It does not indicate if this was considered or any outcome of any such consideration.
Documentation currency	2010

Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Unable to determine
Government statement about status of implementation	The government response to this recommendation is dated (2010) does not indicate what actions subsequent to the 2010 response have been taken – if any.
Reason provided	No
Implementation summary	Undetermined. No relevant evidence received.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	8.2
Commission/Inquiry of origin	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)
Recommendation made	<i>That the Secretary mandate that such visits be conducted with the child in the absence of any other person unless in the special circumstances of the case it is not practicable to arrange such a visit or it is not in the best interests of the child for reasons given.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 10. Tasmanian Government's response to recommendations in the Tasmanian Commissioner for Children's report following an inquiry into the circumstances of a 12 year old child under guardianship of the Secretary of the Department of Health and Human Services. (2010)

Relevant to at least one aspect of recommendation	Relevant. Indicates the Government did not accept this recommendation.
Documentation currency	2010
Reliability contribution of documents	High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	No. Recommendation not accepted
Government statement about status of implementation	Recommendation not accepted – not every visit a child protection worker makes to a child is on a one to one basis, as this is impractical and interferes with the child protection worker’s ability to assess the home or care dynamic.
Reason provided	Yes, as above
Implementation summary	Not implemented.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	10.2
Commission/Inquiry of origin	Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary (Mason Report) (2010)
Recommendation made	<i>That s.79 of the CYPTF Act be amended to give the Commissioner for Children such additional functions as will enable that Officer to fulfil the promise of “Preventing problems before they arise” including but not limited to conducting audits both individually and generally of the circumstances of children and young people in the guardianship or custody of the Secretary.</i>
Assessability of recommendation	Partial. whether or not the Act has been amended to provide for the conduct of audits of the identified children and young people, can be

	assessed. Whether or not these provisions “prevent problems before they arise” can not be assessed.
Additional information request	NA
Submitted document/ source details	Doc 10. Tasmanian Government’s response to recommendations in the Tasmanian Commissioner for Children’s report following an inquiry into the circumstances of a 12 year old child under guardianship of the Secretary of the Department of Health and Human Services. (2010)
Relevant to at least one aspect of recommendation	Relevant. Indicates the Government did not accept this recommendation.
Documentation currency	2010
Reliability contribution of documents	High
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	Recommendation not accepted, noting the Commissioner undertakes annual audits of a random sample of children in care; the Commissioner has limited existing ‘own initiative’ powers to advise the Minister; similar positions in other jurisdictions (even those with broader powers) do not intervene in court processes; the role of the Commissioner for Children in Tasmania relates to all children, not just those in care.
Reason provided	Yes, as above
Implementation summary	Not implemented.

Person extracting data	Auditor 5
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Date of extraction	03.02.2014
Recommendation number	28
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Police checks and assessments of kinship placements be prioritised to avoid a child suffering the emotional trauma of being placed with a stranger.</i>
Assessability of recommendation	Yes, the recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au Doc X Inagural annual report: http://www.children.tas.gov.au/news/reporting_on_progress_-_inaugural_annual_report
Relevant to at least one aspect of recommendation	Doc 5 indicates that the recommendation will be considered as part of the action area about building stronger relationships with families, services and the community. Doc X reports on progress.
Documentation currency	
Reliability contribution of documents	Doc 5 Medium Doc X Medium
Implementation	
Recommended actors involved	Yes
Recommended actors not involved	NA
Included actions	Police checks to facilitate kinship placement s are prioritised.
Excluded actions	NA
When action was taken	Unknown
Implemented as recommended?	Yes

Government statement about status of implementation	DPEM continues to prioritise police checks to facilitate kinship placement. Ongoing monitoring of kinship checking through the District Commands Crime Management Units, is supported under the Memorandum of Understanding between DPEM and Child Protection Services, DHHS.' P33 Inaugural report
Reason provided	NA
Implementation summary	Implemented in full.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	41
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>It is essential that adverse incidents and complaints are fully investigated and managed in a model that is responsive and transparent, similar to the Complaints Management Unit in Western Australian.</i>
Assessability of recommendation	No. It is not possible to assess this recommendation. Elements such as "essential", "fully investigated", "responsive" can not be readily assessed.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au Doc X Inagural annual report: http://www.children.tas.gov.au/news/reporting_on_progress_-_inaugural_annual_report
Relevant to at least one aspect of recommendation	Doc 5 shows that the recommendation has been accepted for action. Doc X shows implementation progress Oct 2013
Documentation currency	Oct 2013

Reliability contribution of documents	Doc 5 Medium Doc X Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Work yet to commence
Excluded actions	NA
When action was taken	Oct 2012 – work not yet commenced
Implemented as recommended?	No
Government statement about status of implementation	Work on this initiative has yet to commence’ (p21 Inaugural Annual Report, appendix 2) ‘Currently, a caseload management tool, developed in consultation with both staff and their representative unions, is being trailed state-wide. Trial data will be used to further enhance the caseload management tool for application to case management Child Protection Workers. Policy and committee infrastructure (appropriate governance) has been developed for the management of serious incidents. Unborn baby alerts and outreach to engage pregnant young women where potential risk is identified, is a part of usual practice.’ P44 Inaugural report 2012-3 ‘In progress, current policy’ p64 Inaugural report 2012-3
Reason provided	In progress
Implementation summary	Not implemented

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	62
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>That there be a statutory obligation on community sector organisations who deliver out of home care residential services to comply with key standards and reporting criteria.</i>

Assessability of recommendation	Yes, the recommendation is assessable by reference to legislation.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates the Government accepted the recommendation.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 Medium Doc 6 Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No government response received relating to implementation of the recommendation that there be a statutory obligation on community organisations.
Implemented as recommended?	No
Government statement about status of implementation	No comment received.
Reason provided	No.
Implementation summary	Undetermined. See legislation verification – work in progress.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	63
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)

Recommendation made	<i>The Working with Children check in Tasmania be implemented as a priority.</i>
Assessability of recommendation	Yes, can assess if the working with children check was implemented.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5. Document indicates that the government accepted the recommendation. Doc 6 indicates an intention to establishing a centralised background checking and risk assessment process for people working with children to reduce the risk of sexual, physical, emotional or financial harm or neglect
Documentation currency	2012-13
Reliability contribution of documents	The documents provide no evidence that the recommendation was actually implemented.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	Doc 6 The Implementation Framework 2012-13 does not report any substantive action taken.
Implemented as recommended?	Undetermined
Government statement about status of implementation	No response
Reason provided	No
Implementation summary	Undetermined. The evidence submitted shows that the government accepted the recommendation. There was no evidence received re the implementation of the recommendation.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	67
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Police checks for potential kinship carers should be expedited.</i>
Assessability of recommendation	Very difficult to assess if police checks have been “expedited”.
Additional information request	NA
Submitted document/ source details	<p>Doc 5. DHHS Government Response Public Final v3</p> <p>Doc 6. DHHS Sharing Responsibility Implementation Framework</p> <p>www.children.tas.gov.au</p> <p>Doc X</p> <p>Inagural annual report: http://www.children.tas.gov.au/news/reporting_on_progress_-_inaugural_annual_report</p>
Relevant to at least one aspect of recommendation	<p>Doc 5 indicates the recommendation will be considered by Government.</p> <p>Doc X states that DPEM continues to prioritise police checks to facilitate kinship placement.</p> <p>Ongoing monitoring of kinship checking through the District Commands Crime Management Units, is supported under the Memorandum of Understanding between DPEM and Child Protection Services, DHHS.’ P33 Inaugural report</p>
Documentation currency	<p>May 2012</p> <p>2012-13</p>
Reliability contribution of documents	Doc X Interim Report Medium
Implementation	
Recommended actors involved	On the basis of statements in the Inaugural Report police and child protection services are involved.
Recommended actors not involved	NA

Included actions	Ongoing monitoring of kinship checking through the District Commands Crime Management Units, is supported under the Memorandum of Understanding between DPEM and Child Protection Services, DHHS
Excluded actions	NA
When action was taken	<u>Unclear</u>
Implemented as recommended?	Appear to be so.
Government statement about status of implementation	Ongoing monitoring of kinship checking through the District Commands Crime Management Units, is supported under the Memorandum of Understanding between DPEM and Child Protection Services, DHHS
Reason provided	NA
Implementation summary	Implemented in full. On the basis of statements in the Inaugural Report it would appear that the recommendation has been implemented.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	77
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
<i>Recommendation made</i>	<i>That Section of the Act be amended to ensure that it is clear that the Commissioner for Children has the power to require information from any Government Department or Agency where such information is, in the reasonable opinion of the Commissioner, necessary or convenient in the performance of his or her function. Such amendment should make it clear that in requiring information, it is not necessary for the Commissioner to identify the specific head of power being exercised for the purposes of the inquiry. The Commissioner should also be able to specify a reasonable time frame for the satisfaction of the information request.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012

	Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates that this recommendation “will be taken into consideration when implementing the accepted recommendations”.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 indicates only an intention to consider the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No evidence submitted in relation to implementation of the recommendation.
Implemented as recommended?	NA
Government statement about status of implementation	Will be considered.
Reason provided	No
Implementation summary	Undetermined.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	79
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>The role of the Commissioner for Children be expanded to enable the undertaking of own-motion inquiries within the proper function of the Commissioner for Children.</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	NA

Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates that this recommendation “will be taken into consideration when implementing the accepted recommendations”.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 indicates only an intention to consider the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No evidence submitted in relation to implementation of the recommendation.
Implemented as recommended?	NA
Government statement about status of implementation	Will be considered.
Reason provided	No
Implementation summary	Undetermined - No evidence received in relation to implementation of the recommendation.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	80
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Child advocacy services be strengthened as part of the planned amendments to the Children, Young Persons and Their Families Act.</i>
Assessability of recommendation	Difficult to assess whether child advocacy services have been “strengthened” or just changed or expanded.

Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates that this recommendation “will be considered”.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 indicates only an intention to consider the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No evidence submitted in relation to implementation of the recommendation.
Implemented as recommended?	NA
Government statement about status of implementation	Will be considered.
Reason provided	No
Implementation summary	Undetermined- No evidence received in relation to implementation of the recommendation.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	82
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Counselling of a child suspected of being the victim of sexual abuse should be mandatory, not subject to parental agreement.</i>
Assessability of recommendation	Yes. The recommendation is assessable.

Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012 Doc 6. DHHS Sharing Responsibility Implementation Framework www.children.tas.gov.au
Relevant to at least one aspect of recommendation	Doc 5 indicates that this recommendation “will be taken into consideration when implementing the accepted recommendations”.
Documentation currency	May 2012
Reliability contribution of documents	Doc 5 indicates only an intention to consider the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	No evidence submitted in relation to implementation of the recommendation.
Implemented as recommended?	NA
Government statement about status of implementation	Will be considered.
Reason provided	No
Implementation summary	Undetermined - No evidence received in relation to implementation of the recommendation

Person extracting data	Auditor 5 (& update – Auditor 6)
Date of extraction	03.02.2014
Recommendation number	119
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>Additional resourcing be provided to enable the expansion of State-wide trauma services for abused children and young people to ensure more than 30% of children in care can access such services.</i>

Assessability of recommendation	Partial. Can assess if budget allocations to this area have been increased.
	Can not assess if any increased allocation will ensure that 30% of children in care receive trauma services.
Additional information request	<p>Please supply evidence of increased resourcing to state-wide trauma services and total number of children accessing trauma services as a percentage of the total number of abused children and young people.</p> <p>Official government response received Feb 2014.</p>
Submitted document/ source details	<ul style="list-style-type: none"> - Doc 5. DHHS Government Response Public Final v3 May 2012 - Doc 6. DHHS Sharing Responsibility Implementation Framework - Official government response received Feb 2014.
Relevant to at least one aspect of recommendation	<ul style="list-style-type: none"> - Doc 5 indicates that the recommendation was accepted by government – not relevant. - Government response is relevant.
Documentation currency	<ul style="list-style-type: none"> - May 2012 - Feb 2014
Reliability contribution of documents	<ul style="list-style-type: none"> - Medium – Indication of acceptance of recommendation only. - Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Funding for the trauma service has increased 24% of the past 2 years.
Excluded actions	Up to 10% of children and young people in care received a service, as opposed to 30% as recommended.
When action was taken	NA
Implemented as recommended?	Partly
Government statement about status of implementation	<p>“The Australian Childhood Foundation is contracted by the Department of Health and Human Services to develop and implement a service delivering collaboratively oriented therapeutic responses that promote the safety, recovery and relational stability for children and young people who have experienced trauma.</p> <p>Funding for this service has increased approximately 24% over the</p>

	past 2 years. In its first year (2010) 68 children and young people were accepted by the service (approximately 7% of children and young people in care). This increased to 119 children and young people participating in the service in 2012/13 (approximately 10% of children and young people in care)."
Reason provided	NA
Implementation summary	Partially implemented
Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	138
Commission/Inquiry of origin	Select Committee on Child Protection Final Report, Parliament of Tasmania (2011)
Recommendation made	<i>The Charter of Rights for Children in Out of Home Care should be embedded into legislation governing child protection and out of home care.</i>
Assessability of recommendation	Yes. Recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Doc 5. DHHS Government Response Public Final v3 May 2012
Relevant to at least one aspect of recommendation	Doc 5 indicates the outcome is 'supported' but implementation may be 'alternate to that prescribed'.
Documentation currency	May 2012
Reliability contribution of documents	Medium – indication only of government position in relation to the recommendation.
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	NA
Implemented as recommended?	Unable to determine.

Government statement about status of implementation	Outcome is 'supported' but implementation may be 'alternate to that prescribed'.
Reason provided	No
Implementation summary	Undetermined.

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	Page 20.1
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That specific provisions be contained within the Tasmanian Police Manual for dealing with child victims of sexual assault who are disabled</i>
Assessability of recommendation	Yes. The recommendation is assessable.
Additional information request	NA
Submitted document/ source details	Government response/schedule
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided 2013 in response to RC
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Nil
Excluded actions	NA
When action was taken	
Implemented as recommended?	No

Government statement about status of implementation	<p>Despite searches of electronic records being conducted, Tasmania Police does not have any record of correspondence being received in respect to the mentioned documents or recommendations emanating from them. As a result of this enquiry the respective documents will now be forwarded to Executive Support and Human Resources within Tasmania Police for consideration.</p> <ul style="list-style-type: none"> · The Tasmania Police Manual (TPM) does not contain any reference to dealing with child victims of sexual assault that are disabled. · The TPM at part 5.4(1) states, “Where a person is to be interviewed, either as a complainant or a suspect to a crime or offence, and the ability of that person to comprehend the English language is in doubt, members shall engage the services of a suitably qualified interpreter for the purposes of the interview.
Reason provided	Yes. See above.
Implementation summary	Not implemented

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	Page 9.2
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That the guidelines contain provisions for clear and independent interview and investigative procedures for children.</i>
Assessability of recommendation	The guidelines can be assessed for provisions for independent interview and investigative procedures and for the clarity of these.
Additional information request	NA
Submitted document/ source details	Attachment 1 Investigations of Severe Abuse or Neglect of a Child in Out of Home Care (Schedule 1)
Relevant to at least one aspect of recommendation	<p>Schedule 1 states that :</p> <p>Investigations of severe abuse and neglect will be conducted by a practitioner independent of the case and skilled in investigation. These investigations will be conducted or overseen by Quality</p>

	Improvement and Workforce Development.
Documentation currency	June 2013
Reliability contribution of documents	Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Independent investigations in cases of severe abuse.
Excluded actions	Independent investigation of non-severe abuse cases.
When action was taken	Schedule 1 is dated June 2013
Implemented as recommended?	Unclear
Government statement about status of implementation	The policy outlines two distinct pathways for investigation. Quality of Care assessments are to be managed by operational areas and are overseen by the Manager. Severe Abuse and Neglect allegations are referred out of the operational areas to the Quality Improvement and Workforce Development Unit to ensure that there is a high level and independent review of abuse cases. The policy includes clear guidelines for the interviewing of children.
Reason provided	NA
Implementation summary	Undetermined. Guidelines have been provided that relate to severe abuse and neglect. No information has been received about non-severe cases.

Person extracting data	Auditor 5 (& Auditor 6 – update 21/02/14)
Date of extraction	03.02.2014
Recommendation number	Page 12.8
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That the allegations of abuse are properly heard, received, acknowledged and acted upon.</i>

Assessability of recommendation	No. It is not possible to assess that allegations of abuse are “properly” heard, received, acknowledged and acted upon without an extensive audit of data and records relating to allegations.
Additional information request	<p>Please supply results of appraisal of new policy undertaken in September 2013.</p> <p>Provided:</p> <ol style="list-style-type: none"> 1. Dept. of Health & Human Services: Children & Youth Services – Quality Improvement and Workforce Development. Meeting Paper, November 2013 2. Official government response received Feb 2014
Submitted document/ source details	Attachments 1-8 Care Concern policies
Relevant to at least one aspect of recommendation	<p>The documents detail a range of policy and procedures relating to the receipt and follow up of care concerns.</p> <ol style="list-style-type: none"> 1. Document 1 is relevant. It relates to the appraisal of the ‘Responding to Care Concerns impacting on a child in OOHC Policy’ that occurred Sep-Nov 2013. 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. June 2013 2. Feb 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Document 1 provides feedback from children and young people, carers and organisations about responses to care concerns. The document highlights some areas where the policy is being adhered to and some areas for improvement.
Excluded actions	A number of issues relating to response to care concerns remain.
When action was taken	Feb 2013 Care Concern
Implemented as recommended?	Partly.
Government statement about status of implementation	Been actioned and incorporated clearly in the current Care Concern Policy.

Reason provided	NA
Implementation summary & provisional rating	Partially – steps have clearly been taken, and the policy relating to responding to care concerns is under review. However, it does not appear to be at the stage where all allegations of abuse are “properly” heard, received, acknowledged and acted upon.
Person extracting data	Auditor 5 (& Auditor 6 update 21/02/14)
Date of extraction	03.02.2014
Recommendation number	Page 17.6
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That the victim and their family be clearly informed of avenues of redress available to them.</i>
Assessability of recommendation	Partial. Can assess if policy, procedure or legislation stipulate that the victim and their family be informed of avenues of redress available to them. Can not assess if such policy, procedure or legislation has been implemented without case audits, nor can it be assessed if victim and family were “clearly” informed.
Additional information request	<p>Please supply a response outlining whether victims and families are informed of avenues of redress that are available and any documented evidence of these avenues.</p> <p>Provided:</p> <ol style="list-style-type: none"> 1. Dept. of Health & Human Services: Investigations of Severe Abuse or Neglect of a Child In OOHC (Schedule 2), June 2013 2. Care Concerns: Responding to Care Concerns Impacting on a Child in OOHC: Information for Out of Home Carers 3. Care Concerns: Information for Children and Young People 4. Official Government Response received Feb 2014
Submitted document/ source details	
Relevant to at least one aspect of recommendation	All 4 documents are relevant
Documentation currency	<ol style="list-style-type: none"> 1. June 2013 2. Undated 3. Undated 4. Feb 2014

Reliability contribution of documents	1. Low 2. Low 3. Low 4. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Documents provided outline process for informing children and family and carers about the care concern and investigation process. Less clear is information on any avenues of redress.
Excluded actions	NA
When action was taken	June 2013
Implemented as recommended?	In part
Government statement about status of implementation	<p>“Informing victims and their families of redress options available to them is a practice consideration and requirement at a case management level when managing abuse in care allegations. The Care Concern Policy stipulates that all children in out of home care and their families should be kept informed and supported when there are allegations of abuse and are provided with an information sheet in regards to the care concern process and their rights. Any options available to the family will be presented to the child and family, dependent on the type of concern, and managed on a case by case basis. The care concern process document and information sheets for carers and children/young persons are attached.”</p>
Reason provided	NA
Implementation summary	Partially implemented

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	Page 18.4
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>Investigation processes of Police be developed to higher best practice standards with respect to abuse of children in care</i>

Assessability of recommendation	No. Cannot assess if a process had been developed to a “higher best practice” standard.
Additional information request	NA
Submitted document/ source details	No documents submitted in relation to this recommendation.
Relevant to at least one aspect of recommendation	NA
Documentation currency	
Reliability contribution of documents	NA
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	NA
Excluded actions	NA
When action was taken	None
Implemented as recommended?	Not implemented
Government statement about status of implementation	Despite searches of electronic records being conducted, Tasmania Police does not have any record of correspondence being received in respect to the mentioned documents or recommendations emanating from them. As a result of this enquiry the respective documents will now be forwarded to Executive Support and Human Resources within Tasmania Police for consideration.
Reason provided	Yes. As above
Implementation summary	Not implemented.

Person extracting data	Auditor 5 (& Auditor 6 update 21/02/14)
Date of extraction	03.02.2014
Recommendation number	Page 22.1
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care

	(Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>Increased screening and improved character checks of all foster carers</i>
Assessability of recommendation	Partial. Can assess the existence of a screening process. Assessing whether this process represents “increased” screening and “improved character checks” would require an audit of screening data and qualitative comparisons of the elements of “Character checks” before and after any changes were made to the process.
Additional information request	Request: Please provide evidence of the use of the Step-by-Step accreditation system (e.g. in funding agreements; service specifications with NGOs) Provided: <ul style="list-style-type: none"> • Department of Health & Human Services Funding Agreement: sample • Official government response received Feb 2014
Submitted document/ source details	www.acwa.asn.au Step by Step11
Relevant to at least one aspect of recommendation	This site contains details of the nationally developed competency based assessment package known as Step by Step. The funding agreement is relevant. The government response is relevant.
Documentation currency	<ul style="list-style-type: none"> - Funding agreement sample – 2013/2014 - Government response received Feb 2014.
Reliability contribution of documents	<ul style="list-style-type: none"> - Low - Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	Government reports using a screening assessment package / process that includes formal assessment, including interviews and background checks (medical, referees and Police / criminal history checks). The funding agreement specifies that agencies must use the Step-by-Step assessment package.

Excluded actions	NA
When action was taken	Undetermined
Implemented as recommended?	Government reports that it has been implemented in full.
Government statement about status of implementation	<ul style="list-style-type: none"> Implemented in full. The assessment of potential foster carers is undertaken by the Agency and its funded non-government organisations using a nationally developed competency based assessment package known as Step by Step. It is a packaged developed by the Association of Children's Welfare Agencies (ACWA) and is use in other jurisdictions. All assessments (Government and Non-Government) in Tasmania are undertaken using the current version of the package (2010). The assessment process also includes formal assessment, including interviews and background checks (medical, referees and Police / criminal history checks).
Reason provided	NA
Implementation summary	Implemented in full

Person extracting data	Auditor 5
Date of extraction	03.02.2014
Recommendation number	Page 26.3
Commission/Inquiry of origin	Memorandum of Advice to Minister of Health and Human Services: Part Two: Complaints Process for Abuse of Children in Care (Patmalar Ambikapathy, Commissioner for Children Tasmania, September 2003)
Recommendation made	<i>That the Department and care homes develop clear, comprehensive and transparent guidelines for responding to allegations of abuse in care, taking into account the relevant provisions of the United Nations Convention on the Rights of the Child and the Children, Young Persons and Their Families Act 1997, annexed to this Memorandum as Annexure A and Annexure B.</i>
Assessability of recommendation	Partial. That guidelines exist is assessable, as is that they take account of the relevant provisions. The clarity, comprehensiveness and transparency of the guidelines require subjective assessment.
Additional information request	NA

Submitted document/ source details	Attachment 1 – Care Concern Policy and Schedule 1
	Attachment 2 – Care Concern Policy Schedule 2
	Attachment 6 - Care Concerns Information for CSOs.pdf
	Attachment 7 - Care Concerns Information for Children and Young Persons.pdf
	Attachment 8 - Care Concerns Information for Carers.pdf
Relevant to at least one aspect of recommendation	Attachments 1 & 2 appear to be policy and procedures for responding to allegations of abuse in care.
	Attachments 6 and 8 relate specifically to Care Concerns Impacting on a Child in Out of Home Care.
	Attachment 7 relates to children.
	Attachment 6 is an information sheet for CSO's
	Attachment 8 is an information sheet for Carers.
Documentation currency	
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	CSO, Carers and Children and Young people.
Recommended actors not involved	NA
Included actions	Guidelines exist.
Excluded actions	
When action was taken	Undetermined
Implemented as recommended?	Note
Government statement about status of implementation	Attachments 1 and 2 - Responding to Quality of Care Concerns Relating to Children in Out of Home Care (Schedule 1) detail policy and procedures to be followed and appear clear and comprehensive.
	However, the government has nominated other documents as evidence of implementation.
	· Implemented in full. The Complaints in Care program has undergone a thorough and comprehensive review (2012) resulting in a new policy position being developed, in line

with the quality and safety agenda and framework. The complaint in care policy is now referred to as Managing Care Concerns Impacting on a child in Out of Home Care (Care Concern Policy).

- A clear policy and procedure has been developed in conjunction with all Out of Home Care providers to clearly define required role and responsibilities of the Agency and care providers to respond to and manage concerns relating to abuse and neglect.
- A copy of the policy and procedure has been provided to all carers and out of home care providers. An information sheet has been provided to all children residing in Out of Home Care.
- For documentary evidence in support of implementation see Attachments 6, 7 and 8.
- The first appraisal is taking place in September 2013 and involves direct interviews with children and carers who have been involved in a care concern process. The feedback and outcomes from this appraisal will be taken into consideration by an established Monitoring Group which includes the Commissioner for Children and Out of Home care providers to ensure that improvement strategies are put in place immediately where required.

Reason provided

NA

Implementation summary

Implemented in full, but noting the difficulty in assessing the recommendation.

Person extracting data

Auditor 5

Date of extraction

03.02.2014

Recommendation number

2.10.3

Commission/Inquiry of origin

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

Recommendation made

It is recommended that the current Department of Health and Human Services policy relating to allegations of abuse in care, including quality of care matters, be reviewed to determine if it is consistent with contemporary practice.

Assessability of recommendation	Partial. Review of current policy is assessable. Assessment of “consistent with contemporary practice” is beyond the scope of this project.
Additional information request	NA
Submitted document/ source details	Attachment 1. Care Concern Policy. (Responding to Quality of Care Concerns Relating to Children in Out of Home Care (Schedule 1)
Relevant to at least one aspect of recommendation	The document represents the current policy relating to quality of care concerns re children in out of home care.
Documentation currency	
Reliability contribution of documents	Medium
Implementation	
Recommended actors involved	CSO, Carers and Children and Young people.
Recommended actors not involved	NA
Included actions	The Complaints in Care program has been reviewed and the new policy is linked to the National Standards for Out of home Care and the Charter of Rights for Tasmanian Children.
Excluded actions	
When action was taken	Policy formally implemented and imbedded into practice 1 Feb 2013.
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> • The policy has a strong emphasis on child and carer feedback and quality assurance of decision making. This focus has enhanced the Agencies ability to appraise work practices against client specific quality indicators – leading to continuous quality and service improvement opportunities. • The implementation of the new policy involves a robust appraisal cycle which focuses on not only performance measures but quality standards. Performance against client-focused quality standards will be measured through direct feedback from children and carers. • The Care Concern Policy was amended to ensure that responses to issues related to children’s care placements were responded to at the appropriate level and with the child’s safety and well-being at the center. • The policy was developed with the input and active involvement of

key stakeholders across the state – including children and carers themselves.

- . The Policy ensures that all care concerns are monitored and evaluated through the Quality Improvement and Workforce Development unit with the view to the outcomes of care concerns being recorded centrally. This will result in increased investment in carer training alongside other practice, policy and system improvements in a regular cyclic process of evaluation.

Reason provided

NA

Implementation summary

Implemented in full

DOCUMENT AUDIT: VICTORIA

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	89
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Attorney General review penalties for sexual offences to ensure that the sexual assault of a child is regarded as seriously as the sexual assault of an adult.</i>
Assessability of recommendation	<p>Yes:</p> <p>Specified actor (AG) and specified action (equivalency of penalties) which can be verified by documentary evidence.</p>
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. The Sentencing and Other Acts (Amendment)Act 1997 3. Crimes (Amendment) Act 2000 4. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (for legislation check) 3. Yes (for legislation check) 4. Yes (context: agendas & interests)
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. Medium
Implementation	
Recommended actors involved	Attorney General
Recommended actors not involved	NA
Included actions	<p>Penalties comparable to rape were legislated for crimes of incest, sexual penetration against a child under 10 and for maintaining a sexual relationship with a child under 16 (1997).</p> <p>A new offence was created for dealing with sexual penetration of a child under 16 (2000).</p>

Excluded actions	<p>There are a number of offences where maximum penalties for offences involving children do not have parity with sentences for apparently similar offences involving adult victims. See for example:</p> <ul style="list-style-type: none"> • S. 55 - Abduction or detention for sexual penetration (level 5, 10 years imprisonment) and section 56 - Abduction of child under 16 for sexual penetration (level 6, 5 years imprisonment). • S.57(1) - Procuring sexual penetration by threats or intimidation (level 5, 10 years imprisonment) and s.58 - Procuring sexual penetration of child under 16 (level 6, 5 years imprisonment). <p>In addition, S. 46 - Sexual penetration of a child aged 10-16 attracts a considerably smaller maximum sentence (level 4, 15 years imprisonment – where the child is under care, supervision or authority, and; level 5, 10 years imprisonment in any other case), than the penalty for the same offence where the child is under the age of 10 (level 2, 25 years imprisonment).</p>
When action was taken	<p>Penalties review 1997 (2yrs)</p> <p>Sexual penetration of child 10-16 made an offence 2000 (5yrs)</p> <p>Amending penalties occurred faster than creating a new offence</p>
As recommended	No – only required equivalent penalties but new offence was created to achieve equivalence of seriousness for child/adult sexual assault
Government statement about status of implementation	Implemented
Reason/s provided	No specific reason for implementing equivalent offences. A time lag on implementation was noted in relation to this enquiry but does not appear to apply to this particular recommendation. Delays were explained by the need for ‘packages of reforms and policy changes’ in response to the committee having made ‘sets of recommendations’ and by the government having ‘a number of concerns with the recommendations of the Committee’. (Confidential Victorian Government response to the Royal Commission, June 2013)
Implementation summary	Partially implemented. Some comparable penalties for sexual assault of adults and children were implemented 2years after the Inquiry. Comparable offences including children 10-16 were created within 5 years.

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	102
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Children and Young Persons Act 1989, specified grounds for protection be extended to include children displaying early signs of sexually offending behaviour.</i>
Assessability of recommendation	Yes: Change to specified legislation which can be verified by documentary evidence (legislation check).
Additional information request	1.
Submitted document/ source details	1. Confidential government response to Royal Commission 2. Children, Youth & Families Act 2005, sections 185 & 210-213 & 244-258 3. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	1. Yes 2. Yes (for legislation check) 3. Yes (context: agendas & interests)
Documentation currency	June 2013
Reliability contribution of documents	1. Low 2. High 3. Medium
Implementation	
As recommended	No
Recommended actors involved	Attorney General Children
Recommended actors not involved	NA
Included actions	Specified grounds for protection extended to include children in 2005. Therapeutic provision included for children 10-14 displaying early signs of sexually offending behaviour in 2007.
Excluded actions	NA
When action was taken	10 years for grounds for protection extension to child sexual offending under 10yrs 12 years for grounds for protection of child offenders 10-14

Government statement about status of implementation	Implemented
Reason provided	Time lag on implementation (10 years) was explained in general by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Confidential Victorian Government response to the Royal Commission, June 2013)
Implementation summary	<p>Implemented in full. Extension of grounds for protection of children to include young perpetrators (up to 14yrs) 12 years after recommendation</p> <p>Legislation verification may be too legalistic, as the amendments, while not expanding the grounds for protection as proposed, achieve the objects of the recommendation by creating a mechanism by which children exhibiting sexually abusive behaviours come under the care and control of the Minister (to varying degrees) via a therapeutic treatment order or a therapeutic treatment (placement) order.</p>

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	105
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that that all convicted adult sex offenders shall be registered with the Victorian Sex Offender Registry for life.</i>
Additional information request	1.
Assessability of recommendation	<p>Yes:</p> <p>Specified action (registration) and duration (for life) by means (Victorian Sex Offender Registry) which can be verified by documentary evidence.</p>
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to royal commission 2. The Sex Offenders Registration Act 2004 3. 2012 Review of Sex Offender Registration in Victoria 4. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check) 3. Yes (confirmation & context: agendas, coalitions, interests) 4. Yes (context: agendas & interests)

Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low High 2. High 3. Medium 4. Medium
Implementation	
As recommended	No
Recommended actors involved	Administrators of Victorian Sex Offender Registry All convicted adult sex offenders
Recommended actors not involved	Some convicted adult sex offenders
Included actions	Establishment of Sex Offenders Register with some offenders against adults and/or children registered for life (2004)
Excluded actions	All convicted adult sex offenders registered for life
When action was taken	2004 legislation on registration of offenders 2012 review of registration effectiveness
Government statement about status of implementation	Implemented in part
Reason provided	Exceptions to lifelong registration based on type & number of offences & age at time of offence are consistent with the government having 'a number of concerns with the recommendations of the Committee'. (Doc1 & 4)
Implementation summary	Partially implemented. Conditional periods of registration apply to the Sex Offenders Register in Victoria. A review of the operation and impact of the sex offender registration scheme in 2012 recommended changes to legislation and implementation.

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	106
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Victoria Police establish and maintain the Victorian Sex Offender Registry.</i>

Assessability of recommendation	Yes: Specified action (establish & maintain registry) which can be verified by documentary evidence
Additional information request	1.
Submitted document/ source details	1. Confidential government response to royal commission 2. The Sex Offenders Registration Act 2004 3. 2012 Review of Sex Offender Registration in Victoria 4. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	1. Yes 2. Yes (legislation check) 3. Yes (confirmation of maintenance & contextual info) 4. Yes (context: agendas & interests)
Document date / currency	June 2013
Reliability contribution of documents	1. Low 2. High 3. Medium 4. Medium
Implementation	
As recommended	Yes
Recommended actors involved	Victoria Police
Recommended actors not involved	NA
Included actions	Registration of adult sex offenders (2004) Maintenance of registry, ongoing since 2004
Excluded actions	NA
When action was taken	Act 2004 – 9yrs after royal commission Review of registration effectiveness 2012
Government statement about status of implementation	Implemented
Reason provided	A time lag on implementation was noted in relation to this enquiry. It was explained in general by the need for ‘packages of reforms and policy changes’ in response to the committee having made ‘sets of recommendations’ and by the government having ‘a number of concerns with the recommendations of the Committee’. (Doc 1 & 4)

Implementation summary	Implemented in full. A sex offender registry was established, which uniquely includes offenders against adults and/or children, and this register is maintained but its value has been questioned by a legal review.
Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	107
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Attorney General and the Police Minister lobby for an extension of the sex offender registration program nationally.</i>
Assessability of recommendation	Yes Lobbying can be verified through documentary evidence, as can the implementation of a national sex offender registration program can be verified by documentary evidence.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Victorian Government response 2. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (context: agendas & interests)
Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
As recommended	Yes (partial assessability)
Recommended actors involved	Police Minister involvement confirmed by involvement of Australasian Police Ministers' Council
Recommended actors not involved	NA
Included actions	<p>CrimTrac established in 2000 to maintain Australian National Child Offender Register (ANCOR)</p> <p>ANCOR established in 2003</p>

Excluded actions	NA
When action was taken	Body for data collection/management established 2000 after 5yrs National registry established after 8yrs
Government statement about status of implementation	Implemented
Reason provided	A time lag on implementation was noted in relation to this enquiry. It was explained in general by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Doc 1 & 4)
Implementation summary	Implemented in full. The means recommended could not be assessed, but the intended outcome of a national sex offender registry was implemented in full

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	115
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that prior to a person being employed, including voluntary employment, in a position which has a duty of care or supervision over children, a criminal history check must be undertaken to determine if they are a fit and proper person.</i>
Assessability of recommendation	Yes: Specified action (criminal history check) in relation to specified actors (people with duty of care or supervision of children) at specified timing (prior to employment or volunteering) can be verified by documentation but the effectiveness of implementation cannot be verified.
Additional information request	1. data indicating the number of criminal record checks annually from 1995 onwards - supplied
Submitted document/ source details	1. Confidential Victorian Government response 2. Working With Children Act 2005 3. Sex Offenders Registration Act 2004 4. Child Protection Practice Advice, Criminal History Checks (2013) no: 1524 5. Children Youth and Families Act 6. Education and Care Services National Law Act 2010 7. DEECD Centre Based Services policy

	8. DEECD Family Day Care Centre policy 9. Education and Training Reform Act 2006 10. Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2009 (Order 199) 11. DEECD Volunteer Checks policy 12. DEECD Staffing/Supervision policy 13. DEECD Visitors in Schools policy 14. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	1. Yes 2. Yes (legislation check) 3. Yes (legislation check) 4. Yes (interests & mobilisation) 5. Yes (legislation check) 6. Yes (legislation check) 7. Yes (interests & mobilisation) 8. Yes (interests & mobilisation) 9. Yes (legislation check) 10. Yes (legislation check) 11. Yes (interests & mobilisation) 12. Yes (interests & mobilisation) 13. Yes (interests & mobilisation) 14. Yes (context: agendas & interests)
Document date / currency	June 2013
Reliability contribution of documents	1. Low 2. High 3. High 4. Medium 5. High 6. High 7. Medium 8. Medium 9. High 10. High 11. Medium 12. Medium 13. Medium 14. Medium
Implementation	
As recommended	No
Recommended actors involved	Not specified – whole of gov implied & involved
Recommended actors not involved	Not specified
Included actions	Section 33 of Working With Children Act 2005 passed with six tests applied to make an assessment

	<ul style="list-style-type: none"> - Unjustifiable risk - Appropriate to refuse - Reasonable person - Any type of child related work - Public interest - Exceptional circumstances power & associated tests
Excluded actions	Fit and proper person test was not applied
When action was taken	<p>Legislation to identify previous offenders in 2004, 9yrs after recommendation</p> <p>Legislation requiring criminal history checks passed in 2005, after 10yrs</p> <p>Related legislation specifying equivalent checks for excepted persons passed 2006-10</p> <p>Departmental policies and protocols updated (DEECD & DHS) 2012-2013, 17-18yrs from recommendation</p>
Government statement about status of implementation	Implemented
Reason provided	<p>Alternative tests were selected to establish suitability for employment (Working With Children Act 2005)</p> <p>A time lag on implementation was noted in relation to this enquiry. It was explained in general by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Doc 1 & 14)</p>
Implementation summary	Implemented in full. Pre-employment criminal history checks conducted on people with supervision or care for children (including volunteers) from 2005, with the tests applied varying from the recommendation. Departmental alignment increased, showing high level policy consistency by 2013.

Person extracting data	Auditor 3
Date of extraction	21 Oct 2013
Recommendation number	116
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)

Recommendation made	<i>The Committee recommends that the Victoria Police be responsible for criminal history checks to determine if a prospective employee is a fit and proper person.</i>
Assessability of recommendation	Yes: Responsibility for criminal history checks can be verified by documentary evidence.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. Information Privacy Act 2000 3. Police Regulation (Fees and Charges) Regulations 2004 4. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check) 3. Yes (legislation check) 4. Yes (context: interest, agendas, coalitions)
Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. Medium
Implementation	
As recommended	No
Recommended actors involved	<p>Victoria Police</p> <p>Prospective employees who supervise or care for children</p>
Recommended actors not involved	NA
Included actions	<p>Victoria Police conduct some criminal history checks and do weekly monitoring of Working With Children Check holders</p> <p>Victoria Police also authorise Corrections Victoria, the Adult Parole Board and the Office of Public Prosecutions to do criminal history checks.</p> <p>The Department of Justice's Working With Children Check Unit conducts national criminal history checking.</p>
Excluded actions	NA
When action was taken	Previous legislation is undetermined but in 2000 Victoria Police were doing employment checks (i.e. 5yrs after recommendation)

	Since 2004, Victoria police have monitored WWCCs weekly.
	Additional unit in Dept. Justice for conducting WWCC from 2005.
Government statement about status of implementation	Implemented
Reason provided	Variation in the implementation is consistent with the government having 'a number of concerns with the recommendations of the Committee'. (Doc 1 & 4)
Implementation summary	Implemented in full. Criminal history checks are conducted on prospective employees and Victoria Police either do them or authorise them but the Department of Justice's Working With Children Check Unit also conducts criminal history checks.

Person extracting data	Auditor 3
Date of extraction	22 Oct 2013
Recommendation number	118
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that it be an offence to employ a person, in a position which has a duty of care or supervision over children, who has not passed a criminal history check by the Victoria Police.</i>
Assessability of recommendation	Yes: The recommended action, responsibility and means can be verified by available documentary evidence but not the original full intent of the recommendation or the quality of implementation.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. Working With Children Act 2005, s.27, s.28, s.29 3. Education and Training Reform Act 2006 s.30 4. Police Regulation Act 1958 s.31, s.31A, s.32 5. Transport (Compliance and Miscellaneous) Act 1983, s.132A, s.32B 6. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check) 3. Yes (legislation check) 4. Yes (legislation check) 5. Yes (legislation check)

6. Yes (Section (b.) Processes & procedures no. 13 states management & review process for accountable decisions will be 'crucial' but it narrows the scope to protection/investigation professionals)

Document date / currency

June 2013

Reliability contribution of documents

1. Low
2. High
3. High
4. High
5. Medium

Implementation

As recommended

No

Recommended actors involved

Victoria Police

Employers in Victoria

Recommended actors not involved

NA

Included actions

Legislation passed to require criminal history checking prior to employment

Legislation amended to clarify exceptions and equivalent checks

Excluded actions

Victoria Police do not do all criminal history checking – other agencies are also authorised

When action was taken

Action was taken with the introduction of WWC legislation in 2005 and progressive implementation continued to 2010 – 10-15yrs after recommendation

Government statement about status of implementation

Implemented

Reason provided

Time lag on implementation in relation to this enquiry was explained by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Confidential Victorian Government response to the Royal Commission, June 2013). The issue raised in this recommendation is omitted in the government response to the 1995 commission recommendations (Doc 6).

Implementation summary

Implemented in full. Adults with a duty of care or supervision over children are obliged to pass a criminal history check but it is not necessarily conducted by the Victoria Police.

Person extracting data	Auditor 3
Date of extraction	22 Oct 2013
Recommendation number	120
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that Health & Community Services* implement and enforce the most stringent procedures for regulating and reviewing foster parents and institutions which provide care and supervision to children.</i>
	*This department no longer exists. Former responsibilities are split between the Departments of Health and of Human Services
Assessability of recommendation	Partial: Action (to regulate and review) specific actors (foster parents and institutions providing care and supervision to children) by means of procedures can be verified by documentary evidence; Actors with implementation & enforcement authority for the procedures can also be established. The degree of stringency and enforcement and the quality of implementation cannot be verified by available documentary evidence.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. DHS Critical Incident Management Instruction 2011 3. Children, Youth and Families Act 2005 4. Department of Human Services Standards 5. DHS Child Protection Practice Advice no. 1466, Quality of care concerns in out of home care (2012) 6. Guidelines for responding to quality of care concerns in out of home care (December 2009) 7. Register of out of home carers 8. Clinical governance policy for Victorian health services 9. Victorian health services governance handbook 10. Working With Children Act 2005 11. Victorian Government response to the first report of the 1995 Royal Commission
Relevant to at least one aspect of recommendation	All explain or confirm aspects of the progress made towards procedures and identification of accountability for regulation and review
Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. High 4. Medium 5. Medium

6. Medium
7. Medium
8. Medium
9. Medium
10. High
11. Medium

Implementation

As recommended

No

Recommended actors involved

Current departmental authority equivalent to Health & Community Services i.e. DHS and Department of Health

Foster parents

Institutions providing care & supervision to children

Recommended actors not involved

NA

Included actions

- Regulation of individual eligibility to do foster and out of home care through Working With Children provisions
- Register of individual foster carers and out of home carers with procedures for registration, monitoring, investigation and disqualification
- Incident reporting guidelines and procedures, internal and external investigation procedures, referral/information-sharing procedures for foster and out of home carers and community service organisations (institutions)
- Procedures regulating and monitoring employee and volunteer eligibility to provide health, disability, homelessness and child, youth and family services involving supervision or care of children
- Procedures for accrediting, monitoring, reviewing and investigating community service organisations providing care and supervision to children and for responding to compliance issues through quality improvement, conditional registration, funding agreements, administration and revocation of registration
- Governance and clinical governance frameworks for Victorian health services

Excluded actions

Evidence was produced indicating that reference checking is 'routinely conducted but not a mandatory requirement' in the Department of Health

When action was taken

For each action above, currency has been ascertained but the earliest implementation date is undetermined. Legislative frameworks appear to precede organisation-level action. Legislative action was

	implemented by 10yrs but the current level of policy alignment appears to have taken another 4-8yrs.
Government statement about status of implementation	Implemented
Reason provided	Time lag on implementation in relation to this enquiry was explained by the need for 'packages of reforms and policy changes' in response to the committee having made 'sets of recommendations' and by the government having 'a number of concerns with the recommendations of the Committee'. (Doc 1 & 11)
Implementation summary	Implemented in full. Noting that the recommendation could not be assessed on stringency or quality, procedures for regulating and reviewing foster parents and institutions providing care and supervision of children were made with DHS oversight, regulation and review. Legislative frameworks took 10yrs and current levels of policy alignment within implementing organisations appeared to take a further 4-8yrs.

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	121
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that the Attorney General review the current definition of pornography to ensure that any sexually explicit depiction of a child including computer-generated images is covered.</i>
Assessability of recommendation	Yes A specific action by a specified actor can be verified by legislation checking.
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response to Royal Commission 2. Section 67A of The Crimes Act 1958
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check)
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High
Implementation	

Recommended actors involved	Attorney General
Recommended actors not involved	NA
Included actions	Amendment of crimes act 1995 to include Commonwealth Classification (Publications, Films and Computer Games) Act 1995
Excluded actions	NA
When action was taken	1995
Implemented as recommended?	Yes
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>Implemented in full. Commonwealth definition of pornography was incorporated into the Crimes Act 1958 as follows:</p> <p>‘A film, photograph, publication or computer game that describes or depicts a person who is, or appears to be, a minor engaging in sexual activity or depicted in an indecent sexual manner or context’</p>

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	123
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that child pornography legislation be created to provide that all commercial photographic processors and similar organisations, who have knowledge of, observe, or process and photographic image, negative or slide that depicts a child in a sexually explicit way, be mandated to report the offence to the police.</i>
Assessability of recommendation	Yes: A specific action (regulation of commercial photographic processors and similar organisations) can be verified by legislation checking.
Additional information request	1.
Submitted document/ source details	1. Confidential government response to Royal Commission
Relevant to at least one aspect of recommendation	Yes

Documentation currency	June 2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	All
Included actions	None
Excluded actions	All
When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	Unspecified
Reason provided	Offence under Crimes Act 1958 s. 68 & 70 noted that it is an offence to print, make, produce, or knowingly possess child pornography. Additionally, the government now considers the recommendation obsolete.
Implementation summary	No action, with reasons given. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	129
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that protocols be developed within religious organisations to ensure that the SART * is immediately notified of any suspected sexual assault.</i> <i>*Sexual Assault Response Teams</i>
Assessability of recommendation	Partial Additional documentation would be required to assess – beyond the scope of government documentation
Additional information request	1.
Submitted document/ source details	1. Confidential government response to Royal Commission

Relevant to at least one aspect of recommendation	1. No – the recommendation does not relate to action by the Victorian Government.
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Sexual Assault Response Teams (SART) Religious organisations
Recommended actors not involved	SART
Included actions	Undetermined action/inaction by religious organisations
Excluded actions	Implied expectation that SART would be established through Victorian Government
When action was taken	NA
Implemented as recommended?	No
Government statement about status of implementation	Unspecified – does not relate to the Victorian Government
Reason provided	Yes – ‘this recommendation does not relate to the Victorian Government’
Implementation summary	Action or inaction by religious organisations in relation to reporting suspected sexual assault is Undetermined .

Person extracting data	Auditor 3
Date of extraction	13 Dec 2013
Recommendation number	130
Commission/Inquiry of origin	Parliamentary Crime Prevention Committee Inquiry into Sexual Offences Against Children and Adults (1995)
Recommendation made	<i>The Committee recommends that religious organisations develop protocols to ensure evidence is not contaminated by internal investigations or inquiries.</i>
Assessability of recommendation	Partial Additional documentation would be required to assess – beyond the scope of government documentation
Additional information request	NA

Submitted document/ source details	1. Confidential government response to Royal Commission
Relevant to at least one aspect of recommendation	1. No – the recommendation does not relate to action by the Victorian Government.
Documentation currency	1: June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Religious organisations
Recommended actors not involved	Undetermined
Included actions	Undetermined action/inaction by religious organisations
Excluded actions	
When action was taken	NA
Implemented as recommended?	No
Government Statement about status of Implementation	Unspecified – does not relate to the Victorian Government
Reason provided	Yes – ‘ this recommendation does not relate to the Victorian Government’
Implementation summary	Action or inaction by religious organisations in relation to developing protocols is Undetermined .

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	185
Commission/Inquiry of origin	Victorian Law Reform Commission: Sexual Offences Final Report 2004
Recommendation made	<i>Sections 48 and 49 of the Crimes Act 1958 should include a non-exhaustive list of the relationships covered by the section including the relationships of: • teacher and student;• foster parent, legal guardian, and the child for whom they are caring;• in the case of section 49 (which penalises non-penetrative sexual acts) parents, including step-parents and adoptive parents and their children;• religious instructors;• employers;• youth workers;• sports coaches;•</i>

	<i>counsellors; • health professionals and young people who are patients; and • police and prison officers and young people in custody.</i>
Assessability of recommendation	<p>Yes</p> <p>Inclusions as named in a non-exhaustive list of relationships covered by the Crimes Act 1958 can be verified by legislation checking.</p>
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Victorian Government response to RC 2. Section 49(4) Crimes Act 1958 3. Department of Justice Review of Sexual Assault Reform Strategy
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Yes 2. Yes (legislation check) 3. Yes (confirmation)
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. Medium
Implementation	
Recommended actors involved	Legislators
Recommended actors not involved	NA
Included actions	Amendment section 49
Excluded actions	Amendment of section 48 to be verified
When action was taken	2006?
Implemented as recommended?	Yes (pending legislation check)
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>Evaluation by the Department of Justice confirms implementation of this recommendation, pending PRC legislation check.</p> <p>Implemented n full</p>
Person extracting data	
	Auditor 3 & Auditor 6
Date of extraction	
	28 Oct 2013

Recommendation number	3
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That compatible data collection systems be developed to enable the lawful sharing of information and a whole-of-government analysis of individual and systemic patterns of offending.</i>
Assessability of recommendation	Assessable
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Government Response 2. Protocol between DHS and Victoria Police (<i>Protecting Children: Protocol between Department of Human Services - Child Protection and Victoria Police</i> (2012) 3. <i>Responding to Allegations of Physical or Sexual Assault</i> (2005) 4. Protocol for the Exchange of Information On Registered Sex Offenders. Victoria Police and Department of Human Services Child Protection. September 2012. 5. Victorian Data Linkages Unit 6. Victorian Child and Adolescent Monitoring System (VCAMS) 7. <i>State of Victoria's children</i> reports 8. Community Profile series
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant – high level overview of lawful information sharing between DHS and Police. Not related to compatibility of data collection systems or whole-of-government analysis. 3. Relevant – DHS reporting requirements for allegations of physical or sexual assault of clients relevant to whole-of-government analysis of systemic offending. Not related to compatibility of data collection systems. 4. Relevant – information that should be lawfully shared in different contexts. Potentially relevant to whole-of-government analysis of offending patterns. 5. Unclear – population wide data to support research into health and wellbeing. Unclear if data on offending is included. 6. Relevant – health and wellbeing indicators informing emerging patterns of offending. 7. Relevant – indicators of health and wellbeing for children and young people based on VCAMS data informing emerging patterns of offending. 8. Relevant – profiles of specific groups based on VCAMS data relevant to emerging patterns of offending.
Documentation currency	June 2013

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium 5. Medium 6. Medium 7. Medium 8. Medium
Implementation	
Recommended actors involved	‘Whole of government’ actors include DHS including Child Protection and VCAMS, Corrections Victoria, Victoria Police, Department of Health
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Lawful data sharing initiatives in the form of legislative arrangements, protocols and data linkage • Analysis of individual sexual offending data possible through data sharing between DHS and Victoria Police but no accountability for data analysis as specified in this recommendation is identified • Data that is usable for establishing emerging patterns of offending at systemic level coordinated by Department of Health but no accountability for data analysis as specified in this recommendation is identified
Excluded actions	Unclear whether data sharing and linkage is equivalent to compatible data collection systems
When action was taken	<p>Data linkage projects predate the recommendation (1994-5 according to Dr Felicity Flack, Dpt Health Population Health Research Network on 3/6/11), http://www.health.vic.gov.au/hdss/archive/forum/2010-11/vijaya_sundararajan.pdf</p> <p>Health & wellbeing data on the state of Victoria’s children has been collected since 2006</p> <p>Authority for sharing between DHS and Victoria Police dated 2011 and 2012</p>
Implemented as recommended?	No – linkage for data analysis appears to be led by independent health research (?). Data sharing for analysis of offending at individual level occurred after significant time lag and, to date, no accountability for the recommended analysis has been identified.
Government statement about status of implementation	Implemented in part
Reason provided	No

Implementation summary	<p>Data sharing and linkage that enables whole of government analysis of offending patterns has begun to occur but it is unclear whether data sharing and linkage is equivalent to compatible data collection systems.</p> <p>Partially implemented</p>
Person extracting data	Auditor 3 & Auditor 6
Date of extraction	29 Oct 2013
Recommendation number	7a
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<p><i>That government-funded agencies providing 24-hour care:</i></p> <p><i>a) collect data to identify the incidence of sexual assault</i></p>
Assessability of recommendation	<p>Yes</p> <p>Documentary evidence of data collection can be verified. Accuracy and quality of implementation will not be verified.</p>
Additional information request	<p>Information requested:</p> <ul style="list-style-type: none"> data indicating the incidence of sexual assault in 24-hour care services, annually from 2006 to 2012. <p>Government response:</p> <p>“the data will consist of a manual count as to whether allegations of sexual assault in OOHC were substantiated, however, a substantiation may be for either sexual assault or physical assault. The data pre 2012 is not able to differentiate this. The new database is able to provide this level of detail but the data isn't available prior to 2012-13. Your office has previously been provided with advice regarding the quality of pre 2012-13 data (provided to Leah Bromfield). OOHC data does not include child on child assaults.”</p>
Submitted document/ source details	<ol style="list-style-type: none"> Confidential government response Department of Health reporting requirement on incidents and adverse events 2013 Department of Human Services Critical client incident management instruction 2011
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Relevant to data collection in 24hr care by DHS and DoH only Relevant to data collection in 24hr care by DoH only Relevant to data collection in 24hr care by DHS only

Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	DHS and DoH
Recommended actors not involved	Other (unspecified) government funded agencies providing 24hr care
Included actions	<p>Data collection on incidence of sexual assault:</p> <ul style="list-style-type: none"> • Department of Health: collects data on incidents of sexual assault through its incident reporting systems. • Department of Human Services: data collected on incidents through incident reporting systems and quality of care process. Allegations are recorded locally, and reviewed and monitored centrally.
Excluded actions	NA
When action was taken	Undetermined
Implemented as recommended?	Undetermined
Government statement about status of implementation	Implemented by DH and DHS
Reason provided	‘The Department of Health and the Department of Human Services are the primary providers of 24-hour care.’
Implementation summary	<p>Data collection on incidence of sexual assault is collected by Department of Health and the Department of Human Services, who are the ‘primary’ providers of 24-hour care. Others, such as youth correctional facilities, are implied but not reported.</p> <p>Data is not available prior to 2012/13 – no reason provided for the time lag.</p> <p>Undetermined – no information on other agencies funded by other government departments</p> <p>SEE OVERALL IMPLEMENTATION STATUS OF RECOMMENDATION 7</p>

Person extracting data	Auditor 3 & Auditor 6
Date of extraction	29 Oct 2013
Recommendation number	7b

Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That government-funded agencies providing 24-hour care provide information about a resident's previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.</i>
Assessability of recommendation	Partial non-specific action - careful consider – cannot be verified through documentary evidence
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. <i>Responding to Allegations of Physical and Sexual Assault Instruction</i> (2005) 3. Office of the Chief Psychiatrist within the Department of Health issued guidelines
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Not relevant – see comment in Included Actions 3. Not relevant – see comment in Included Actions
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	Department of Health, Department of Human Services
Recommended actors not involved	Corrections Victoria
Included actions	Documentation refers to policies that “While they do not permit the disclosure of allegations of unproven sexual assault, they provide guidance for managing allegations of sexual assault and making disclosures to both the victim and perpetrator’s next of kin”.
Excluded actions	Disclosure of unproven allegations
When action was taken	No action
Implemented as recommended?	No
Government statement about status of Implementation	
Reason provided	No – previous unproven allegations not shared

Implementation summary	Disclosure of unproven allegations not implemented – no reason given.
	Not implemented
	SEE OVERALL IMPLEMENTATION STATUS OF RECOMMENDATION 7

Person extracting data	Auditor 3 & Auditor 6
Date of extraction	29 Oct 2013
Recommendation number	7 – OVERALL
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That government-funded agencies providing 24-hour care:</i> <ul style="list-style-type: none"> <i>a) collect data to identify the incidence of sexual assault</i> <i>b) provide information about a resident's previous unproven allegations of sexual assault to other residents or their families after careful consideration on a case by case basis. The decision whether or not to release such information and the reasons for that decision should be documented.</i>
Assessability of recommendation	Partial
Additional information request	
Submitted document/ source details	
Relevant to at least one aspect of recommendation	
Documentation currency	
Reliability contribution of documents	
Implementation	
Recommended actors involved	
Recommended actors not involved	
Included actions	
Excluded actions	
When action was taken	
Implemented as recommended?	

Government statement about status of Implementation

Reason provided

Implementation summary

Undetermined

Person extracting data

Auditor 3

Date of extraction

29 Oct 2013

Recommendation number

8a

Commission/Inquiry of origin

Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)

Recommendation made

That the Department of Human Services and the Department of Justice:

a)allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour.

Assessability of recommendation

Yes

Provision of new specialised programs can be determined by documentary evidence but whether these reflect allocation of extra resources cannot be determined.

Additional information request

Request for further information:

- Please supply evidence of the increased resourcing (after 2006) of specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour.

Submitted document/ source details

Relevant to at least one aspect of recommendation

1. Confidential government response
2. Children Youth & Families Act 2005
1. Yes
2. Yes – confirms therapeutic treatment orders
3. Budgets for Sexually Abusive Treatment Programs 06/07 – 16/17

Documentation currency

4. June 2013
5. 2005
6. 2013

Reliability contribution of documents

1. Low
2. Medium
3. Low

Implementation

Recommended actors involved	Department of Human Services, Department of Justice
Recommended actors not involved	Treasury/finance
Included actions	<ol style="list-style-type: none"> 1. Therapeutic Treatment Orders for children 10-15yrs which may require out-of-home care to attend 2. 11 state-wide Sexually Abusive Behaviour Treatment Services (SABT) for children under 15yrs 3. Male Adolescent Program for Positive Sexuality (MAPPS) available in urban and rural areas
Excluded actions	It is unclear from the response whether any or all of the services described were put in place after the Inquiry recommendations.
When action was taken	<p>2005 legislation of therapeutic treatment orders involving Children's Court and DHS</p> <p>Current evaluation of SABT and data monitoring on MAPPS</p>
Implemented as recommended?	Undetermined
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>Evidence of legislation for therapeutic treatment is evident and treatment programs developed are being evaluated or monitored. One treatment program requires out of home care depending on the address of the offender/patient; another is state-wide; a third is available in some urban and rural areas.</p> <p>Implemented in full –programs exist & resource allocations provided on request.</p> <p>SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 8.</p>

Person extracting data	Auditor 3 & Auditor 6
Date of extraction	29 Oct 2013
Recommendation number	8b
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That the Department of Human Services and the Department of Justice:</i>

(b) collate data about the incidence of sexual assault in residential services and initiate action to reduce the incidence of sexual assault, including measures such as female-only residential facilities. These initiatives should be reviewed for their effectiveness.

Assessability of recommendation

Yes

Specified actors (DHS and DoJ) are recommended to undertake specified action (collate data and review effectiveness of action) and non-prescribed action towards a specific outcome (action to reduce sexual assault), which can be verified by documentary sources such as guidelines and reports. The quality of implementation cannot be verified.

Additional information requested

The following requests were made:

8b(i) Did the Government commission any research into what the practice evidence is for reducing the incident of sexual assault in residential services? If so, please provide report/s.

8b(ii) Please supply the evaluation plan for the collaboration between Department of Human Services and Police to disrupt individuals' activities who seek to exploit vulnerable children.

8b(iii) The Government has provided details of a number of professional development programs in relation to this recommendation. Please supply any evaluation reports of those programs.

8b(iv) Please provide details of the action taken by the Department of Justice to reduce the incidence of sexual assault.

Government response:

- Recommendation request 8b(i) - No research was commissioned
- Recommendation request 8b(ii) - No evaluation plan currently exists
- Recommendation request 8b(iii) - No evaluation reports currently exist
- Recommendation request 8b(iv) - Although the Department of Justice (DOJ) does not specifically run "residential services" as referred to in recommendation 8b, reducing the incidence of sexual assault is one of the objectives of the Sexual Assault Reform Strategy (SARS).

Submitted document/ source details

1. Confidential government response
2. Responding to Allegations of Physical or Sexual Assault (2005)
3. Department of Human Services Specialist Practice Resources
4. Department of Health Service Guideline on Gender Sensitivity and Safety

Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Not relevant – confirms data collection & review but not collation for purposes of systemic reduction 3. Relevant – confirms DHS workforce development to reduce sexual assault 4. Not relevant – Department of Health not included in this recommendation & actions not relevant to DHS residential care
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. NA 3. Medium 4. NA
Implementation	
Recommended actors involved	DHS, including direct involvement of Secretary and additional actors Victoria Police, including direct involvement of Chief Commissioner
Recommended actors not involved	Department of Justice
Included actions	<ul style="list-style-type: none"> • DHS development of a five year plan (not cited) with reported intention to include residential care models in future. • Data collected through incident reporting and quality of care processes. • Post September 2012, collaboration with Police to ‘assertively disrupt’ activities of people exploiting vulnerable children. • DHS Office of Professional Practice provides training across agencies to reduce risk of sexual assault. • DHS conducts professional development on risk of sexual assault and provides Specialist Practice Resources. • Vic Institute of Forensic Mental Health provides training and specialist assessments to reduce risk of sexual assault. • Some CSOs provide female-only residential units • Various information about Department of Health (not relevant). Since 2006, ‘assertive’ collaboration between DHS and Victoria Police to disrupt exploitation of children in out-of-home care • Collaboration reporting to the Chief Police Commissioner and Secretary of DHS involving Child Protection, Sexual Offences & Child Abuse Investigation Teams, Sexual Crimes Squad and CSOs providing residential care
Excluded actions	NA
When action was taken	Concerted action is evident from 2012, including highest level leadership, collaboration, training and professional development. No evidence of action specific to the recommendation appears prior to 2012.

	Department of Health received funding (M\$4 over 4yrs) for improving the safety of women in mental health care.
Implemented as recommended?	Unclear
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>Data collection occurred and action involving high level of authority and extensive collaboration occurred from 2012 to achieve the reduction of sexual assault in residential facilities through training and in some cases female-only units. However, the activity is mostly training; no evidence of any other action has been provided.</p> <p>Review of effectiveness cannot be fully determined.</p> <p>Undetermined</p> <p>SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 8.</p>

Person extracting data	Auditor 3
Date of extraction	30 Oct 2013
Recommendation number	8c
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<p><i>That the Department of Human Services and the Department of Justice:</i></p> <p><i>(c)with the Children's Court, review the effectiveness of amendments to the Magistrates' Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment.</i></p>
Assessability of recommendation	Yes
Additional information request	1.
Submitted document/ source details	<ol style="list-style-type: none"> Confidential government response Report of VLRC inquiry into family violence
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Relevant Not relevant – does not address recommended actors and purposes

Documentation currency	June 2013
Reliability contribution of documents	1. Low 2. NA
Implementation	
Recommended actors involved	None
Recommended actors not involved	DHS, DoJ & Children's Court
Included actions	Review by different actors, with different purposes (VLRC)
Excluded actions	Effectiveness of amendments was not reviewed.
When action was taken	Prior to this recommendation, VLRC was reviewing family violence law and reported findings later in 2006. Advice to retain existing provisions in Crimes Act (Family Violence) 1987 was accepted.
Implemented as recommended?	No
Government statement about status of implementation	Unspecified
Reason provided	A review of family violence laws by the Victorian Law Reform Commission reviewed the amendments referred to in this recommendation. The government retained the relevant court practices as recommended by the VLRC report.
Implementation summary	Review by different actors occurred and change to court practices was not implemented, with reasons given. Undetermined. SEE OVERALL IMPLEMENTATION RATING FOR RECOMMENDATION 8.

Person extracting data	Auditor 3
Date of extraction	30 Oct 2013
Recommendation number	8
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That the Department of Human Services and the Department of Justice: (a) allocate extra resources to providing specialised programs for treating children under the age of 14 exhibiting sexually abusive behaviour; (b) collate data about the incidence of sexual assault in residential services and initiate action to reduce the incidence of</i>

sexual assault, including measures such as female-only residential facilities. These initiatives should be reviewed for their effectiveness (c) with the Children's Court, review the effectiveness of amendments to the Magistrates' Court Act to discern the impact, if any, of the amendments on court practices and the effectiveness of interventions aimed at keeping children subject to sexual abuse within their family environment.

Assessability of recommendation

Additional information request

Submitted document/ source details

Relevant to at least one aspect of recommendation

Documentation currency

Reliability contribution of documents

Implementation

Recommended actors involved

Recommended actors not involved

Included actions

Excluded actions

When action was taken

Implemented as recommended?

Government statement about status of implementation

Reason provided

Implementation summary

Part a) appears to have been implemented in full. However, there was insufficient evidence provided in relation to parts b) and c).

Undetermined

Person extracting data

Auditor 3

Date of extraction

28 Oct 2013

Recommendation number	10
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That the Student Critical Incident Advisory Unit and the regional office within the Department of Education and Training provide support to principals to manage allegations of sexual assault within the school environment including the provision of independent investigators where appropriate and where police involvement has ceased. The role of the Student Critical Incident Advisory Unit should include a review of the school's processes to ensure the school environment is safe and is conducive to early reporting of incidents of sexual assault.</i>
Assessability of recommendation	Yes
Additional information request	<ol style="list-style-type: none"> 1. Review of the Student Critical Incident Unit 2008 – supplied 2. data indicating the number of allegations of sexual assault where an independent investigator was provided and the number of allegations with no independent investigator – supplied 3. samples of the SCIAU's reviews of school processes – not supplied
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. Responding to Allegations of Student Sexual Assault: Procedures for Victorian Government Schools (2007)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant – describes actors and activities 2. Relevant – confirms procedures guiding principals were published 2007
Documentation currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High
Implementation	
Recommended actors involved	Department of Education: Student Critical Incident Advisory Unit and regional offices.
Recommended actors not involved	NA
Included actions	<ol style="list-style-type: none"> 1. Government response: <ul style="list-style-type: none"> • Principals have primary responsibility for responding to allegations, and must form relationships with regional office and SCIAU.

- Where a school-level inquiry is needed, SCIAU and regional office may appoint an independent investigator.
- A review of SCIAU undertaken in 2008.

2. Procedures:

- Principals have primary responsibility for investigating, but **must** form a relationship with the SCIAU and their Regional Director.
- Where an assault occurs outside school hours or premises, must discuss with the SCIAU Manager.
- If allegation doesn't clearly fit the definition of sexual assault, must seek advice from SCIAU or Police SOCA Unit.
- If decision is made not to report an allegation to Police, Principals must demonstrate that the decision was based on advice from the SCIAU or Police SOCA Unit.
- Seek advice from SCIAU or Police SOCA Unit for allegations involving children under 10 years.
- If Koorie student is involved, must inform SCIAU.
- Advise SCIAU of any transfers relating to allegations of sexual assault.
- Any response to the school community should be done in consultation with the SCIAU.
- Where a school-level inquiry is required, Principal **must** consult the Manager SCIAU.

Page 23: "There will be circumstances where a suitably experienced and qualified independent person should be appointed to conduct an inquiry or to provide support to the Principal to conduct the inquiry. The Manager, Student Critical Incident Advisory Unit and the Regional Director, in partnership with the Principal, will determine the best person to conduct an inquiry."

Excluded actions

No mention of the SCIAU reviewing school processes to ensure safety and early reporting.

When action was taken

Guidelines published 2007 – 1 year after recommendation

DEECD Corporate Planning, Strategy and Audit Division positively reviewed SCIAU in 2008

Implemented as recommended?

No

Government statement about status of implementation

Implemented

Reason provided

NA

Implementation summary

Guidelines to support principals and clarify their role in responding to allegations of sexual assault were published and include ongoing support roles of SCIAU and regional offices. There was no evidence of a review of school processes by SCIAU to assess safety or reporting

time but DEECD Corporate Planning, Strategy and Audit Division reviewed SCIAU activities in schools.

Implemented in full

Person extracting data	Auditor 3
Date of extraction	30 Oct 2013
Recommendation number	14
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>That government agencies ensure that allegations of sexual assault made against employees and former employees are thoroughly investigated and that policies and practices, including recruitment practices, be reviewed by agencies to ensure they maintain an environment that will: minimise the risk of sexual assault; and encourage early reporting of sexual assault</i>
Assessability of recommendation	Partial: Specified actions (investigation of allegations against employees and former employees) are verifiable through documentary evidence of policies and practices. Evidence of review of recruitment practices by government agencies can also be verified where documentation is provided. Specified outcomes (minimised risk of sexual assault and early reporting) and the link to policies and procedures cannot be assessed through documentary evidence.
Additional information request	<ol style="list-style-type: none"> 1. Victoria Police policies/practice documentation relating to the investigation of allegations of sexual assault made against employees – supplied 2. recruitment policies/practices relating to this recommendation for the Department of Health, Department of Education and Early Childhood Development, Department of Human Services, and Department of Justice - supplied
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. Code of Conduct for Victorian Public Sector Employees 3. Dept of Health incident reporting arrangements 4. Health-Police protocols 5. Dept of Health Fair Treatment Policy 6. DEECD Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct – Teaching Service 7. DEECD Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct 8. Disciplinary process 9. Disciplinary process sexual offences 10. DHS Departmental Instruction Responding to Allegations of Physical or Sexual Assault

Relevant to at least one aspect of recommendation

11. DHS Critical Client Incident Management Instruction
12. DHS Critical Client Incident Management Summary Guide and Categorisation Table
13. *Protecting Children: Protocol between Department of Human Services - Child Protection and Victoria Police*
14. DHS instruction, *Responding to Allegations of Physical or Sexual Assault* (2005)
15. Department of Justice Criminal Offences Policy (?)

1. Relevant
2. Not relevant – 2007 document confirms obligation to report misconduct but does not specify how to recognise or when to report sexual assault. Does not address investigation of allegations or recruitment policies to minimise sexual assault
3. Relevant – reporting & referral procedures
4. Relevant – Health-Police guidelines for reporting & investigating, documenting & referring for investigation allegations of sexual assault
5. Relevant – confirms support for early reporting & prompt investigations of current employees
6. Relevant – confirms policy on investigation of allegations
7. Relevant – confirms policy on investigation of allegations
8. Relevant – confirms investigation of employee for sexual assault
9. Relevant – confirms investigation of employee for sexual assault
10. Relevant – confirms policy on investigation of employee allegations
11. Relevant – confirms policy on investigation of employee allegations
12. Not relevant – no new information
13. Relevant – police & child protection reporting & investigation roles & responsibilities confirmed
14. Relevant – evidence of reviewed DHS policy
15. Not located

Documentation currency

June, 2013

Reliability contribution of documents

1. Low
2. NA
3. Medium
4. Medium
5. Medium
6. Medium
7. Medium
8. Medium
9. Medium
10. Medium
11. Medium
12. NA
13. Medium
14. Medium

15. Undetermined

Implementation

Recommended actors involved	Government agencies, which include Victoria Police, Child Protection, Community Service Organisations, Community Health providers
Recommended actors not involved	NA
Included actions	<p>Police:</p> <ul style="list-style-type: none"> • Victoria Police Professional Standards Command investigates all serious offences including sexual assault committed by employees • Mandatory referee and record checking including any police involvement applies to police officers, including any with work history more than 6 months overseas • Mandatory checking for police public servants includes referees and criminal record • Current review of vetting for public servants <p>Health</p> <ul style="list-style-type: none"> • DoH compulsory incident reporting covers reporting requirements for incidents involving clients or staff in Department of Health-funded community service organisations (CSOs), registered community health centres and supported residential services (SRSs) – not hospitals or metropolitan health services triggers investigation • Health department Fair Treatment policy supports early reporting and prompt investigation <p>DEECD</p> <ul style="list-style-type: none"> • Substantiated and unresolved allegations against teachers, past and present, are recorded as an employment limitation file • Coordination between DEECD and VIT to flag completed and uncompleted investigations across the public and private sector when recruiting <p>DHS</p> <ul style="list-style-type: none"> • Policy instruction requiring mandatory reporting and investigation of sexual assault and recruitment checking for employees and volunteers • Short timelines 1-day-1-week for reporting obligations specified • Reviews of allegation reporting and investigation (2002, 2008, 2011) <p>Department of Justice</p> <ul style="list-style-type: none"> • Policy provisions for investigation of misconduct • Onus on employee to report criminal offences to their manager <p>Excluded actions</p> <ul style="list-style-type: none"> • Overseas referee checking for police who worked overseas less than 6 months

When action was taken	<ul style="list-style-type: none"> • Referee checking for any police involvement in relation to Victoria Police officers pre-dates the recommendation • 2003 VIT publication of names of teachers with cancelled registration due to sexual offences involving a child • Reviews of DHS policy/practices 2002, 2008, 2011
Implemented as recommended?	Yes
Government statement about status of implementation	Unspecified
Reason provided	NA
Implementation summary	Unclear whether reporting, investigation or recruitment was different before recommendation, but agencies demonstrated reporting policies and procedures. Evidence of allegations of sexual assault made against employees and former employees being thoroughly investigated is beyond the scope of this evaluation.
	Implemented in full

Person extracting data	Auditor 3
Date of extraction	20 Nov 2013
Recommendation number	15
Commission/Inquiry of origin	Ombudsman Victoria: Improving Responses to Allegations Involving Sexual Assault (2006)
Recommendation made	<i>Where an employee has been accused of sexual assault, government agencies not agree to confidentiality clauses that prevent disclosure of information to future employers or complaint authorities in the negotiation of severance agreements.</i>
Assessability of recommendation	Yes: Specified accountability (gov agencies) for specific action (no confidentiality clauses for sexual assault allegations in severance agreements)
Additional information request	1.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. Privacy Principle 2.1 Information Privacy Act
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y 2. Y – operational obligations
Documentation currency	June 2013

Reliability contribution of documents	1. Low 2. High
Implementation	
Recommended actors involved	Victoria Police, Dpt Health, DEECD, DHS, Dpt Justice
Recommended actors not involved	NA
Included actions	No government agency has entered into confidentiality clauses preventing disclosure of sexual assault allegations
Excluded actions	The Dpt Justice employment contracts include a clause preventing disclosure of information that may be detrimental or disparaging but does not prevent disclosure of information required to be disclosed by law (this may not include unproven allegations)
When action was taken	Undetermined
Implemented as recommended?	N - Dpt Justice employment contract may protect from disclosure of unproven allegations.
Government statement about status of implementation	Unspecified
Reason provided	There is no specific whole of government policy so practice differs across departments.
Implementation summary	Confidentiality clauses preventing disclosure of information about sexual assault allegations to future employers or complaint authorities in severance agreements have not been entered into by government agencies with the exception of the Dpt of Justice having an employment contract clause preventing disclosure of information that may be detrimental or disparaging and which is not required by law to be disclosed. Partially implemented

Person extracting data	Auditor 3
Date of extraction	21 Nov 2013
Recommendation number	16
Commission/Inquiry of origin	Ombudsman Victoria: improving responses to allegations involving sexual assault (2006)
Recommendation made	<i>That the Department of Justice convene a working group comprising the Department of Human Services and the Department of Education and Training, Victoria Police and other relevant agencies to consider the implementation of pre-employment vetting that includes mandatory referee checking of previous employers for public sector</i>

	<i>employees. The Department of Justice should report on the outcomes within six months.</i>
Assessability of recommendation	Yes: Specified actors participating in a specific action (convening a working group) can be investigated using documentary evidence. Outcomes of the group's considerations can be investigated using documentary evidence and the production and timing of a report can be verified.
Additional information request	<ol style="list-style-type: none"> 1. Did the Department of Justice set up the Working Group in 2006? If yes, what were the key decisions made? 2. evidence that the relevant agencies conduct "mandatory referee checking of previous employers for public sector employees" - supplied
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential Victorian Government response 2. Working With Children Act 2005 3. Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2009 4. DEECD Volunteer Checks policy 5. DEECD Staffing/Supervision policy 6. DEECD Visitors in Schools policy 7. DEECD Employment Limitation policy
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y 2. Y 3. Y 4. Y 5. Y 6. Y 7. Y
Document date / currency	June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. High 3. High 4. Medium 5. Medium 6. Medium 7. Medium
Implementation	
Recommended actors involved	Department of Justice, the former Department of Education and Training (now Department of Education & Early Childhood Development), Victoria Police and other relevant agencies (Department of Health and Victorian Institute of Teaching)
Recommended actors not involved	None

Included actions	<ul style="list-style-type: none"> • Increased pre-employment vetting using Working With Children Checks by DHS, Health, DEECD • Continued criminal history checks in Victoria Police, Department of Justice and VIT • Mandatory referee checking policies exist in Victoria Police, Department of Justice (past employers and managers), VIT (1 referee who is nominated by applicant). • Referee checking is 'standard' or 'routine' but 'not mandatory' DHS & Department of Health
Excluded actions	<ul style="list-style-type: none"> • Cross-departmental working group convened by Department of Justice • Report on outcomes of cross-departmental consideration of pre-employment vetting including mandatory referee checking by Department of Justice
When action was taken	<ul style="list-style-type: none"> • Working With Children Check Unit was established in 2006 and oversees pre-employment vetting including findings by prescribed bodies (VIT & OOHC) and recording of charges but not pre-employment referee checking • There is evidence of action prior to the 2009 <i>Teaching Service Order 2009</i> in relation to teacher referee checking • DEECD policies are dated 2012 and previous versions were not supplied so the date of action in relation to DEECD policies is undetermined.
Implemented as recommended?	No – no working group or report and inconsistent policies for public sector employees on referee checking
Government statement about status of implementation	Unspecified
Reason provided	<p>'While the Victorian Government initially supported this recommendation in principle, it was largely superseded with the establishment of the Working With Children Check Unit in 2006...'</p> <p>(Confidential Victorian Government response)</p>
Implementation summary	<p>Partially implemented Pre-employment vetting was addressed in a variety of different ways by different departments but cross-departmental consideration was not evident and there was no evidence available about the role played by the Department of Justice</p> <p>Further information requested from govt. provided evidence that there are divergent approaches to referee checking in the public sector. Therefore despite establishment of WWC checks, recommendation deemed to be implemented in a significantly modified or incomplete way.</p>

Date of extraction	28 Oct 2013
Recommendation number	9
Commission/Inquiry of origin	Ombudsman Victoria: Own Motion Investigation into the Department of Human Services Child Protection Program (2009)
Recommendation made	<i>Conduct a review of the department's handling of reports concerning children who are exposed to known sex offenders.</i>
Assessability of recommendation	Yes: A review on a specified topic can be verified by documentary evidence
Additional information request	1. Review report requested; government response: "no review report currently exists"
Submitted document/ source details	1. Confidential gov response 2. Child Protection Practice Manual 2010 http://www.dhs.vic.gov.au/cpmanual/intake/reports-of-children-in-specific-circumstances/1581-reports-from-the-australian-national-child-offender-register-intake-and-investigation?SQ_PAINT_LAYOUT_NAME=print_entire 3. Policy Advice – Children in Contact with Sex Offenders. Human Services
Relevant to at least one aspect of recommendation	1. Y 2. Y – procedural obligations 3. Y
Documentation currency	June 2013 2010 November 2012
Reliability contribution of documents	1. Low 2. Medium 3. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • DHS reviewed practice 2009 • Child protection practice manual updated 2010 • Data collection and monitoring in CRIS updated early 2011 • New positions for reporting and monitoring created in child protection 2011, with formal cooperation of Vic Police • Increased reporting linked to changes cited since 2011
Excluded actions	NA
When action was taken	2009-2011

Implemented as recommended? Y

Government statement about status of implementation Implemented

Reason provided NA

Implementation summary A review of practice and policy concerning reports relating to children exposed to known sex offenders was reported, however no evidence of the review was provided, nor information about what was covered in the review. Changes were made to the official practice manual, data handling and monitoring, information sharing and resourcing.

Implemented in full

Person extracting data Auditor 3

Date of extraction 28 Oct 2013

Recommendation number 16

Commission/Inquiry of origin **Ombudsman Victoria: Own Motion Investigation into the Department of Human Services Child Protection Program (2009)**

Recommendation made *Conduct an audit of compliance with the Criminal Records Check Practice Advice for all open cases involving a kinship placement.*

Assessability of recommendation **Yes:**Specific action against criteria.

Additional information request Requested:

- report of the audit of compliance with the Criminal Records Check Practice Advice conducted in November 2009
- data indicating the number of criminal record checks of kinship carers requested by DHS annually pre- and post-2006
- numbers of kinship placement annually pre- and post-2006.

Government response:

“A database was developed in response to the recommendation to better enable the department to ensure compliance with criminal record check requirements. As such there is no data prior to 2009 (when the database came on line) and due to the manner in which data is collected we are unable to provide a total number of criminal records checks. We can provide current point in time data.”

Submitted document/ source details

1. Confidential government response
2. Criminal Records Check Practice Advice
<http://www.dhs.vic.gov.au/cpmanual/practice-context/child-protection-program-overview/?a=657593>

	<ol style="list-style-type: none"> 3. DHS Internal Audit – Follow-Up of Ombudsman Victoria’s Recommendations in Relation to Child Protection - August 2012’ 4. Numbers of kinship placement pre- and post-2006.
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y – account of implementation 2. Y – compliance standard 3. N 4. Y
Documentation currency	<ol style="list-style-type: none"> 1. June 2013 2. 3. August 2012 4. June 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Low 4. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Audit November 2009 • Corporate reporting tool (CRT) provides daily updates to senior managers on overdue and upcoming criminal record checks for kinship carers, including statewide review. • DHS Board oversees compliance, monthly
Excluded actions	NA
When action was taken	Nov 2009 (same year)
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	<p>An audit was reported and follow-up actions relating to maintaining criminal record checks for kinship carers are described. No evidence of the audit was provided, nor information about what was covered in the audit. Level of compliance was not reported.</p> <p>Implemented in full</p>

Person extracting data	Auditor 3
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Date of extraction	28 Oct 2013
Recommendation number	41
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The best interests principles set out in section 10 of the Children, Youth and Families Act 2005 should be amended to include, as section 10(3)(a), 'the need to protect the child from the crimes of physical abuse and sexual abuse'.</i>
Assessability of recommendation	Yes Documentary evidence can establish whether legislation was updated
Additional information request	1.
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – planned implementation
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA (none specified)
Recommended actors not involved	NA (none specified)
Included actions	Prioritisation of amendments to <i>Children, Youth and Families Act 2005</i>
Excluded actions	Amendment not yet implemented
When action was taken	<ul style="list-style-type: none"> First phase of legislative reforms completed and focused on children's legal representation, dispute resolution and less adversarial trials. Further amendments planned in prioritised order
Implemented as recommended?	N
Government statement about status of implementation	Amendments are being progressively implemented
Reason provided	Ongoing implementation is planned but the first phase of amendments focused on 'higher priority amendments'
Implementation summary	Implementation of recommended amendment is planned but has not occurred due to alternative prioritisation. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	44
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Victorian Government should progressively gazette those professions listed in sections 182(1)(f) - (k) of the Children, Youth and Families Act 2005 that are not yet mandated, beginning with child care workers. In gazetting these groups, amendments will be required to the Children, Youth and Families Act 2005 and to the Children's Services Act 1996 to ensure that only licensed proprietors of, and qualified employees who are managers or supervisors of, a children's service facility that is a long day care centre, are the subject of the reporting duty.</i>
Assessability of recommendation	Yes Increase in mandatory reporting requirements according to specific criteria can be verified through documentary evidence.
Additional information request	1.
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – implementation account
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victorian government, licensed proprietors and qualified managers or supervisors of long day care services
Recommended actors not involved	Long Day Care service providers
Included actions	Review of mandatory reporting effectiveness, nationally
Excluded actions	Extension of mandatory reporting
When action was taken	Second half 2013 the national review is scheduled to begin
Implemented as recommended?	N
Government statement about status of implementation	Not implemented – awaiting outcome of other recommendations

Reason provided	No extension of mandatory reporting will be undertaken until a national review of efficacy has been undertaken
Implementation summary	No extension of mandatory reporting will be undertaken until a national review of efficacy has been undertaken. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	45
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Department of Human Services should develop and implement a training program and an evaluation strategy for mandatory reporting to enable a body of data to be established for future reference. This should be developed and implemented in consultation with the representative bodies or associations for each mandated occupational group.</i>
Assessability of recommendation	Yes Specified actor and specified action with criteria can be assessed with documentary evidence.
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – implementation account
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	DHS
Recommended actors not involved	Representative bodies for mandated occupational groups
Included actions	Review of mandatory reporting effectiveness, nationally
Excluded actions	Training and consultation
When action was taken	Second half 2013 the national review is scheduled to begin
Implemented as recommended?	N

Government statement about status of implementation	Amendments are being progressively implemented
Reason provided	No extension of mandatory reporting, including training programs, will be undertaken until a national review of efficacy has been undertaken
Implementation summary	No extension of mandatory reporting, including training programs, will be undertaken until a national review of efficacy has been undertaken. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	46
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Victorian Government should obtain the agreement of all jurisdictions, through the Council of Australian Governments or the Community and Disability Services Ministers' Conference, to undertake a national evaluation of mandatory reporting schemes with a view to identifying opportunities to harmonise the various statutory regimes.</i>
Assessability of recommendation	Yes Specified actors and specific action and outcome can be assessed using documentary evidence
Additional information request	1. Evaluation plan
Submitted document/ source details	1. Confidential gov response 2. Mandatory reporting schemes evaluation plan, May 2013
Relevant to at least one aspect of recommendation	1. Y – account of implementation 2. Y
Documentation currency	1. June 2013 2. May 2013
Reliability contribution of documents	1. Low 2. Low
Implementation	
Recommended actors involved	Community and Disability Services Ministers' Conference
Recommended actors not involved	NA

Included actions	A national evaluation of mandatory reporting schemes
Excluded actions	A view to identifying opportunities to harmonise the various statutory regimes
When action was taken	Second half 2013 national review scheduled
Implemented as recommended?	Y
Government statement about status of implementation	implemented
Reason provided	‘Mandatory reporting changes have a significant influence on the functioning of the broader child and family welfare sector and can lead to unanticipated consequences that reduce the overall quality of child protection services’ Doc 1
Implementation summary	A national evaluation is planned, using the recommended channel, but the aim does not appear to be to harmonise the various regimes. The focus is on enabling comparisons and evaluating effectiveness. Harmonisation efforts may take place following the evaluation.
	Implemented in full

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	47
Commission/Inquiry of origin	Protecting Victoria’s Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Crimes Act 1958 (Vic) should be amended to create a separate reporting duty where there is a reasonable suspicion a child or young person who is under 18 is being, or has been, physically or sexually abused by an individual within a religious or spiritual organisation. The duty should extend to: • A minister of religion; and • A person who holds an office within, is employed by, is a member of, or a volunteer of a religious or spiritual organisation that provides services to, or has regular contact with, children and young people. An exemption for information received during the rite of confession should be made. A failure to report should attract a suitable penalty having regard to section 326 of the Crimes Act 1958 and section 493 of the Children, Youth and Families Act 2005.</i>
Assessability of recommendation	Yes Specific action (legislative amendment) with specific criteria can be assessed using documentary evidence

Additional information request	1.
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – account of implementation
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victorian parliament
Recommended actors not involved	NA
Included actions	Victorian Parliamentary Inquiry into processes by which religious and other organisations respond to child abuse
Excluded actions	Amendment not implemented pending results of inquiry
When action was taken	Parliamentary Inquiry established April 2012 (same year)
Implemented as recommended?	N
Government statement about status of implementation	Not specified
Reason provided	Y – Parliamentary Inquiry due to report on this issue 2013
Implementation summary	A parliamentary inquiry was established on issues including and extending beyond the recommendation. Implementation has not progressed pending the result of this inquiry. Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	51
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Victorian Government should, consistent with other Australian jurisdictions, enact an internet grooming offence.</i>
Assessability of recommendation	Yes A specified actor and specified outcome can be verified with documentary evidence
Additional information request	

Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – account of implementation
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victorian government
Recommended actors not involved	NA
Included actions	Review of existing legislation and stated intention to implement
Excluded actions	Enacting grooming offence
When action was taken	Review currently in progress, with intention formed (2013)
Implemented as recommended?	N
Government statement about status of implementation	Under consideration
Reason provided	In progress
Implementation summary	Review of existing legislation and stated intention to implement.
	Not implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	89
Commission/Inquiry of origin	Protecting Victoria's Vulnerable Children Inquiry (Cummins Inquiry) (2012)
Recommendation made	<i>The Government should amend the Child Wellbeing and Safety Act 2005 to establish a Commission for Children and Young People, comprising one commissioner appointed as the chairperson and such number of full-time and part-time additional commissioners as the Premier considers necessary to enable the Commission to perform its functions. Commissioners would be appointed by the Governor-in-Council. The Commission should have responsibility for overseeing and reporting to Ministers and Parliament on all laws, policies, programs and services that affect the wellbeing of vulnerable children and young people. The Commission would hold agencies to account</i>

	<p><i>for meeting their responsibilities as articulated in the Vulnerable Children and Families Strategy and related policy documents. The Commission would also retain the current roles and functions of the Child Safety Commissioner. The Commission would be required by legislation to give priority to the interests and needs of vulnerable children. The Commission should have authority to undertake own-motion inquiries into systemic reforms necessary to improve the wellbeing of vulnerable children and young people. The specific powers granted to the Ombudsman under section 20 of the Children, Youth and Families Act 2005 should be transferred to the Commission.</i></p>
Assessability of recommendation	Yes Specified actors , actions and criteria can be assessed using documentary evidence
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y – account of implementation
Documentation currency	June 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victorian Government , Premier, Governor-in-Council, Ministers and Parliament
Recommended actors not involved	Undetermined
Included actions	<ul style="list-style-type: none"> • Commission for Children and Young People established 2012-13 • Additional Commissioner for Aboriginal Children and Young People yet to be appointed • Commission reports to parliament • Responsible for advocacy, prevention, inquiry & monitoring • Commissioner retains and extends on current roles and functions of the Child Safety Commissioner • Has authority to undertake own-motion inquiries
Excluded actions	<ul style="list-style-type: none"> • Undetermined whether Commission is required by legislation to give priority to the interests and needs of vulnerable children • Undetermined whether specific powers granted to the Ombudsman under section 20 of the Children, Youth and Families Act 2005 are transferred to the Commission

When action was taken	<ul style="list-style-type: none"> • Legislation passed 2012 • Operational Commission 2013
Implemented as recommended?	Undetermined
Government statement about status of implementation	implemented
Reason provided	N
Implementation summary	A Children's Commission with multiple commissioners has been established and has the specified functions of advocacy, prevention, inquiry, monitoring and reporting to parliament. See legislation verification for functions not enacted. Partially implemented

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	2
Commission/Inquiry of origin	Ombudsman Victoria: Whistleblowers Protection Act 2001 – Investigation of the failure of agencies to manage registered sex offenders (2011)
Recommendation made	<i>Conduct regular audits of the information received at the registry to ensure that offenders who have disclosed unsupervised contact with a child are being reported to the Department of Human Services.</i>
Assessability of recommendation	Yes Specified action with specified criteria and actors
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential gov response 2. Two sample audits conducted by the Sex Offender Registry (SOR) to ensure that all reports of children having unsupervised contact with registered sex offenders are communicated to the Department of Human Services (DHS) Child Protection. 3. 2012 Protecting Children: Protocol between the DHS Child Protection and Victoria Police, which is attached.
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y – account of implementation 2. Y 3. Y
Documentation currency	June 2013
	2013
	2012

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Medium - interdepartmental
Implementation	
Recommended actors involved	DHS
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Regular audit of reporting to DHS re known offenders' unsupervised contact with children • Additional staff for auditing • Cross referencing between Victoria Police Sex Offender Registry Unit and co-located CP staff to ensure information is registered with DHS
Excluded actions	NA
When action was taken	<ul style="list-style-type: none"> • Staffing increased October 2011 • Co-located staff from July 2011
Implemented as recommended?	Y
Government statement about status of implementation	Implemented
Reason provided	NA
Implementation summary	Reported regular audits by Victoria Police Sex Offender Registry Unit and cross referencing by co-located DHS staff to ensure reporting in DHS system. Implemented in full

Person extracting data	Auditor 3
Date of extraction	28 Oct 2013
Recommendation number	6
Commission/Inquiry of origin	Ombudsman Victoria: Whistleblowers Protection Act 2001 – Investigation of the failure of agencies to manage registered sex offenders (2011)
Recommendation made	<i>Ensure that policy provides for the widest possible interpretation of unsupervised contact to ensure that all instances of contact with children whether phone, internet or in person, or number of days is provided for.</i>
Assessability of recommendation	Yes
Additional information request	1.
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential gov response 2. Victoria Police Manual (VPM) - Registered Sex Offender Management Policy

	3. Victoria Police Manual - Policy Sex Offender Management Policy
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y – account of implementation 2. Y 3. Y
Documentation currency	<ol style="list-style-type: none"> 1. June 2013 2. Undated 3. Undated
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low 3. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Amendment to Victoria Police Manual published October 2012 to broaden interpretation of unsupervised contact • Advice from VLRC on whether unsupervised contact can or should include internet and telephone
Excluded actions	Instances of phone and internet contact are not provided for in current interpretations of unsupervised contact
When action was taken	2012 amendment to police manual
Implemented as recommended?	N
Government statement about status of implementation	Implemented
Reason provided	N - advice sought from VLRC on whether unsupervised contact can or should include internet and telephone
Implementation summary	<p>Amendment to Victoria Police Manual published October 2012 to broaden interpretation of unsupervised contact but this does not currently include internet or phone contact. Partial</p> <p>UPDATED 19 Dec 2013, Auditor 6: Refer to response from Victorian Government following request for further information. "Victoria Police policy currently places a broad interpretation on the term 'contact'. Among other elements, contact refers to any form of oral communication whether face to face or by telephone or internet." Implemented in full</p>

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	7.82
Commission/Inquiry of origin	Victorian Auditor General's Office (VAGO) (1996) <i>Protecting Victoria's Children: The Role of the Department of Human Services (special Report no. 3)</i>
Recommendation made	<i>The overriding factor, in audit opinion is that the interests of the child are paramount. In this regard, audit strongly supports the Crime Preventions Committee's recommendation for legislative change, action which has been supported by the Government in its whole-of-government response to the Committee's Report. A review of the legislation is highly desirable in order to address the current restrictions which are seen by the Victoria Police as giving rise to an imbalance of justice in favour of the alleged offender to the detriment of the child.</i>
Assessability of recommendation	Assessable
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential government response 2. 1996 VAGO report 3. Crimes (Amendment) Bill 1997 4. Second Reading Speech for Crimes (Amendment) Bill 1997 5. Sexual Offences Final Report (VLRC) 2004 6. Crimes Act 1958 2006 amendment 'persistent sexual abuse of a child' 7. Criminal Procedure Act 2009 s194
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y 2. Y – review 3. Y – addresses restrictions 4. Y – review 5. Y – review 6. Y – addresses restrictions 7. Y – addresses restrictions
Documentation currency	September 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. High 4. High 5. Medium 6. High 7. High

Implementation

Recommended actors involved	Whole-of-government, with specific mention of Victoria Police contribution
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Crimes (Amendment) Bill 1997 extended the range of offences against children, made it unnecessary to particularise each offence involved in ongoing offending and introduced presumption that multiple charges involving more than one victim would be heard together. • Second reading of this bill indicates multiple reviews of legislation having been taken into account • Further review of s47A in 2004 by VLRC <i>Sexual Offences – Final Report</i>, indicating greater use of offences since the amendment bill • Separation of trials reform moved to <i>Criminal Procedure Act 2009</i> s194 • Video evidence to protect interests of children introduced 2006
Excluded actions	NA
When action was taken	<p>1997 – amendment bill</p> <p>2004 – further review</p> <p>2006 – further procedural reform</p>
Implemented as recommended?	Y
Government statement about status of implementation	Unspecified
Reason provided	NA
Implementation summary	<p>Consideration of multiple reviews informed Crimes (Amendment) Bill 1997. Amendments extended the range of offences against children, reduced level of detail required for charges involving ongoing offending and reformed separation of trials. Reforms to s47A were reported to increase use of the offence since 1997. Video evidence was introduced in 2006 with the intention to protect interests of children.</p> <p>Implemented in full – review & action to address perceived imbalance of justice</p>

Person extracting data

Auditor 3

Date of extraction	26 Nov 2013
Recommendation number	7.113
Commission/Inquiry of origin	Victorian Auditor General's Office (VAGO) (1996) <i>Protecting Victoria's Children: The Role of the Department of Human Services (special Report no. 3)</i>
Recommendation made	<i>On balance, audit considers the benefits of video taping of evidence outweigh the potential impediments. However, in order to maximise these benefits, further research should be undertaken with a view to restricting the levels of trauma that a child should be exposed to within the legal system as a direct result of introducing video taping, without compromising the basic rights of the accused.</i>
Assessability of recommendation	Yes: Specified action (further research about child trauma resulting from video taping) can be verified by documentary evidence
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential gov response 2. Crimes (Sexual Offences) Act 1991 3. Evidence (Audio Visual and Audio Linking) Act 1997 second reading 4. 2004 VLRC report <i>Sexual Offences: Law and Procedure</i> 5. <i>Sexual Assault Reform Strategy: Final Evaluation Report</i>
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y 2. N – not research 3. N –not related to child impact 4. Y – research relating to children and video 5. Y – research on impact of video
Documentation currency	September 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. NA 3. NA 4. Medium 5. Medium
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Investigation by VLRC on alternative arrangements for child complainants reported in 2004 • Success Works' Sexual Assault Reform Strategy considered benefits of the use of video taping in the final report 2011 • Ongoing legislation reform including 1997 Evidence (Audio Visual and Audio Linking) Act to facilitate giving of evidence

	by video; and the Crimes (Sexual Offences) Act 2006 and Crimes (Sexual Offences) (Further Amendment) Act 2006
Excluded actions	<ul style="list-style-type: none"> • Establishment of Child Witness Service NA
When action was taken	<p>Report on research VLRC 2004</p> <p>Report on Success Works' research 2011</p> <p>Legislation amendment in response to research 1997, 2006</p> <p>Child Witness Service established at undetermined time</p>
Implemented as recommended?	Y
Government statement about status of implementation	Unspecified
Reason provided	NA
Implementation summary	<p>Research was undertaken by VLRC and Success Works with a view to restricting the levels of trauma that a child should be exposed to within the legal system as a direct result of introducing video taping.</p> <p>Legislative amendments in response to VLRC research were made. Success Works' research reported in 2011 indicated benefits from victim-survivor and police perspectives and the view that video and audio taped evidence should be extended to adults. Legal practitioners were reported as having raised concerns about the quality of the product and the evidence produced.</p> <p>Implemented in full</p>

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	25
Commission/Inquiry of origin	Sexual Assault Reform Strategy: Final Evaluation Report, prepared for Department of Justice, January 2011
Recommendation made	<p><i>We have also noted that there are some inequities in the level of access to the reforms. Specifically people from Aboriginal and Torres Strait Islander and from culturally and linguistically diverse backgrounds require special consideration in the implementation of the reforms and may require special measures and programs to aid their access to them.</i></p> <p><i>Our recommendation is: That consideration be given to the needs of ATSI and CALD communities in relation to the reporting of sexual assault</i></p>

	<p><i>and relationships developed between key criminal justice agencies and relevant community organisations to develop culturally safe approaches to the reporting of sexual assault and the provision of support for people going through the criminal justice system that</i></p>
Assessability of recommendation	<p>Yes: Specified action to consider needs and form relationships between agencies and community organisations for the purposes of culturally safe reporting of sexual assault and provision of support to ATSI and CALD people going through the criminal justice system</p>
Additional information request	
Submitted document/ source details	<ol style="list-style-type: none"> 1. Confidential gov response 2. www.justice.vic.gov.au/home/your+rights/aboriginal+justice+agreement/Victorian+aboriginal+justice+agreement AJA 1, 2 & 3 3. Strong Cultures Strong Peoples Strong Families 10 yr plan
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Y 2. Y – action plan with Koori community in 3 phases 3. Y – primary mechanism for addressing Koori family violence
Documentation currency	September 2013
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium
Implementation	
Recommended actors involved	<p>Aboriginal community organisations including Aboriginal Family Services, Indigenous Family Violence services, Aboriginal Child Specialist Advice and Youth Justice Koori Services</p> <p>Office of Aboriginal Affairs (Dpt Premier and Cabinet)</p> <p>Victoria Police</p> <p>DoJ Koori Justice Unit</p> <p>Victim Support Agency</p> <p>Victorian Centres Against Sexual Assault</p> <p>Victims of Crime Assistance Tribunal</p> <p>Aboriginal Victims of Crime Team</p> <p>Interpreter services</p>
Recommended actors not involved	CALD representative groups

Included actions	<ul style="list-style-type: none"> • Agreed action plans with Koori community involving multiple services and public education to reduce representation in criminal justice system as victims and offenders • Koori Family Violence Court Support Program as part of Strong Cultures Strong Peoples Strong Families 10 yr plan • Awareness campaign with Victoria Police in regional areas, including TV commercials • Two Aboriginal case managers to regional Victims Assistance and Counselling Programs pilot 12 months • Establishing Koori Protocols project with Victoria Police and Koori Justice Unit • Extensive annual training of Victim Support Agency staff in cultural competency for CALD and ATSI groups • VSA staff who speak LOTE • Victims Assistance and Counselling Programs interpreter services • Victims of Crime publications in multiple languages (unspecified)
Excluded actions	<ul style="list-style-type: none"> • Unclear whether relationships developed between criminal justice agencies and CALD community organisations (as opposed to individuals with language and culture competencies)
When action was taken	<ul style="list-style-type: none"> • AJA1 signed in 2000 & AJA2 signed 2006, both pre-dating recommendation • AJA3 signed 2013 • Strong Peoples Strong Families 10 yr plan 2nd Ed published 2008 • Awareness campaign Nov2012-Feb 2013 • Case Managers current (2013) • Koori Protocols project planned from Dec 2013 • Victim Support Agency activities for CALD groups undetermined timeframe
Implemented as recommended?	Partial
Government statement about status of implementation	Unspecified
Reason provided	N
Implementation summary	<p>Reports and agreements with ATSI groups indicate consideration of needs and cooperation between agencies and community organisations indicate relationships developing. No reports or organisational level cooperation was evident for CALD groups, though cultural awareness training of Victim Support Agency staff, interpreter services and translation of publications is indicated.</p> <p>Partially implemented</p>

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	1
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>The purpose of the Sex Offenders Registration Act 2004 (Vic) should be amended as follows:• The purpose of the legislation is to protect children against sexual abuse from people who have been found guilty of sexually abusing children.</i>
Assessability of recommendation	Specific amendment, assessable by legislation check
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	Y – although it responds to recommendation #2, it later mentions #1 is still under consideration
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<i>The purpose of the Sex Offenders Registration Act 2004 (Vic) is under review</i>
Excluded actions	NA
When action was taken	By 2013
Implemented as recommended?	NA
Government Statement about status of Implementation	
Reason provided	Still under consideration “The VLRC’s Report has not been implemented as the Government has asked departments to examine the report’s findings and recommendations in detail as part of its deliberations in response to the <i>Protecting Victoria’s Vulnerable Children Inquiry</i> (the Cummins Inquiry), and also any recommendations arising from the current

	Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisations.”
Implementation summary	Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	2
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>Part 5 of the Sex Offenders Registration Act 2004 (Vic), concerning child-related employment, should be removed from that Act and integrated with the Working with Children Act 2005 (Vic)</i>
Assessability of recommendation	Yes
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	
Recommended actors not involved	
Included actions	
Excluded actions	
When action was taken	
Implemented as recommended?	N
Government statement about status of Implementation	
Reason provided	Still under consideration
	“The VLRC’s Report has not been implemented as the Government has asked departments to examine the report’s findings and

	recommendations in detail as part of its deliberations in response to the <i>Protecting Victoria's Vulnerable Children Inquiry</i> (the Cummins Inquiry), and also any recommendations arising from the current Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisations.
Implementation summary	Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	3
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>The Sex Offenders Registration Act 2004 (Vic) should outline the way it seeks to achieve the revised purpose, including by:(i) providing for monitoring and review of the operations of the sex offenders registration scheme and of this Act in order to assess whether the purpose is being achieved.</i>
Assessability of recommendation	Yes: Specific legislation amendment assessable by documentary evidence
Additional information request	
Submitted document/ source details	2. Confidential gov response
Relevant to at least one aspect of recommendation	2. Y
Documentation currency	September 2013
Reliability contribution of documents	2. Low
Implementation	
Recommended actors involved	Department of Justice Parliament of Victoria
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Review of <i>Sex Offenders Registration Act 2004</i>
Excluded actions	
When action was taken	By 2013

Implemented as recommended?	Too soon
Government statement about status of Implementation	
Reason provided	<p>Still under consideration</p> <p>‘The VLRC’s Report has not been implemented as the Government has asked departments to examine the report’s findings and recommendations in detail as part of its deliberations in response to the <i>Protecting Victoria’s Vulnerable Children Inquiry</i> (the Cummins Inquiry), and also any recommendations arising from the current Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisations.</p> <p>‘The proposed reforms in recommendations 3 (a) – (i) represent a fundamental re-framing of the Sex Offenders Registration Act 2004 and the operational and resourcing implications arising from such a change will require careful consideration across a number of Victorian Government departments. The ramifications of Victoria deviating from the national scheme in respect of sex offender management also requires careful consideration and consultation with other States and Territories.’ Doc 1</p>
Implementation summary	Legislation amendment under consideration but concerns expressed about operational and resourcing implications and deviation from the national scheme. Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	31
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>Registered sex offenders should be required to report the names, ages and addresses of any children with whom they have ‘contact’, and the means of contacting those children.</i>
Assessability of recommendation	Yes: pecified action and criteria assessable by documentary evidence
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y

Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> • Under consideration in consultation with Victoria Police • Issues identified with how to frame information requirements
Excluded actions	NA
When action was taken	By 2013
Implemented as recommended?	too soon
Government statement about status of Implementation	
Reason provided	Any implementation requires close consultation with relevant agencies including Victoria Police as to how best to frame the information requirements to best aid appropriate monitoring of offenders, for example, provision of the date of birth of the child rather than the estimated age.
Implementation summary	Considering changes to information required of sex offenders and possible ways to frame and implement requirements.
Not implemented	

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	34
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>Registered sex offenders should be required to: (a) within one day of the change, notify the police of any changes to information about their contact with children, and (b) within seven days of the change, provide a written child contact report to the police in person.</i>
Assessability of recommendation	Yes: Specific action, criteria and accountability
Additional information request	

Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Victoria Police
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> Requirements and associated legislative change are under consideration in consultation with Victoria Police and the Department of Human Services
Excluded actions	NA
When action was taken	By 2013
Implemented as recommended?	N
Government statement about Status of Implementation	
Reason provided	<p>This recommendation is one of five recommendations in Chapter 7 of the VLRC's report regarding 'Reportable contact with children'. All five recommendations are still under consideration. These recommendations would require legislative amendments to expressly define the term "contact" and to increase the reporting requirements that would apply to registrants. Recommendation 34, in conjunction with the other related recommendations, is being considered through consultation with relevant agencies such as Victoria Police and the Department of Human Services to determine the feasibility of the recommendation.</p>
Implementation summary	<p>Changes to requirements of information from sex offenders are still under consideration, along with four other recommendations from the VLRC's report. Associated legislative changes and feasibility are being considered.</p> <p>Not implemented</p>
Person extracting data	Auditor 3
Date of extraction	26 Nov 2013

Recommendation number	41
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>A child protection prohibition order should be able to prohibit the registered sex offender from: (a) associating with or contacting specified persons (b) being in specified locations (c) engaging in specified behaviour, and/or (d) engaging in specified employment.</i>
Assessability of recommendation	Yes: Specified action and criteria assessable by documentary evidence
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	NA
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> One of 16 (Recommendations 36 to 51) related to proposed ‘child protection prohibition orders’. All 16 recommendations are still under consideration. Considerations include legislative amendments, a court-based scheme for applications, scope of the orders and conditions that may be attached to them, potential for interim orders, mutual recognition of equivalent orders from other Australian jurisdictions, police search powers, appeal processes and other matters
Excluded actions	NA
When action was taken	By 2013
Implemented as recommended?	N
Government Statement about status of Implementation	
Reason provided	All 16 recommendations related to proposed ‘child protection prohibition orders’ are still under consideration.

Implementation summary	Consideration of legislative amendments, a court-based scheme for applications, the scope of the orders and conditions that may be attached to them, the potential for interim orders, mutual recognition of equivalent orders from other Australian jurisdictions (where applicable), police search powers, appeal processes and other matters are under consideration.
	Not implemented

Person extracting data	Auditor 3
Date of extraction	26 Nov 2013
Recommendation number	55
Commission/Inquiry of origin	Victorian Law Reform Commission (2011) Sex Offenders Registration – Final Report
Recommendation made	<i>The Chief Commissioner of Police and the Secretary of the Department of Human Services should be authorised to exchange information they hold about a registered sex offender when the Secretary is investigating any contact between that offender and a particular child or children.</i>
Assessability of recommendation	Yes: Specified actors and actions with clear criteria can be assessed with documentary evidence
Additional information request	
Submitted document/ source details	1. Confidential gov response
Relevant to at least one aspect of recommendation	1. Y
Documentation currency	September 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Commissioner of Police Secretary DHS
Recommended actors not involved	NA
Included actions	<ul style="list-style-type: none"> Still under consideration re express legislated information sharing and whether the proposed breadth of sharing is sufficient

	<ul style="list-style-type: none"> • Operational mechanisms implemented to facilitate information exchange between Corrections Victoria, DHS and Victoria Police • Information exchange protocol and co-located staff from DHS at Victoria Police
Excluded actions	Authorisation of Secretary DHS and Police Commissioner to share information when investigating contact of registered sex offender and a particular child/ren
When action was taken	<p>Ongoing consideration of legislative authorisation</p> <p>Information exchange protocol from 2009 (?)</p> <p>Co-located staff from 2011</p>
Implemented as recommended?	N
Government statement about status of implementation	
Reason provided	This recommendation is still under consideration in relation to express legislated information sharing and whether the breadth of the information sharing proposed by the Report is sufficient.
Implementation summary	<p>Formal information sharing has occurred through operational mechanisms under Children, Youth and Families Act 2005. Legislated information sharing is under consideration.</p> <p>Not implemented</p>

DOCUMENT AUDIT: WESTERN AUSTRALIA

Person extracting data	Auditor 4 & Auditor 6 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	4
Commission/Inquiry of origin	Community Development and Justice Standing Committee, Inquiry Into The Prosecution Of Assaults And Sexual Offences, Report No. 6 in the 37th Parliament, 2008
Recommendation made	<i>That the Western Australia Police, the Office of the Director of Public Prosecutions, the Sexual Assault Resource Centre, the Victim Support Service, the Office of the Public Advocate, and the Courts design reliable and valid victim satisfaction instruments appropriate for each agency. The results must be published in each agency's annual report or equivalent.</i>
Assessability of recommendation	Partial – the assessment of whether victim satisfaction instruments are reliable and valid is beyond the scope of this project.
Additional information request	<p>i) Supply the victim satisfaction instruments used by each agency</p> <p>ii) Supply data indicating victim satisfaction levels annually since 2008</p>
Submitted document/ source details	<ul style="list-style-type: none"> .. WA Government response !.. Brief online Government response to Inquiry - Hansard !.. WA Government response to additional info requests <ul style="list-style-type: none"> a) WAP Annual Reports 06-013 (online) b) Department of the Attorney General: Victim Support Service; Client Feedback Survey c) VSS Table April-Dec 2013 d) SARC client feedback Sept 09-10
Relevant to at least one aspect of recommendation	<ul style="list-style-type: none"> .. Relevant !.. Relevant !.. Relevant <ul style="list-style-type: none"> a) Not Relevant b) Relevant c) Relevant d) Relevant
Documentation currency	<ul style="list-style-type: none"> .. Response provided to the Royal Commission by request on 10 October 2013 !.. 2009 !.. March 7 2014; as well as: a) – d)

Reliability contribution of documents	<ul style="list-style-type: none"> .. Low !.. Low !.. Low a) medium b) low c) low d) low
Implementation	
Recommended actors involved	<ul style="list-style-type: none"> .. WA Police (WAP) !.. Sexual Assault Referral Centre (SARC) !.. The Courts Victims Support Service (VSS) !.. Office of the Public Advocate (OPA) Office of the Director of Public Prosecutions (DPP)
Recommended actors not involved	
Included actions	<ol style="list-style-type: none"> 1. WA Government response <ul style="list-style-type: none"> • The WAP has reliable/valid instrument in place on their website that relates to personal crime rather than being specific to sexual assault • A Commissioner for Victims of Crime (CVoC) was appointed in July 2013 within the Department of the Attorney General, whose role is to advocate for victims of crime and developing victim of crime policy. The CVoC is undertaking policy work on appropriate means of reliably assessing victims of crime experience of government service provision and the criminal justice system. • The SARC seeks consumer feedback through a written satisfaction survey – results collated for internal use • The VSS has a reliable/valid victim satisfaction instrument and has redeveloped its existing survey instrument to include stronger client feedback 2. Hansard excerpt –a comprehensive review of the Victims Of Crime Act 1994 was being carried out in 2009
Excluded actions	No evidence of that the WAP or DPP's Office having reliable and valid satisfaction survey instruments
When action was taken	<ul style="list-style-type: none"> • 07-010 SARC clients given option to complete client satisfaction survey form. Low numbers responded but clients were largely positive about service. • 2013 SARC piloted telephone follow-up interview satisfaction survey. Survey will be reviewed and used again in 2014. • The CVoC was appointed in July 2013 (five years after inquiry) • The Victim Support Service has been collecting victim satisfaction surveys' since Nov 013. No data available for 08-012

Implemented as recommended?	Partial
Government statement about status of implementation	<ul style="list-style-type: none"> • Partial implementation
Reason provided	<ul style="list-style-type: none"> • It is considered inappropriate for the OPA to send surveys to adults with decision-making disabilities. It has however MOUs with the WAP and SARC to facilitate reports of sexual assaults • The Commissioner for Victims of Crime, appointed in July 2013, is undertaking policy work on ways of reliably assessing victim s experience of government services and the criminal justice system
Implementation summary & provisional rating	Partial WAP and Office of the DPP do not appear to have reliable and valid victim satisfaction instruments for sexual assault victims. OPA considers them inappropriate.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	5
Commission/Inquiry of origin	Community Development and Justice Standing Committee, Inquiry Into The Prosecution Of Assaults And Sexual Offences, Report No. 6 in the 37th Parliament, 2008
Recommendation made	<i>The Office of the Director of Public Prosecutions, the Western Australia Police, the Child Protection Unit, the Department of Health and the Child Interview Unit review a range of formalised interagency collaborative models for working with victims of child sex offences with a view to improving the quality and recording of interviews, evidence and briefs</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response 2. Interagency Protocols for Visually Recorded Interview with Children
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided by request to the Royal Commission on 10 October 2013 2. September 2007 (prior to Inquiry)

Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium
Implementation	
Recommended actors involved	<ol style="list-style-type: none"> 1. Office of the Director for Public Prosecutions (ODPP) 2. WA Police (WAP) 3. Department for Child Protection (DCP) 4. Department of Health (DF) 5. Child Interview Unit (CHI)
Recommended actors not involved	N/A
Included actions	<ol style="list-style-type: none"> 1. WA Government response <ul style="list-style-type: none"> • DCP along with the WAP, ODPP and Deakin University have developed online training for Specialist Child Interviewers • The Sexual Assault Service Advisory Group – a multiagency group meet regularly to discuss practice and policy issues • As part of DCP's ChildFirst Team and the WAP's child and Interview Team, child friendly forensic interview rooms that allow for the recording of interviews have been operational since 2012 • The DHs Child Protection Unit at Princess Margaret Hospital has a close working relationship with the ChildFirst Unit including the planning for interviews and interventions • The Child Witness Service (CWS) in the Attorney General Department (AGD) provides support for children who are to give evidence in court. The CWS is a collaborative model involving the ODPP and the Courts. • The Commissioner for Victims of Crime is currently assessing the nature of interagency collaboration in working with child victims • The AGD is currently reviewing regulations to improve the quality and recording of interviews and evidence of child witnesses 2. Interagency protocols - formulated to ensure the 'best interests of the child' are at the forefront of investigating and court procedures
Excluded actions	No evidence supplied of a review having taken place.
When action was taken	No specific dates given post-Inquiry apart from the 2012 purpose built child interview rooms
Implemented as recommended?	Partial
Government statement about status of implementation	Completed
Reason provided	N/A

Implementation summary & provisional rating

Implemented While there was no evidence provided of a review having been conducted, a number of interagency initiatives are underway in relation to working with victims of child sex offences. The recommendation therefore appears to have been implemented in the main.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	17
Commission/Inquiry of origin	Community Development and Justice Standing Committee, Inquiry Into The Prosecution Of Assaults And Sexual Offences, Report No. 6 in the 37th Parliament, 2008
Recommendation made	<i>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.</i>
Assessability of recommendation	Yes
Additional information request	
Submitted document/ source details	WA Government response
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Response provided to the Royal Commission by request on 10 October 2013
Reliability contribution of documents	Low
Implementation	
Recommended actors involved	1. The Office of the Director of Public Prosecutions

	2. Western Australian Police
	3. Child Protection Unit
	4. Department of Health
	5. Child Interview Unit
Recommended actors not involved	N/A
Included actions	WA Government states however that the newly established CoVC has been tasked to advise on this matter
Excluded actions	N/A
When action was taken	N/A
Implemented as recommended?	No
Government statement about status of implementation	<ul style="list-style-type: none"> • Not implemented
Reason provided	<ul style="list-style-type: none"> • The establishment of an independent taskforce considered an unnecessary duplication to the work of the Inquiry. No findings or recs were made specifically regarding discontinuances by the Office of the Director of Public Prosecutions • In response to this recommendation, the Sexual Assault Services Advisory Group stated there was no empirical evidence in WA regarding the incidence or frequency of withdrawals
Implementation summary & provisional rating	Not at all

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	3
Commission/Inquiry of origin	The Hon Peter Blaxell, St Andrew's Hostel Katanning: How the System and Society Failed Our Children, A special Inquiry into the response of government agencies and officials to allegations of sexual abuse (2012).
Recommendation made	<i>That as part of the statutory review of the Children and Community Services Act (CCS Act) and of any further consideration by Government of the provisions of the CSS Act, consideration be</i>

given to including staff of the Authority as mandatory reporters for the purpose of the CCS Act.

Assessability of recommendation Yes

Additional information request

Submitted document/ source details WA Government response

Relevant to at least one aspect of recommendation Relevant

Documentation currency Provided to the Royal Commission on request, 7 May 2013

Reliability contribution of documents Low

Implementation

Recommended actors involved WA Parliament

Recommended actors not involved N/A

Included actions Recommendation 18 of the 29 November 2012 *Report of the Legislative Review of the Children and Community Services Act 2004* states that the existing mandatory reporting of CSA under the Act be retained apart from the Country High School Authority staff as announced by the Government in response to recommendation 3 of the Blaxell Inquiry.

Excluded actions N/A

When action was taken November 2012

Implemented as recommended? N

Government statement about status of implementation 'the legislative amendments have not been considered by the Western Australian Parliament because Parliament was prorogued in December 2012 in preparation for the March 2013 election. Following the swearing in of member of the 39th Parliament on 11 April 2013, the addition of Country High School Hostel Authority staff as mandatory reporters is now able to be progress as part of the suit of amendments to the *Children and Community Service Act, 2004*

Reason provided Legislative amendment yet to be considered by WA Parliament

Implementation summary & provisional rating **Not Implemented**

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	68
Commission/Inquiry of origin	Prudence Ford, Review of the Department for Community Development 2007
Recommendation made	<i>The State Solicitor's Office in conjunction with the Department of Child Safety and Wellbeing consider whether Section 23(2) of the Children and Community Services Act 2004 is sufficient or whether further legislative amendment is needed to give protection to Department of Child Safety and Wellbeing staff if they provide information to other interested agencies, service providers or individuals to ensure the safety and wellbeing of a child</i>
Assessability of recommendation	Yes
Additional information request	Legislation check required – relevant sections of the <i>Children and Community Services Act 2004</i> (CCS Act)
Submitted document/ source details	WA Government response
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided to Royal Commission by request on 7 May 2013
Reliability contribution of documents	High
Implementation	
Recommended actors involved	The State Solicitor's Office; Department of Child Safety and Wellbeing
Recommended actors not involved	N/A
Included actions	WA Government response - new section 24A introduced into the CCS Act to offer protection from criminal/civil professional liability if information is disclosed in good faith
Excluded actions	N/A
When action was taken	2010 – 3 years after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	See included actions

Reason provided	N/A
Implementation summary & provisional rating	Implemented in full

Person extracting data	Auditor 4 & Auditor 6 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	3
Commission/Inquiry of origin	Western Australia Case Review Board, The Duty of Care Inquiry, An Examination of the Case Decisions in Relation to Two Children Placed Under the Control of the Department, 1993
Recommendation made	<i>When a child has been assaulted or neglected by a foster carer an independent review should be conducted to clarify the circumstances and make appropriate recommendations to the Director General</i>
Assessability of recommendation	Partial – it is unclear what is meant by ‘independent’ in this context.
Additional information request	N/A
Submitted document/ source details	<p>1. WA Government response</p> <p>a). The Department for Child Protection and Non-Government Placement agencies Protocol for Abuse in Care</p> <p>b). Casework Practice Manual – Chapters 1.7 and 7.16</p> <p>c). Children and Community Services Regulations 2006 – Regulation 4</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>b) Relevant</p> <p>c) Relevant</p>
Documentation currency	<p>1. Provided to the Royal Commission by request on 10 October 2013</p> <p>a) June 2009</p> <p>b) Amended October 2012 and June 2013</p>

	c) 2006
Reliability contribution of documents	<p>1. Low</p> <p>a) Medium</p> <p>b) Medium</p> <p>c) High</p>
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>L. WA Government response</p> <ul style="list-style-type: none"> The Department's Duty of Care Unit (DoCU), which is independent of district offices, undertakes investigations of abuse allegations. At the same time, the district child protection workers undertake an assessment of the child. The ED then endorses the DoCU's report, and if it recommends revoking approval of the carer, the Director General is informed. The DG can also be informed depending on the seriousness of the allegation. <p>a) DCP Document - outlines the guiding principles for ensuring the safety of children in care</p> <p>b) Casework Practice Manual - 1.7 outlines procedures re notification of death, serious injury or critical incident; and 7.16 outlines a guide to child protection workers responding to safety and wellbeing concerns for children in care</p> <p>c) Children and Community Services Regulations - concerns the approval/non-approval of carers and the revoking of this approval</p>
Excluded actions	N/A
When action was taken	No specific dates given; however, according to documents provided, the DoCU was not established until 2004 – 11 years after the Inquiry
Implemented as recommended?	Partial
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A

Implementation summary & provisional rating	Undetermined The Department's DoCU is within the organisation – without knowing the meaning of 'independent' in this recommendation it is difficult to assess implementation.
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Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	3
Commission/Inquiry of origin	Dr Marie Harries and Associate Professor Mike Clare, Mandatory Reporting of Child Abuse: Evidence and Options, Report for the Western Australian Child Protection Council, Discipline of Social Work & Social Policy, University of Western Australia, 2002
Recommendation made	<i>If there is a strong recommendation from the Gordon Inquiry that the reporting of, and help to, sexually abused children (in particular minors) can only be achieved within a mandatory system, consideration be given to how this might be accomplished in all or in some part within the Health Act 1911.¹ In this amended Act there is already an obligation for medical practitioners to report certain sexually transmitted infections – 300(1); 301; 306; 307; 308.</i>
	¹ http://www.austlii.edu.au/au/legis/wa/consol_act/ha191169/
Assessability of recommendation	Yes
Additional information request	Legislation check required
Submitted document/ source details	1. WA Government response a) Casework Practice Manual Chapters 4.2 and 4.5 b) Health Department Operational Directives (2) c) WA Government's response to the Gordon Inquiry (online)
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant b) Relevant c) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013

	<ul style="list-style-type: none"> a) Amended in August and September 2013 b) July 2010 & 05/2011 c) November 2002
Reliability contribution of documents	<ul style="list-style-type: none"> 1. Low a) Medium b) Medium c) Medium
Implementation	
Recommended actors involved	WA Government/Department of Health
Recommended actors not involved	N/A
Included actions	<ul style="list-style-type: none"> 1. WA Government response <ul style="list-style-type: none"> • Mandatory reporting of child sexual abuse (CSA) established • In response to the Gordon Inquiry, protocols set up between the Health Department (HD), the WA Police and the Department of Child Protection regarding children under 14 years with a sexually transmitted infection (STI) 2. Casework Practice Manual – 2.4 covers the receipt of CSA mandatory reports and 4.5 covers the assessing of and responding to STI notifications 3. HD Operational Directives – concern the interagency management of children under 14 years with STIs and the mandatory reporting of CSA under 18 years 4. WA Government response to Gordon Inquiry - in which the Government commits to expanding services for CSA
Excluded actions	The mandatory reporting provisions, which relate to police officers and teachers in addition to a range of health professionals, are contained within the <i>Children and Community Services Act 2004</i> and not, as recommended, within the <i>Health Act 1911</i> .
When action was taken	<ul style="list-style-type: none"> 1. 1 January 2009 – 7 years after Gordon Inquiry, 2. Dates for initial policy documents not given 3. July 2010 and May 2011 – 8 and 9 years after Inquiry 4. November 2002 – 4 months after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	Completed
Reason provided	N/A

Implementation summary & provisional rating	Implemented in full Implemented in a manner consistent with the intent of this recommendation - see legislation check
Person extracting data	Auditor 4 & Auditor 6& Auditor 2
Date of extraction	6 March 2014
Recommendation number	79
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>The Inquiry finds that sex offender programs should be available to all incarcerated persons, including juveniles convicted of child sex offences.</i>
Assessability of recommendation	Yes
Additional information request	Supply data indicating the overall number of prison sex offenders and the number who have attended a sex offender program
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Response to RC - ATTACHMENT C 2. WA response to additional information requests; <ol style="list-style-type: none"> a) No Names prisoners assessed as requiring at least 1 SO specific program b) No Names prisoners completing at least 1 SO program in current stay as at 14-1-14 c) Current Sex Offenders – State – 20140114 no names
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant; a) b) & c)
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission on request, 7 May 2013 2. Provided 7 March, 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low; a) b) & c)
Implementation	
Recommended actors involved	Department of Corrective Services

Recommended actors not involved	N/A
Included actions	<ol style="list-style-type: none"> 1. For adult sex offenders, a range of programs are offered according to assessed needs, including a Sex Offenders Deniers Program to reduce the risk of further offending. 2. Adult offenders who are eligible for parole, but have not accessed programs, are often denied release. 3. 524 sex offenders currently incarcerated in WA 4. 150 completed at least one SO Programme 5. 464 assessed as requiring at least one SO Programme
Excluded actions	1. No group programs for juvenile sex offenders
When action was taken	No dates given, appears to be existing programs.
Implemented as recommended?	Partial
Government statement about status of implementation	In part
Reason provided	No group programs for juvenile sex offenders in order to avoid identification
Implementation summary & provisional rating	Partial Sex offender programs exist. Unclear whether programs already existed. Data on number of sex offenders incarcerated and number of those attending programs

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	86
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>The Inquiry finds that the Adolescent Sex Offender Intervention Program, or a similar program, is a necessary part of the service provided by Department of Justice. The Inquiry recommends that the program or intensive individual counselling be available to all incarcerated juvenile sex offenders</i>
Assessability of recommendation	Overall assessable, although what constitutes 'intensive individual counselling' is open to interpretation
Additional information request	NA

Submitted document/ source details	1.WA Government response; ATTACHMENT C
Relevant to at least one aspect of recommendation	1. Relevant
Documentation currency	Provided to the Royal Commission by request on 7 May 2013
Reliability contribution of documents	1. Low
Implementation	
Recommended actors involved	Department of Justice
Recommended actors not involved	N/A
Included actions	1. Individual counselling has been available to juvenile sex offenders, but not currently.
Excluded actions	2. group programs are not offered; to avoid identifying offender to others
When action was taken	unclear
Implemented as recommended?	N
Government statement about status of implementation	This has been implemented in part
Reason provided	To avoid juvenile sex offenders being identified, the Department does not agree with group programs and claims group programs would be difficult to facilitate because of relatively low numbers.
Implementation summary & provisional rating	Partial Individual and group counselling for juvenile sex offenders has occurred but is not current or consistent across Dept of Justice

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	144
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>The Inquiry recommends that a Children's Commissioner be established which is independent and reports directly to the</i>

	<i>Premier. The Implementation Body should consider the structure and responsibilities of other children's commissioners to decide on the most appropriate model for Western Australia</i>
Assessability of recommendation	Yes
Additional information request	Legislation check
Submitted document/ source details	<p>1. WA Government response</p> <p>2. Justice Standing Committee on the Commissioner for Children and Young People, 'Review of the Exercise of the Functions of the Commissioner for Children and Young People'</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>2. Relevant</p>
Documentation currency	<p>1. Provided to RC by request on 7 May 2013</p> <p>2. Provided to RC by request on 7 May 2013</p>
Reliability contribution of documents	<p>1. Low</p> <p>2. Medium</p> <p>3. High – Leg Check</p>
Implementation	
Recommended actors involved	WA Government and Parliament
Recommended actors not involved	N/A
Included actions	<p>1. Commissioner established by the <i>Commissioner for Children and Young People Act 2006</i> (CCYP Act)</p> <p>2. Pursuant to section 51 of the CCYP Act, the JSC on CCYP monitors, reviews and reports on the functions of the CCYP C to Parliament</p>
Excluded actions	Appears Commissioner does not report 'directly' to Premier, rather to the Minister responsible for administering the CCYP Act (currently the Attorney General)
When action was taken	Commissioner established IN 2006 by the CCYP Act – four years after Inquiry
Implemented as recommended?	Partial
Government statement about status of implementation	unspecified
Reason provided	N/A
Implementation summary & provisional rating	Partial No evidence the CCYP reports 'directly' to the Premier

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	186
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>The Inquiry find that there is a lack of information sharing between agencies in relation to family violence and child abuse, giving rise to considerable impediments in service delivery. The Inquiry recommends that further consideration be given to legislative and administrative changes to ensure information sharing between agencies.</i>
Assessability of recommendation	Yes
Additional information request	Legislation Check – relevant sections of the <i>Children and Community Services Amendment Act 2004</i> (CCSA Act)
Submitted document/ source details	WA Government response
Relevant to at least one aspect of recommendation	Relevant
Documentation currency	Provided to the Royal Commission by request on 7 May 2013
Reliability contribution of documents	1.Low – Government response 2. High - Leg Check
Implementation	
Recommended actors involved	
Recommended actors not involved	N/A
Included actions	Amendments made to the CCSA Act to facilitate the better sharing of information between agencies
Excluded actions	No evidence provided as to administrative changes and procedures relating to the exchange of information
When action was taken	The CCSA Act was amended in 2010 – 8 ears after the Inquiry
Implemented as recommended?	In Full
Government Statement about Status of Implementation	unspecified

Reason provided

Implementation summary &
provisional rating

In Full – see legislation check

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	6 March 2014
Recommendation number	189
Commission/Inquiry of origin	Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) 2002
Recommendation made	<i>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.</i>
Assessability of recommendation	Yes – supporting documents indicate implementation
Additional information request	N/A
Submitted document/ source details	<p>1. WA Government response</p> <p>a) Department of Health's "Operational Directives: Interagency Management of Children Under 14 Years who are Diagnosed with a Sexually Transmitted Infection", and "Mandatory Reporting of Sexual Abuse of Children Under 18 Years" (available online)</p> <p>b) Department for Child Protection, "Mandatory Reporting of Child Sexual Abuse in Western Australia: A guide for Mandatory Reporters (available online)</p> <p>c) Department for Community Development: Internal Memorandum on "Protocols for Reporting of Sexually Transmissible Infections (STIs) in Children Less than 14 Years and Children Aged 14 to 16 years.</p> <p>d) Department for Community Development: Internal Memorandum on "STI Referral for a Child aged 14 Years/For a Child aged 14-16 Year.</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>c) Relevant</p> <p>d) Relevant</p>

	e) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 7 May 2013 a) 2010 and 2011 b) 2008 c) June 2004 d) June 2004
Reliability contribution of documents	1. Low a) Medium b) Medium c) Medium d) Medium
Implementation	
Recommended actors involved	Medical personnel
Recommended actors not involved	N/A
Included actions	1. WA Government response – general info 2. Department of Health – operational directives re the interagency management of STIs in children under 14 years and the mandatory reporting of them 3. Department for Child Protection – info provided about the steps required for mandatory reporters 4 & 5. Department for Community Development – info re the protocols on the reporting of STIs in children under 14 that became operative on 1 July 2004 and the required referral form.
Excluded actions	N/A
When action was taken	After the introduction of mandatory reporting in WA , steps were taken to ensure medical personnel were obligated to report children under 14 years with STIs and/or suspected of being sexually abused to the Health Department, Department for Child Protection and the WA Police - date unspecified
Implemented as recommended?	Yes
Government statement on status of recommendation	unspecified
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Medical personnel provided with guidelines for reporting suspected abuse of children under 14 & 18 yrs

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	10.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that there is an expansion of the Duty of Care Unit to incorporate: - Additional senior officers based in the Unit to undertake the assessment of allegations of abuse with case workers. The Officers would attend at District Offices when allegations of abuse are received or notified. These officers would team with the case workers and lead the investigation of the allegations, assessment action, outcome findings and recommendations. The officers would be responsible for the documentation of the process and recording of the outcomes with the Duty of Care Unit; - The caseworker from the District Office would work alongside the senior officer and support the child or young person. The Placement Officer within the District office would support the carer if this were needed</i>
Assessability of recommendation	Yes
Additional information request	Evidence of an increase in the number of senior officers based in the Duty of Care Unit
Submitted document/ source details	<p>1. WA Government response</p> <p>a) Department Budget</p> <p>b) Casework Practice Manual – Chapters 1.7, 7.7 & 7.16</p> <p>c) Booklet ‘What happens if a foster child says I have hurt them’</p> <p>2. WA Government response to additional information request</p> <p>a) Copy of Duty of Care positions 2006/2007</p> <p>b) Budget highlights 06-07</p> <p>c) Annual Report 2006/2007</p> <p>d) 2006/2007 Budget Paper No3 Extract</p> <p>e) 2006/2007 Budget Statements Budget Paper No 2 Volume 3 Extracts</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>b) Relevant</p>

	c) Relevant
	2. Relevant
	<ul style="list-style-type: none"> a) Relevant b) Not Relevant c) Relevant d) Not Relevant e) Relevant
Documentation currency	<p>1. Response provided to the Royal Commission by request on 10 October 2013</p> <ul style="list-style-type: none"> a) 2006/07 b) Amended October 2012, September 2012 & June 2013 c) None given <p>2. Provided to the RC on 7 March, 2014</p> <ul style="list-style-type: none"> a) 06/07 b) 06/07 c) 06/07 d) 06/07 e) 06/67
Reliability contribution of documents	<p>1. Low</p> <ul style="list-style-type: none"> a) Medium b) Medium c) Medium <p>2. Low</p> <ul style="list-style-type: none"> a) Low b) Medium c) Medium d) Medium e) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • Duty of Care Unit expanded – 6 additional staff appointed

- Child is supported by case worker and also the Department's Advocate for Children in Care
- Foster carers have the option of a support person; either a senior child protection worker, departmental psychologist or through the Department's Employee Assistance Program

a) Department Budget 2006/07

Summarises additional expenditure and increased staffing)

b) Casework Practice Manual

1.7 – Details the procedures in relation to critical incidences such as death, serious injury

7.7 – Procedures regarding the support of foster carers

7.16 - Procedures for workers to follow when responding to safety and well-being concerns for children in care

c) Booklet

Information for foster carers when facing allegations of having harmed a foster child

2.

a) Nine new Duty of Care Positions established 06/07

e) Budget increases to cover cost of Duty of Care staff

Excluded actions	N/A
When action was taken	2006 – one year after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Information provided indicates that the recommendation was implemented

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	Recommendation 11 – Responding to abuse in care 11.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005

Recommendation made	<i>It is recommended that the Department provides training and competencies to caseworkers and specialists about the specific issues pertaining to children in care and abuse in care. The training package should include information about assessment and investigation procedures about abuse in care and the elements of best practice benchmarks in holistic assessment (this would relate to the involvement of the child, gathering of full information, assessment of all concerns regarding the subject child and other children in the placement where necessary, interviewing relevant parties, decisions about outcomes, safety plans and feedback).</i>
Assessability of recommendation	Yes
Additional information request	<p>i) supply evidence of the number of training sessions run about the specific issues pertaining to children in care and abuse in care.</p> <p>ii) supply data indicating the number of caseworkers and specialist who attended that training</p>
Submitted document/ source details	<p>1. WA Government response</p> <p>a) Implementation Strategy</p> <p>b) PowerPoint package - learning and development sessions</p> <p>2. WA Government response to Additional Information requests</p> <p>a) Learning Pathways Brochure</p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>b) Relevant</p> <p>2. Relevant</p> <p>a) Relevant</p>
Documentation currency	<p>1. Response provided to the Royal Commission by request on 10 October 2013</p> <p>a) August 2006</p> <p>b) July 2013</p> <p>2. Response to RC for additional information requests provided on 7 March, 2014</p> <p>a) 2013/2014</p>

Reliability contribution of documents	<ol style="list-style-type: none"> Low <ol style="list-style-type: none"> Medium Medium Low <ol style="list-style-type: none"> Low
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<ol style="list-style-type: none"> WA Government response <ul style="list-style-type: none"> Additional funding provided for relevant training in 2006/07 budget The Duty of Care Unit (DoCU) provides learning/development sessions to district staff about abuse in care issues The DoCU provides ongoing support and mentoring to district officers and, once a month, senior investigating officers are allocated to specific district offices to provide supervision, consultation, mentoring, assessing and undertaking training as required <ol style="list-style-type: none"> Implementation Strategy <p>This strategy was developed specifically for implementing the Murray report recommendations. It was formulated by a committee comprised of NGO representatives that care for children, the CREATE foundation, the Foster Care Association and the Department.</p> <p>b) PowerPoint package – learning/development material on Dealing with Critical Incidents and Standard of Care and Safety and Wellbeing Concerns in Care.</p> All current Child Protection Workers complete a children in care module as part of the statutory child protection learning programs.
Excluded actions	<ol style="list-style-type: none"> No formal records of training with regard to specific issues pertaining to children in care and abuse are kept No formal records of training going back to 2005, with regards to specific issues pertaining to children in care and abuse, are kept.
When action was taken	August 2006 – one year after the Inquiry

Implemented as recommended? Yes

Government statement about status of implementation • Completed

Reason provided N/A

Implementation summary & provisional rating **Implemented in Full**

While no documentary evidence can be provided as to the number of caseworkers attending training specific to children in care and abuse in care or the frequency of that training, other documents provided indicate that the recommendation was implemented

Person extracting data Auditor 4 & Auditor 2

Date of extraction 10 March 2014

Recommendation number Recommendation 11: Responding to abuse in care
11.2

Commission/Inquiry of origin **Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005**

Recommendation made *It is recommended that the Department ensures that initial planning occurs between case workers (including those undertaking the investigation), team leaders and other significant people (for example: Senior Officer Aboriginal Services, Duty of Care Unit, other service providers).*

Assessability of recommendation Yes

Additional information request N/A

Submitted document/ source details 1. WA Government response
a) Casework Practice Manual – Chapters 7.15 and 7.16
b) Departmental and Non-Government Placement Agencies Protocol

Relevant to at least one aspect of recommendation 1. Relevant
a) Relevant
b) Relevant

Documentation currency 1. Provided to the Royal Commission by request on 10 October 2013

	a) Both chapters amended June 2013
	b) June 2009
Reliability contribution of documents	<p>1. Low</p> <p>a) Medium</p> <p>b) Medium</p>
Implementation	
Recommended actors involved	The Department for Child Protection and service providers
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> When safety and wellbeing issues arise about a foster carer or departmental employee, a joint and concurrent assessment must be undertaken by child protection workers, and a carer investigation must be undertaken by the Duty of Care Unit (DoCU). A misconduct investigation by the Integrity Services Unit may also be undertaken. A joint investigation-planning meeting is also convened by DoCU involving relevant department and non-government agency employees. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> Chapter 7.15 - details procedures for child protection workers in relation to all forms of physical, sexual, emotional, psychological harm and neglect alleged to have occurred to children in care Chapter 7.16 – procedures for child protection workers when responding to safety and well-being concerns of children in care of the CEO against approved foster carers <p>b) Department for Child Protection and Family Support and Non-Government Placement Agencies Protocol</p> <p>Describes the protocols agreed upon to promote the objective of acting in the best interest of the child – they concern the processes, procedures, roles and responsibilities of the Department and non-government agencies.</p>
Excluded actions	N/A
When action was taken	Not clear – but protocols established in 2009 – four years after inquiry.
Implemented as recommended?	Yes

Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Supporting documents indicate recommendation implemented as intended

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	Recommendation 11 – Responding to abuse in care 11.3
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Department: - streamlines policy and process for duty of care notifications; - simplifies process associated with recording and line management approval; - simplifies the intake process; - simplifies recording and line management approval throughout the process; - formulate a checklist that details the process for case managers and provides opportunity for quality assurance</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	1. WA Government response a) Implementation Strategy – A summary report of the Department for Community Development’s strategy for the implementation of recommendations of the Murray Report b) Casework Practice Manual – Chapters 7.15 to 7.18
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant b) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) August 2006 b) Chapters all amended June 2013

Reliability contribution of documents	1. Low a) Medium b) Medium
Implementation	
Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
<ul style="list-style-type: none"> Included actions 	1. WA Government response <ul style="list-style-type: none"> Duty of care notifications automated within the Department's data base 'Assist' All recording and line management approvals saved on the Department's electronic case filing system and signed off online by the relevant line-manager, whose position is automatically generated Practice guidelines include a list of actions the child protection worker should undertake re safety and well-being assessments The final report is quality assured and endorsed by the Manager and forwarded via the District Director to the relevant Executive Director/s a) Implementation Strategy <p>Guiding principles formulated by an Implementation Committee to progress the Murray report recommendations into policy and action with a focus on achieving better outcomes for children in care.</p> b) Casework Practice Manual <ul style="list-style-type: none"> 7.15 and 7.16 Details procedures to be followed in relation to safety and wellbeing concerns for a child in care of the CEO in relation to approved Departmental and non-government agency foster carers and agency employees undertaking direct care work 7.17 and 7.18 Outlines policy and procedures when responding to standard of care concerns against approved foster carers and current departmental employees
Excluded actions	N/A
When action was taken	Commenced in August 2006
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A

Implementation summary & provisional rating	Implemented in full; Supporting documentation suggests recommendation was implemented as intended
Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	Recommendation 11 – Responding to abuse in care 11.4
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that this [ie staff training and support] is provided through a specialist Training, Mentoring and Support Unit (See also Recommendation 18).</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	1. WA Government response a) Implementation Strategy – A summary report of the Department for Community Development’s strategy for the implementation of recommendations of the Murray Report b) Learning and development sessions - PowerPoint package
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant b) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) August 2006 b) 2013
Reliability contribution of documents	1. Low a) Medium b) Medium
Implementation	
Recommended actors involved	The Department for Child Protection

Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <p>The Department provides specialist training, mentoring and support about abuse in care through its Duty of Care Unit</p> <p>a) Implementation Strategy</p> <p>Guiding principles formulated by an Implementation Committee to progress the Murray report recommendations into policy and action with a focus on achieving better outcomes for children in care.</p> <p>b) PowerPoint package for learning and development sessions on dealing with critical incidents, standards of care and safety and wellbeing concerns in care-</p>
Excluded actions	N/A
When action was taken	Additional funding for a specialist Training Mentoring and Support Unit was obtained through the 2006/07 Budget process – one year after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	<p>Implemented in full</p> <p>Supporting documents indicate recommendation was implemented as intended</p>

Person extracting data	Auditor 4
Date of extraction	8 January 2014
Recommendation number	<p>Recommendation 12 – Support and mentoring workers about abuse in care</p> <p>12.1</p>
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005

Recommendation made	<i>It is recommended that the Department:- provides mentoring in the workplace about how to manage abuse in care investigations - provides training to case workers about substantiation of child maltreatment allegations including recording - reviews and amends the CCSS system to allow easier recording of categories of harm</i>
Assessability of recommendation	Yes
Additional information request	Supply evidence of the number of training sessions run about substantiation of child maltreatment allegations and the number of individuals who have attended such training
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response <ol style="list-style-type: none"> a) Casework Practice Manual – Chapters 4.1 and 5.1 b) Safety and wellbeing assessment outcome report 2. WA Government response to Request for Additional Information <ol style="list-style-type: none"> a) Learning Pathways Brochure
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant <ol style="list-style-type: none"> a) Relevant b) Relevant 2. Relevant <ol style="list-style-type: none"> a) Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission by request on 10 October 2013 <ol style="list-style-type: none"> a) Amended August and September 2013 b) No date given 2. Provided to RC by request on 7 March 2014 <ol style="list-style-type: none"> a) 2013/2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low <ol style="list-style-type: none"> a) Medium b) Medium 2. Low <ol style="list-style-type: none"> a) Low
Implementation	

Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • The Duty of Care Unit (DoCU) provides ongoing support and mentoring to the district officers regarding abuse in care issues. DoCU senior investigating officers are allocated to a specific district office and are responsible for visiting on a monthly basis to provide consultation, supervision, one-on-one mentoring, assessing and undertaking training as needed • The Department implemented changes to the Client and Community Services System (CCSS) in line with the requirements of the <i>Children and Community Services Act 2004</i>, which included recording categories of harm. • These were further refined as part of the development of the Department's new client information system, 'Assist'. Changes include the ability to record multiple categories of harm and the subsequent decision(s) in relation to each recorded harm. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 4.1 – procedures for duty officers to follow when deciding whether the Department has a role in promoting or safeguarding a child's wellbeing based on referral information • Chapter 5.1 – procedures for child protection workers in conducting a safety and wellbeing assessment to ascertain the current circumstances of a child and family in relation to risk, harm, future danger, etc and whether a child may be in need of protection <p>b) Safety and wellbeing assessment outcome report</p> <p>Copy of the report a child protection worker is to fill out when assessing the wellbeing of a child</p> <p>2. All Child Protection Workers are trained in substantiation of child maltreatment allegations as part of statutory child protection learning programs.</p>
Excluded actions	No formal records of training are maintained, going back to 2005, with regards to specific issues pertaining to children in care and abuse or how many staff have attended that training
When action was taken	unspecified
Implemented as recommended?	Y
Government statement about status of implementation	Completed

Reason provided**Implementation summary & provisional rating**

Implemented The DoCU provides mentoring to district officers, and there is training in substantiation of child maltreatment allegations. Changes were made to the CCSS system.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	Recommendation 13 – Safety Plans 13.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>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</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	1. WA Government response a) Casework Practice Manual – Chapters 1.3, 5.1 and 7.17 b) CPFS Form 461 Duty of Care Report – Carer Standard of Care Assessment c) Signs of Safety Background Paper (2 nd Edition and Signs of Safety Policy) d) Care plan for a child in the CEO's care
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant b) Relevant c) Relevant d) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013

	<p>a) Amended August, September and June 2013</p> <p>b) No date given</p> <p>c) September 2011</p> <p>d) No date given</p>
Reliability contribution of documents	<p>1. Low</p> <p>a) Medium</p> <p>b) Medium</p> <p>c) Medium</p> <p>c) Medium</p>
Implementation	
Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • The Department uses the <i>Signs of Safety Child Protection Practice Framework</i> across all its services. Detailed guidance is provided in relation to safety planning • All children in care have a care plan that includes safety planning, which is undertaken when assessing potential reunification and family contact planning. These plans are regularly reviewed to ensure safety • For allegations of abuse in care, the safety plan may be included as part of the Notification of a safety and wellbeing concern in care to the Duty of Care Unity and also have a quality assurance role • Due to the need to often manage the immediate safety needs of a child, the district office is usually best placed to undertake this work as they have the most up to date information about the alleged abuse and the child's individual needs. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 1.3 – Outlines procedures for workers using the Signs of Safety framework • Chapter 5.1 – Guides workers when conducting safety and wellbeing assessments to ascertain the current circumstances of a child and family in relation to risk etc and whether the child need protection • Chapter 7.17 – Outlines procedures when responding to standard of care concerns for a child in the approved departmental or foster care.

	<p>b) CPFS Form 461 Duty of Care Report – example of the required report to be filled out when assessing a standard of care issue</p> <p>c) Signs of Safety Background Paper –</p> <p>Detailed document outlining the Signs of Safety Framework adopted by the Department as a guide to safety planning and managing potential danger and threats to a children’s safety</p> <p>d) Care plan for a child in the CEO’s care – copy of the form to be filled out when devising a plan for a child in or leaving care</p>
Excluded actions	N/A
When action was taken	<p>1. a), b) & d) are not clear</p> <p>1. c) The Signs of Safety framework was adopted in mid-2008 – close to 3 years after the Inquiry.</p>
Implemented as recommended?	Yes
Government statement about status of implementation	Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full: Supporting documents indicate recommendation has been implemented as intended

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	<p>Recommendation 15 – Timelines for responses and procedures</p> <p>15.2</p>
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>That the CCSS [Client and Community Services System] or equivalent should automatically report allegations to the Duty of Care Unit and Director General</i>
Assessability of recommendation	Yes

Additional information request	N/A
Submitted document/ source details	1. WA Government response a) Casework Practice Manual – chapters 7.16 and 7.17
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) Both chapters amended in June 2013
Reliability contribution of documents	1. Low a) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	1.WA Government response <ul style="list-style-type: none"> The Department’s electronic recording system ‘Assist’ automatically creates a report to the Duty of Care Unit (DoCU) The EDs are advised and retain the discretion to inform the DG about contentious notifications The DG is always notified where the revocation of a carer’s approval is recommended by the DoCU’s Investigation Report a) Casework Practice Manual <ul style="list-style-type: none"> Chapter 7.16 – details procedures to be followed when responding to safety and wellbeing concerns for children in the care of the CEO against approved foster carers Chapter 7.17 – details procedures for when responding to standard of care concerns against approved foster carers
Excluded actions	N/A
When action was taken	unspecified
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Partial implementation
Reason provided	N/A
Implementation summary & provisional rating	Partial Duty of Care Unit automatically receives report. Whether DG receives report is at the discretion of the Executive Directors.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 15 Timelines for responses and procedures 15.3
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>That the Department establish clear policy on timeframes for reporting requirements. The average timeframe from a child maltreatment allegation to Director General authority on outcome reports should be on average 4 to 6 weeks</i>
Assessability of recommendation	Yes
Additional information request	Supply records indicating the average timeframe from a child maltreatment allegation on outcome reports
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response <ol style="list-style-type: none"> a) Casework Practice Manual – Chapters 4.1 and 5.1 2. WA Government response to additional information request
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant <ol style="list-style-type: none"> a) Relevant 2. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission by request on 10 October 2013 <ol style="list-style-type: none"> a) Amended in August 2013 and September 2013 2. Provided to Royal Commission by request on 7 March 2014
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low <ol style="list-style-type: none"> a) Medium 2. Low
Implementation	
Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
Included actions	1. WA Government response

- Established response timeframes for the commencement of a safety and wellbeing assessment are: Priority 1 (within 24 hours); and Priority 2 (within 2-5 working days)
- A safety and wellbeing assessment should be completed within 30 calendar days
- Completing safety and wellbeing assessments within 30 days is a KPI that is published in the Department's annual reports and subject to external audit

a) Casework Practice Manual

- Chapter 4.1 – Procedures to guide duty officers in deciding whether the Department has a role in promoting or safeguarding a child's wellbeing based on information received from a referrer
- Chapter 5.1 – Procedures to guide child protection workers in conducting a safety and wellbeing assessment to ascertain the current circumstances of a child and family in relation to risk harm etc
 - The Department's reports regarding abuse in care include: critical incidents and abuse allegation while in care (now known as a SWA concern in care) and both are responded to with a safety and wellbeing assessment (SWA) which encompasses an outcome report.
 - The timeframe established in policy for the completion of a SWA is 30 days regardless of whether it is for children in care (CPM chapter 7.15) or other type of SWA.
 - Data was examined for the period March 2010 - Dec 2013 (when the Assist database became active). Several cases were open for very significant periods (often in response to Police investigation) and so the 'average' days taken to completion is not representative of the majority of cases. For this reason, the median figure as well as the average figure is provided.
 - SWA Critical Incidents – average 50.91 days , median 26.5 days
 - SWA - Abuse Allegation While in Care / SWA Concern in Care – average 62.82 days, median 30 days

Excluded actions

N/A

When action was taken

Assist Database commenced in 2010

Implemented as recommended?

Yes

Government Statement about Status of Implementation

completed

Reason provided

N/A

Implementation summary & provisional rating	Implemented in full Implemented as per the recommendation's directions
Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 16 Authorisations of Child Maltreatment Allegations 16.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>That all policy relating to child maltreatment allegations and abuse in care inquiries should detail authorisation of classification by a senior designated officer as well as a plan of action.</i>
Assessability of recommendation	Yes
Additional information request	
Submitted document/ source details	1. WA Government response a) Casework Practice Manual – Chapters 5.1
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) Amended September 2013
Reliability contribution of documents	1. Low a) Medium
Implementation	
Recommended actors involved	The Department for Child Protection
Recommended actors not involved	N/A
Included actions	1. WA Government response <ul style="list-style-type: none"> The policy states that the Team Leader authorises the undertaking of the safety and wellbeing assessment, including the initial plan, and the classification of the incident (for example, safety and wellbeing concern in care, carer standard of care, crucial incident)

	<ul style="list-style-type: none"> The Duty of Care Unity quality assures the District's classification, and where it disagrees, can request the District review the classification.
	a) Casework Practice Manual
	<ul style="list-style-type: none"> Chapter 5.1 – Procedures to guide child protection workers in conducting a safety and wellbeing assessment to ascertain the current circumstances of a child and family in relation to risk harm etc
Excluded actions	N/A
When action was taken	unspecified
Implemented as recommended?	Y
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Implemented as per the recommendation's directions

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 17 – Participation of children and young people 17.1
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that a model of participation is developed within the new Advocate for Children in Care position within the Department to enable children and young people subject to the child protection system to be involved in a meaningful way in decision making about their lives.</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	1. WA Government response a) Casework Practice Manual – Chapters 1.3, 1.16, 6.8 and 10.4

Relevant to at least one aspect of recommendation	1. Relevant a) Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) Amended in August 2013, March 2013, July 2013 and August 2013
Reliability contribution of documents	1. Low a) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> The Advocate for Children in Care provides advocacy services for children and young people in the CEO's care, including support and assistance to access formal complaints management and appeals processes. The Advocate promotes individual and collective participation by children in care, identifies and reports on the issues they are concerned about, and oversees the <i>Charter of Rights for Children in Care</i>. The Advocate is also responsible for the State-wide rollout of <i>Viewpoint</i>, a computer assisted, self-interviewing program designed to promote greater participation by children and young people in care in decision-making. <i>Viewpoint</i> is used as part of annual care planning for children in the CEO's care aged five to 17 years. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> Chapter 1.3 – Signs of Safety: The Department's Child Protection Framework - procedures concerning child protection workers responding to children in care Chapter 1.16 – Specialist Position in Head Office – details for child protection workers about specialist positions with head office and the role each performs such as the Advocate for Children in Care Chapter 6.8 – details the <i>Charter of Rights</i> for children in the CEO's Care pointing out that a copy of the Charter must be provided to all children as they enter care Chapter 10.4 – Viewpoint and Care Plans – a guide for child protection workers in the use Viewpoint as part of helping children in care to have their say
Excluded actions	N/A
When action was taken	unspecified

Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Recommendation implemented in full

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 17 – Participation of children and young people 17.2
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Charter of Rights about children in care, that has apparently been developed with assistance of CREATE, be implemented as a matter of priority in 2006. This could also be overseen by the newly appointed Advocate for Children in Care.</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	<ol style="list-style-type: none"> WA Government response <ol style="list-style-type: none"> Casework Practice Manual – chapters 1.16 and 6.8 Charter of Rights for Children in Care ‘All about being in care’ book ‘My book about being care’ book
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> Relevant <ol style="list-style-type: none"> Relevant Relevant Relevant Relevant
Documentation currency	<ol style="list-style-type: none"> Provided to the Royal Commission by request on 10 October 2013

	<p>a) Amended in March 2013 and July 2013</p> <p>b) No date given</p> <p>c) No date given</p> <p>d) No date given</p>
Reliability contribution of documents	<p>1. Low</p> <p>a) Medium</p> <p>b) Medium</p> <p>c) Medium</p> <p>d) Medium</p>
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	Yes
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • The Advocate for Children in care delivered a number of learning and development sessions to staff to support the implementation of the Charter throughout the Department • Child protection workers provide a copy of the Charter to each child on entry to care and explain their rights to them in an appropriate way. <p>a) Casework Practice Manual</p> <ul style="list-style-type: none"> • Chapter 1.16 – Specialist Position in Head Office – details for child protection workers about specialist positions with head office and the role each performs such as the Advocate for Children in Care • Chapter 6.8 - details the <i>Charter of Rights</i> for children in the CEO's Care pointing out that a copy of the Charter must be provided to all children as they enter care <p>b) Charter of Rights for Children in Care – actual copy of the Charter that is provided to all children when entering care</p> <p>c) 'All about being in care' – copy of a book provided to all children when entering care, on for example, what it actually means to be 'in care'</p> <p>d) 'My book about being in care' - copy of another similar book provided to all children when entering care</p>
Excluded actions	N/A

When action was taken

Implemented as recommended? Y

Government statement about status of implementation • Completed

Reason provided N/A

Implementation summary & provisional rating **Implemented in full** Recommendation implemented as directed

Person extracting data Auditor 4

Date of extraction 13 January 2014

Recommendation number Recommendation 17 –Participation of children and young people 17.3

Commission/Inquiry of origin **Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005**

Recommendation made *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.*

Assessability of recommendation Yes

Additional information request N/A

Submitted document/ source details 1. WA Government response
a) *Better Care Better Services*

Relevant to at least one aspect of recommendation 1. Relevant
a) Relevant

Documentation currency 1. Provided to the Royal Commission by request on 10 October 2013
a) 2006

Reliability contribution of documents 1. Low
a) Medium

Implementation

Recommended actors involved Department for Child Protection

Recommended actors not involved N/A

Included actions	<p>1. WA Government response</p> <p>The Department's Standards Monitoring Unit is responsible for monitoring service standards in accordance with <i>Better Care Better Services – Standards for Children and Young People in Protection and Care</i> for both the Department's service delivery areas and services delivered by funded non-government placement agencies.</p> <p>a) <i>Better Care Better Services: Standards for Children and young people in protection and care</i> –copy of the document that details the standards expected of different processes to ensure the provision of high quality services to children in protection and care by the Department and non-government placement agencies.</p>
Excluded actions	N/A
When action was taken	unspecified
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Recommendation implemented as intended

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	11 March 2014
Recommendation number	Recommendation 18 – Support and mentoring for workers and department resources 18.2
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Department employ additional specialist investigation officers to lead and work with the caseworkers on the investigation and assessment of abuse in care notification. These workers would be based in the Duty of Care Unit</i>
Assessability of recommendation	Yes

Additional information request	Supply evidence of an increase in specialist investigation officers in the Duty of Care Unit
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response 2. WA Government response to Additional Information request <ol style="list-style-type: none"> a) Copy of Duty of Care positions 2006/2007 b) Budget highlights 06-07 c) Annual Report 2006/2007 d) 2006/2007 Budget Paper No3 Extract e) 2006/2007 Budget Statements Budget Paper No 2 Volume 3 Extracts
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant <ol style="list-style-type: none"> a) Relevant b) Not Relevant c) Relevant d) Not Relevant e) Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided to the Royal Commission by request on 10 October 2013 2. Provided to the RC by request on 7 March 2014 <ol style="list-style-type: none"> a) 06/07 b) 06/07 c) 06/07 d) 06/07 e) 06/67
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Low <ol style="list-style-type: none"> a) Low b) Medium c) Medium d) Medium e) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	WA Government Response

	Additional and recurrent funding in the 2006-07 State Budget was provided to expand the Duty of Care Unity to undertake investigations of abuse in care which included the appointment of an additional six staff
	2. Document; a) indicates nine Duty of Care Positions in 06/07 (unclear if are all new positions)
Excluded actions	N/A
When action was taken	2006 – 12 months after Inquiry
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Supporting documents provides evidence of recommendation being implemented

Person extracting data	Auditor 4
Date of extraction	13 January 2014
Recommendation number	Recommendation 18 – Support and mentoring for workers and department resources 18.3
Commission/Inquiry of origin	Gwen Murray, A duty of care to children and young people in Western Australia – Report on the quality assurance and review of substantiated allegations of abuse in care – 1 April to 12 September, 2005
Recommendation made	<i>It is recommended that the Community and Public Service Union proposal for additional permanent child protection workers, caseworkers, team leaders and support staff including psychologists be accepted by the Department and that a rationale be developed for the calculation of the required number of staff and that this is implemented as a matter of priority.</i>
Assessability of recommendation	Yes
Additional information request	Supply evidence of an increase in permanent child protection workers, caseworkers, team leaders and support staff following this Report
Submitted document/ source details	1. WA Government response

	a) Casework Practice Manual – Chapter 2.4
	2. WA Government response to Additional information request
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant 2. Relevant
Documentation currency	1. Provided to the Royal Commission by request on 10 October 2013 a) Amended September 2013 2. Provided to RC by request on 7 March 2014
Reliability contribution of documents	1. Low a) Medium 2. Low
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> The Department has developed a service demand model in conjunction with the Department of Treasury to determine additional resourcing required to meet projected demand in services. Since 2008-09, this model has been used to support the Department's annual funding bid to maintain service levels given changing demand. The Department is subject to an Industrial Relations Commission order which imposes an upper limit of 15 cases to apply to each case worker, with an upper limit of 18 cases in certain circumstances. The Department has implemented a Workload Management policy, and has a dedicated workload management area to monitor resourcing, service delivery workload issues and monitor the number of cases that are unable to be allocated due to district resourcing issues. <p>a) Casework Practice Manual</p> <p>Chapter 2.4 – Workload Management – provides workers with details in complying with the 2008 WA industrial Relations Commission Order regarding workload management in the Department.</p> <p>2. The number of caseworkers (i.e. employees who manage a child protection caseload) increased by an estimated 436 FTE</p>

	(140%) to 748.3 FTE between the period 2005/06 to 31 December 2013.
	Corresponding service delivery support staff, including team leaders, psychologists, education officers, residential care workers etc., increased by an estimated 125 FTE (21%) to 716 FTE between this same period.
Excluded actions	N/A
When action was taken	
Implemented as recommended?	Yes
Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full Documentary evidence supplied indicates the recommendation was implemented

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	10 March 2014
Recommendation number	4
Commission/Inquiry of origin	Ombudsman, Report on Allegations concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>The Department, in consultation with Direct Care Workers and other residential care staff, should develop mechanisms to give young people and others confidence in the complaint handling system in ACSS², for example, by developing guidelines which adhere to the principles of procedural fairness and relevant legislative protections for staff but which allow for feedback to young people and others raising concerns about a staff member.</i>
	¹ Adolescent and Children Support Services
Assessability of recommendation	Yes, although which mechanisms might give young people confidence in the system is open to interpretation.
Additional information request	Supply data indicating the number of complaints received about staff from young people in residential care, annually from 2003

Submitted document/ source details	<p>1. WA Government response</p> <ul style="list-style-type: none"> i) Casework Practice Manual – Chapter 2.7 and 1.16) Administration Manual – Chapter 2.1.06 :) Residential Care Services Manual – Sections 30, 50 and 51 !) Complaints Management Kit :) Advocate for Children in Care brochure) Charter of Rights for Children in Care !. WA response to additional data request
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <ul style="list-style-type: none"> i) Relevant) Relevant :) Relevant !) Relevant :) Relevant) Relevant !. Relevant
Documentation currency	<p>1. Provided by request to the RC on 10 October 2013</p> <ul style="list-style-type: none"> i) Amended May 2013) Amended March 2013 :) 2011 !) No date given :) No date given) No date given !. Data provided from 2008-2013.
Reliability contribution of documents	<p>1. Low</p> <ul style="list-style-type: none"> i) Medium) Medium :) Medium !) Medium :) Medium) Medium !. Low
Implementation	
Recommended actors involved	Department for Child Protection and Family Support (DCPFS)
Recommended actors not involved	<p>Direct Care workers</p> <p>Residential Care staff</p>
Included actions	<p>1. WA Government response</p> <ul style="list-style-type: none"> • Complaints Management Unit (CMU) comprises a 3 tiered complaints system that liaises with the Department's

	<p>Integrity Services Unit (ISU), the Duty of Care Unit (DoCU), the Ministerial Liaison Unit and the Ombudsman as the third tier. Also liaises with other external stakeholders including the Commissioner for Children and Young People and the Foster Care Association and the Family Inclusion Network of WA</p> <ul style="list-style-type: none"> • The Department's Advocate for Children in Care offers support and assistance for young people accessing the complaints system and appeals processes and oversees the Charter of Rights for Children in Care • Verbal and/or written feedback is provided to all parties (including children) once the complaints process is completed <p>a) Casework Practice Manual – covers complaints management and specialist positions eg, Advocate for Children in Care</p> <p>b) Administration Manual – covers discipline in the event of an employee being subject to an allegation</p> <p>c) Residential Care Services Manual – covers critical incidents, abuse in care allegations and complaints management</p> <p>d) Complaints Management Kit – for those lodging complaints with the Department</p> <p>e) Advocate for Children in Care – a 'have your say' brochure</p> <p>f) Charter of Rights – a brochure prepared in partnership with CREATE</p> <p>2. Number of Complaints (substantiated and unsubstantiated) received about staff from young people in residential care:</p> <ul style="list-style-type: none"> i. 2008 = 46 ii. 2009 = 18 iii. 2010 = 13 iv. 2011 = 16 v. 2012 = 24 vi. 2013 = 43
Excluded actions	No evidence of consultation with Direct Care workers and Residential Care staff.
When action was taken	<ul style="list-style-type: none"> • CMU and ISU established in 2007 • the DoCU established in 2004 and extended in 2007 after the Murray Report³ • No other dates given
Implemented as recommended?	Yes

Government statement about status of implementation	<ul style="list-style-type: none"> Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented: While no evidence of consultation with Direct Care workers and Residential Care staff was provided, there are clearly a number of mechanisms in place that aim to meet the recommendation.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	6
Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>The Department undertake a review of its ACSS Critical Incident Form so that it includes a section for the child or young person to complete about their version of events; or requiring a person not involved in the incident, such as a Team Leader, Case Manager or someone of the young person's choice to speak with the child about the incident and record the version of events</i>
Assessability of recommendation	Yes – means of implementation and documentary evidence provides a valid indicator of implementation
Additional information request	N/A
Submitted document/ source details	1. WA Government response
	<ul style="list-style-type: none"> i) Casework Practice Manual – Chapter 1.7 ii) Residential Care Services Manual – Sections 30, 50 and 51 and the copies of the 'Accommodation Care Services Critical Incident Report Form' and the 'Young Person's View of Incident Form'
Relevant to at least one aspect of recommendation	1. Relevant
	<ul style="list-style-type: none"> i) Relevant ii) Relevant
Documentation currency	1. Provided to RC on request on 10 October 2013
	<ul style="list-style-type: none"> a) October 2012 b) 2011
Reliability contribution of documents	1. Low
	<ul style="list-style-type: none"> i) Medium

) Medium

Implementation

Recommended actors involved Department for Child Protection

Recommended actors not involved N/A

Included actions

Government Response

- The Critical Incident Form was reviewed and provides a section to detail the young person's view gained from an interview as soon as possible after the incident
- Residential Care staff provide the young person with the 'Young Person's View of Incident form to write or dictate their version of events
- The Manager or other staff member, not involved in the incident, also speaks to the young person to record his/her into in case files

Casework Practice Manual – procedures for notification of death, serious injury or critical incident

Residential Care Services Manual – procedures for critical incidents; ; accountability issues when managing abuse complaints; copy of the Critical Incident Report Form and the Young Person's View form

Excluded actions

N/A

When action was taken

No dates given

Implemented as recommended?

Implemented

Government statement about status of implementation

Completed

Reason provided

N/A

Implementation summary & provisional rating

Implemented in full

Supporting documents suggest the ACSS Critical Incident Form was reviewed and changes made as per the recommendation

Person extracting data

Auditor 4 & Auditor 2

Date of extraction

7 March 2014

Recommendation number

18

Commission/Inquiry of origin

Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006

Recommendation made	<i>The Department include information on how allegations, and the investigation of those allegations, are an integral part of working in residential care, what it means if an allegation is made for an employee and an outline of the assessment and investigation processes in its induction training for residential staff and on its intranet</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	1. WA Government response
	<ul style="list-style-type: none"> a) Accountable and Ethical Decision Making (AEDM) eLearning Module b) Residential Care Service Manual – Sections 30, 50 and 51 c) Administration Manual Chapters 1.7.02, 07 and 11 and Chapters 2.1.06 and 07.
Relevant to at least one aspect of recommendation	<ul style="list-style-type: none"> 1. Relevant a) Relevant b) Relevant c) Relevant
Documentation currency	1. Provided to RC by request on 10 October 2013
	<ul style="list-style-type: none"> a) None given b) 2011 c) None given
Reliability contribution of documents	<ul style="list-style-type: none"> 1. Low a) Medium b) Medium c) Medium
Implementation	
Recommended actors involved	Department of Child Protection
Recommended actors not involved	N/A
Included actions	<ul style="list-style-type: none"> • WA Government response - general info • The AEDM e Learning Module, available in the Department's Learning and Development Portal, provides info on working in residential care, including investigations into allegations of misconduct • Residential Care Services Manual - section 30 deals with Critical Incidents, 50 with Allegations of Abuse in Care and 51 with Complaints Management. • Administration Manual - chapter 1.7.02 provides info on Critical Incident Debriefing, 1.7.07 with Hazard and Incident Reporting and Investigation, 1.7.11 with Occupational Safety

Excluded actions	and Health Issue Resolution, 2,1,06 with Discipline and 2.1.07 with Reporting and Handling Misconduct. N/A
When action was taken	Not clear apart from 2011 Residential Care Services Manual, which is 5 years after Inquiry
Implemented as recommended?	Yes
Government Statement about status of implementation	Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full: The supporting documents provided indicate measures are in place to comply with the intention of this recommendation.

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	22
Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>The Department take steps as a priority to streamline and rationalise policies and procedures on the handling of child maltreatment allegations against Departmental staff and to ensure that its practice is consistent and is reflected in these documents</i>
Assessability of recommendation	Partial – establishing whether practice is consistent is beyond the scope of this project
Additional information request	N/A
Submitted document/ source details	1. WA Government Response a) Paper completed by Terry Simpson for the Department for Child Protection – ‘Review of work units that manage issues relating to integrity’ b) Casework Practice Manual – Section 7.18 c) Administration Manual – Chapters 2.1.06 and 07 d) Residential Care Services Manual – Sections 30, 50 and 51
Relevant to at least one aspect of recommendation	1. Relevant a) Relevant b) Relevant

	c) Relevant d) Relevant
Documentation currency	1. Provided to the RC by request on 10 October 2013 a) 2009 b) Amended June 2013 c) No dates given d) 2011
Reliability contribution of documents	1. Low a) Medium b) Medium c) Medium d) Medium
Implementation	
Recommended actors involved	Department for Child Protection
Recommended actors not involved	N/A
Included actions	<p>1. WA Government response –</p> <ul style="list-style-type: none"> • The Department restructured the Complaints Management Unit (CMU), the Duty of Care Unit (DoCU), the Integrity Screening Unit (ISU) and the Standards and Monitory Unit to facilitate better coordination in the management of child abuse allegations • Verbal and/or written feedback is provided to all parties (including children) once the complaints process is completed <p>2. Simpson paper – a review report of the CMU, the DoCU and the ISU that recommends the need for a greater alignment of processes between these units when responding to allegation concerning children in care</p> <p>3. Casework Practice Manual - procedures when responding to allegations against a department employee</p> <p>4. Administration Manual – procedures regarding possible disciplinary actions against staff and the reporting and handling of misconduct</p> <p>5. Residential Care Services Manual – procedures around critical incidents, abuse in care allegation and the managing of such complaints</p>
Excluded actions	N/A
When action was taken	In 2009 in line with the recommendations of the Simpson paper (see above) – two years after Inquiry
Implemented as recommended?	Yes

Government Statement about status of Implementation	Complete
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full: To the extent that this recommendation can be assessed, documents provided indicate that the intent of the recommendation has been achieved

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	24
Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>If the Department is to continue to apply child protection investigative processes with its residential care facilities, it should provide guidelines to investigators of allegations against Departmental staff so that their conduct of the investigation does not compromise the opportunity for the Department to pursue Public Sector Management Act 1994 (PSM Act) disclosure action if required.</i>
Assessability of recommendation	Yes
Additional information request	N/A
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response 2. T Simpson, 'Review of work units that manage issues relating to integrity', Completed for the Department of Child Protection 3. Casework Practice Manual – Chapter 7.18 4. Administration Manual – Chapters 2.1.06 and 07
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant 2. Relevant 3. Relevant 4. Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided by request to the Royal Commission on 10 October 2013 2. 2009 3. Amended June 2013 4. No dates given
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low 2. Medium 3. Medium 4. Medium

Implementation

Recommended actors involved	Department of Child Protection
Recommended actors not involved	N/A
Included actions	<p>a) WA Government response</p> <ul style="list-style-type: none"> The establishment of the Integrity Services Unit (ISU, located within the Duty of Care Unit (DoCU), supports the investigation of maltreatment allegations against staff without compromising the opportunity for disciplinary action under the PSM Act. <p>2 Simpson paper - presents the findings of a review into the Complaints Management Unit (CMU), the DoCU and the ISU with recommendations for a greater alignment of processes.</p> <p>3 Casework Practice Manual - sets out processes for responding to standard of care against departmental employees, including reference to the PSM Act</p> <p>4 Administration Manual - sets out processes regarding discipline and reporting and the handling of misconduct issues as set out in the PSM Act</p>
Excluded actions	N/A
When action was taken	<ul style="list-style-type: none"> The ISU was established in 2007 – one year after the Inquiry. Although the DoCU was set up in 2004 with reference to the Bennett Principle, it was later expanded as a result of the 2005 Murray report. The Complaints Management Unit was established in 2008 as a result of the 2007 Ford Report. This was developed in conjunction with the Ombudsman and includes processes largely prescribed by the PSM Act.
Implemented as recommended?	Yes
Government Statement about Status of Implementation	Completed
Reason provided	N/A
Implementation summary & provisional rating	Implemented in full: Documents provided indicate the recommendation was implemented as intended

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	26

Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>Government establish a mechanism to provide for the monitoring and evaluation of relevant government and non-government agencies' employee disciplinary processes where allegations of child maltreatment are involved.</i>
Assessability of recommendation	Yes
Additional information request	Legislation check – relevant sections of the Commissioner for Children and Young People Act 2006; the Corruption and Crime Commission Act 2003; and the Public Sector Management Act 1994
Submitted document/ source details	<ol style="list-style-type: none"> 1. WA Government response <ol style="list-style-type: none"> a) Report of the Working Party on Disciplinary Processes Involving Allegations of Child Maltreatment b) Public Sector Commission (PSC), Review of professional conduct functions in the Western Australian public sector c) PSC– Review of the Commissioner for Children and Young People Act 2006; A guide to making a submission d) <i>Commission for Children and Young People Act 2006</i> (the Act) e) <i>Corruption and Crime Commission Act 2003</i> f) <i>Public Sector Management Act 1994</i> (PSM Act)
Relevant to at least one aspect of recommendation	<ol style="list-style-type: none"> 1. Relevant <ol style="list-style-type: none"> a) Relevant b) Relevant c) Relevant d) Relevant e) Relevant f) Relevant
Documentation currency	<ol style="list-style-type: none"> 1. Provided by request to the RC on 10 October 2013 <ol style="list-style-type: none"> a) June 2007 b) July 2012 c) January 2013 d) 2006 e) 2003 f) 1994
Reliability contribution of documents	<ol style="list-style-type: none"> 1. Low <ol style="list-style-type: none"> a) Medium b) Medium c) Medium d) High

- e) High
- f) High

Implementation

Recommended actors involved WA Government

Recommended actors not involved N/A

Included actions

1. WA Government response

- states a number of agencies contain professional conduct units and when matters relate to child abuse allegations, the CEO of a department/organisation under the PSM Act is required to report this to the Corruption and Crime Commission
- The Commissioner for Children and Young People (CCYP) has a role to monitor how Government agencies respond to child abuse complaints and has special powers to conduct inquiries into such matters
- Legislative amendments to enable the CCYP to undertake a role for a 'one stop shop' for child sexual abuse complaints (as recommended by the Blaxell Inquiry) is currently being considered by the Attorney General (AG)
- Where Government agencies contract third parties service providers that involve children, it can be specified in their contracts that action be taken in cases of child abuse.

2. Working Party Review - set up in response to this inquiry – specifically this recommendation and rec 28

3. PSC – document containing details of a review carried out on the professional conduct functions in the WA public sector

4. PSC – Submission Guide for the review of the CCYP as required by section 64 of the Act

5, 6 & 7. - Relevant legislation

Excluded actions

No evidence provided of “a mechanism to monitor and evaluate employee disciplinary processes where allegations of maltreatment are involved”.

When action was taken

5. No specific dates given apart from the AG currently considering a 'one stop shop' model for the CCYP

6. June 2007 - within a year of this Inquiry

7. July 2012 – six years after inquiry

Implemented as recommended?

Unclear

Government Statement about status of Implementation

Partial

Reason provided	<ul style="list-style-type: none"> • No evidence provided of “ a mechanism to monitor and evaluate employee disciplinary processes where allegations of maltreatment are involved”. • ‘One stop shop’ concept for child sexual abuse complaints currently be considered by AG
Implementation summary & provisional rating	<p>Undetermined – see legislation check</p> <p>While the CCYP has a role in monitoring how Government agencies respond to child abuse complaints, insufficient evidence was provided of a mechanism to monitor and evaluate employee disciplinary processes, either in government or non-government agencies.</p>

Person extracting data	Auditor 4 & Auditor 2
Date of extraction	7 March 2014
Recommendation number	28
Commission/Inquiry of origin	Ombudsman, Report on Allegations Concerning the Treatment of Children and Young People in Residential Care, 2006
Recommendation made	<i>Government consult with key stakeholders and relevant experts to develop an appropriate legislative, policy and administrative framework to allow for timely and effective management responses to allegations against staff; and that departments with child protection responsibilities develop a comprehensive and consistent Public Sector response to allegations of child abuse against staff.</i>
Assessability of recommendation	Yes
Additional information request	Legislation check: Public Sector Management Act 1994 (Part 5)
Submitted document/source details	<p>1. WA Government response</p> <p>a) Public Sector Commissioner’s Instruction No 3</p> <p>b) A guide to the disciplinary provisions contained in Part 5 of the <i>Public Sector Management Act 1994</i></p> <p>c) Public Sector Commissioner’s Instruction No 4<i>t</i></p>
Relevant to at least one aspect of recommendation	<p>1. Relevant</p> <p>a) Relevant</p> <p>b) Relevant</p> <p>c) Relevant</p>
Documentation currency	1. Provided by request to the R C on 10 October 2013

	<ul style="list-style-type: none"> a) November 2012 b) 2011 c) November 2012
Reliability contribution of documents	<ul style="list-style-type: none"> 1. Low a) Medium b) Medium c) Medium
Implementation	
Recommended actors involved	WA Government
Recommended actors not involved	Key stakeholders and relevant experts
Included actions	<ul style="list-style-type: none"> 1. WA Government response <ul style="list-style-type: none"> • Disciplinary process under the PSM Act was reformed through amendments to Part 5 of this Act, resulting in more streamlined processes and providing alternative disciplinary options such as suspension on pay or from duties • Another vital changes was to facilitate disciplinary action for former employees • Individual agencies are empowered to put in place policies and procedures according to the agency's operations. Failure to comply may be used as a ground of appeal to the WA Industrial Relations Commission or Public Service Appeal Board. 2. PSC Instruction 3 – regarding discipline in general 3. PSC Guide to disciplinary provisions – setting out all associated procedures under the PSM Act 4. PSC Instruction 4 – regarding discipline for former employees
Excluded actions	No evidence that key stakeholders or relevant experts were consulted
When action was taken	Amendments were passed in November 2010 and came into effect on 28 March 2011 – five years after inquiry
Implemented as recommended?	Partial
Government Statement about Status of Implementation	Partial
Reason provided	N/A
Implementation summary & provisional rating	Partial

Although appropriate legislative, policy and administrative framework has been introduced, no evidence that key stakeholders or experts were consulted in this process

It also appears that although individual child protection agencies can put in place policies that accord with the PSM Act, they are not necessarily mandated to do so.