



INFORMATION PAPER

Released on 13 May 2021

INTRODUCTION

1. The Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (Commission) is inviting written submissions relevant to its terms of reference.
2. The Commission wants to hear from victim-survivors and supporters of children who have been affected by current issues in responding to child sexual abuse in institutional settings. It also wants to hear from other individuals, groups and organisations whose insights, experiences and ideas will inform the Commission's understanding of the current gaps in the Tasmanian Government's responses to child sexual abuse and will help to identify opportunities for change.
3. The purpose of this information paper is to provide general guidance about the scope and focus of the Commission's inquiry, to help people to make submissions.
4. Submissions are only one of the ways in which the Commission will gather information and ideas from the community. The Commission will be undertaking more detailed inquiries through its research, investigations, community engagement, confidential private sessions and public hearings.

MAKING YOUR SUBMISSION

5. Submissions will help to inform the Commission's understanding of the gaps, challenges and problems with the Tasmanian Government's responses to allegations and incidents of child sexual abuse in institutional settings.
6. The questions listed below are provided to guide submissions:
 - The questions in **Part A** focus on the experiences of victim-survivors and their supporters.
 - The questions in **Part B** focus more generally on improving the Tasmanian Government's responses to allegations and incidents of child sexual abuse in institutional contexts.
7. The Commission also invites submissions which go beyond the questions asked in this information paper that are relevant to the terms of reference (outlined below). Written submissions can be of any length or format. The Commission may be able to provide assistance to individuals to prepare submissions.
8. There are different ways that a submission can be made, including anonymous or confidential submissions. All submissions must be accompanied by a completed submission cover sheet.
9. The due date for submissions is **Friday, 2 July 2021**.



CRISIS AND SUPPORT SERVICES

Providing a submission to the Commission may be difficult, confronting and upsetting for victim-survivors of child sexual abuse, their loved ones and other people affected by abuse.

If you need to talk to someone, support is available from the following organisations:

- **Lifeline** (24 hours) 131 114
- **Beyond Blue** 1300 224 636
- **Victims of Crime Service** 1300 300 238
- **Sexual Assault Support Service** (24 hours) 1800 697 877
- **Laurel House, Sexual Assault Support Service**
 - **Northern Tasmania** (03) 6334 2740
 - **North West Tasmania** (03) 6431 9711
- **Blue Knot Foundation** 1300 657 380
- **Child Abuse Prevention Services** 1800 688 009
- **Strong Families, Safe Kids** 1800 000 123
- **1800 RESPECT** 1800 737 732
- **Suicide Call Back Service** 1300 659 467
- **MensLine Australia** 1300 789 978
- **Relationships Australia Tasmania** 1300 364 277

SCOPE OF THE INQUIRY

10. The Commission was established on 15 March 2021 by Order of the Governor of Tasmania.
11. The Commission will approach its inquiry in accordance with its obligations under that Order, its terms of reference (outlined below), and its powers and obligations under the *Commissions of Inquiry Act 1995* (Tas).
12. The Commission does not have any judicial powers and it has no power to prosecute any criminal or disciplinary charges. If, during the course of its investigations, the Commission identifies any conduct which could give rise to a criminal prosecution or disciplinary matter, it is able to refer such matters to the appropriate authorities.
13. The Commission's findings and recommendations will be advisory in nature and it will be a matter for the Tasmanian Government whether to implement any of its recommendations.



Terms of reference

14. A Commission of Inquiry is equivalent to a royal commission. Its terms of reference set out the purpose and scope of its inquiry.
15. Under its terms of reference, the Commission has been asked to inquire into what the Tasmanian Government should do to:
 - better protect children against child sexual abuse in institutional contexts in the future
 - achieve best practice in the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse in institutional contexts
 - eliminate or reduce problems that currently prevent appropriate responses to child sexual abuse in institutional contexts, including addressing failures in, and barriers to, reporting, investigation and responding to allegations and incidents of abuse, and
 - address, or alleviate the impact of, past and future child sexual abuse in institutional contexts, including, in particular, in ensuring justice for victims through processes for referrals for investigation and prosecution and support services.
16. The Commission has also been asked to inquire into the adequacy and appropriateness of the Tasmanian Government's responses to allegations and incidents of child sexual abuse in institutional contexts generally, and in particular by:
 - the Department of Education to allegations of child sexual abuse in Tasmanian Government schools
 - the Tasmanian Health Service and the Department of Health to allegations of child sexual abuse, particularly in the matter of James Geoffrey Griffin, and
 - the Department of Communities Tasmania to allegations of child sexual abuse at the Ashley Youth Detention Centre.
17. The Commission is not required to inquire into matters which have been sufficiently and appropriately dealt with by the Australia-wide Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) or by another inquiry, investigation or court proceeding.
18. The terms referred to in the Commission's terms of reference are defined in the Order of the Governor of Tasmania, and some are further explained in **Appendix A**.

FOCUS OF THE INQUIRY

19. The Commission's inquiry will focus on the Tasmanian Government's *current* responses to allegations and incidents of child sexual abuse in government institutions (i.e. public schools, hospitals, youth detention centres) and in non-government institutions if they are undertaking activities on behalf of the Tasmanian Government or are funded by the Tasmanian Government to provide services for children.
20. The RCIRCSA shed light on the extent and pervasive failures of historical responses to child sexual abuse in Australian institutions. It inquired into institutional responses to allegations and incidents of child sexual abuse in a wide range of government and private institutions across Australia. The Commission intends to build upon, but not repeat, the work of the RCIRCSA.
21. In 2017, the RCIRCSA delivered its final report and made 409 recommendations aimed to make institutions safer for children, prevent child sexual abuse, improve identification and responses, and



provide redress and better supports for victim-survivors.¹ Those recommendations were informed by submissions from and consultations with members of the Tasmanian community, including two Tasmanian case studies and 188 private sessions in Tasmania.

22. As part of its five-year inquiry, the RCIRCSA examined responses to child sexual abuse in Australia-wide public, private, community and religious institutions, and considered in detail child sexual abuse that happened in those institutions, and the inadequacy of the responses to such abuse, over many decades.
23. In comparison, this Commission's inquiry is more limited in scope, purpose and duration. Its primary focus will be on:
 - The role and responsibilities of the *Tasmanian Government* and its agencies and officials in protecting children from child sexual abuse and responding adequately and appropriately to reports and information about such abuse.
 - Child sexual abuse that has happened in *Tasmanian government institutions*. The Commission will *not* examine child sexual abuse within private or community institutions, such as churches or private schools, unless there are concerns about failures in Tasmanian Government responses to child sexual abuse or failures by institutions funded by the Tasmanian Government to provide services for children.
 - *Current* responses to allegations and incidents of child sexual abuse. The Commission will only be examining historic allegations and incidents of child sexual abuse, where they throw light on current issues of concern about preventing, reporting and responding to allegations and incidents of child sexual abuse now and into the future.
 - *Systemic issues* and options for reform, rather than on investigation of individual cases. Accounts from individual victim-survivors will, however, enable the Commission to understand current practices and to develop appropriate recommendations for reform.
24. The Commission will be considering the recommendations of the RCIRCSA to inform its inquiry, and will:
 - assess what the Tasmanian Government has done to give effect to the RCIRCSA's recommendations, to determine whether recent changes made to implement those recommendations in government institutions are working
 - identify any problems which the Tasmanian Government and its institutions may have had in implementing the RCIRCSA's recommendations and assess whether there are any gaps or deficiencies in what has already been done, and
 - recommend any further steps which the Tasmanian Government should take to effectively prevent, and respond to, allegations and incidents of child sexual abuse.
25. Some of the questions listed below in **Part A** and **Part B** are intended to help inform the Commission regarding the adequacy and effectiveness of the Tasmanian Government's implementation of the RCIRCSA's recommendations.

¹ A copy of the RCIRCSA's final report and recommendations can be found at: childabuseroyalcommission.gov.au.



26. These questions are intended to help individuals, groups and organisations to make submissions and do not cover all of the issues the Commission is interested in. They are a guide only. The Commission encourages submissions on all other matters relevant to its inquiry.

PART A: EXPERIENCES OF VICTIM-SURVIVORS AND THEIR FAMILIES

27. Child sexual abuse is a devastating crime which can have life-long effects on the victim-survivor and their loved ones.
28. Children should be able to trust the adults who care for, teach or supervise them in health care and education settings, in the juvenile justice system, and in other institutions established or funded by government. Those institutions must also ensure that children are protected from being sexually abused by other children within the institution, and that children displaying harmful sexual behaviours receive an appropriate response.
29. The experience of people directly or indirectly affected by child sexual abuse in institutional contexts will inform the Commission's recommendations regarding any changes to current laws, practice, policies, procedures to improve responses to child sexual abuse.
30. The Commission recognises that it is important to understand the experience and insights of victim-survivors to inform our recommendations. Although it may be challenging, sharing experiences with the Commission and having input into the development of reforms may also be a healing process for victim-survivors.
31. The Commission is particularly keen to hear of the experiences and views of those people who are affected by, or who have knowledge of, the recent allegations and incidents of child sexual abuse in the education system and public schools, the health system (including in the matter of James Geoffrey Griffin), and at the Ashley Youth Detention Centre.

QUESTIONS:

- To the extent that you feel comfortable doing so, please tell us about any incident of child sexual abuse you, or a child you have cared for, has experienced. Did you report that abuse to the Tasmanian Government or one of its agencies? Did you face any barriers to reporting?**
- Please tell us about your experience of how the Tasmanian Government or its institutions have responded to allegations and incidents of child sexual abuse in:**
 - public schools**
 - the health system**
 - the Ashley Youth Detention Centre**
 - out-of-home care, or**
 - any other Tasmanian Government body?**
- Please share any concerns you have regarding current responses to child sexual abuse by the Tasmanian Government based on your experience.**



4. What aspects of the Tasmanian Government's response have been helpful? What aspects have been disappointing or have caused you further distress or harm?
5. Please tell us about any specific experience you have had of:
 - services which supported you in the reporting of child sexual abuse
 - other counselling or psychological support provided through or paid for by the Tasmanian Government
 - the criminal justice system, including the Tasmanian Police, the prosecution service and the courts
 - seeking redress, including through the National Redress Scheme, the civil justice system, or victims of crime compensation scheme.
6. Has the Tasmanian Government's response been sensitive to and respectful of your individual needs and experiences including those relating to or arising from:
 - your age
 - where you live
 - your sex, gender identity, or membership of the LGBTQIA+ community
 - your Aboriginal and Torres Strait Islander background
 - your cultural and linguistic background
 - any disabilities you have
 - any physical or mental health needs you have
 - your involvement in the child protection system
 - the ongoing effects of the trauma you have experienced, or
 - any other factor?



PART B: IMPROVING THE TASMANIAN GOVERNMENT'S APPROACH TO ALLEGATIONS AND INCIDENTS OF CHILD SEXUAL ABUSE IN INSTITUTIONAL CONTEXTS

32. As noted above, in 2017 the RCIRCSA made wide-ranging recommendations about how governments and institutions should better protect children from sexual abuse in institutional contexts, and better respond to allegations and incidents of child sexual abuse.
33. The RCIRCSA was established in response to allegations of child sexual abuse in institutional contexts that had been emerging in Australia for many years. It was directed to focus on systemic issues relating to allegations and instances of child sexual abuse, make findings and recommendations to better protect children against sexual abuse and alleviate the impact of that abuse, if and when it occurs.²
34. The Commission will consider the RCIRCSA's recommendations which are relevant to the scope and focus of this inquiry, to develop an understanding of what the Tasmanian Government has done to implement the RCIRCSA's recommendations and the effectiveness of that implementation. The Commission will also consider whether the Tasmanian Government should take any further steps to better prevent, and respond to, allegations and incidents of child sexual abuse.

Reports and recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse

35. The RCIRCSA's final report consisted of 17 volumes and an executive summary. That report was structured around five key areas:
 - **Understanding the nature and causes of child sexual abuse in institutional contexts** to identify and prevent abuse, enable appropriate supports for those who are affected by abuse, and hold accountable those who commit, facilitate or conceal abuse.³
 - **Making institutions safe for children**, including the role that community prevention can play in keeping children safe and the need to improve how institutions respond to and report abuse, including through accurate record keeping practices and the sharing of information with other bodies.⁴
 - **Providing support and treatment** through advocacy, support, therapeutic treatment and redress schemes, and the interventions required to improve responses to children who exhibit harmful sexual behaviours.⁵

² *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, December 2017) preface and executive summary, 7.

³ Volumes 2–5.

⁴ Volumes 6–8.

⁵ Volumes 9–10.



- **Understanding and improving victim-survivors' experiences in particular institutions**, including historical residential institutions, out-of-home care, schools and detention environments, to make those institutions safe and inform future responses.⁶
- **Ensuring the effective implementation of the recommendations** by monitoring and reporting on progress.⁷

36. The RCIRCSA also released three earlier volumes focused on improving working for children checks, providing effective redress and civil litigation processes, and improving criminal justice responses to child sexual abuse.⁸

Final report

37. In its final report released in December 2017, the RCIRCSA made 189 recommendations for change.

38. Some of the key measures recommended in the final report to make institutions safer for children and provide support and treatment included:

- The development of a national strategy to prevent child sexual abuse to include:
 - campaigns to raise general community awareness of child sexual abuse
 - prevention education for children and parents delivered through preschools, schools and other community institutional settings
 - online safety education for children delivered in schools and online safety education for parents, and
 - information and services to support people who are concerned they may be at risk of sexually abusing children.⁹
- The establishment of an independent oversight body responsible for monitoring and enforcing Child Safe Standards.¹⁰
- The amendment or adoption of mandatory reporting laws.¹¹
- The adoption of processes to respond to complaints of child sexual abuse, which are child-focused and have a clear, accessible and child-focused complaint handling policy and procedure.¹²
- The establishment of nationally consistent reportable conduct schemes which require heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving employees of the institution.¹³

⁶ Volumes 11–16.

⁷ Volume 17.

⁸ *Royal Commission into Institutional Responses to Child Sexual Abuse: Working with Children Checks* (Report, August 2015); *Royal Commission into Institutional Responses to Child Sexual Abuse: Redress and Civil Litigation* (Report, September 2015); *Royal Commission into Institutional Responses to Child Sexual Abuse: Criminal Justice* (Report, August 2017).

⁹ *Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report Recommendations* (Final Report, December 2017) 4 (Recommendations 6.1–6.2). See also Recommendation 6.3.

¹⁰ *Ibid* 11 (Recommendation 6.10). See also Recommendation 6.11.

¹¹ See *ibid* 17–18 (Recommendations 7.1–7.6).

¹² *Ibid* 18 (Recommendation 7.7). See also Recommendation 7.8.

¹³ *Ibid* 19 (Recommendation 7.9). See also Recommendations 7.10–7.12.



- The introduction of nationally consistent legislative and administrative arrangements to require institutions to share information related to the safety and wellbeing of children and information relevant to child sexual abuse in institutional contexts.¹⁴
 - Funding dedicated community support services for victim-survivors to provide advocacy, support and counselling to children and adults who experience childhood sexual abuse in institutional contexts.¹⁵
 - Improving the pathways for children who exhibit harmful sexual behaviours to access expert assessment and therapeutic interventions.¹⁶
39. The RCIRCSA's recommendations also focused on improvements required to particular institutions, including recommendations to make them more responsive to children from diverse backgrounds. For example, it made recommendations to create a safer environment for children in youth detention, including:
- the review of the building and design features of youth detention centres to identify and address elements that may place children at risk¹⁷
 - the implementation of strategies that provide for the cultural safety of Aboriginal and Torres Strait Islander children in youth detention¹⁸
 - training for staff in trauma-informed care and training on the needs and experiences of children with disabilities, mental health problems, alcohol or drug abuse, and children from culturally and linguistically diverse backgrounds¹⁹
 - providing access to therapeutic treatment for survivors of child sexual abuse who are in youth detention,²⁰ and
 - improving internal and external complaints handling systems and ensuring there is an independent body providing oversight of youth detentions centres.²¹

Working with Children Checks, Redress and Civil Litigation, and Criminal Justice Reports

40. Prior to the release of its final report, the RCIRCSA also released an interim report in 2014 and three separate reports in 2015 and 2017. Those reports were focused around three key areas:
- **Improving Working with Children Checks** by adopting improved and consistent standards between states and territories to support effective sharing of information across borders when people in child-related work move interstate.²²
 - **Providing effective redress and civil litigation processes for victim-survivors** to make it easier for victim-survivors to claim compensation.²³

¹⁴ Ibid 24 (Recommendation 8.6). See also Recommendation 8.7.

¹⁵ Ibid 30 (Recommendation 9.1). See also Recommendations 9.2–9.9.

¹⁶ Ibid 33–34 (Recommendations 10.1–10.5).

¹⁷ Ibid 45 (Recommendation 15.3). See also Recommendation 15.4.

¹⁸ Ibid 46 (Recommendation 15.5).

¹⁹ Ibid 47 (Recommendations 15.6, 15.8).

²⁰ Ibid (Recommendation 15.7).

²¹ Ibid 47–48 (Recommendations 15.9–15.10).

²² *Royal Commission into Institutional Responses to Child Sexual Abuse: Working with Children Checks* (Report, August 2015).

²³ *Royal Commission into Institutional Responses to Child Sexual Abuse: Redress and Civil Litigation* (Report, September 2015).



- **Improving criminal justice responses to child sexual abuse** so that the criminal justice system operates in the interests of society and it is easier for victim-survivors to participate in the criminal justice system.²⁴
41. In its 2015 *Working with Children Checks Report*, the RCIRCSA made 36 recommendations focused on state and territory governments amending their working with children check laws to implement the RCIRCSA's recommended standards following its finding that 'the schemes were not as effective as they could be at contributing to children's safety in organisations' and 'if strengthened, children could be afforded better levels of protection'.²⁵
42. In its *Redress and Civil Litigation Report*, the RCIRCSA made 99 recommendations, including the establishment of a single national redress scheme administered by states and territories, which should include a direct personal response from the institution, counselling and psychological care, and monetary payments to survivors.²⁶
43. In its *Criminal Justice Report* in 2017, the RCIRCSA made 85 recommendations to reform criminal justice responses to child sexual abuse, including by:
- ensuring that police officers who come into contact with victim-survivors are appropriately trained in complex trauma and treat people who report abuse with consideration and respect²⁷
 - improving policing responses more generally, including making the investigation and interview processes more sensitive to the needs of people affected by child sexual abuse²⁸
 - expanding or amending criminal offences relevant to child sexual abuse²⁹
 - changing criminal offences, criminal procedures and evidence legislation to remove barriers to criminal prosecution of perpetrators of abuse,³⁰ and
 - implementing regular judicial training and legal professional training on child sexual abuse.³¹

The Tasmanian Government's implementation of the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations

44. In June 2018, the Tasmanian Government tabled in Parliament its initial response to the RCIRCSA's final report and recommendations.³² It accepted, or accepted-in-principle, the majority of the RCIRCSA's recommendations that were relevant to Tasmania.³³

²⁴ *Royal Commission into Institutional Responses to Child Sexual Abuse: Criminal Justice* (Report, August 2017).

²⁵ *Royal Commission into Institutional Responses to Child Sexual Abuse: Working for Children Checks* (Report, August 2015) 3.

²⁶ See, *Royal Commission into Institutional Responses to Child Sexual Abuse: Redress and Civil Litigation* (Report, September 2015) 9, 26 (Recommendations 2, 26). See also Recommendations 4–25.

²⁷ *Royal Commission into Institutional Responses to Child Sexual Abuse: Criminal Justice* (Report, August 2017) Parts I–II, 20 (Recommendation 3).

²⁸ *Ibid* 22 (Recommendation 4). See also Recommendations 7–9.

²⁹ *Ibid* 43 (Recommendations 25–26). See also Recommendations 21–24, 27–36.

³⁰ *Ibid* 60–90 (Recommendations 37–66).

³¹ *Ibid* 91 (Recommendations 67–68).

³² Department of Justice, Tasmanian Government, *Tasmanian Response: Royal Commission into Institutional Responses to Child Sexual Abuse* (Report, June 2018). See also, Tasmanian Government, *Third Annual Progress Report and Action Plan 2021: Appendix A* (Report, December 2020).

³³ The Tasmanian Government has identified that 105 of the 189 recommendations made by the RCIRCSA in its final report are relevant to the Government: Tasmanian Government, *Third Annual Progress Report and Action Plan 2021* (Report, December 2020) 4.



45. The Tasmanian Government reports annually on the progress of the implementation of those recommendations.³⁴ Copies of these annual reports are available on the [Department of Justice website](#).
46. An overview of the steps the Tasmanian Government has taken, or has foreshadowed, to implement the recommendations from the RCIRCSA's reports can be found in the Government's annual reports.³⁵ These include:
- Committing \$26 million over three years towards a whole-of-government action plan, the *Safe Homes Families Communities Tasmania's Action Plan for Family and Sexual Violence 2019–2022*.³⁶
 - Starting the redevelopment of the Ashley Youth Detention Centre.³⁷
 - Integrating the Tasmanian systems with the National Reference System (a centralised database for Working for Children Checks) to assist jurisdictions to achieve national consistency for the registration of people who work with children.³⁸
 - Amending the criminal offences which apply to people who sexually abuse children or fail to report suspected abuse.³⁹
 - Establishing a working group to oversee the implementation of the RCIRCSA's recommendations relating to policing.⁴⁰
 - Initiating a 3-year pilot intermediary scheme to assist victim-survivors, including children and adult witnesses with communication difficulties to participate in criminal proceedings.⁴¹
 - Making it easier for children to give evidence in criminal proceedings.⁴²
 - Participating in the National Redress Scheme.⁴³

³⁴ The Tasmanian Government has published three annual reports to date, the most recent in December 2020: Tasmanian Government, *Third Annual Progress Report and Action Plan 2021* (Report, December 2020); Tasmanian Government, *Second Annual Progress Report and Action Plan 2020* (Report, December 2019); Tasmanian Government, *Protecting our Children: First Year Action Plan 2018–19* (Report, October 2018).

³⁵ A full summary of the Tasmanian Government's most recent progress regarding its implementation of the RCIRCSA's recommendations can be found at: Tasmanian Government, *Third Annual Progress Report and Action Plan 2021: Appendix A* (Report, December 2020).

³⁶ Tasmanian Government, *Third Annual Progress Report and Action Plan 2021* (Report, December 2020) 15.

³⁷ *Ibid* 10, 15.

³⁸ *Ibid* 19–20.

³⁹ *Ibid* 7.

⁴⁰ *Ibid* 20.

⁴¹ *Ibid* 20. The pilot will apply to children who are victims and witnesses of sexual crimes and homicide-related matters, and adults with communication difficulties who are victims and witnesses of sexual crimes and homicide-related matters. See also, *Evidence (Children and Special Witnesses) Act 2001* (Tas) pt 2A.

⁴² See Tasmanian Government, *Second Annual Progress Report and Action Plan 2020* (Report, December 2019) 22. Several criminal justice recommendations of the RCIRCSA were given effect with the passage of the *Criminal Code and Related Legislation Amendment (Child Abuse) Act 2018* (Tas), including amendments to the *Evidence (Children and Special Witnesses) Act 2001* (Tas) pt 1A.

⁴³ Tasmanian Government, *Third Annual Progress Report and Action Plan 2021* (Report, December 2020) 17–18.



- Developing a legislative framework for Child Safe Organisations to support the intention of the national principles and the standards recommended by the RCIRCSA.⁴⁴ The draft Child Safe Organisations Bill 2020 was released for public consultation in December 2020.⁴⁵
- Progressing the development of a reportable conduct scheme.⁴⁶
- Collaborating with other jurisdictions to:
 - develop therapeutic responses for children at risk of engaging in harmful sexual behaviours,⁴⁷ and
 - identify the requirements for implementing nationally consistent carers registers.⁴⁸
- Reviewing the departmental complaints management processes to improve responding and reporting.⁴⁹
- Working on the implementation of Tasmanian standards for children and young people in out-of-home care.⁵⁰

47. During the course of this inquiry, the Commission wants to hear from victim-survivors, their families and other individuals and organisations about:

- Whether Tasmanian children are better protected from child sexual abuse in institutional contexts, and are better supported to report child sexual abuse since the RCIRCSA made its recommendations?
- Whether the response by the Tasmanian Government to allegations and incidents of child sexual abuse has improved since the RCIRCSA reported?
- How adequate or effective have the Tasmanian Government's reforms been in response to the RCIRCSA?
- What issues does the Tasmanian Government face in improving its response to child sexual abuse, and what factors may support or limit change?
- What else can and should be done to better protect children from sexual abuse in institutional contexts, to remove barriers to the reporting of abuse, to improve the response to reports or information about abuse, and to address or alleviate the impact of child sexual abuse on victim-survivors and the Tasmanian community?

⁴⁴ Ibid 11.

⁴⁵ Public submissions on the Child Safe Organisations Bill 2020 closed on 19 February 2021.

⁴⁶ Tasmanian Government, *Third Annual Progress Report and Action Plan 2021* (Report, December 2020) 20.

⁴⁷ Ibid 16. In October 2019, the Government participated in the first meeting of the Inter-jurisdictional Working Group on Therapeutic Responses for Children with Problematic and Harmful Sexual Behaviours. The Government says it will implement a harmful sexual behaviours program in early 2021.

⁴⁸ Ibid 9. The Department of Communities Tasmania has been working with states and territories through the Children and Families Secretaries Child Safety Working Group.

⁴⁹ Ibid 12.

⁵⁰ Ibid 14.



48. The questions below relate to some of the key areas focused on by the RCIRCSA and are some of the areas of interest to the Commission.
49. These questions are provided as a guide only. In making a submission, you might want to answer some of the questions that may be relevant to your experience or expertise, or focus on other matters not covered by the questions that are relevant to the Commission's terms of reference.

QUESTIONS:

Making institutions safe for children

1. **Do you have any views on the effectiveness of the steps the Tasmanian Government has taken since the RCIRCSA to make institutions safe for children?**
2. **Are there systems, practices or cultures that continue to expose children to the risk of sexual abuse in Tasmanian Government institutions?**
3. **What more should the Tasmanian Government (and its agencies and officials) do to ensure the safety of children in government institutions, including in public schools, hospitals and youth detention centres?**

Child safety standards

4. **Does the Child Safe framework proposed in the Child Safe Organisations Bill 2020 adopt the right principles, processes, scope and monitoring arrangements to keep children safe?**
5. **What challenges might your organisation face in providing services that comply with the Child Safe Framework? What resources, training and supports may be required to facilitate the implementation of Child Safe Standards?**

Working with vulnerable people

6. **Is the *Registration to Work with Vulnerable People Act 2013* (Tas) and any other professional registration regime effective in helping to protect children from sexual abuse?**
7. **Do you have any suggestions for improving these regimes? What else is required to make them effective in protecting children from sexual abuse?**

Reporting child sexual abuse

8. **Do you have any views on the effectiveness of the steps which the Tasmanian Government has taken so far to improve mechanisms and processes for reporting child sexual abuse in institutional contexts?**
9. **Are there any barriers to reporting child sexual abuse in Tasmanian government institutional contexts?**
10. **Are children using existing available resources and services, such as the Strong Families, Safe Kids Advice and Referral Line and the Child Advocate service, to report child sexual abuse in Tasmanian government institutional contexts?**



11. What supports should be put in place to encourage people to report child sexual abuse in Tasmanian government institutional contexts (for professionals and volunteers, adult survivors, children and their caregivers)?

Information sharing

12. Are you aware of situations where Tasmanian government institutions have not shared information about child sexual abuse or suspected abuse?
13. Are there legal and/or cultural barriers to the sharing of information and keeping accurate records about child sexual abuse in Tasmania? If so, what steps are being taken to address these barriers? What else should be done to overcome them?

Out-of-home care and youth detention

14. What other laws, policies, practices and systems are needed to better protect children from sexual abuse when they are in out-of-home care or youth detention?
15. What specific measures are needed to protect the following children from sexual abuse in out-of-home care or youth detention:
 - Aboriginal and Torres Strait Islander children
 - children with a disability, and
 - children from culturally and linguistically diverse backgrounds?

Providing support and treatment

Child safety education and awareness raising

16. What has been done by the Tasmanian Government or its institutions to protect children against sexual abuse through awareness raising and education, including online safety programs?
17. Do you have any comments on the effectiveness of these programs, the information they cover and the way they are delivered?

Therapeutic interventions for children who are at risk of engaging in harmful sexual behaviour

18. What programs and interventions are available in Tasmania for children who are at risk of engaging in harmful sexual behaviour against other children in Tasmanian government institutional contexts? Do you think such programs and interventions are effective in changing such behaviour? Are other programs or interventions required?

Addressing or alleviating the impact of child sexual abuse in institutional contexts

19. What needs to be done to improve services and systems to help address or alleviate the impact of child sexual abuse, so that people are supported to seek justice and recover from the impacts of the abuse?



National Redress Scheme

20. **Are there any barriers which make it difficult for victim-survivors to obtain redress under the National Redress Scheme?**

Improving the criminal justice system

Civil claims

21. **What are the barriers, if any, faced by victim-survivors of child sexual abuse in bringing civil claims against the Tasmanian Government? Have recent changes been helpful in improving access to justice for victim-survivors?**

Police and prosecution processes

22. **Have practices and processes of Tasmanian police and prosecution service changed since the RCIRCSA reported?**
23. **What education or training is available for members of Tasmania Police about child sexual abuse? What does it cover, and has it made any difference to the ways in which police respond to reports of child sexual abuse in Tasmanian government institutional contexts?**

Criminal offences

24. **Do you have any comments about the current criminal offences applicable to child sexual abuse? Are there any gaps or anomalies?**

Making it easier for witnesses to give evidence in child sexual offence cases

25. **Have the reforms introduced in the *Evidence (Children and Special Witnesses) Act 2001 (Tas)* been effective in improving the experience of children and vulnerable people giving evidence in child sexual abuse cases?**
26. **Is sufficient support provided to people who give evidence in child sexual abuse cases? Can you suggest ways in which support could be improved?**

Perpetrator accountability

27. **What programs and interventions are available in Tasmania for offenders convicted of offences relating to child sexual abuse in Tasmanian government institutional contexts? What more should be done to help offenders to address their offending?**
28. **Are there any services or information in Tasmania to help people who are concerned they may be at risk of sexually abusing children?**

Judicial and legal professional training on child sexual abuse

29. **What education or training is available for members of the Tasmanian judiciary and legal profession about child sexual abuse? What does it cover, and has it made any difference to the ways in which legal proceedings involving victim-survivors of child sexual abuse are conducted?**



Implementation of the Royal Commission's recommendations

30. What issues have arisen in giving effect to the reforms recommended by the RCIRCSA?
31. What else needs to happen to ensure effective implementation of the RCIRCSA's recommendations in Tasmania?



APPENDIX A – GLOSSARY OF SOME TERMS USED IN THE TERMS OF REFERENCE

child means a child within the meaning of the *Convention on the Rights of the Child* of 20 November 1989 (a child is a person under the age of 18 years).

child sexual abuse means:

- i. any act which exposes a child to, or involves a child in, sexual processes beyond their understanding or contrary to accepted community standards. Sexual abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, and exhibitionism and exposing a child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child; and
- ii. any related matters.

government institution means any agency or statutory authority of the Crown in right of Tasmania, or local government entity.

non-government institution means any non-government institution that undertakes, or has undertaken, activities on behalf of the Tasmanian Government or is funded by the Tasmanian Government to provide services for children.

Tasmanian Government means the executive government of Tasmania, and includes its agencies and statutory authorities.