

Queensland Government response to the
**Royal Commission into Institutional
Responses to Child Sexual Abuse**

June 2018



Queensland
Government

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Message from the Premier



The Queensland Government welcomes the report of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) and acknowledges the immense work undertaken by the Royal Commission over the five years of its inquiry.

I extend my gratitude for the immense bravery of all who have shared their stories and to those who supported them. I have personally met with many people who experienced horrific abuse

and this response to the Royal Commission is an important opportunity for Queensland to acknowledge their devastating experiences. Their courage in coming forward and working with the Royal Commission is to be applauded.

We are committed to making Queensland a safe place for all children to live, grow and learn and I am proud of the efforts of the Queensland Government and the Queensland community over many years to achieve this goal.

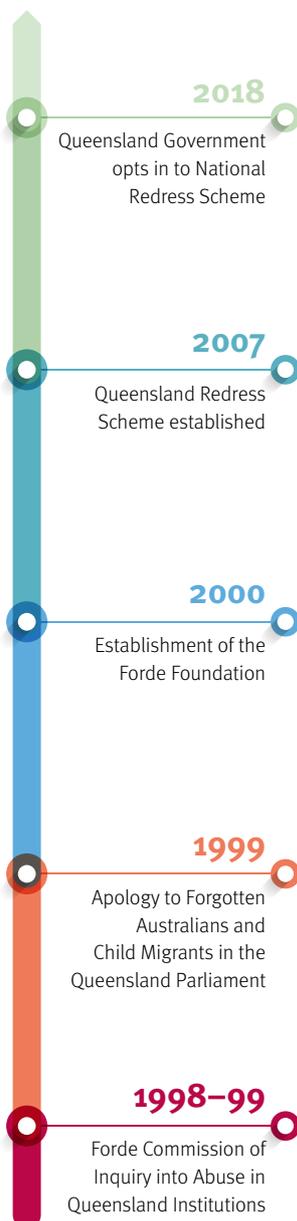
Queensland has long led efforts to expose and address the abuse of children in institutions. **But there is more to do.**

Children should be safe in their homes and my government supports parents through a number of initiatives and programs, such as the **44 intensive family support services** and **17 family and child connect services** that have been progressively established since January 2015, so that families can get help earlier. **More than 180,000 parents** have accessed the Queensland Government's Triple P Positive Parenting Program supported by the Queensland Government, or accessed the Talking Families initiative, Parentline or other resources to get information, advice and support.

In 2018–19 we will provide a **record \$1.259 billion package** for family support and child safety. By the end of 2018–19, an additional 420 child safety staff will have been engaged over the last four years, and a similar number in community-based organisations. We will continue to implement the ambitious Supporting Families Changing Futures reform program.

Last year, in conjunction with the Family Matters coalition, we launched *Our Way*—an ambitious **20-year strategy for the safety and wellbeing of Aboriginal children and Torres Strait Islander children**. We will continue to implement the first Changing Tracks Action Plan.

The Queensland Family and Child Commission (QFCC) supports the government and the community to keep children safe. The QFCC has provided a number of groundbreaking reports into the child protection system in Queensland that have underpinned fundamental and systemic changes to the child protection system, foster care and the blue card system in Queensland. The government is committed to making meaningful change to these systems and partnering with the QFCC to maintain the focus on improving the system for our most vulnerable children.



Children should be safe in their schools and playgrounds and I recently led the Council of Australian Governments to examine bullying and to take action on identifying ways to help combat bullying and cyberbullying in Australia.

In February 2018 I established the Queensland Anti-Cyberbullying Taskforce, chaired by Madonna King, tasked with developing a framework to address cyberbullying among children and young people. The Taskforce has been undertaking extensive consultation across the community, with young people, students, parents, schools and professionals to understand the problem and hear about initiatives and ideas that might help to address this terrible and growing issue.

The Royal Commission highlighted the Queensland Government's Cybersafety and Reputation Management Team, which provides online safety education programs to parents, and students and staff of state schools. I am pleased that the Queensland Government is leading the way in this area and I welcome the Royal Commission's recommendation that the model be adopted by all jurisdictions.

Children should be safe in the community, and the Queensland Government has been contributing to the development of national principles for child safe organisations. Last year the Queensland Government broadly supported the intent of all 81 recommendations from the QFCC's review of the blue card system report. The Attorney-General is overseeing implementation of these recommendations. A key priority is the introduction of a 'No card, no start' requirement for all blue card applicants. This will be supported by the streamlining of blue card processes.

In April 2018 I announced that the Queensland Government will pay its share to people who experienced child sexual abuse in government-run institutions and committed **\$500 million to the National Redress Scheme**. While no amount of money can ever compensate for the hurt suffered by those who experienced child sexual abuse, the National Redress Scheme is an important acknowledgment of the harm that has been caused by institutions that were meant to protect our children.

The establishment of a reportable conduct scheme is a priority for Queensland. Institutions need to be accountable for the way they protect children and investigate allegations of harm and a nationally consistent reportable conduct scheme in Queensland will ensure appropriate oversight of institutional responses.

The Royal Commission into Institutional Responses to Child Sexual Abuse delved deeply into the shameful history of institutional care and uncovered abuse and cover up in Australia on an unprecedented scale. It also looked at the systems we have in place now and whether they are enough to protect children.

The Royal Commission's recommendations seek to achieve a vision of a culture and a society that ensures all Australian children are valued, their rights respected and their best interests treated as paramount.

The Queensland Government is committed to this vision and we will continue to work in partnership with the community and with other governments across Australia to implement the reforms articulated in the Royal Commission's historic and profound reports.

I announced last year that we would establish a Truth, Healing and Reconciliation Taskforce. This Taskforce will provide for the views of those who have experienced institutional abuse, support services and organisations in advice to government on implementing the Royal Commission's reforms. The Taskforce will be established as priority in the coming months.

We have come a long way on our journey, but we still have a long way to go. The Royal Commission's reports are a call to all of us, it remains beholden on all governments, all institutions and organisations and the whole community to do what we can to eliminate child abuse in all its forms, wherever it occurs.

I am pleased to present the Queensland Government's response to the Royal Commission.



The Honourable Anastacia Palaszczuk MP
Premier of Queensland and Minister for Trade

Overview

The Royal Commission into Institutional Responses to Child Sexual Abuse

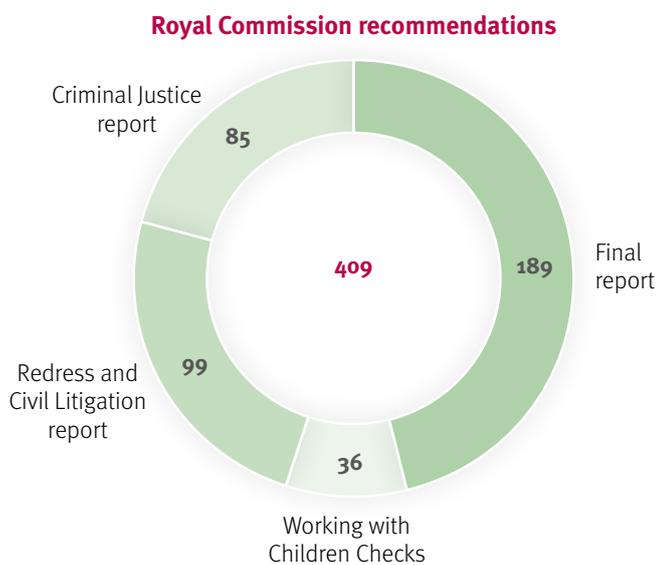
Over the course of its five-year inquiry, the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) undertook an in-depth examination of the actions and responses to child sexual abuse of institutions that have over the decades had responsibility for caring for children. The Royal Commission uncovered shocking and heartbreaking, systemic failure to care for children across a broad spectrum of services to and for the care of children throughout Australia.

The culmination of this extensive inquiry is a vision for reform that will make fundamental changes across the entire community and put the care and empowerment of children at the centre of all we do. There are **409 recommendations** seeking to prevent child sexual abuse and respond appropriately when sexual abuse does occur, to support those who have experienced institutional child sexual abuse and to ensure that the institutional responses are child-focused, accountable, and transparent.

Shared responsibility

The Royal Commission seeks to address child sexual abuse across all institutions that engage with children and across all levels of government. The Royal Commission clearly articulates a national reform agenda, requiring the cooperation of all state and territory governments, with leadership from the Australian Government.

The Queensland Government is committed to continuing to work with all jurisdictions and other sectors to progress the important reforms outlined by the Royal Commission. Queensland will continue, as we have done over the past 20 years, to advocate and take action to enable truth, justice, support and reconciliation.



Governments cannot achieve the cultural change envisaged by the Royal Commission alone. In its final report, the Royal Commission makes clear that it is the responsibility of all members of the community and of all institutions, to ensure that children are protected and that child safe environments are fostered in both public and private organisations.

Partnering with the community

The government has been listening to the community through Ministerial-led roundtables held around the state over the past five months. These roundtables provided an opportunity for services, out-of-home-care providers, legal experts, sports and recreation clubs, religious institutions, educators and most importantly people who have experienced institutional child sexual abuse from across Queensland, to inform us of their priorities.

People who have experienced this terrible abuse, and the services and advocates that

support them, explained the challenges they face accessing the help they need. Ministers heard about their concerns for the future as they age and about their passion to make sure that children are protected from harm in the future.

It is encouraging to hear that most institutions are actively and passionately instigating changes to make their organisations safer for children. But we also heard about some of the challenges facing organisations, particularly smaller and volunteer-based organisations, in rolling out straight forward and effective strategies for keeping children safe and responding to complaints and allegations.

We will continue to engage with the community over the coming years as we progress further reform opportunities.



Queensland Government response

The Queensland Government has carefully considered the Royal Commission’s recommendations in the context of the significant body of reform that is currently underway in Queensland. Recognising that further work is required to be done, the Queensland Government is accepting or accepting in principle **244** of the **Royal Commission’s 409 recommendations**.



Truth, Healing and Reconciliation Taskforce

The Queensland Government will establish a Truth, Healing and Reconciliation Taskforce (the Taskforce). The Taskforce provides an opportunity for the Queensland Government to build on the work of the Royal Commission in hearing the voices of people who experienced institutional child abuse.

The Queensland Government recognises the work of the Historical Abuse Network (HAN) in proposing a Truth, Healing and Reconciliation Taskforce. Their advocacy and support is to be commended.

The Taskforce is an opportunity to forge ongoing partnerships with people who have experienced institutional child abuse and other key stakeholders. The Taskforce will assist the Queensland Government to implement the Royal Commission's recommendations and will support government efforts in making the attitudinal and cultural change recommended by the Royal Commission.

The Queensland Government recognises that healing and reconciliation can only happen with proper and appropriate acknowledgement of the harm that has been caused. The Taskforce will administer a grants program for events and memorials to acknowledge past harms and to remind the community of the need to protect children.

The Minister for Child Safety, Youth and Women and the Minister for Domestic and Family Violence will establish this Taskforce as a priority.



Final report (2017)

The Royal Commission's final report explores and recommends a comprehensive, systematic and fundamental reform of culture and the services and systems set up to look after children.

The areas of reform in the final report integrate with one another, according to the following broad themes:



Creating child-safe institutions

Queensland is fully committed to ensuring Queensland Government institutions are child safe, and to supporting and encouraging community and non-government institutions to actively become child safe.

The Queensland Government supports the National Statement of Principles being presented to the Council of Australian Governments for consideration. The Queensland Government is keen to commence working with the Australian Government and other jurisdictions to develop the national strategy to prevent child sexual abuse and encourages the Australian Government to establish the National Office for Child Safety as quickly as possible to commence this work.

The Queensland Government accepts in principle the Royal Commission's child safe standards as representing best practice. These provide

an important guide for institutions in improving their child safe practices, and the Queensland Government calls on all institutions that engage in child-related work to consider the standards and how they can best be implemented within their organisations.

Queensland was one of the first jurisdictions to introduce laws that require organisations to have strategies to identify and minimise the risk of harm to children and young people within institutions. The *Working with Children (Risk Management and Screening) Act 2000* imposes a framework on institutions that provide services to children.

The 2017 QFCC report, *Keeping Queensland's children more than safe: Review of the blue card system* found that the blue card system is part of a much broader framework for keeping children safe in our community. While the eight minimum requirements for risk management

strategies in Queensland do broadly align with the Royal Commission's child safe standards, we know we have more work to do in creating and supporting organisations to be child safe, including to strengthen and streamline the blue card system.

More recently, the Queensland Government has commenced significant reform to improve the safety of children in out-of-home care. In particular, the Queensland Government is implementing the recommendations from the 2017 QFCC report, ***Keeping Queensland's children more than safe: Review of the foster care system.***

While Queensland already has robust processes in place for the assessment and approval of foster carers, the Queensland Government will continue to implement the QFCC foster care recommendations and the recommendations of the Royal Commission to strengthen safeguards for our most vulnerable children.

The youth justice system in Queensland has undergone significant reform in recent years. The Queensland Government passed legislation in 2017 to **integrate 17-year-olds into the youth justice system.**

This legislation commenced in February 2018 and delivers on the Queensland Government's promise to bring Queensland into alignment with all other Australian jurisdictions. Every new young offender age 17 or under will now be dealt with in the youth justice system, instead of as adults. This was also a key recommendation of the Royal Commission.

The Queensland Government ordered an **Independent Review of Youth Detention in Queensland (the Independent Review) in 2016.** The Independent Review examined the practices, policies and programs of Queensland's youth detention centres. The Queensland Government has accepted and is implementing all 83 recommendations to improve practices and services pivotal to the safety, wellbeing and rehabilitation of young people in youth detention.

The recommendations in the Independent Review meet many of the objectives outlined in the Royal Commission's final report. For example, building new programs to enhance cultural sensitivity and awareness, establishing an independent oversight body for youth detention issues, reviewing the use of CCTV footage, and providing clear descriptions and training on the use of restraints, and on-ground stabilisation and de-escalation techniques.

The Royal Commission recognised the work being undertaken by the Queensland Government in its final report. In 2016, the Queensland Government established the **Youth Justice First Nations Action Board**, comprised of Youth Justice staff from Aboriginal and Torres Strait Islander backgrounds.

Members of the board provide advice to senior management on understanding the cultural needs of Aboriginal peoples and Torres Strait Islander peoples and reducing the over-representation of Aboriginal children and Torres Strait Islander children and young people in the youth justice system. In 2018–19, the government will prepare a new youth justice strategy.

The Queensland Government will continue to work with all sectors that provide services, or care for children, to enhance organisations in line with the best practice child safe standards.

Improving complaints and allegations handling

The Queensland Government supports the Royal Commission's recommended reforms to the ways that complaints and allegations against institutions are managed. The Premier has previously committed to considering a reportable conduct scheme for Queensland that provides a nationally consistent approach to overseeing institutional responses to allegations.

A public discussion paper in 2017 on models for a **reportable conduct scheme in Queensland** garnered significant support for a Queensland scheme and submissions received are informing

the development of a model for Queensland. The Queensland Government will, as a priority, continue to work with stakeholders and with other states that have schemes to finalise a Queensland reportable conduct scheme.

The Queensland Government believes that protecting children is everyone's responsibility and has recently reformed mandatory reporting obligations to support families and protect children. However the Queensland Government also acknowledges the concerns of the Royal Commission that reporting of harm to children to authorities may not be happening across the community as well as it could be.

The Queensland Government accepts in principle the Royal Commission's recommendations to improve the reporting of institutional child sexual abuse and will be considering these recommendations further with stakeholders to determine the best way to implement the intent of the Royal Commission in Queensland.

Improving record keeping and information sharing

The Royal Commission's final report makes recommendations to improve information sharing across jurisdictions, and to improve record keeping within government and non-government institutions.

The Queensland Government supports a consistent approach across all Australian jurisdictions and will continue to collaborate with other states, territories and the Australian Government. This includes working with other jurisdictions to identify and remove barriers to information sharing and to develop methods to promote and enable information sharing.

The Queensland Government recently amended the *Child Protection Act 1999* to enhance information sharing under the Act, including enabling the sharing of information with interstate and New Zealand child welfare authorities.

The Queensland Government also encourages all non-government institutions to comply with the record retention standards and record keeping principles outlined by the Royal Commission.

Enhancements to advocacy, support and therapeutic treatment services for people subject to abuse in institutional settings

The Royal Commission's final report recommends improvements to the efficacy, funding and reach of advocacy, support and therapeutic treatment services. The Royal Commission also made specific recommendations to ensure vulnerable groups of people subject to abuse in institutional settings are better supported, in particular Aboriginal peoples and Torres Strait Islander peoples and people with a disability.

In Queensland, there are advocacy, support and therapeutic services available to people who have experienced sexual abuse, including specialist child sexual assault services.

The Queensland Government invests \$3.4 million annually, to provide child sexual abuse counselling to children within the statutory system.

Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037 includes a focus on supporting Aboriginal peoples and Torres Strait Islander peoples affected by sexual violence and child sexual abuse.

Enhance oversight and governance of services for children

The Queensland Government acknowledges that even with the best intentions, some organisations will require ongoing support and encouragement to build and maintain child safe organisations. There will always be a very small few who may fail to place the wellbeing and safety of children at the centre of their services and who will require a regulatory oversight mechanism.

The Queensland Government agrees that all tiers of government have a role to play

in supporting and regulating services provided to children and accepts in principle the Royal Commission's recommendations for oversight of child safe organisations, youth detention and institutional responses.

The Queensland Government encourages the Australian Government to move quickly to establish the National Office for Child Safety and the supports for that office. Local government can play a valuable role in supporting local clubs and the Queensland Government supports the Royal Commission's recommendation that resources be made available in local governments to assist sporting and community clubs to become child safe.

The QFCC plays a major role in Queensland in overseeing the child protection system and educating the community on keeping children safe. The QFCC has been fundamental to recent reforms to the child protection system and will continue to review and recommend improvements.

The Queensland Government will also continue to support the community visitor and child advocate programs to enable children and young people in out-of-home care and youth detention to have a voice and an opportunity to raise complaints with independent visitors, or to have support and advocacy through community organisations such as the CREATE Foundation.

Working with Children Checks report (2015)

The Royal Commission's *Working with Children Checks* report makes recommendations to strengthen the protection that children receive through Working with Children Checks (in Queensland, known as the blue card system).

In September 2016 the **QFCC was asked to undertake a system review** of the *Working with Children (Risk Management and Screening) Act 2000* and its operation, working with an expert panel. In September 2017 the Premier tabled the resulting QFCC report, ***Keeping Queensland's children more than safe: Review of the blue card system***. The report found that Queensland has one of the strongest systems in Australia, and the Queensland Government is committed to making it even stronger.

The expert panel and many stakeholders told the QFCC during its review that, while they endorse the direction of the Royal Commission and the focus on achieving national consistency, they considered it essential that nothing reduce the safeguards that Queensland already has for children. For this reason, the QFCC report treats the Royal Commission's position as a set of minimum requirements. Where Queensland already has stronger safeguards for children, the QFCC recommended that these standards are maintained.

The Queensland Government has broadly supported the intent of all the recommendations from this report and has commenced work on implementing them. Implementation will further strengthen and streamline the blue card system through a **'No card, no start' policy for people working with children**, broadening the range of offences that automatically exclude applicants and streamlining the blue card application process.

The Queensland Government will continue to progress its reform of blue cards, in consideration of the recommendations made by the Royal Commission. As recommended by the QFCC, Queensland will continue to maintain its strong standards and safeguards, considering the Royal Commission's recommendations as the minimum requirements for Queensland's system.

Redress and civil litigation report (2015)

On 30 April 2018 the Premier announced the **Queensland Government will participate in the National Redress Scheme for Institutional Child Sexual Abuse**. The Queensland Government considers the national scheme to be of critical importance to acknowledging the horrific experiences of child sexual abuse that people experienced in institutions that were supposed to care for and protect them.

It is essential to a national scheme that all responsible institutions participate so that as many people as possible receive redress. Queensland's participation will enable Queensland-based non-government institutions to also opt into the national scheme. All institutions have an obligation to acknowledge the devastating impacts of abuse by taking responsibility and recognising the systemic failings that led to these appalling breaches of trust.

Unlike many jurisdictions, Queensland has already had a redress scheme, in response to recommendations of the Forde Inquiry.

The **Queensland Redress Scheme distributed \$100 million** to people who experienced historical abuse in Queensland institutions, in payments of up to \$40,000. The Royal Commission found that, while commendable, more needed to be done.

The Queensland Government has made further reforms in response to the Royal Commission's civil litigation recommendations. In 2017 the Queensland Government removed the limitation period for commencing an action for civil damages in relation to child sexual abuse, to enable people who have experienced child sexual abuse, to bring actions for personal injury damages despite time that has passed. The legislation introduced by the government took the necessary steps to provide increased access to justice for people who experienced institutional child sexual abuse by retrospectively removing the limitation period for when a legal claim can be made.

Criminal justice report (2017)

The Royal Commission's *Criminal Justice* report makes 85 wide-ranging recommendations to the criminal justice system to provide a fairer response to people who experienced institutional child sexual abuse. The recommendations aim to reform the criminal justice system to ensure the following objectives are met:

The criminal justice system operates in the interests of seeking justice for society, including the complainant and the accused.

People who have experienced institutional child sexual abuse are supported in seeking criminal justice responses.

Criminal justice responses are available for people who have experienced institutional child sexual abuse.

The recommendations span across all areas of the criminal justice system including reporting, police investigation, prosecution, offences, conduct of trials, evidence, judicial directions, sentencing and appeals.

Queensland has in many ways led the way in reforming the criminal justice system in relation to child sexual abuse. Since 2003, Queensland has had legislation for the giving of evidence of an 'affected child' that provides special measures to allow evidence to be pre-recorded before trial.

Queensland's Criminal Code contains a range of offences targeting child sex offending, carrying significant penalties, including maintaining a sexual relationship with a child and grooming children under 16 years of age. These offences formed the basis of some of the Royal Commission's recommendations.

The Queensland Government has also undertaken significant reform to its criminal justice system in recent years, much of which aligns with the recommendations made by the Royal Commission.

The Queensland Government has introduced legislation responding to recommendations made by the Special Taskforce on Domestic and Family Violence in Queensland report, ***Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland***. These comprehensive reforms include giving sexual assault victims protection to ensure that their private communication with a counsellor cannot be easily accessed by the offender in court proceedings.

Further amendments have been made to ensure that victims, or alleged victims, of a sexual offence, will be classified as a special witness in court processes and will be able to give evidence through special arrangements, including from a remote witness room or behind a screen in the court room so that they do not need to see the offender, or alleged offender, face-to-face.

The Queensland Government will continue to analyse the Royal Commission's recommendations and engage with stakeholders to reform the criminal justice system to better protect children.



Queensland Government response to the
**Royal Commission into Institutional
Responses to Child Sexual Abuse**

June 2018

Final report

Final Report

Volume 2 – Nature and Cause

No.	Recommendation	Queensland Government response
2.1	The Australian Government should conduct and publish a nationally representative prevalence study on a regular basis to establish the extent of child maltreatment in institutional and non-institutional contexts in Australia.	<p>Accept in principle</p> <p>The Queensland Government recognises the importance of a nationally representative study and the importance of Australian Government leadership in implementing the recommendation.</p>

Volume 6 – Making institutions Child Safe

No.	Recommendation	Queensland Government response
6.1	The Australian Government should establish a mechanism to oversee the development and implementation of a national strategy to prevent child sexual abuse. This work should be undertaken by the proposed National Office for Child Safety (see Recommendations 6.16 and 6.17) and be included in the National Framework for Child Safety (see Recommendation 6.15).	<p>Accept</p> <p>The Queensland Government accepts the need for a national strategy and notes the importance of leadership by the Australian Government.</p> <p>The Queensland Government agrees to prioritise collaboration with other jurisdictions to progress a new National Framework on Child Safety. The new framework will focus on prevention, education, evaluation and cultural change.</p>
6.2	<p>The national strategy to prevent child sexual abuse should encompass the following complementary initiatives:</p> <ol style="list-style-type: none"> social marketing campaigns to raise general community awareness and increase knowledge of child sexual abuse, to change problematic attitudes and behaviour relating to such abuse, and to promote and direct people to related prevention initiatives, information and help-seeking services. prevention education delivered through preschool, school and other community institutional settings that aims to increase children's knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools. prevention education for parents delivered through day care, preschool, school, sport and recreational settings, and other institutional and community settings. The education should aim to increase knowledge of child sexual abuse and its impacts, and build skills to help reduce the risks of child sexual abuse. online safety education for children, delivered via schools. Ministers for education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the 	<p>Accept in principle</p> <p>The Queensland Government supports the Australian Government leading the integration of the recommended initiatives under the national strategy.</p> <p>The Queensland Government notes that there is a significant body of work required with all jurisdictions and with the Office of the eSafety Commissioner. In realising the intent of this recommendation, there are likely to be potential financial implications for State and Territory Governments.</p> <p>The Queensland Government is committed to working with the Australian Government, State and Territory Governments, the proposed new Office for Child Safety, and sector and community partners.</p>

No.	Recommendation	Queensland Government response
	<p>development of course content and approaches to delivery (see Recommendation 6.19).</p> <p>e. online safety education for parents and other community members to better support children's safety online. Building on their current work, the Office of the eSafety Commissioner should oversee the delivery of this education nationally (see Recommendation 6.20).</p> <p>f. prevention education for tertiary students studying university, technical and further education, and vocational education and training courses before entering child related occupations. This should aim to increase awareness and understanding of the prevention of child sexual abuse and potentially harmful sexual behaviours in children.</p> <p>g. information and help-seeking services to support people who are concerned they may be at risk of sexually abusing children. The design of these services should be informed by the Stop It Now! model implemented in Ireland and the United Kingdom.</p> <p>h. information and help seeking services for parents and other members of the community concerned that:</p> <ul style="list-style-type: none"> i. an adult they know may be at risk of perpetrating child sexual abuse ii. a child or young person they know may be at risk of sexual abuse or harm iii. a child they know may be displaying harmful sexual behaviours 	
6.3	<p>The design and implementation of these initiatives should consider:</p> <ul style="list-style-type: none"> a. aligning with and linking to national strategies for preventing violence against adults and children, and strategies for addressing other forms of child maltreatment. b. tailoring and targeting initiatives to reach, engage and provide access to all communities, including children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities. c. involving children and young people in the strategic development, design, implementation and evaluation of initiatives. d. using research and evaluation to: <ul style="list-style-type: none"> i. build the evidence base for using best practices to prevent child sexual abuse and harmful sexual behaviours in children ii. guide the development and refinement of interventions, including the piloting and testing of initiatives before they are implemented. 	<p>Accept in principle</p> <p>The Queensland Government is committed to ensuring that the national strategy supports the diverse cultures in Queensland. As Queensland has rich and vibrant Aboriginal and Torres Strait Islander communities and culturally and linguistically diverse communities dispersed across a large state, the Queensland Government will be urging the Australian Government to ensure the particular needs of these Queensland communities are addressed in the national strategy.</p> <p>The Queensland Government also recognises the importance of ensuring that all strategies concerning vulnerability are consistent, integrated and effectively support Australians.</p>
6.4	<p>All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this,</p>	<p>Accept in principle</p> <p>The Queensland Government recognises the importance of children and their rights and already structures our laws and policies to have the best interests of the child as paramount and</p>

No.	Recommendation	Queensland Government response
	institutions should implement the Child Safe Standards identified by the Royal Commission.	<p>has committed to introducing a Human Rights Act.</p> <p>We accept in principle that the rights of the child are paramount in all service provision by government and this is evidenced across a range of Acts, including the <i>Family and Child Commission Act 2014</i>; <i>Child Protection Act 1999</i>; the <i>Youth Justice Act 1992</i>; the <i>Working with Children (Risk Management and Screening) Act 2000</i>, <i>Public Hospital and Health Boards Act 2011</i>; <i>Education and Care Services National Law (Queensland) Act 2011</i>, and the <i>Education and Care Services Act 2013</i>, which note that the welfare and best interests of the child are paramount and every child is entitled to be cared for in a way that protects the child from harm and promotes the child's wellbeing.</p> <p>The Queensland Government accepts in principle the Royal Commission's child safe standards and recognises that the proposed standards represent best practice.</p>
6.5	<p>The Child Safe Standards are:</p> <ol style="list-style-type: none"> 1. Child safety is embedded in institutional leadership, governance and culture 2. Children participate in decisions affecting them and are taken seriously 3. Families and communities are informed and involved 4. Equity is upheld and diverse needs are taken into account 5. People working with children are suitable and supported 6. Processes to respond to complaints of child sexual abuse are child focused 7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training 8. Physical and online environments minimise the opportunity for abuse to occur 9. Implementation of the Child Safe Standards is continuously reviewed and improved 10. Policies and procedures document how the institution is child safe. 	<p>Accept in principle The Queensland Government accepts in principle the Royal Commission's child safe standards and recognises that the proposed standards represent best practice.</p> <p>In Queensland there are already mandatory requirements on institutions that provide services to children to apply best practice and to mitigate risks of harm. Under the <i>Working with Children (Risk Management and Screening) Act 2000</i>, institutions are required to develop and implement a child and youth risk management strategy which promotes the wellbeing of a child.</p> <p>The Queensland Government will continue to consider the Child Safe Standards, their implementation, a compliance regime and how to better improve institutional safety of children in Queensland.</p> <p>Jurisdictions will continue to work together to provide leadership on the Child Safe Standards. Jurisdictions may differ in their implementation due to their existing systems and instruments but consistency will be achieved over time, where possible.</p>
6.6	<p>Institutions should be guided by the following core components when implementing the Child Safe Standards:</p> <p>Standard 1: Child safety is embedded in institutional leadership, governance and culture</p> <ol style="list-style-type: none"> a. The institution publicly commits to child safety and leaders champion a child safe culture. b. Child safety is a shared responsibility at all levels of the institution. c. Risk management strategies focus on preventing, identifying and mitigating risks to children. 	<p>Accept in principle The Queensland Government accepts in principle the Royal Commission's Child Safe Standards and recognises that the proposed standards represent best practice. These will be useful indicators to guide institutions in improving their child safe practices.</p> <p>In Queensland there are already mandatory requirements on institutions that provide services to children to apply best practice and to mitigate risks of harm. Under the <i>Working with Children (Risk Management and Screening) Act</i></p>

No.	Recommendation	Queensland Government response
	<p>d. Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.</p> <p>e. Staff and volunteers understand their obligations on information sharing and recordkeeping.</p> <p>Standard 2: Children participate in decisions affecting them and are taken seriously</p> <p>a. Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.</p> <p>b. The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.</p> <p>c. Children can access sexual abuse prevention programs and information.</p> <p>d. Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.</p> <p>Standard 3: Families and communities are informed and involved</p> <p>a. Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.</p> <p>b. The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.</p> <p>c. Families and communities have a say in the institution's policies and practices.</p> <p>d. Families and communities are informed about the institution's operations and governance.</p> <p>Standard 4: Equity is upheld and diverse needs are taken into account</p> <p>a. The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities.</p> <p>b. All children have access to information, support and complaints processes.</p> <p>c. The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.</p> <p>Standard 5: People working with children are suitable and supported</p> <p>a. Recruitment, including advertising and screening, emphasises child safety.</p> <p>b. Relevant staff and volunteers have Working With Children Checks.</p> <p>c. All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.</p> <p>d. Supervision and people management have a child safety focus.</p> <p>Standard 6: Processes to respond to complaints of child sexual abuse are child focused</p>	<p>2000, institutions are required to develop and implement a child and youth risk management strategy which promotes the wellbeing of a child.</p> <p>The Queensland Government will continue to consider the Child Safe Standards, their implementation, a compliance regime and how to better improve institutional safety of children in Queensland.</p> <p>Jurisdictions will continue to work together to provide leadership on the Child Safe Standards. Jurisdictions may differ in their implementation due to their existing systems and instruments but consistency will be achieved over time, where possible.</p>

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	<ul style="list-style-type: none"> a. The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families. b. The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report. c. Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met. <p>Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</p> <ul style="list-style-type: none"> a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse. b. Staff and volunteers receive training on the institution's child safe practices and child protection. c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures. <p>Standard 8: Physical and online environments minimise the opportunity for abuse to occur</p> <ul style="list-style-type: none"> a. Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development. b. The online environment is used in accordance with the institution's code of conduct and relevant policies. <p>Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved</p> <ul style="list-style-type: none"> a. The institution regularly reviews and improves child safe practices. b. The institution analyses complaints to identify causes and systemic failures to inform continuous improvement. <p>Standard 10: Policies and procedures document how the institution is child safe</p> <ul style="list-style-type: none"> a. Policies and procedures address all Child Safe Standards. b. Policies and procedures are accessible and easy to understand. c. Best practice models and stakeholder consultation inform the development of policies and procedures. d. Leaders champion and model compliance with policies and procedures. e. Staff understand and implement the policies and procedures. 	
6.7	The national Child Safe Standards developed by the Royal Commission and listed at Recommendation 6.5 should be adopted as part of the new National Statement of Principles for Child Safe Organisations described by the Community Services Ministers' Meeting in November 2016. The National Statement	<p>Accept</p> <p>The Queensland Government accepts in principle the Royal Commission's Child Safe Standards.</p> <p>The Queensland Government supports the</p>

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	of Principles for Child Safe Organisations should be endorsed by the Council of Australian Governments.	<p>National Statement of Principles being considered by COAG.</p> <p>The Queensland Government supports these principles as the architecture for the new National Framework. They will serve as a benchmark for cross-jurisdictional child safety policy-making, and will facilitate cultural change to embed child safety as a key focus for organisations working and/or engaging with children and young people.</p>
6.8	State and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.	<p>For further consideration</p> <p>Queensland institutions are already subject to a framework for protecting the children to which services or care are provided.</p> <p>The Queensland Family and Child Commission (QFCC) currently provides systemic oversight for the child and family support system and promotes and advocates for the safety and wellbeing of children and young people as well as the responsibilities of families and communities to protect and care for children and young people.</p> <p>In addition, organisations providing child-related services are legislatively required to have a child and youth risk management strategy under the <i>Working with Children (Risk Management and Screening) Act 2000</i>. While there is some alignment between the child safe standards and the current risk management requirements, creating significant cultural change in a diverse range of institutions and embedding the Child Safe Standards proposed by the Royal Commission into practice will be complex and challenging.</p> <p>Organisations funded by the Queensland Government to deliver child and family services are contractually required to comply with the Human Services Quality Framework. The Human Services Quality Framework specifically assesses the adherence of these organisations to their responsibilities under the <i>Working with Children (Risk Management and Screening) Act 2000</i>.</p> <p>The Queensland Government is committed to further consideration of the most appropriate regulatory model and will engage further with our existing oversight bodies, affected institutions and the community, including on what are likely to be significant logistical and financial imposts, and how these can best be managed.</p>
6.9	Legislative requirements to comply with the Child Safe Standards should cover institutions that provide: <ul style="list-style-type: none"> a. accommodation and residential services for children, including overnight excursions or stays b. activities or services of any kind, under the auspices of a particular religious 	<p>Accept in principle</p> <p>The Queensland Government broadly supports these categories of organisations implementing child safe frameworks for protecting children, but consistent with Recommendation 6.8 above, further consideration is required about legislatively mandating compliance with the</p>

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	<p>denomination or faith, through which adults have contact with children</p> <ul style="list-style-type: none"> c. childcare or childminding services d. child protection services, including out-of-home care e. activities or services where clubs and associations have a significant membership of, or involvement by, children f. coaching or tuition services for children g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions h. services for children with disability i. education services for children j. health services for children k. justice and detention services for children, including immigration detention facilities l. transport services for children, including school crossing services. 	<p>standards, for all organisations that fall within these categories.</p>
6.10	<p>State and territory governments should ensure that:</p> <ul style="list-style-type: none"> a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body. b. the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator. c. regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards. 	<p>Accept in principle</p> <p>The Queensland Government is committed to transparent and accountable oversight and will engage further with our existing oversight bodies, affected institutions and the community, including about the significant logistical and financial imposts and how these can best be managed.</p> <p>Whether the scope of the proposed body's function include regulation of enforcement of child safe standards will be dependent on further consideration of 6.8 above.</p>
6.11	<p>Each independent state and territory oversight body should have the following additional functions:</p> <ul style="list-style-type: none"> a. coordinate ongoing information exchange between oversight bodies relating to institutions' compliance with the Child Safe Standards. b. provide advice and information on the Child Safe Standards to institutions and the community; c. collect, analyse and publish data on the child safe approach in that jurisdiction and provide that data to the proposed National Office for Child Safety; d. partner with peak bodies, professional standards bodies and/or sector leaders to work with institutions to enhance the safety of children; e. provide, promote or support education and training on the Child Safe Standards to build the capacity of institutions to be child safe; 	<p>Accept in principle</p> <p>The Queensland Government accepts the importance of these proposed functions and notes that the Queensland Family and Child Commission currently provides systemic oversight for the child and family support system and promotes and advocates for the safety and wellbeing of children and young people as well as the responsibilities of families and communities to protect and care for children and young people.</p> <p>The <i>Family and Child Commission Act 2014</i> provides for the Act to be reviewed as soon as practicable, five years after the commencement of the Act. Reviewing the QFCC's establishing legislation supports the Queensland Government's commitment to continual improvement.</p> <p>Further consideration on embedding these additional functions will be part of the consideration of 6.10.</p>
6.12	<p>With support from governments at the national, state and territory levels, local governments should</p>	<p>For further consideration</p> <p>The Queensland Government notes this recommendation is primarily the responsibility of</p>

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	<p>designate child safety officer positions from existing staff profiles to carry out the following functions:</p> <ol style="list-style-type: none"> a. developing child safe messages in local government venues, grounds and facilities; b. assisting local institutions to access online child safe resources; c. providing child safety information and support to local institutions on a needs basis; d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds. 	<p>the local government sector. The Queensland Government notes there are likely to be resource implications associated with implementing this recommendation, particularly for smaller remote, rural and Indigenous local governments, and will collaborate with the local government sector to identify the best way to support local institutions.</p>
6.13	<p>The Australian Government should require all institutions that engage in child-related work for the Australian Government, including Commonwealth agencies, to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.</p>	<p>Accept in principle The Queensland Government accepts the recommendation in principle, noting that it is directed to the Australian Government.</p>
6.14	<p>The Australian Government should be responsible for the following functions:</p> <ol style="list-style-type: none"> a. evaluate, publicly report on, and drive the continuous improvement of the implementation of the Child Safe Standards and their outcomes b. coordinate the direct input of children and young people into the evaluation and continuous improvement of the Child Safe Standards c. capacity building and support initiatives and opportunities for collaboration between jurisdictions and institutions, develop and promote national strategies to raise awareness and drive cultural change in institutions and the community to support child safety. 	<p>Accept in principle The Queensland Government notes the recommendation, and supports the Australian Government taking leadership on evaluation and continuous improvement of the Child Safe Standards.</p> <p>As noted in previous recommendations, the Queensland Government will continue to work with other jurisdictions on the Child Safe Standards and national strategies.</p>
6.15	<p>The Australian Government should develop a new National Framework for Child Safety in collaboration with state and territory governments. The Framework should:</p> <ol style="list-style-type: none"> a. commit governments to improving the safety of all children by implementing long-term child safety initiatives, with appropriate resources, and holding them to account b. be endorsed by the Council of Australian Governments and overseen by a joint ministerial body c. commence after the expiration of the current National Framework for Protecting Australia's Children, no later than 2020 d. cover broader child safety issues, as well as specific initiatives to better prevent and respond to institutional child sexual abuse including initiatives recommended by the Royal Commission e. include links to other related policy frameworks. 	<p>Accept in principle The Queensland Government notes that the current National Framework has been successful in significantly raising the profile of child protection on the national agenda, with some progress made in coordinating a national approach to protecting children.</p> <p>The Queensland Government accepts the need for a new national framework and notes the importance of leadership by the Australian Government.</p> <p>The Queensland Government agrees to prioritise collaboration with other jurisdictions to progress a new National Framework on Child Safety. The new framework will focus on prevention, education, evaluation and cultural change.</p> <p>The Queensland Government notes that there will be financial implications arising from implementing this recommendation that need to be appropriately considered with sector and community partners.</p>

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6.16	The Australian Government should establish a National Office for Child Safety in the Department of the Prime Minister and Cabinet, to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety. The Australian Government should transition the National Office for Child Safety into an Australian Government statutory body within 18 months of this Royal Commission's Final Report being tabled in the Australian Parliament.	<p>Accept in principle</p> <p>The Queensland Government supports the establishment of a national office and notes that this recommendation will require national leadership and is directed at the Australian Government.</p>
6.17	<p>The National Office for Child Safety should report to Parliament and have the following functions:</p> <ol style="list-style-type: none"> a. develop and lead the coordination of the proposed National Framework for Child Safety, including national coordination of the Child Safe Standards b. collaborate with state and territory governments to lead capacity building and continuous improvement of child safe initiatives through resource development, best practice material and evaluation c. promote the participation and empowerment of children and young people in the National Framework and child safe initiatives d. perform the Australian Government's Child Safe Standards functions as set out at Recommendation 6.15 e. lead the community prevention initiatives as set out in Recommendation 6.2. 	<p>Accept in principle</p> <p>The Queensland Government accepts this recommendation in principle and notes that it is directed to the Australian Government.</p>
6.18	The Australian Government should create a ministerial portfolio with responsibility for children's policy issues, including the National Framework for Child Safety.	<p>Accept in principle</p> <p>The Queensland Government accepts this recommendation in principle and notes that it is directed to the Australian Government.</p>
6.19	<p>Ministers for education, through the Council of Australian Governments, should establish a nationally consistent curriculum for online safety education in schools. The Office of the eSafety Commissioner should be consulted on the design of the curriculum and contribute to the development of course content and approaches to delivery. The curriculum should:</p> <ol style="list-style-type: none"> a. be appropriately staged from Foundation year to Year 12 and be linked with related content areas to build behavioural skills as well as technical knowledge to support a positive and safe online culture b. involve children and young people in the design, delivery and piloting of new online safety education, and update content annually to reflect evolving technologies, online behaviours and evidence of international best practice approaches c. be tailored and delivered in ways that allow all Australian children and young people to reach, access and engage with online safety education, including vulnerable groups that may not access or engage with the school system. 	<p>For further consideration</p> <p>The Queensland Government notes that COAG tasked the COAG Education Council with advancing recommendations relating to teachers and students.</p> <p>The Queensland Government will continue to work with other jurisdictions through the COAG Education Council to consider this recommendation.</p>
6.20	Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national online safety education aimed at parents and other community members to better support children's safety online. These communications should aim to:	<p>Accept in principle</p> <p>The Queensland Government accepts the recommendation in principle, noting that it is directed to the Australian Government.</p>

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	<ul style="list-style-type: none"> a. keep the community up to date on emerging risks and opportunities for safeguarding children online b. build community understanding of responsibilities, legalities and the ethics of children's interactions online c. encourage proactive responses from the community to make it 'everybody's business' to intervene early, provide support or report issues when concerns for children's safety online are raised d. increase public awareness of how to access advice and support when online incidents occur. 	<p>The Queensland Government currently delivers online safety education programs to students, staff and parents, as well as providing resources for parents about cybersafety and cyberbullying to help their child stay safe online.</p> <p>Queensland will collaborate with the Office of the e-Safety Commissioner to consider this recommendation.</p>
6.21	<p>Pre-service education and in-service staff training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content. These programs should be aimed at:</p> <ul style="list-style-type: none"> a. tertiary students studying university, technical and further education, and vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education (see Recommendation 6.2) b. staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner. 	<p>For further consideration</p> <p>The Queensland Government notes the recommendation.</p> <p>The Queensland Government notes that the recommendation is complex and will require consideration by the authorities that determine course content for a wide variety of professions, as well as consideration by employers in child care and service organisations.</p> <p>The Queensland Government also notes that there is a significant body of work required with all jurisdictions and with the Office of the eSafety Commission. In realising the intent of this recommendation, there are likely to be potential financial implications for State and Territory Governments.</p>
6.22	<p>In partnership with the proposed National Office of Child Safety (see Recommendations 6.16 and 6.17), the Office of the eSafety Commissioner should oversee the development of an online safety framework and resources to support all schools in creating child safe online environments. This work should build on existing school-based e-safety frameworks and guidelines, drawing on Australian and international models. The school-based online safety framework and resources should be designed to:</p> <ul style="list-style-type: none"> a. support schools in developing, implementing and reviewing their online codes of conduct, policies and procedures to help create an online culture that is safe for children b. guide schools in their response to specific online incidents, in coordination with other agencies. This should include guidance in complaint handling, understanding reporting requirements, supporting victims to minimise further harm, and preserving digital evidence to support criminal justice processes. 	<p>Accept in principle</p> <p>The Queensland Government accepts the recommendation in principle and notes that to effectively achieve the outcome sought by the Royal Commission, the proposed National Office of Child Safety and the Office of the eSafety Commission will need to work closely with education Ministers and the school sector in developing the framework and resources.</p>
6.23	<p>State and territory education departments should consider introducing centralised mechanisms to support government and non-government schools when online incidents occur. This should result in appropriate levels of escalation and effective engagement with all relevant entities, such as the Office of the eSafety Commissioner, technical service</p>	<p>Accept in principle</p> <p>The Queensland Government welcomes the comments of the Royal Commission about the effectiveness of the Department of Education's Cyber Safety and Reputation Management Unit in supporting government schools. The Queensland Government will consider further with the non-government school sector about</p>

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	providers and law enforcement. Consideration should be given to: <ol style="list-style-type: none"> a. adopting the promising model of the Queensland Department of Education and Training's Cyber Safety and Reputation Management Unit, which provides advice and a centralised coordination function for schools, working in partnership with relevant entities to remove offensive online content and address other issues b. strengthening or re-establishing multi-stakeholder forums and case-management for effective joint responses involving all relevant agencies, such as police, education, health and child protection 	how this support may be expanded to non-government schools. The Queensland Government will further consider appropriate multi-stakeholder forums to establish joint responses to online incidents.
6.24	In consultation with the eSafety Commissioner, police commissioners from states and territories and the Australian Federal Police should continue to ensure national capability for coordinated, best practice responses by law enforcement agencies to online child sexual abuse. This could include through: <ol style="list-style-type: none"> a. meetings of the heads of cyber safety units in all Australian police departments to ensure a consistent capacity to respond to emerging incidents and share best practice approaches, tools and resources b. convening regular forums and conferences to bring together law enforcement, government, the technology industry, the community sector and other relevant stakeholders to discuss emerging issues, set agendas and identify solutions to online child sexual abuse and exploitation c. building capability across police departments, through in-service training for: <ol style="list-style-type: none"> i. frontline police officers to respond to public complaints relating to issues of online child sexual abuse or harmful sexual behaviours ii. police officers who liaise with young people in school and community settings. 	Accept The Queensland Government notes that the frameworks for implementation of this recommendation are already in place, with activities already in train to address the concerns raised in the Royal Commission's report. The police commissioners meet regularly to discuss issues of significance, including emerging and serious crime. The Queensland Police Service hosts an annual Youth, Technology and Virtual Communities conference which brings together national and international law enforcement, government, technology and community industry partners to discuss and identify solutions to online child sexual abuse and exploitation. This year's conference, in August 2018, will focus on youth perpetrated sexual crime.

Volume 7 – Improving institutional reporting and responding

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7.1	State and territory governments that do not have a mandatory reporter guide should introduce one and require its use by mandatory reporters.	Accept in principle In recent years, the Queensland Government has implemented a range of extensive legislative, policy and practice reforms about mandatory reporting of child protection concerns to the Department of Child Safety, Youth and Women including the development of a guide for mandatory reporters. The Queensland Child Protection Guide is a web-based tool that assists professionals, including mandatory reporters, report their concerns to Child Safety and/or police or refer a family to another appropriate service. Training and support on the use of the guide is available. The Queensland Government does not intend to mandate use of the guide at this time. The guide does not prevent professionals from reporting

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		concerns about children to the Department of Child Safety, Youth and Women at any time.
7.2	Institutions and state and territory governments should provide mandatory reporters with access to experts who can provide timely advice on child sexual abuse reporting obligations.	<p>Accept In recent years, the Queensland Government has implemented a range of extensive legislative, policy and practice reforms about mandatory reporting of child protection concerns to the Department of Child Safety, Youth and Women.</p> <p>Professionals in Queensland including mandatory reporters have access to experts who can provide advice on their mandatory reporting obligations. This includes child protection officers within the Department of Child Safety, Youth and Women, Principal Child Protection Practitioners within non-government Family and Child Connect services as well as child protection advisors in the Department of Education, the Department of Health and the Queensland Police Service.</p>
7.3	<p>State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:</p> <ol style="list-style-type: none"> a. out-of-home care workers (excluding foster and kinship/relative carers) b. youth justice workers c. early childhood workers d. registered psychologists and school counsellors e. people in religious ministry 	<p>Accept in principle In recent years, the Queensland Government has implemented a range of extensive legislative, policy and practice reforms about child protection mandatory reporting of child protection concerns to the Department of Child Safety, Youth and Women.</p> <p>The Queensland Government notes the intent of the recommendation and is committed to ensuring the culture of secrecy and cover up within institutions highlighted by the Royal Commission is not continued in the future. However, significant further consideration is required to determine the impact of expanding mandatory reporting obligations on child protection services and the Queensland Police Service.</p> <p>Queensland's child protection mandatory reporting framework is structured to support child protection statutory responsibilities. Further consideration and consultation with stakeholders is necessary to determine whether expansion of mandatory reporting will improve the reporting of, and responses to, institutional child sexual abuse in Queensland.</p>
7.4	Laws concerning mandatory reporting to child protection authorities should not exempt persons in religious ministry from being required to report knowledge or suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession	<p>Accept in principle The Queensland Government notes the intent of this recommendation. Further consideration of this recommendation is contingent upon national approaches and final determinations in relation to recommendation 7.3.</p>
7.5	The Australian Government and state and territory governments should ensure that legislation provides comprehensive protection for individuals who make reports in good faith about child sexual abuse in institutional contexts. Such individuals should be protected from civil and criminal liability and from reprisals or other detrimental action as a result of making a complaint or report, including in relation to:	<p>Accept in principle The Queensland Government supports the intent of this recommendation to encourage people who make reports about institutional child sexual abuse by ensuring they are protected.</p> <p>However, further consideration is required to determine which legislation would provide the</p>

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	<ul style="list-style-type: none"> a. mandatory and voluntary reports to child protection authorities under child protection legislation b. notifications concerning child abuse under the Health Practitioner Regulation National Law. 	<p>best possible protections for people reporting institutional child sexual abuse.</p> <p>It is noted that there are already some protections available under child protection legislation, the <i>Health Practitioner Regulation National Law, the Education (General Provisions) Act</i> and the Criminal Code for mandatory and voluntary reporters and notifiers of misconduct.</p> <p>The Queensland Government commits to ensuring any potential gaps in protection are identified and addressed as part of the government's consideration and implementation of the reforms arising from the Royal Commission's reports.</p>
7.6	<p>State and territory governments should amend child protection legislation to provide adequate protection for individuals who make complaints or reports in good faith to any institution engaging in child-related work about:</p> <ul style="list-style-type: none"> a. child sexual abuse within that institution or b. the response of that institution to child sexual abuse. <p>Such individuals should be protected from civil and criminal liability and from reprisals or other detrimental action as a result of making a complaint or report.</p>	<p>Accept in principle</p> <p>The Queensland Government supports the intent of this recommendation to encourage people who make complaints or reports about institutional child sexual abuse by ensuring they are protected.</p> <p>The Queensland Government notes further consideration is required in the context of the development of a reportable conduct scheme in Queensland.</p>
7.7	<p>Consistent with the Child Safety Standard 6: Processes to respond to complaints of child sexual abuse are child focused, institutions should have a clear, accessible and child-focused complaint handling policy and procedure that sets out how the institution should respond to complaints of child sexual abuse. The complaint handling policy and procedure should cover:</p> <ul style="list-style-type: none"> a. making a complaint b. responding to a complaint c. investigating a complaint d. providing support and assistance e. achieving systemic improvements following a complaint. 	<p>Accept in principle</p> <p>The Queensland Government supports the intent of this recommendation and accepts in principle the Royal Commission's child safe standards and recognises that the proposed standards represent best practice.</p> <p>Queensland Government institutions already have in place frameworks for complaints and allegation handling that correspond to this recommendation. For example, the Queensland Government has developed child friendly complaints processes and resources in consultation with the Office of the Public Guardian.</p> <p>Further consideration is required to determine how non-government institutions may be supported in having appropriate policies and procedures for complaint handling. This will be considered in the development of a reportable conduct scheme for Queensland.</p>
7.8	<p>Consistent with Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture, institutions should have a clear code of conduct that:</p> <ul style="list-style-type: none"> a. outlines behaviours towards children that the institution considers unacceptable, including concerning conduct, misconduct or criminal conduct b. includes a specific requirement to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution or to an external 	<p>Accept in principle</p> <p>The Queensland Government supports the intent of this recommendation and accepts in principle the Royal Commission's child safe standards and recognises that the proposed standards represent best practice.</p> <p>Queensland Government's Code of Conduct contains ethics, principles and values prescribed in the <i>Public Sector Ethics Act 1994</i>. The Act states that, in recognition that public office involves public trust, public service agencies,</p>

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	<p>authority when required by law and/or the institution's complaint handling policy</p> <p>c. outlines the protections available to individuals who make complaints or reports in good faith to any institution engaging in child-related work (see Recommendation 7.6 on reporter protections).</p>	<p>entities and officials seek to promote public confidence in the integrity of the public sector and are committed to the highest ethical standards.</p> <p>Further consideration is required to determine how non-government institutions may be supported in having appropriate policies and procedures for complaint handling. Queensland Government considers that this is a relevant matter to be considered in the development of a reportable conduct scheme for Queensland.</p>
7.9	<p>State and territory governments should establish nationally consistent legislative schemes (reportable conduct schemes), based on the approach adopted in New South Wales, which oblige heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees.</p>	<p>Accept in principle</p> <p>The Queensland Government has already committed to establishing a reportable conduct scheme in Queensland. A discussion paper was released in early 2017 to gauge the views of the community. Further analysis is being undertaken in the context of the Royal Commission's recommendations.</p> <p>The Queensland Government is committed to engaging with existing interjurisdictional reportable conduct schemes, stakeholders such as regulatory authorities, institutions, and the community in developing the final model.</p>
7.10	<p>Reportable conduct schemes should provide for:</p> <ol style="list-style-type: none"> a. an independent oversight body b. obligatory reporting by heads of institutions c. a definition of reportable conduct that covers any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child d. a definition of reportable conduct that includes the historical conduct of a current employee e. a definition of employee that covers paid employees, volunteers and contractors f. protection for persons who make reports in good faith g. oversight body powers and functions that include: <ol style="list-style-type: none"> i. scrutinising institutional systems for preventing reportable conduct and for handling and responding to reportable allegations, or reportable convictions ii. monitoring the progress of investigations and the handling of complaints by institutions iii. conducting, on its own motion, investigations concerning any reportable conduct of which it has been notified or otherwise becomes aware iv. power to exempt any class or kind of conduct from being reportable conduct v. capacity building and practice development, through the provision of training, education and guidance to institutions vi. public reporting, including annual reporting on the operation of the scheme and trends in reports and investigations, and the power to make special reports to parliaments. 	<p>Accept in principle</p> <p>The Queensland Government has already committed to establishing a reportable conduct scheme in Queensland. A discussion paper was released in early 2017 to gauge the views of the community. Further analysis is being undertaken in the context of the Royal Commission's recommendations.</p> <p>The Queensland Government is committed to engaging with existing interjurisdictional reportable conduct schemes, stakeholders such as regulatory authorities, institutions, and the community in developing the final model.</p>

No.	Recommendation	Queensland Government response
7.11	<p>State and territory governments should periodically review the operation of reportable conduct schemes, and in that review determine whether the schemes should cover additional institutions that exercise a high degree of responsibility for children and involve a heightened risk of child sexual abuse.</p>	<p>Accept in principle The Queensland Government has already committed to establishing a reportable conduct scheme in Queensland. A discussion paper was released in early 2017 to gauge the views of the community. Further analysis is being undertaken in the context of the Royal Commission's recommendations. The Queensland Government is committed to engaging with existing interjurisdictional reportable conduct schemes, stakeholders such as regulatory authorities, institutions, and the community in developing the final model.</p>
7.12	<p>Reportable conduct schemes should cover institutions that:</p> <ul style="list-style-type: none"> • exercise a high degree of responsibility for children • engage in activities that involve a heightened risk of child sexual abuse, due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with. <p>At a minimum, these should include institutions that provide:</p> <ol style="list-style-type: none"> a. accommodation and residential services for children, including: <ol style="list-style-type: none"> i. housing or homelessness services that provide overnight beds for children and young people ii. providers of overnight camps b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children c. childcare services, including: <ol style="list-style-type: none"> i. approved education and care services under the Education and Care Services National Law ii. approved occasional care services d. child protection services and out-of-home care, including: <ol style="list-style-type: none"> i. child protection authorities and agencies ii. providers of foster care, kinship or relative care iii. providers of family group homes iv. providers of residential care e. disability services and supports for children with disability, including: <ol style="list-style-type: none"> i. disability service providers under state and territory legislation ii. registered providers of supports under the National Disability Insurance Scheme f. education services for children, including: <ol style="list-style-type: none"> i. government and non-government schools ii. TAFEs and other institutions registered to provide senior secondary education or training, courses for overseas students or student exchange programs g. health services for children, including: <ol style="list-style-type: none"> i. government health departments and agencies, and statutory corporations ii. public and private hospitals iii. providers of mental health and drug or 	<p>Accept in principle The Queensland Government has already committed to establishing a reportable conduct scheme in Queensland. A discussion paper was released in early 2017 to gauge the views of the community. Further analysis is being undertaken in the context of the Royal Commission's recommendations. The Queensland Government is committed to engaging with existing interjurisdictional reportable conduct schemes, stakeholders such as regulatory authorities, institutions, and the community in developing the final model.</p>

No.	Recommendation	Queensland Government response
	<p>alcohol treatment services that have inpatient beds for children and young people</p> <p>h. justice and detention services for children, including:</p> <p>i. youth detention centres</p> <p>ii. immigration detention facilities.</p>	

Volume 8 – Recordkeeping and information sharing

No	Recommendation	Queensland Government response
8.1	To allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse, institutions that engage in child-related work should retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred.	<p>Accept</p> <p>The Queensland Government supports a consistent approach across all Australian jurisdictions and will prioritise collaboration with other jurisdictions, led by archives and records authorities, to develop advice and information about records retention. Existing retention periods for relevant records are often more than 45 years, and where there is a longer retention period, this will be retained.</p> <p>The Queensland Government will encourage non-government institutions to comply with this record retention standard and jurisdictions will consider whether it is necessary to introduce additional regulatory measures to bring about greater compliance.</p>
8.2	The National Archives of Australia and state and territory public records authorities should ensure that records disposal schedules require that records relating to child sexual abuse that has occurred or is alleged to have occurred be retained for at least 45 years.	<p>Accept in principle</p> <p>The Queensland Government accepts this recommendation in principle. The Queensland State Archivist continues to work with the Australian government and other jurisdictions to develop a consistent approach to record retention.</p>
8.3	The National Archives of Australia and state and territory public records authorities should provide guidance to government and non-government institutions on identifying records which, it is reasonable to expect, may become relevant to an actual or alleged incident of child sexual abuse; and on the retention and disposal of such records.	<p>Accept in principle</p> <p>The Queensland Government accepts this recommendation in principle. The Queensland State Archivist continues to work with the Australian government and other jurisdictions to develop a consistent approach to record retention.</p>
8.4	<p>All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution.</p> <p>Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.</p> <p>Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records are integral parts of the institution's operations and governance.</p> <p>Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.</p> <p>Institutions should ensure that records are created to</p>	<p>Accept in principle</p> <p>The Queensland Government will prioritise collaboration with relevant agencies and organisations to develop appropriate guidance on assessing risk and developing recordkeeping principles.</p>

No	Recommendation	Queensland Government response
	<p>document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.</p> <p>Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time the incidents occurred, and clearly show the author (whether individual or institutional) and the date created.</p> <p>Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.</p> <p>Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.</p> <p>Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.</p> <p>Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies. Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.</p> <p>Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.</p> <p>Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted. Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.</p>	
8.5	<p>State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, at a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse.</p>	<p>For further consideration</p> <p>The Queensland Government recognises the importance of ensuring consistent recordkeeping across all schools. The Queensland Government considers that significant consultation is required with the non-government school sector, Australian, state and territory governments, and records authorities.</p>
8.6	<p>The Australian Government and state and territory governments should make nationally consistent legislative and administrative arrangements, in each jurisdiction, for a specified range of bodies (prescribed bodies) to share information related to the safety and wellbeing of children, including information relevant to child sexual abuse in institutional contexts (relevant information). These arrangements should be made to establish an information exchange scheme to operate in and across Australian jurisdictions.</p>	<p>Accept in principle</p> <p>The Queensland Government will prioritise collaboration with other jurisdictions to promote legislative and administrative arrangements for information sharing.</p> <p>Legislative amendments passed in October 2017 as part of the <i>Child Protection Reform Amendment Act 2017</i> improve Queensland's child protection information sharing</p>

No	Recommendation	Queensland Government response
		arrangements. Amendments that enable information to be shared with other state and territory authorities commenced in January 2018.
8.7	<p>In establishing the information exchange scheme, the Australian Government and state and territory governments should develop a minimum of nationally consistent provisions to:</p> <ol style="list-style-type: none"> a. enable direct exchange of relevant information between a range of prescribed bodies, including service providers, government and non-government agencies, law enforcement agencies, and regulatory and oversight bodies, which have responsibilities related to children’s safety and wellbeing b. permit prescribed bodies to provide relevant information to other prescribed bodies without a request, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts c. require prescribed bodies to share relevant information on request from other prescribed bodies, for purposes related to preventing, identifying and responding to child sexual abuse in institutional contexts, subject to limited exceptions d. explicitly prioritise children’s safety and wellbeing and override laws that might otherwise prohibit or restrict disclosure of information to prevent, identify and respond to child sexual abuse in institutional contexts e. provide safeguards and other measures for oversight and accountability to prevent unauthorised sharing and improper use of information obtained under the information exchange scheme f. require prescribed bodies to provide adversely affected persons with an opportunity to respond to untested or unsubstantiated allegations, where such information is received under the information exchange scheme, prior to taking adverse action against such persons, except where to do so could place another person at risk of harm. 	<p>Accept in principle</p> <p>The Queensland Government will work with other jurisdictions to identify and remove barriers to information sharing and to develop methods to promote and enable information sharing. Governments will seek to build on existing arrangements within jurisdictions and across jurisdictions in preparation for developing an agreed information sharing scheme.</p> <p>Legislative amendments passed in October 2017 as part of the <i>Child Protection Reform Amendment Act 2017</i> improve Queensland’s child protection information sharing arrangements. Amendments that enable information to be shared with other state and territory authorities commenced in January 2018.</p>
8.8	<p>The Australian Government, state and territory governments and prescribed bodies should work together to ensure that the implementation of our recommended information exchange scheme is supported with education, training and guidelines. Education, training and guidelines should promote understanding of, and confidence in, appropriate information sharing to better prevent, identify and respond to child sexual abuse in institutional contexts, including by addressing:</p> <ol style="list-style-type: none"> a. impediments to information sharing due to limited understanding of applicable laws b. unauthorised sharing and improper use of information. 	<p>Accept in principle</p> <p>The Queensland Government will continue to work with other jurisdictions to provide awareness raising, education and training around information sharing obligations and requirements. Governments will work with relevant bodies and government agencies, such as the Office of the Australian Information Commission, Children’s Commissioners and advocates, and relevant or prescribed bodies.</p> <p>The Queensland Government supports the implementation of an information exchange scheme involving training, education or guidelines to help develop a fuller understanding of applicable laws, such as privacy laws, in order to facilitate a greater awareness of how</p>

No	Recommendation	Queensland Government response
		<p>information can be properly shared under present regimes.</p> <p>As part of the implementation of the information sharing regime in the <i>Child Protection Reform Amendment Act 2017</i>, the Department of Child Safety Youth and Women is developing an information sharing guideline as required under the amendments.</p>
8.9	<p>The Council of Australian Governments (COAG) Education Council should consider the need for nationally consistent state and territory legislative requirements about the types of information recorded on teacher registers. Types of information that the council should consider, with respect to a person's registration and employment as a teacher, include:</p> <ul style="list-style-type: none"> a. the person's former names and aliases b. the details of former and current employers c. where relating to allegations or incidents of child sexual abuse: <ul style="list-style-type: none"> i. current and past disciplinary actions, such as conditions on, suspension of, and cancellation of registration ii. grounds for current and past disciplinary actions iii. pending investigations iv. findings or outcomes of investigations where allegations have been substantiated v. resignation or dismissal from employment. 	<p>Accept in principle</p> <p>In February, COAG tasked the COAG Education Council with advancing recommendations relating to teachers and students.</p> <p>The Queensland Government is participating in a working group that has been established to provide advice back to the COAG Education Council over the next 12 months.</p>
8.10	<p>The COAG Education Council should consider the need for nationally consistent provisions in state and territory teacher registration laws providing that teacher registration authorities may, and/or must on request, make information on teacher registers available to:</p> <ul style="list-style-type: none"> a. teacher registration authorities in other states and territories b. teachers' employers. 	<p>Accept in principle</p> <p>In February, COAG tasked the COAG Education Council with advancing recommendations relating to teachers and students.</p> <p>The Queensland Government is participating in a working group that has been established to provide advice back to the COAG Education Council over the next 12 months.</p>
8.11	<p>The COAG Education Council should consider the need for nationally consistent provisions</p> <ul style="list-style-type: none"> a. in state and territory teacher registration laws or b. in administrative arrangements, based on legislative authorisation for information sharing under our recommended information exchange scheme providing that teacher registration authorities may or must notify teacher registration authorities in other states and territories and teachers' employers of information they hold or receive about the following matters where they relate to allegations or incidents of child sexual abuse: <ul style="list-style-type: none"> a. disciplinary actions, such as conditions or restrictions on, suspension of and cancellation of registration, including with notification of grounds b. investigations into conduct, or into allegations or complaints c. findings or outcomes of investigations d. resignation or dismissal from employment 	<p>Accept in principle</p> <p>In February, COAG tasked the COAG Education Council with advancing recommendations relating to teachers and students.</p> <p>The Queensland Government is participating in a working group that has been established to provide advice back to the COAG Education Council over the next 12 months.</p>
8.12	<p>In considering improvements to teacher registers and information sharing by registration authorities, the COAG Education Council should also consider what</p>	<p>Accept in principle</p> <p>In February, COAG tasked the COAG Education</p>

No	Recommendation	Queensland Government response
	safeguards are necessary to protect teachers' personal information.	<p>Council with advancing recommendations relating to teachers and students.</p> <p>The Queensland Government is participating in a working group that has been established to provide advice back to the COAG Education Council over the next 12 months.</p>
8.13	<p>State and territory governments should ensure that policies provide for the exchange of a student's information when they move to another school, where:</p> <ol style="list-style-type: none"> a. the student may pose risks to other children due to their harmful sexual behaviours or may have educational or support needs due to their experiences of child sexual abuse and b. the new school needs this information to address the safety and wellbeing of the student or of other students at the school. <p>State and territory governments should give consideration to basing these policies on our recommended information exchange scheme (Recommendations 8.6 to 8.8).</p>	<p>For further consideration</p> <p>The Queensland Government is committed to ensuring that schools are best able to discharge their care obligations to their students.</p> <p>While there are currently policies in place to provide for information sharing, the Queensland Government commits to further considering how existing policies and regulation can be strengthened to achieve the intent of the Royal Commission's recommendations.</p> <p>The Queensland Government supports coordinating consideration with the national consideration of recommendations 8.6-8.8.</p>
8.14	<p>State and territory governments should ensure that policies for the exchange of a student's information when they move to another school:</p> <ol style="list-style-type: none"> a. provide that the principal (or other authorised information sharer) at the student's previous school is required to share information with the new school in the circumstances described in Recommendation 8.13 and b. apply to schools in government and non-government systems. 	<p>For further consideration</p> <p>The Queensland Government is committed to ensuring that schools are best able to discharge care obligations to students. While there are currently policies in place to provide for information sharing, the Queensland Government commits to further considering how existing policies and regulation can be strengthened to achieve the intent of the Royal Commission's recommendations.</p> <p>The Queensland Government will work with the non-government school sector to address barriers to the information exchange.</p>
8.15	<p>State and territory governments should ensure that policies about the exchange of a student's information (as in Recommendations 8.13 and 8.14) provide the following safeguards, in addition to any safeguards attached to our recommended information exchange scheme:</p> <ol style="list-style-type: none"> a. information provided to the new school should be proportionate to its need for that information to assist it in meeting the student's safety and wellbeing needs, and those of other students at the school b. information should be exchanged between principals, or other authorised information sharers, and disseminated to other staff members on a need-to-know basis. 	<p>For further consideration</p> <p>The Queensland Government supports the intent of the recommendation. Further consideration will be given to ensuring that there are sufficient protections in place for the privacy of students and that any information exchange is appropriately managed and disseminated.</p>
8.16	The COAG Education Council should review the Interstate Student Data Transfer Note and Protocol in the context of the implementation of our recommended information exchange scheme (Recommendations 8.6 to 8.8).	<p>Accept in principle</p> <p>In February, COAG tasked the COAG Education Council with advancing recommendations relating to teachers and students.</p> <p>The Queensland Government is participating in a working group that has been established to provide advice back to the COAG Education Council over the next 12 months.</p>

No	Recommendation	Queensland Government response
8.17	<p>State and territory governments should introduce legislation to establish carers registers in their respective jurisdictions, with national consistency in relation to:</p> <ul style="list-style-type: none"> a. the inclusion of the following carer types on the carers register: <ul style="list-style-type: none"> i. foster carers ii. relative/kinship carers iii. residential care staff b. the types of information which, at a minimum, should be recorded on the register c. the types of information which, at a minimum, must be made available to agencies or bodies with responsibility for assessing, authorising or supervising carers, or other responsibilities related to carer suitability and safety of children in out-of-home care. 	<p>Accept in principle</p> <p>The Queensland Government is committed to ensuring the safety of children in out-of-home care. The Queensland Government has systems in place to capture kinship and foster carer information. In 2017, the Queensland Government passed legislation to improve child protection information sharing across jurisdictions.</p> <p>The Queensland Government will continue to engage with interjurisdictional forums to progress the Royal Commission's carer register recommendations.</p> <p>It is noted, as part of progressing the Queensland Family and Child Commission Recommendation 28 Supplementary Review, the Queensland Government is establishing a centralised register to enable Queensland regulatory bodies to identify the blue card status of foster and kinship carers, family day educators, stand-alone carers and adults who reside in these residences. However, this is for a limited purpose and has a different scope to what is recommended by the Royal Commission.</p>
8.18	<p>Carers registers should be maintained by state and territory child protection agencies or bodies with regulatory or oversight responsibility for out-of-home care in that jurisdiction.</p>	<p>Accept in principle</p> <p>The Queensland Government is committed to ensuring the safety of children in out-of-home care. The Queensland Government has systems in place to capture kinship and foster carer information.</p> <p>The Queensland Government will continue to engage with interjurisdictional forums to progress the Royal Commission's carer register recommendations.</p> <p>It is noted, as part of progressing the Queensland Family and Child Commission Recommendation 28 Supplementary Review, the Queensland Government is establishing a centralised register to enable Queensland regulatory bodies to identify the blue card status of foster and kinship carers, family day educators, stand-alone carers and adults who reside in these residences. However, this is for a limited purpose and has a different scope to what is recommended by the Royal Commission.</p>
8.19	<p>State and territory governments should consider the need for carers registers to include, at a minimum, the following information (register information) about, or related to, applicant or authorised carers, and persons residing on the same property as applicant/authorised home-based carers (household members):</p> <ul style="list-style-type: none"> a. lodgement or grant of applications for authorisation b. status of the minimum checks set out in Recommendation 12.6 as requirements for 	<p>Accept in principle</p> <p>The Queensland Government is committed to ensuring the safety of children in out-of-home care. The Queensland Government has systems in place to capture kinship and foster carer information.</p> <p>The Queensland Government will continue to engage with interjurisdictional forums to</p>

No	Recommendation	Queensland Government response
	<p>authorisation, indicating their outcomes as either satisfactory or unsatisfactory</p> <ul style="list-style-type: none"> c. withdrawal or refusal of applications for authorisation in circumstances of concern (including in relation to child sexual abuse) d. cancellation or surrender of authorisation in circumstances of concern (including in relation to child sexual abuse) e. previous or current association with an out-of-home care agency, whether by application for authorisation, assessment, grant of authorisation, or supervision f. the date of reportable conduct allegations, and their status as either current, finalised with ongoing risk-related concerns, and/or requiring contact with the reportable conduct oversight body 	<p>progress the Royal Commission's carer register recommendations.</p> <p>It is noted, as part of progressing the Queensland Family and Child Commission Recommendation 28 Supplementary Review, the Queensland Government is establishing a centralised register to enable Queensland regulatory bodies to identify the blue card status of foster and kinship carers, family day educators, stand-alone carers and adults who reside in these residences. However, this is for a limited purpose and has a different scope to what is recommended by the Royal Commission.</p>
8.20	<p>State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies to:</p> <ul style="list-style-type: none"> a. record register information in minimal detail b. record register information as a mandatory part of carer authorisation c. update register information about authorised carers. 	<p>Accept in principle</p> <p>The Queensland Government is committed to ensuring the safety of children in out-of-home care. The Queensland Government has systems in place to capture kinship and foster carer information.</p> <p>The Queensland Government will continue to engage with interjurisdictional forums to progress the Royal Commission's carer register recommendations.</p> <p>It is noted, as part of progressing the Queensland Family and Child Commission Recommendation 28 Supplementary Review, the Queensland Government is establishing a centralised register to enable Queensland regulatory bodies to identify the blue card status of foster and kinship carers, family day educators, stand-alone carers and adults who reside in these residences. However, this is for a limited purpose and has a different scope to what is recommended by the Royal Commission.</p>
8.21	<p>State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies:</p> <ul style="list-style-type: none"> a. before they authorise or recommend authorisation of carers, to: <ul style="list-style-type: none"> i. undertake a check for relevant register information, and ii. seek further relevant information from another out-of-home care agency where register information indicates applicant carers, or their household members (in the case of prospective home-based carers) have a prior or current association with that other agency b. in the course of their assessment, authorisation, or supervision of carers, to: <ul style="list-style-type: none"> i. seek further relevant information from other agencies or bodies, where register information indicates they hold, or may hold, additional information relevant to carer suitability, including reportable conduct information. 	<p>Accept in principle</p> <p>The Queensland Government is committed to ensuring the safety of children in out-of-home care. The Queensland Government has systems in place to capture kinship and foster carer information.</p> <p>The Queensland Government will continue to engage with interjurisdictional forums to progress the Royal Commission's carer register recommendations.</p> <p>It is noted, as part of progressing the Queensland Family and Child Commission Recommendation 28 Supplementary Review, the Queensland Government is establishing a centralised register to enable Queensland regulatory bodies to identify the blue card status of foster and kinship carers, family day educators, stand-alone carers and adults who reside in these residences. However, this is for a</p>

No	Recommendation	Queensland Government response
	State and territory governments should give consideration to enabling agencies to seek further information for these purposes under our recommended information exchange scheme (Recommendations 8.6 to 8.8).	limited purpose and has a different scope to what is recommended by the Royal Commission.
8.22	<p>State and territory governments should consider the need for effective mechanisms to enable agencies and bodies to obtain relevant information from registers in any state or territory holding such information. Consideration should be given to legislative and administrative arrangements, and digital platforms, which will enable:</p> <ol style="list-style-type: none"> a. agencies responsible for assessing, authorising or supervising carers b. other agencies, including jurisdictional child protection agencies and regulatory and oversight bodies, with responsibilities related to the suitability of persons to be carers and the safety of children in out-of-home care to obtain relevant information from their own and other jurisdictions' registers for the purpose of exercising their responsibilities and functions. 	<p>Accept in principle The Queensland Government is committed to ensuring the safety of children in out-of-home care. The Queensland Government has systems in place to capture kinship and foster carer information.</p> <p>The Queensland Government will continue to engage with interjurisdictional forums to progress the Royal Commission's carer register recommendations.</p> <p>It is noted, as part of progressing the Queensland Family and Child Commission Recommendation 28 Supplementary Review, the Queensland Government is establishing a centralised register to enable Queensland regulatory bodies to identify the blue card status of foster and kinship carers, family day educators, stand-alone carers and adults who reside in these residences. However, this is for a limited purpose and has a different scope to what is recommended by the Royal Commission.</p>
8.23	<p>In considering the legislative and administrative arrangements required for carers registers in their jurisdiction, state and territory governments should consider the need for guidelines and training to promote the proper use of carers registers for the protection of children in out-of-home care. Consideration should also be given to the need for specific safeguards to prevent inappropriate use of register information.</p>	<p>Accept in principle The Queensland Government is committed to ensuring the safety of children in out-of-home care. The Queensland Government has systems in place to capture kinship and foster carer information.</p> <p>The Queensland Government will continue to engage with interjurisdictional forums to progress the Royal Commission's carer register recommendations.</p> <p>It is noted, as part of progressing the Queensland Family and Child Commission Recommendation 28 Supplementary Review, the Queensland Government is establishing a centralised register to enable Queensland regulatory bodies to identify the blue card status of foster and kinship carers, family day educators, stand-alone carers and adults who reside in these residences. However, this is for a limited purpose and has a different scope to what is recommended by the Royal Commission.</p>

Volume 9 – Advocacy, support and therapeutic treatment services

No.	Recommendation	Queensland Government response
9.1	The Australian Government and state and territory governments should fund dedicated community support services for victims and survivors in each jurisdiction, to provide an integrated model of advocacy and support and counselling to children and	<p>Accept in principle Since the 1999 <i>Commission of Inquiry into Abuse of Children in Queensland Institutions</i>, the Queensland Government has funded</p>

No.	Recommendation	Queensland Government response
	<p>adults who experienced childhood sexual abuse in institutional contexts.</p> <p>Funding and related agreements should require and enable these services to:</p> <ol style="list-style-type: none"> be trauma-informed and have an understanding of institutional child sexual abuse be collaborative, available, accessible, acceptable and high quality use case management and brokerage to coordinate and meet service needs support and supervise peer-led support models. 	<p>dedicated community support services for Forgotten Australians and former child migrants.</p> <p>The Queensland Government recognises the importance of ensuring that there are dedicated community support services for people who have experienced child sexual abuse.</p>
9.2	<p>The Australian Government and state and territory governments should fund Aboriginal and Torres Strait Islander healing approaches as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse. These approaches should be evaluated in accordance with culturally appropriate methodologies, to contribute to evidence of best practice.</p>	<p>Accept in principle</p> <p>The Queensland Government strongly supports service provision that incorporates Aboriginal and Torres Strait Islander healing approaches to support the recovery of Aboriginal and Torres Strait Islander people who have experienced child sexual abuse.</p> <p><i>The Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037</i> includes actions in relation to developing specialist services for Aboriginal and Torres Strait Islander people affected by sexual violence and child sexual abuse.</p>
9.3	<p>The Australian Government and state and territory governments should fund support services for people with disability who have experienced sexual abuse in childhood as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse.</p>	<p>Accept in principle</p> <p>The Queensland Government recognises the importance of supporting Queenslanders with a disability who have experienced childhood sexual abuse.</p> <p>The Department of Communities, Disability Services and Seniors is the lead Queensland Government agency coordinating the transition to the National Disability Insurance Scheme (NDIS) on behalf of Queensland. Queensland Government agencies that deliver disability services are assisting their clients to understand the NDIS, the opportunities it can bring and to transition smoothly into the scheme.</p> <p>NDIS service providers will play a crucial role in making appropriate referrals to sexual assault support and treatment for people with disability identifying and reporting sexual abuse.</p>
9.4	<p>The Australian Government should establish and fund a legal advice and referral service for victims and survivors of institutional child sexual abuse. The service should provide advice about accessing, amending and annotating records from institutions, and options for initiating police, civil litigation or redress processes as required. Support should include advice, referrals to other legal services for representation and general assistance for people to navigate the legal service system.</p>	<p>Accept in principle</p> <p>The Queensland Government accepts this recommendation in principle, noting that the recommendation is directed to the Australian Government.</p>

No.	Recommendation	Queensland Government response
	<p>Funding and related agreements should require and enable these services to be:</p> <ol style="list-style-type: none"> trauma-informed and have an understanding of institutional child sexual abuse collaborative, available, accessible, acceptable and high quality. 	
9.5	<p>The Australian Government should fund a national website and helpline as a gateway to accessible advice and information on childhood sexual abuse. This should provide information for victims and survivors, particularly victims and survivors of institutional child sexual abuse, the general public and practitioners about supporting children and adults who have experienced sexual abuse in childhood and available services. The gateway may be operated by an existing service with appropriate experience and should:</p> <ol style="list-style-type: none"> be trauma-informed and have an understanding of institutional child sexual abuse be collaborative, available, accessible, acceptable and high quality provide telephone and online information and initial support for victims and survivors, including independent legal information and information about reporting to police provide assisted referrals to advocacy and support and therapeutic treatment services. 	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that the recommendation is directed to the Australian Government.</p>
9.6	<p>The Australian Government and state and territory governments should address existing specialist sexual assault service gaps by increasing funding for adult and child sexual assault services in each jurisdiction, to provide advocacy and support and specialist therapeutic treatment for victims and survivors, particularly victims and survivors of institutional child sexual abuse. Funding agreements should require and enable services to:</p> <ol style="list-style-type: none"> be trauma-informed and have an understanding of institutional child sexual abuse be collaborative, available, accessible, acceptable and high quality use collaborative community development approaches provide staff with supervision and professional development. 	<p>Accept in principle The Queensland Government recognises the importance of enhancing the capacity of specialist sexual assault services to meet the needs of child and adult victims and survivors of child sexual abuse in Australia.</p> <p>The Queensland Government has prioritised investment in new sexual assault responses in areas with high demand or areas with limited community response.</p>
9.7	<p>Primary Health Networks, within their role to commission joined up local primary care services, should support sexual assault services to work collaboratively with key services such as disability-specific services, Aboriginal and Torres Strait Islander services, culturally and linguistically diverse services, youth justice, aged care and child and youth services to better meet the needs of victims and survivors.</p>	<p>Accept in principle The Queensland Government accepts this recommendation in principle. The recommendation is directed to Primary Health Networks that are funded by the Australian Government. The Queensland Government is committed to collaborating with the Australian Government and Primary Health Networks to further consider this recommendation.</p>
9.8	<p>The Australian Government and state and territory government agencies responsible for the delivery of human services should ensure relevant policy frameworks and strategies recognise the needs of victims and survivors and the benefits of implementing trauma informed approaches.</p>	<p>Accept in principle The Queensland Government acknowledges the benefits of trauma-informed care approaches and has been developing and implementing trauma-informed frameworks across certain services, recognising the needs of people who have experienced trauma including childhood</p>

No.	Recommendation	Queensland Government response
		<p>sexual abuse.</p> <p>For example, the Hope and Healing Framework, a trauma-informed framework for residential care is currently being implemented by the Department of Child Safety, Youth and Women.</p> <p>The Queensland Government will continue to engage with the Australian Government to pursue trauma-informed approaches in policy frameworks and human service delivery.</p>
9.9	<p>The Australian Government, in conjunction with state and territory governments, should establish and fund a national centre to raise awareness and understanding of the impacts of child sexual abuse, support help-seeking and guide best practice advocacy and support and therapeutic treatment. The national centre's functions should be to:</p> <ol style="list-style-type: none"> a. raise community awareness and promote destigmatising messages about the impacts of child sexual abuse b. increase practitioners' knowledge and competence in responding to child and adult victims and survivors by translating knowledge about the impacts of child sexual abuse and the evidence on effective responses into practice and policy. This should include activities to: <ol style="list-style-type: none"> i. identify, translate and promote research in easily available and accessible formats for advocacy and support and therapeutic treatment practitioners ii. produce national training materials and best practice clinical resources iii. partner with training organisations to conduct training and workforce development programs iv. influence national tertiary curricula to incorporate child sexual abuse and trauma-informed care v. inform government policy making c. lead the development of better service models and interventions through coordinating a national research agenda and conducting high-quality program evaluation. <p>The national centre should partner with survivors in all its work, valuing their knowledge and experience.</p>	<p>Accept in principle</p> <p>The Queensland Government accepts the need for a national centre and notes the importance of leadership by the Australian Government.</p> <p>The Queensland Government will collaborate with the Australian Government on progressing the recommendation.</p>

Volume 10 – Children with harmful sexual behaviours

No.	Recommendation	Queensland Government response
10.1	<p>The Australian Government and state and territory governments should ensure the issue of children's harmful sexual behaviours is included in the national strategy to prevent child sexual abuse that we have recommended (see Recommendations 6.1 to 6.3). Harmful sexual behaviours by children should be addressed through each of the following:</p> <ol style="list-style-type: none"> a. primary prevention strategies to educate family, community members, carers and 	<p>Accept in principle</p> <p>The Queensland Government will work with other jurisdictions to prioritise the inclusion of the complex issue of children with sexually reactive behaviours in frameworks and strategies to support the wellbeing and safety of all children.</p>

No.	Recommendation	Queensland Government response
	<p>professionals (including mandatory reporters) about preventing harmful sexual behaviours</p> <ul style="list-style-type: none"> b. secondary prevention strategies to ensure early intervention when harmful sexual behaviours are developing c. tertiary intervention strategies to address harmful sexual behaviours. 	
10.2	<p>The Australian Government and state and territory governments should ensure timely expert assessment is available for individual children with problematic and harmful sexual behaviours, so they receive appropriate responses, including therapeutic interventions, which match their particular circumstances.</p>	<p>Accept in principle The Queensland Government supports the intention of the recommendation and recognises the gaps in service delivery and funding for children with sexually reactive behaviours.</p> <p>The Queensland Government is committed to working with the Australian Government and states and territories on funding and service delivery models to align with the recommended <i>National Strategy to Prevent Child Sexual Abuse</i> once developed.</p>
10.3	<p>The Australian Government and state and territory governments should adequately fund therapeutic interventions to meet the needs of all children with harmful sexual behaviours. These should be delivered through a network of specialist and generalist therapeutic services. Specialist services should also be adequately resourced to provide expert support to generalist services.</p>	<p>Accept in principle The Queensland Government supports the intention of the recommendation and recognises the gaps in service delivery and funding for children with sexually reactive behaviours.</p> <p>The Queensland Government is committed to working with the Australian Government and states and territories on funding and service delivery models to align with the recommended <i>National Strategy to Prevent Child Sexual Abuse</i> once developed.</p>
10.4	<p>State and territory governments should ensure that there are clear referral pathways for children with harmful sexual behaviours to access expert assessment and therapeutic intervention, regardless of whether the child is engaging voluntarily, on the advice of an institution or through their involvement with the child protection or criminal justice systems.</p>	<p>Accept in principle The Queensland Government supports the intention of the recommendation and recognises the gaps in service delivery and funding for children with sexually reactive behaviours.</p> <p>The Queensland Government is committed to working with the Australian Government and states and territories on funding and service delivery models to align with the recommended <i>National Strategy to Prevent Child Sexual Abuse</i> once developed.</p>
10.5	<p>Therapeutic intervention for children with harmful sexual behaviours should be based on the following principles:</p> <ul style="list-style-type: none"> a. a contextual and systemic approach should be used b. family and carers should be involved c. safety should be established d. there should be accountability and responsibility for the harmful sexual behaviours e. there should be a focus on behaviour change f. developmentally and cognitively appropriate interventions should be used g. the care provided should be trauma-informed h. therapeutic services and interventions should be culturally safe 	<p>Accept in principle The Queensland Government supports the intention of the recommendation and recognises the gaps in service delivery and funding for children with sexually reactive behaviours.</p> <p>The Queensland Government is committed to working with the Australian Government and states and territories on funding and service delivery models to align with the recommended <i>National Strategy to Prevent Child Sexual Abuse</i> once developed.</p>

No.	Recommendation	Queensland Government response
	i. therapeutic interventions should be accessible to all children with harmful sexual behaviours	
10.6	The Australian Government and state and territory governments should ensure that all services funded to provide therapeutic intervention for children with harmful sexual behaviours provide professional training and clinical supervision for their staff.	<p>Accept in principle</p> <p>The Queensland Government supports the intention of the recommendation and recognises the gaps in service delivery and funding for children with sexually reactive behaviours.</p> <p>The Queensland Government is committed to working with the Australian Government and states and territories on funding and service delivery models to align with the recommended <i>National Strategy to Prevent Child Sexual Abuse</i> once developed.</p>
10.7	The Australian Government and state and territory governments should fund and support evaluation of services providing therapeutic interventions for problematic and harmful sexual behaviours by children.	<p>Accept in principle</p> <p>The Queensland Government supports the intention of the recommendation and recognises the gaps in service delivery and funding for children with sexually reactive behaviours.</p> <p>The Queensland Government is committed to working with the Australian Government and states and territories on funding and service delivery models to align with the recommended <i>National Strategy to Prevent Child Sexual Abuse</i> once developed.</p>

Volume 12 – Contemporary out-of-home care

No.	Recommendation	Queensland Government response
12.1	The Australian Government and state and territory governments should develop nationally agreed key terms and definitions in relation to child sexual abuse for the purpose of data collection and reporting by the Australian Institute of Health and Welfare (AIHW) and the Productivity Commission.	<p>Accept in principle</p> <p>The Queensland Government will work with other jurisdictions to achieve nationally consistent agreed key terms and definitions in relation to child sexual abuse through relevant agencies and portfolios.</p> <p>Governments will work together to agree research priorities and timeframes, noting the complexity and importance of establishing nationally agreed terms and definitions to provide a basis for further national research.</p>
12.2	The Australian Government and state and territory governments should prioritise enhancements to the Child Protection National Minimum Data Set to include: <ul style="list-style-type: none"> a. data identifying children with disability, children from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander children b. the number of children who were the subject of a substantiated report of sexual abuse while in out-of-home care c. the demographics of those children d. the type of out-of-home care placement in which the abuse occurred e. information about when the abuse occurred f. information about who perpetrated the abuse, including their age and their relationship to the victim, if known 	<p>Accept in principle</p> <p>The Queensland Government will work with other jurisdictions to achieve enhancement to the Child Protection National Minimum Data Set through relevant agencies and portfolios.</p>

No.	Recommendation	Queensland Government response
12.3	State and territory governments should agree on reporting definitions and data requirements to enable reporting in the Report on Government Services on outcome indicators for 'improved health and wellbeing of the child', 'safe return home' and 'permanent care'.	<p>Accept in principle</p> <p>The Queensland Government will work with other jurisdictions to agree on reporting definitions and data requirements through relevant agencies and portfolios.</p>
12.4	<p>Each state and territory government should revise existing mandatory accreditation schemes to:</p> <ol style="list-style-type: none"> a. incorporate compliance with the Child Safe Standards identified by the Royal Commission b. extend accreditation requirements to both government and non-government out-of-home care service providers. 	<p>Accept in principle</p> <p>The Queensland Government is committed to ensuring that out-of-home care service delivery is of the highest quality. Queensland's child protection system is one of the most highly regulated in Australia. The Queensland Government is currently implementing recommendations from the Queensland Family and Child Commission's Review of Foster Care, including strengthening carer assessment, approval and monitoring. The next stage of review of the <i>Child Protection Act 1999</i> will consider the Royal Commission's recommendations as part of its comprehensive review of the regulation of care including carer approvals and licensing of care services.</p>
12.5	<p>In each state and territory, an existing statutory body or office that is independent of the relevant child protection agency and out-of-home care service providers, for example a children's guardian, should have responsibility for:</p> <ol style="list-style-type: none"> a. receiving, assessing and processing applications for accreditation of out-of-home care service providers b. conducting audits of accredited out-of-home care service providers to ensure ongoing compliance with accreditation standards and conditions 	<p>Accept in principle</p> <p>The Queensland Government is committed to ensuring that the accreditation of out-of-home care delivery is of the highest quality. Queensland's child protection system is one of the most highly regulated in Australia.</p> <p>The Queensland Government is currently implementing recommendations from the Queensland Family and Children Commission's Review of Foster Care, including strengthening carer assessment, approval and monitoring.</p> <p>The next stage of review of the <i>Child Protection Act 1999</i> will consider the Royal Commission's recommendations as part of its comprehensive review of the regulation of care including carer approvals and licensing of care services.</p>
12.6	<p>In addition to a National Police Check, Working With Children Check and referee checks, authorisation of all foster and kinship/relative carers and all residential care staff should include:</p> <ol style="list-style-type: none"> a. community services checks of the prospective carer and any adult household members of home-based carers b. documented risk management plans to address any risks identified through community services checks c. at least annual review of risk management plans as part of carer reviews and more frequently as required. 	<p>Accept in principle</p> <p>The Queensland Government recognises the importance of ensuring carer suitability and is committed to comprehensive screening processes.</p> <p>The Queensland Government currently conducts child protection and personal history checks on all prospective foster and kinship carers. The Queensland Government is currently implementing recommendations from the Queensland Family and Child Commission's Review of Foster Care, including strengthening carer assessment, approval and monitoring.</p> <p>The next stage of review of the <i>Child Protection Act 1999</i> will consider the Royal Commission's recommendations as part of its comprehensive review of the regulation of care including carer approvals and licensing of care services.</p>
12.7	All out-of-home care service providers should conduct annual reviews of authorised carers that include	<p>Accept in principle</p> <p>The Queensland Government accepts that reviews of carers, residential staff, and</p>

No.	Recommendation	Queensland Government response
	interviews with all children in the placement with the carer under review, in the absence of the carer.	<p>accountability mechanisms are critical to maintaining confidence and quality of authorised carers.</p> <p>This recommendation is aligned with recommendations made by the Queensland Family and Child Commission (QFCC) in its reviews of Foster Care and Blue Card systems, that children are interviewed during their carers' assessment. The QFCC recommendation has been accepted by the Queensland Government and work is ongoing to progress it.</p> <p>The Queensland Government will be considering The Royal Commission's recommendations as part of the next stage of review of the <i>Child Protection Act 1999</i>.</p>
12.8	<p>Each state and territory government should adopt a model of assessment appropriately tailored for kinship/relative care. This type of assessment should be designed to:</p> <ol style="list-style-type: none"> a. better identify the strengths as well as the support and training needs of kinship/relative carers b. ensure holistic approaches to supporting placements that are culturally safe c. include appropriately resourced support plans. 	<p>Accept in principle</p> <p>The Queensland Government recognises the unique nature of kinship care, and considers the standards applied to assessing kinship carers must be equivalent to those applied to foster carers.</p> <p>The Queensland Government is currently progressing consideration of the Queensland Family and Child Commission's (QFCC) reviews of Foster Care and Blue Cards and from engagement with foster and kinship carers through the Partners in Care project.</p> <p>The recommendations from the QFCC reviews, and the actions developed through the Partners in Care project are being progressed by the Queensland Government.</p> <p>The Queensland Government will consider the Royal Commission's recommendations is part of its ongoing reform work.</p>
12.9	<p>All state and territory governments should collaborate in the development of a sexual abuse prevention education strategy, including online safety, for children in out-of-home care that includes:</p> <ol style="list-style-type: none"> a. input from children in out-of-home care and care-leavers b. comprehensive, age-appropriate and culture-appropriate education about sexuality and healthy relationships that is tailored to the needs of children in out-of-home care c. resources tailored for children in care, for foster and kinship/relative carers, for residential care staff and for caseworkers d. resources that can be adapted to the individual needs of children with disability and their carers 	<p>Accept in principle</p> <p>The Queensland Government accepts the importance of nationally consistent policy and practice to prevent child sexual abuse in out-of-home care and encourages the disclosure of child sexual abuse at the earliest opportunity.</p> <p>The Queensland Government has existing programs that could be leveraged in developing a sexual abuse prevention education strategy, including the Shared Understandings and Respectful Relationships strategies.</p> <p>The Queensland Government considers it important that sexual abuse prevention education, in particular online programs, are consistent across child protection and education systems. The Queensland Government will consider the outcome of consideration of recommendation 6.22 in developing a strategy for out-of-home care.</p> <p>The Queensland Government will work with</p>

No.	Recommendation	Queensland Government response
		state and territory governments to further consider this recommendation.
12.10	<p>State and territory governments, in collaboration with out-of-home care service providers and peak bodies, should develop resources to assist service providers to:</p> <ol style="list-style-type: none"> provide appropriate support and mechanisms for children in out-of-home care to communicate, either verbally or through behaviour, their views, concerns and complaints provide appropriate training and support to carers and caseworkers to ensure they hear and respond to children in out-of-home care, including ensuring children are involved in decisions about their lives regularly consult with the children in their care as part of continuous improvement processes. 	<p>Accept The Queensland Government supports child-friendly complaint processes and mechanisms to ensure that children are able to make complaints and reporting barriers are overcome.</p> <p>The Queensland Government acknowledges the work of the CREATE Foundation in advocating for adults to hear, and act on, the voices of children and young people with a care experience.</p> <p>The Queensland Government will build on this work with the CREATE Foundation to further equip adults to hear the voices of children and young people with a care experience.</p>
12.11	<p>State and territory governments and out-of-home care service providers should ensure that training for foster and relative/kinship carers, residential care staff and child protection workers includes an understanding of trauma and abuse, the impact on children and the principles of trauma-informed care to assist them to meet the needs of children in out-of-home care, including children with harmful sexual behaviours.</p>	<p>Accept The Queensland Government is committed to building the capacity of carers, staff and child protection workers. There is training available to support the range of roles across the child protection system.</p> <p>In response to recommendations made by the Queensland Family and Child Commission's Foster Care Review, the Queensland Government is working to establish a kinship care service model, and the Hope and Healing Framework establishes a trauma-informed model for residential care services.</p> <p>The Queensland Government notes that further analysis and consideration will be required to adapt existing training models and programs to meet the Royal Commission's intention.</p>
12.12	<p>When placing a child in out-of-home care, state and territory governments and out-of-home care service providers should take the following measures to support children with harmful sexual behaviours:</p> <ol style="list-style-type: none"> undertake professional assessments of the child with harmful sexual behaviours, including identifying their needs and appropriate supports and interventions to ensure their safety establish case management and a package of support services undertake careful placement matching that includes: <ol style="list-style-type: none"> providing sufficient relevant information to the potential carer/s and residential care staff to ensure they are equipped to support the child, and additional training as necessary rigorously assessing potential threats to the safety of other children, including the child's siblings, in the placement. 	<p>Accept The Queensland Government is committed to supporting all children in care.</p> <p>Queensland has dedicated services that provide assessment, support and intervention to children and young people with sexually reactive behaviours and their families.</p> <p>The Queensland Government notes there are gaps in these services, as identified by the Royal Commission, and further analysis and consideration of these services is required in order for Queensland to meet the Royal Commission's policy intention.</p>
12.13	<p>State and territory governments and out-of-home care service providers should provide advice, guidelines and ongoing professional development for all foster and kinship/relative carers and residential care staff about preventing and responding to the harmful</p>	<p>Accept The Queensland Government is committed to providing advice, guidance and ongoing professional development for all carers and</p>

No.	Recommendation	Queensland Government response
	sexual behaviours of some children in out-of-home care.	residential care staff to ensure that sexually reactive behaviours are appropriately managed.
12.14	All state and territory governments should develop and implement coordinated and multi-disciplinary strategies to protect children in residential care by: <ul style="list-style-type: none"> a. identifying and disrupting activities that indicate risk of sexual exploitation b. supporting agencies to engage with children in ways that encourage them to assist in the investigation and prosecution of sexual exploitation offences. 	<p>Accept in principle The Queensland Government supports the intent of the Royal Commission's recommendation.</p> <p>Further consideration will be given to how this recommendation may be implemented, and in particular, how it may link into a reportable conduct scheme and implementation of the Child Safe Standards.</p>
12.15	Child protection departments in all states and territories should adopt a nationally consistent definition for child sexual exploitation to enable the collection and reporting of data on sexual exploitation of children in out-of-home care as a form of child sexual abuse.	<p>Accept The Queensland Government will work with other jurisdictions to adopt a nationally consistent definition for child sexual exploitation through relevant agencies and portfolios.</p> <p>The Queensland Government will consider the implementation and timing for the application of the new definition.</p>
12.16	All institutions that provide out-of-home care should develop strategies that increase the likelihood of safe and stable placements for children in care. Such strategies should include: <ul style="list-style-type: none"> a. improved processes for 'matching' children with carers and other children in a placement, including in residential care b. the provision of necessary information to carers about a child, prior to and during their placement, to enable carers to properly support the child c. support and training for carers to deal with the different developmental needs of children as well as managing difficult situations and challenging behaviour. 	<p>Accept The Queensland Government accepts the Royal Commission's policy intent and strongly supports safe and stable placements for children in care.</p> <p>The recommendation aligns with the reforms in the Queensland Family and Child Commission's review of Foster Care, which the Queensland Government has accepted and is currently implementing.</p> <p>The Queensland Government is implementing the Hope and Healing Framework with residential care services. Under the Framework, placement matching needs to occur with a strong therapeutic lens.</p>
12.17	Each state and territory government should ensure that: <ul style="list-style-type: none"> a. the financial support and training provided to kinship/relative carers is equivalent to that provided to foster carers b. the need for any additional supports are identified during kinship/relative carer assessments and are funded c. additional casework support is provided to maintain birth family relationships. 	<p>Accept in principle The Queensland Government recognises the important role of kinship and relative carers.</p> <p>In Queensland, kinship carers receive the same financial support as foster carers. Training is provided to kinship carers on a case-by-case basis, due to the significant relationships that carers have with the child or young person in their care.</p>
12.18	The key focus of residential care for children should be based on an intensive therapeutic model of care framework designed to meet the complex needs of children with histories of abuse and trauma.	<p>Accept The Queensland Government recognises the importance of a therapeutic framework for residential care services.</p> <p>The Queensland Government has introduced the Hope and Healing Framework, specifically aimed at improving the skills and knowledge of staff in residential care services to provide trauma-informed support to young people who are experiencing vulnerability in a consistent way across the state.</p>

No.	Recommendation	Queensland Government response
12.19	All residential care staff should be provided with regular training and professional supervision by appropriately qualified clinicians.	<p>Accept in principle</p> <p>The Queensland Government recognises that improving the therapeutic skills and knowledge of support workers of children and young people in care can improve safety and reduce risks in care.</p> <p>The Queensland Government has introduced the Hope and Healing Framework, specifically aimed at improving the skills and knowledge of staff in residential care services to provide trauma-informed support to young people who are experiencing vulnerability in a consistent way across the state.</p> <p>Residential care services in Queensland are required to have appropriate methods for supervising staff, assessed and monitored through the Human Services Quality Framework. The Queensland Government will consider how best to achieve the Royal Commission's policy intent.</p>
12.20	<p>Each state and territory government, in consultation with appropriate Aboriginal and Torres Strait Islander organisations and community representatives, should develop and implement plans to:</p> <ol style="list-style-type: none"> fully implement the Aboriginal and Torres Strait Islander Child Placement Principle improve community and child protection sector understanding of the intent and scope of the principle develop outcome measures that allow quantification and reporting on the extent of the full application of the principle, and evaluation of its impact on child safety and the reunification of Aboriginal and Torres Strait Islander children with their families invest in community capacity building as a recognised part of kinship care, in addition to supporting individual carers, in recognition of the role of Aboriginal and Torres Strait Islander communities in bringing up children. 	<p>Accept</p> <p>The Aboriginal and Torres Strait Islander Child Placement Principle forms part of the <i>National Framework for Protecting Australia's Children 2009-2020</i> and the third action plan.</p> <p>Queensland has committed to fully implementing the Principle and signed the Family Matters national campaign's Statement of Commitment to ensure Aboriginal and Torres Strait Islander children and young people in Queensland grow up safe and cared for in family, community and culture.</p> <p>Legislative amendments passed in October 2017 as part of the <i>Child Protection Reform Amendment Act 2017</i> will embed all five elements of the Child Placement Principle in the administration of the Act.</p>
12.21	<p>Each state and territory government should ensure:</p> <ol style="list-style-type: none"> the adequate assessment of all children with disability entering out-of-home care the availability and provision of therapeutic support support for disability-related needs the development and implementation of care plans that identify specific risk-management and safety strategies for individual children, including the identification of trusted and safe adults in the child's life. 	<p>Accept</p> <p>The Queensland Government is committed to ensuring care and support is provided to children with disability.</p> <p>The Queensland Government, through the requirements of the <i>Child Protection Act 1999</i> and the Child Health Protection Framework, provides assessments to all children entering out-of-home care.</p> <p>The Queensland Government is currently working to further improve its therapeutic assessment program and develop a new program that is more comprehensive and includes age specific assessment templates.</p> <p>The Queensland Government will continue to work with the Australian Government as the implementation of the National Disability Insurance Scheme continues to ensure the</p>

No.	Recommendation	Queensland Government response
		disability related needs of children in the child protection system are met.
12.22	<p>State and territory governments should ensure that the supports provided to assist all care-leavers to safely and successfully transition to independent living include:</p> <ol style="list-style-type: none"> strategies to assist care-leavers who disclose that they were sexually abused while in out-of-home care to access general post-care supports the development of targeted supports to address the specific needs of sexual abuse survivors, such as help in accessing therapeutic treatment to deal with impacts of abuse, and for these supports to be accessible until at least the age of 25. 	<p>Accept</p> <p>The Queensland Government recognises the importance of ensuring ongoing support and services are available to children and young people that are, or have been, in care. The recommendation is consistent with the Queensland Government's Statement of Standards and Charter of Rights for a Child in Care.</p> <p>There are client-focused services that are available to respond to the specific needs of children in out-of-home care. The Next Steps After Care services assist care leavers to access those services that address their needs.</p> <p>Legislative amendments passed in October 2017 as part of the <i>Child Protection Reform Amendment Act 2017</i> include requiring transition from care planning to commence from when a young person in care is 15 years old and for help and support to be available until the age of 25 years.</p>

Volume 13 – Schools

No.	Recommendation	Queensland Government response
13.1	All schools should implement the Child Safe Standards identified by the Royal Commission.	<p>Accept in principle</p> <p>The Queensland Government accepts in principle the Royal Commission's child safe standards and recognises that the proposed standards represent best practice. The Queensland Government will continue to consider the Child Safe Standards, their implementation, a compliance regime and how to better improve risk mitigation in Queensland.</p> <p>This will consider the likely financial and resource implications of the implementation of the Child Safe Standards.</p>
13.2	State and territory independent oversight authorities responsible for implementing the Child Safe Standards (see Recommendation 6.10) should delegate to school registration authorities the responsibility for monitoring and enforcing the Child Safe Standards in government and non-government schools.	<p>Accept in principle</p> <p>The Queensland Government is committed to transparent and accountable oversight and will engage further with our existing oversight bodies, affected institutions and the community, including on what are likely to be significant logistical and financial imposts and how these can best be managed. Whether the scope of the body's function includes regulation of enforcement of child safe standards will be dependent on further consideration of 6.8.</p>
13.3	School registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to	<p>Accept in principle</p> <p>The Queensland Government is committed to transparent and accountable oversight and will engage further with our existing oversight bodies, affected institutions and the community, including on what are likely to be significant</p>

No.	Recommendation	Queensland Government response
	meet these standards, including advice on complaint handling.	<p>logistical and financial imposts and how these can best be managed. Whether the scope of the body's function includes regulation of enforcement of child safe standards will be dependent on further consideration of 6.8.</p> <p>The Queensland Government currently prescribes broad requirements about appropriate school resources for boarding facilities at non-state schools to ensure the health, safety, and welfare of students while boarding.</p>
13.4	The Australian Government and state and territory governments should ensure that needs-based funding arrangements for Aboriginal and Torres Strait Islander boarding students are sufficient for schools and hostels to create child safe environments.	<p>Accept in principle The Queensland Government is committed to child safe environments for all students in Queensland schools and hostels. The Queensland Government recognises the challenges outlined by the Royal Commission for Aboriginal and Torres Strait Islander boarding students.</p> <p>The Queensland Government will continue to work with the Australian government on appropriate funding models to ensure that schools and hostels are best supported to ensure child safe environments.</p> <p>The Queensland Government notes that the responsibility for providing financial assistance to Aboriginal and Torres Strait Islander students to help with the costs of school fees and living expenses falls under the auspices of the Australian Government through the ABSTUDY program.</p>
13.5	Boarding hostels for children and young people should implement the Child Safe Standards identified by the Royal Commission. State and territory independent oversight authorities should monitor and enforce the Child Safe Standards in these institutions.	<p>Accept in principle The Queensland Government accepts in principle the Royal Commission's child safe standards and recognises that the proposed standards represent best practice. The Queensland Government will continue to consider the Child Safe Standards, their implementation, a compliance regime and how to better improve risk mitigation in Queensland. This will consider the likely financial and resource implications of the implementation of the Child Safe Standards.</p> <p>Currently, under the <i>Working with Children (Risk Management and Screening) Act 2000</i> boarding hostels must keep and maintain a child and youth risk management strategy. .</p> <p>Department of Education state-run boarding facilities are currently guided by the Boarding Standard of Australian schools and residences, which provides operators with a framework to deliver safe, healthy and productive environments for boarders.</p>
13.6	Consistent with the Child Safe Standards, complaint handling policies for schools (see Recommendation 7.7) should include effective policies and procedures	<p>For further consideration The Queensland Government accepts the intent of the Royal Commission in rolling Child Safe</p>

No.	Recommendation	Queensland Government response
	for managing complaints about children with harmful sexual behaviours.	<p>Standards out through schools, including complaint procedures.</p> <p>This recommendation is dependent on the further consideration of the Child Safe Standards and oversight body, as recommended in volume six.</p> <p>The Queensland Government has currently prescribes general requirements for non-state schools in respect to complaints-handling processes. However, these requirements are not specific to children with harmful sexual behaviours.</p>
13.7	State and territory governments should provide nationally consistent and easily accessible guidance to teachers and principals on preventing and responding to child sexual abuse in all government and non-government schools.	<p>Accept in principle</p> <p>The Queensland Government recognises the importance of ensuring that teachers are provided with training, guidance and support to prevent and respond to child sexual abuse.</p> <p>Queensland has a range of resources to guide teachers and principals in State Schools in preventing and responding to child sexual abuse.</p> <p>The Student Protection Procedure, Guidelines, and Student Protection Principal Advisor provide training and guidance to teachers in Queensland state schools.</p> <p>The Queensland Government will collaborate with state and territory governments on progressing the Royal Commission's policy intent.</p>
13.8	The Council of Australian Governments (COAG) should consider strengthening teacher registration requirements to better protect children from sexual abuse in schools. In particular, COAG should review minimum national requirements for assessing the suitability of teachers, and conducting disciplinary investigations.	<p>Accept in principle</p> <p>In February, COAG tasked the COAG Education Council with advancing recommendations relating to teachers and students.</p> <p>The Queensland Government is participating in a working group that has been established to provide advice back to the COAG Education Council over the next 12 months.</p>

Volume 14 – Sport, recreation, arts, culture, community and hobby groups

No.	Recommendation	Queensland Government response
14.1	All sport and recreation institutions, including arts, culture, community and hobby groups, that engage with or provide services to children should implement the Child Safe Standards identified by the Royal Commission.	<p>Accept in principle</p> <p>The Queensland Government notes that this recommendation, noting that it is primarily directed to sport and recreation institutions.</p> <p>The Queensland Government is considering the Child Safe Standards and support and oversight mechanisms, including specific supports for non-government institutions to adopt the Standards, that have been recommended by the Royal Commission in volumes six and twelve.</p> <p>The Queensland Government supports institutions considering how they can adopt the</p>

No.	Recommendation	Queensland Government response
		Child Safe Standards within their institutions.
14.2	The National Office for Child Safety should establish a child safety advisory committee for the sport and recreation sector with membership from government and non-government peak bodies to advise the national office on sector-specific child safety issues.	Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the National Office for Child Safety, recommended to be established by the Australian Government. The Queensland Government notes the recommendation and will advocate to the National Office for Child Safety for appropriate membership on the recommended committee from Queensland.
14.3	The education and information website known as Play by the Rules should be expanded and funded to develop resources – in partnership with the National Office for Child Safety – that are relevant to the broader sport and recreation sector.	Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the National Office for Child Safety, recommended to be established by the Australian Government.
14.4	The independent state and territory oversight bodies that implement the Child Safe Standards should establish a free email subscription function for the sport and recreation sector so that all providers of these services to children can subscribe to receive relevant child safe information and links to resources.	Accept in principle The Queensland Government notes the intent of the Royal Commission in recommending free resources to support the sport and recreation sector. This recommendation is dependent on the further consideration of the Child Safe Standards, as recommended in volume six. The Queensland Government fully supports an appropriate mechanism for engaging the sport and recreation sector.

Volume 15 – Contemporary detention environments

No.	Recommendation	Queensland Government response
15.1	All institutions engaged in child-related work, including detention institutions and those involving detention and detention-like practices, should implement the Child Safe Standards identified by the Royal Commission.	Accept in principle The Queensland Government accepts in principle the Royal Commission's child safe standards and recognises that the proposed standards represent best practice. The Queensland Government will continue to consider the Child Safe Standards, their implementation, a compliance regime and how to better improve risk mitigation in Queensland. This will consider the likely financial and resource implications of the implementation of the Child Safe Standards. The Queensland Government last year accepted in principle or in full all recommendations of the Independent Review of Youth Detention and is currently working to implement these recommendations. Further consideration will be given to how the Child Safe Standards complement the reforms already underway.
15.2	Given the Australian Government's commitment to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the National Preventive	Noted The Queensland Government notes this recommendation and will continue to engage

No.	Recommendation	Queensland Government response
	Mechanism(s) should be provided with the expertise to consider and make recommendations relating to preventing and responding to child sexual abuse as part of regularly examining the treatment of persons deprived of their liberty in places of detention.	with the Australian Government on progressing the implementation of the OPCAT.
15.3	Youth justice agencies in each state and territory should review the building and design features of youth detention to identify and address elements that may place children at risk. This should include consideration of how to most effectively use technology, such as closed-circuit television (CCTV) cameras and body-worn cameras, to capture interactions between children and between staff and children without unduly infringing children's privacy.	<p>Accept in principle The Queensland Government recognises the importance of safe physical environments for children in detention.</p> <p>The Queensland Government has recently accepted the outcomes of the Independent Review of Youth Detention.</p> <p>The Queensland Government has also undertaken a review of CCTV in youth detention and is currently upgrading the Brisbane Youth Detention Centre to include significant expansion of CCTV.</p> <p>The Queensland Government will evaluate the outcomes of the Independent Review, the CCTV review, and the trial of body-worn cameras to determine whether further action is needed to fulfil the intent of the recommendation.</p>
15.4	<p>As part of efforts to mitigate risks of child sexual abuse in the physical environment of youth detention, state and territory governments should review legislation, policy and procedures to ensure:</p> <ol style="list-style-type: none"> a. appropriate and safe placements of children in youth detention, including a risk assessment process before placement decisions that identifies if a child may be vulnerable to child sexual abuse or if a child is displaying harmful sexual behaviours b. children are not placed in adult prisons c. frameworks take into account the importance of children having access to trusted adults, including family, friends and community, in the prevention and disclosure of child sexual abuse and provide for maximum contact between children and trusted adults through visitation, and use of the telephone and audio-visual technology d. best practice processes are in place for strip searches and other authorised physical contact between staff and children, including sufficient safeguards to protect children such as: <ol style="list-style-type: none"> i. adequate communication between staff and the child before, during and after a search is conducted or other physical contact occurs ii. clear protocols detailing when such practices are permitted and how they should be performed. The key elements of these protocols should be provided to children in an accessible format iii. staff training that highlights the potential for strip searching to re-traumatise children who have been sexually abused and how the misuse of search powers can lead to sexual humiliation or abuse. <p>State and territory governments should</p>	<p>Accept in principle The Queensland Government acknowledges the importance of ensuring the appropriate and safe placement of children in youth detention, and that children should not be placed in adult prisons.</p> <p>The Queensland Government last year accepted in principle or in full all recommendations of the Independent Review of Youth Detention and is currently working to implement the recommendations.</p> <p>In February 2018, legislation commenced which amended the age that a person can be charged as an adult from 17 to 18 years of age in Queensland.</p> <p>Currently in Queensland, risk assessments conducted by youth detention staff and a young person's assigned case worker are used to identify if a child may be vulnerable to child sexual abuse or if a child is displaying sexually reactive behaviours.</p> <p>The Queensland Government's current operational policies and procedures take into account the importance of children having access to trusted adults. Current policy provides for contact between children and trusted adults through visitation, telephone and audio-visual technology.</p> <p>The Queensland Government has best practice processes for youth detention staff when engaging in a personal search. Queensland Government practice is to no longer 'strip search' young people and any personal</p>

No.	Recommendation	Queensland Government response
	<p>consider implementing strategies for detecting contraband, such as risk assessments or body scanners, to minimise the need for strip searching children.</p>	<p>searches are subject to best practice processes, operational policy requirements, and the provisions of the <i>Youth Justice Regulation 2003</i>.</p> <p>The Queensland Government will evaluate the outcomes of the Independent Review to determine whether further action is needed to fulfil the intent of the recommendation.</p>
15.5	<p>State and territory governments should consider further strategies that provide for the cultural safety of Aboriginal and Torres Strait Islander children in youth detention including:</p> <ol style="list-style-type: none"> a. recruiting and developing Aboriginal and Torres Strait Islander staff to work at all levels of the youth justice system, including in key roles in complaint handling systems b. providing access to interpreters, particularly with respect to induction and education programs, and accessing internal and external complaint handling systems c. ensuring that all youth detention facilities have culturally appropriate policies and procedures that facilitate connection with family, community and culture, and reflect an understanding of, and respect for, cultural practices in different clan groups d. employing, training and professionally developing culturally competent staff who understand the particular needs and experiences of Aboriginal and Torres Strait Islander children, including the specific barriers that Aboriginal and Torres Strait Islander children face in disclosing sexual abuse. 	<p>Accept in principle</p> <p>The Queensland Government is committed to addressing the over-representation of Aboriginal and Torres Strait Islander children in youth detention.</p> <p>In 2016, the Queensland Government established the Youth Justice First Nations Action Board, comprised of Youth Justice staff from Aboriginal and Torres Strait Islander backgrounds. Members of the Board are strong advocates and leaders within their own communities and provide advice to senior management on understanding the cultural needs and reducing the over-representation of Aboriginal and Torres Strait Islander children in the youth justice system.</p> <p>The Queensland Government's employment policies aim to recruit Aboriginal and Torres Strait Islander staff and to create employment pathways for Aboriginal and Torres Strait Islander peoples.</p> <p>Employment protocols require that when reviewing candidates for careers in youth detention, the department takes into consideration an applicant's knowledge and understanding of Aboriginal and Torres Strait Islander cultures. Aboriginal and Torres Strait Islander cultural capability and awareness training is provided to staff.</p> <p>The Queensland Government last year accepted in principle or in full all recommendations of the Queensland Youth Detention Review and is currently working to implement the recommendations, including recommendations for supporting Aboriginal and Torres Strait Islander children.</p> <p>Further consideration will be given to how the Royal Commission's recommendations complement the reforms already underway.</p>
15.6	<p>All staff should receive appropriate training on the needs and experiences of children with disability, mental health problems, and alcohol or other drug problems, and children from culturally and linguistically diverse backgrounds that highlights the barriers these children may face in disclosing sexual abuse.</p>	<p>Accept in principle</p> <p>The Queensland Government recognises the importance of appropriate training of youth detention staff.</p> <p>The Queensland Government will continue to consider opportunities to enhance the capability of youth detention staff, particularly with respect</p>

No.	Recommendation	Queensland Government response
		to supporting children who have difficulty disclosing sexual abuse.
15.7	State and territory governments should improve access to therapeutic treatment for survivors of child sexual abuse who are in youth detention, including by assessing their advocacy, support and therapeutic treatment needs and referring them to appropriate services, and ensure they are linked to ongoing treatment when they leave detention.	<p>Accept in principle</p> <p>The Queensland Government is currently implementing recommendations from the Independent Review of Youth Detention in Queensland to expand the mental health and therapeutic supports available to young people in detention.</p> <p>The Queensland Government recognises there are challenges in ensuring those leaving detention are linked to ongoing treatment in their communities, particularly in discrete communities where services may not be readily available.</p> <p>The Queensland Government will consider this challenge as part of its further consideration of volume nine of the Royal Commission's final report.</p>
15.8	State and territory governments should ensure that all staff in youth detention are provided with training and ongoing professional development in trauma-informed care to assist them to meet the needs of children in youth detention, including children at risk of sexual abuse and children with harmful sexual behaviours.	<p>Accept in principle</p> <p>The Queensland Government currently provides all operational staff with training in trauma-informed practice on their commencement in a Queensland youth detention centre.</p> <p>The Queensland Government will work with training providers to consider ways to enhance this training to have a specific focus for children with harmful sexual behaviours or children who may have experienced sexual abuse.</p>
15.9	<p>State and territory governments should review the current internal and external complaint handling systems concerning youth detention to ensure they are capable of effectively dealing with complaints of child sexual abuse, including so that:</p> <ol style="list-style-type: none"> a. children can easily access child-appropriate information about internal complaint processes and external oversight bodies that may receive or refer children's complaints, such as visitor's schemes, ombudsmen, inspectors of custodial services, and children's commissioners or guardians b. children have confidential and unrestricted access to external oversight bodies c. staff involved in managing complaints both internally and externally include Aboriginal and Torres Strait Islander peoples and professionals qualified to provide trauma-informed care d. complaint handling systems are accessible for children with literacy difficulties or who speak English as a second language e. children are regularly consulted about the effectiveness of complaint handling systems and systems are continually improved. 	<p>Accept in principle</p> <p>The Queensland Government's existing legislation, policy and procedure ensure that young people in youth detention and their advocates have access to internal and external complaint management systems.</p> <p>Queensland Government policy provides young people in youth justice with direct and free access to oversight bodies, and youth justice staff are to support and actively facilitate access to external complaint mechanisms, for example, to the Queensland Police and Office of the Public Guardian.</p> <p>Queensland's recent Independent Review of Youth Detention considered existing oversight mechanisms, and existing policies and practices with respect to reporting, monitoring, complaint and investigation mechanisms. The Queensland Government accepted, or accepted in principle, all recommendations made by the Review and is progressing implementation of these recommendations.</p> <p>Once the recommendations from the Independent Review of Youth Detention have been fully operationalised, future evaluation will consider their effectiveness against the Royal Commission's recommendations.</p>

No.	Recommendation	Queensland Government response
15.10	State and territory governments should ensure they have an independent oversight body with the appropriate visitation, complaint handling and reporting powers, to provide oversight of youth detention. This could include an appropriately funded and independent Inspector of Custodial Services or similar body. New and existing bodies should have expertise in child-trauma, and the prevention and identification of child sexual abuse.	<p>Accept in principle The Queensland Government's existing legislation, policy and procedure includes oversight and external complaint handling functions of youth detention.</p> <p>For example, oversight mechanisms are provided through the Queensland Ombudsman, Queensland Family and Child Commission, Office of the Public Guardian, the Official Visitor, the Queensland Corrective Services Chief Inspector, and the Ethical Standards Unit Inspectorate.</p> <p>The Queensland Government has commenced initial scoping for the establishment of an independent inspectorate, and engaged the Queensland Family and Child Commission to consider an appropriate oversight model for youth detention.</p> <p>The Queensland Government is committed to continuing to working with the Australian Government on the ratification of the Optional Protocol to the Convention against Torture, and notes further work is proposed around independent oversight of correction facilities as part of this work.</p>
15.11	The Department of Immigration and Border Protection should publicly report within 12 months on how it has implemented the Child Protection Panel's recommendations.	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the Australian Government.</p>
15.12	<p>a. The Australian Government should establish a mechanism to regularly audit the implementation of the Child Safe Standards in immigration detention by staff, contractors and agents of the Department of Immigration and Border Protection. The outcomes of each audit should be publicly reported.</p> <p>b. The Department of Immigration and Border Protection should contractually require its service providers to comply with the Child Safe Standards identified by the Royal Commission, as applied to immigration detention.</p>	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the Australian Government.</p>
15.13	The Department of Immigration and Border Protection should identify the scope and nature of the need for support services for victims in immigration detention. The Department of Immigration and Border Protection should ensure that appropriate therapeutic and other specialist and support services are funded to meet the identified needs of victims in immigration detention and ensure they are linked to ongoing treatment when they leave detention.	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the Australian Government.</p>
15.14	The Department of Immigration and Border Protection should designate appropriately qualified child safety officers for each place in which children are detained. These officers should assist and build the capacity of staff and service providers at the local level to implement the Child Safe Standards.	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the Australian Government.</p>
15.15	The Department of Immigration and Border Protection should implement an independent visitors program in immigration detention.	<p>Accept in principle</p>

No.	Recommendation	Queensland Government response
		The Queensland Government accepts this recommendation in principle, noting that it is directed to the Australian Government.

Volume 16 – Religious institutions

No.	Recommendation	Queensland Government response
16.1	The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.2	The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers: <ul style="list-style-type: none"> a. members of professional standards bodies b. members of diocesan councils (otherwise known as bishop-in-council or standing committee of synod) c. members of the Standing Committee of the General Synod d. chancellors and legal advisers for dioceses. 	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.3	The Anglican Church of Australia should amend Being together and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.4	The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.5	The Anglican Church Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel): <ul style="list-style-type: none"> a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety. b. undertake mandatory professional/pastoral supervision c. undergo regular performance appraisals 	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.6	The bishop of each Catholic Church diocese in Australia should ensure that parish priests are not the employers of principals and teachers in Catholic schools.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.7	The Australian Catholic Bishops Conference should conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of Catholic health, community services and education agencies.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.

16.8	In the interests of child safety and improved institutional responses to child sexual abuse, the Australian Catholic Bishops Conference should request the Holy See to: <ul style="list-style-type: none"> a. publish criteria for the selection of bishops, including relating to the promotion of child safety b. establish a transparent process for appointing bishops which includes direct participation of lay people 	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.9	The Australian Catholic Bishops Conference should request the Holy See to amend the 1983 Code of Canon Law to create a new canon or series of canons specifically relating to child sexual abuse, as follows: <ul style="list-style-type: none"> a. All delicts relating to child sexual abuse should be articulated as canonical crimes against the child, not as moral failings or as breaches of the 'special obligation' of clerics and religious to observe celibacy. b. All delicts relating to child sexual abuse should apply to any person holding a 'dignity, office or responsibility in the Church' regardless of whether they are ordained or not ordained. c. In relation to the acquisition, possession, or distribution of pornographic images, the delict (currently contained in Article 6 §2 1° of the revised 2010 norms attached to the motu proprio Sacramentorum sanctitatis tutela) should be amended to refer to minors under the age of 18, not minors under the age of 14. 	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.10	The Australian Catholic Bishops Conference should request the Holy See to amend canon law so that the pontifical secret does not apply to any aspect of allegations or canonical disciplinary processes relating to child sexual abuse.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.11	The Australian Catholic Bishops Conference should request the Holy See to amend canon law to ensure that the 'pastoral approach' is not an essential precondition to the commencement of canonical action relating to child sexual abuse.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.12	The Australian Catholic Bishops Conference should request the Holy See to amend canon law to remove the time limit (prescription) for commencement of canonical actions relating to child sexual abuse. This amendment should apply retrospectively.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.13	The Australian Catholic Bishops Conference should request the Holy See to amend the 'imputability' test in canon law so that a diagnosis of paedophilia is not relevant to the prosecution of or penalty for a canonical offence relating to child sexual abuse.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.14	The Australian Catholic Bishops Conference should request the Holy See to amend canon law to give effect to Recommendations 16.55 and 16.56.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.15	The Australian Catholic Bishops Conference and Catholic Religious Australia, in consultation with the Holy See, should consider establishing an Australian	Noted The Queensland Government notes this recommendation. The Queensland Government

	tribunal for trying canonical disciplinary cases against clergy, whose decisions could be appealed to the Apostolic Signatura in the usual way.	encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.16	The Australian Catholic Bishops Conference should request the Holy See to introduce measures to ensure that Vatican Congregations and canonical appeal courts always publish decisions in disciplinary matters relating to child sexual abuse, and provide written reasons for their decisions. Publication should occur in a timely manner. In some cases it may be appropriate to suppress information that might lead to the identification of a victim.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.17	The Australian Catholic Bishops Conference should request the Holy See to amend canon law to remove the requirement to destroy documents relating to canonical criminal cases in matters of morals, where the accused cleric has died or ten years have elapsed from the condemnatory sentence. In order to allow for delayed disclosure of abuse by victims and to take account of the limitation periods for civil actions for child sexual abuse, the minimum requirement for retention of records in the secret archives should be at least 45 years.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.18	The Australian Catholic Bishops Conference should request the Holy See to consider introducing voluntary celibacy for diocesan clergy.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.19	All Catholic religious institutes in Australia, in consultation with their international leadership and the Holy See as required, should implement measures to address the risks of harm to children and the potential psychological and sexual dysfunction associated with a celibate rule of religious life. This should include consideration of whether and how existing models of religious life could be modified to facilitate alternative forms of association, shorter terms of celibate commitment, and/or voluntary celibacy (where that is consistent with the form of association that has been chosen).	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.20	In order to promote healthy lives for those who choose to be celibate, the Australian Catholic Bishops Conference and all Catholic religious institutes in Australia should further develop, regularly evaluate and continually improve, their processes for selecting, screening and training of candidates for the clergy and religious life, and their processes of ongoing formation, support and supervision of clergy and religious.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.21	The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a national protocol for screening candidates before and during seminary or religious formation, as well as before ordination or the profession of religious vows.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.22	The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a mechanism to ensure that diocesan bishops and religious superiors draw upon broad-ranging professional advice in their decision-making, including from staff from seminaries or houses of formation, psychologists, senior clergy and religious, and lay people, in relation to the admission of individuals to:	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.

	<ul style="list-style-type: none"> a. seminaries and houses of religious formation b. ordination and/or profession of vows 	
16.23	<p>In relation to guideline documents for the formation of priests and religious:</p> <ul style="list-style-type: none"> a. The Australian Catholic Bishops Conference should review and revise the Ratio nationalis institutionis sacerdotalis: Programme for priestly formation (current version December 2015), and all other guideline documents relating to the formation of priests, permanent deacons, and those in pastoral ministry, to explicitly address the issue of child sexual abuse by clergy and best practice in relation to its prevention. b. All Catholic religious institutes in Australia should review and revise their particular norms and guideline documents relating to the formation of priests, religious brothers, and religious sisters, to explicitly address the issue of child sexual abuse and best practice in relation to its prevention. 	<p>Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.</p>
16.24	<p>The Australian Catholic Bishops Conference and Catholic Religious Australia should conduct a national review of current models of initial formation to ensure that they promote pastoral effectiveness, (including in relation to child safety and pastoral responses to victims and survivors) and protect against the development of clericalist attitudes.</p>	<p>Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.</p>
16.25	<p>The Australian Catholic Bishops Conference and Catholic Religious Australia should develop and each diocese and religious institute should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, provincials, clergy, religious, and lay personnel):</p> <ul style="list-style-type: none"> a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry, and child safety b. undertake mandatory professional/pastoral supervision c. undergo regular performance appraisals 	<p>Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.</p>
16.26	<p>The Australian Catholic Bishops Conference should consult with the Holy See, and make public any advice received, in order to clarify whether:</p> <ul style="list-style-type: none"> a. information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession b. if a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities. 	<p>Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.</p>
16.27	<p>The Jehovah's Witness organisation should abandon its application of the two-witness rule in cases involving complaints of child sexual abuse.</p>	<p>Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.</p>
16.28	<p>The Jehovah's Witness organisation should revise its policies so that women are involved in processes related to investigating and determining allegations of child sexual abuse.</p>	<p>Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and</p>

		respond to the Royal Commission's recommendations.
16.29	The Jehovah's Witness organisation should no longer require its members to shun those who disassociate from the organisation in cases where the reason for disassociation is related to a person being a victim of child sexual abuse.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.30	All Jewish institutions in Australia should ensure that their complaint handling policies explicitly state that the halachic concepts of mesirah, moser and loshon horo do not apply to the communication and reporting of allegations of child sexual abuse to police and other civil authorities.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.31	All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.32	Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.33	Religious organisations should drive a consistent approach to the implementation of the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.34	Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.	Noted The Queensland Government notes this recommendation.
16.35	Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.36	Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post-appointment, including in relation to the promotion of child safety.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.37	Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.38	Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and

		respond to the Royal Commission's recommendations.
16.39	Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.40	Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.41	Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.42	Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.43	Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that: <ul style="list-style-type: none"> a. equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards b. educates candidates on: <ul style="list-style-type: none"> i. professional responsibility and boundaries, ethics in ministry and child safety ii. policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies iii. how to work with children, including childhood development iv. identifying and understanding the nature, indicators and impacts of child sexual abuse. 	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.44	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.45	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.

16.46	Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.47	Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.48	Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.49	Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.50	Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include: <ul style="list-style-type: none"> a. what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom b. identifying inappropriate behaviour which may be a precursor to abuse, including grooming c. recognising physical and behavioural indicators of child sexual abuse d. that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour. 	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.51	All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.52	All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.53	The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> .	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.

16.54	Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.55	Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> , or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.56	Any person in religious ministry who is convicted of an offence relating to child sexual abuse should: <ul style="list-style-type: none"> a. in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious b. in the case of Anglican clergy, be deposed from holy orders c. in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn d. in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and/or vows, be dismissed, deposed or otherwise effectively have their religious status removed. 	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.57	Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should: <ul style="list-style-type: none"> a. assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community b. take appropriate steps to manage that risk. 	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.
16.58	Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.	Noted The Queensland Government notes this recommendation. The Queensland Government encourages religious institutions to consider and respond to the Royal Commission's recommendations.

Volume 17 – Beyond the Royal Commission

No.	Recommendation	Queensland Government response
17.1	The Australian Government and state and territory governments should each issue a formal response to this Final Report within six months of it being tabled, indicating whether our recommendations are accepted, accepted in principle, rejected or subject to further consideration	Accept The Queensland Government agrees to issue a formal response the final report in June 2018.
17.2	The Australian Government and state and territory government should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations made in this Final Report and its earlier <i>Working with Children Checks, Redress and civil litigation</i> and <i>Criminal justice</i> reports, through five consecutive annual reports tabled before their respective parliaments	Accept The Queensland Government agrees to report on progress in implementing the Royal Commission's recommendations from the Final Report, the Working with Children Checks, Redress and Civil Litigation, and Criminal Justice Reports.

No.	Recommendation	Queensland Government response
		<p>These progress reports will be tabled before the Queensland Parliament. Information will also be shared with the public with a focus on ensuring information is accessible to survivors, families, children and institutions.</p>
17.3	<p>Major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations to the National Office for Child Safety through five consecutive annual reports. The National Office for Child Safety should make these reports publicly available. At a minimum, the institutions reporting should include those that were the subject of the Royal Commission's institutional review hearings held from 5 December 2016 to 10 March 2017.</p>	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to institutions.</p>
17.4	<p>The Australian Government should initiate a review to be conducted 10 years after the tabling of this Final Report. This review should:</p> <ol style="list-style-type: none"> a. establish the extent to which the Royal Commission's recommendations have been implemented 10 years after the tabling of the Final Report b. examine the extent to which the measures taken in response to the Royal Commission have been effective in preventing child sexual abuse, improving the responses of institutions to child sexual abuse and ensuring that victims and survivors of child sexual abuse obtain justice, treatment and support c. advise on what further steps should be taken by governments and institutions to ensure continuing improvement in policy and service delivery in relation to child sexual abuse in institutional contexts 	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the Australian Government.</p>
17.5	<p>The Australian Government should host and maintain the Royal Commission website for the duration of the national redress scheme for victims and survivors of institutional child sexual abuse</p>	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the Australian Government.</p>
17.6	<p>A national memorial should be commissioned by the Australian Government for victims and survivors of child sexual abuse in institutional contexts. Victims and survivors should be consulted on the memorial design and it should be located in Canberra.</p>	<p>Accept in principle The Queensland Government accepts this recommendation in principle, noting that it is directed to the Australian Government.</p>



Queensland Government response to the
**Royal Commission into Institutional
Responses to Child Sexual Abuse**

June 2018

Working with Children Checks report

Working with Children Checks Report

No.	Recommendation	Queensland Government response
1	<p>State and territory governments should:</p> <ol style="list-style-type: none"> a. amend WWCC laws to implement the standards identified in this report b. once standards implemented, obtain agreement from the Council of Australian Governments (COAG), or a relevant ministerial council, before deviating from or altering the standards, adopting changes across all jurisdictions c. within 18 months from the publication of this report, amend their WWCC law to enable clearances from other jurisdictions to be recognised and accepted 	<p>For further consideration Queensland is participating in interjurisdictional discussions, which are being led by the Commonwealth, to develop a set of national standards for WWCCs.</p>
2	<p>The South Australian Government should, within 12 months of the publication of this report, replace criminal history assessments with a WWC scheme that incorporates the standards set out in this report</p>	<p>Noted</p>
3	<p>The Commonwealth Government should, within 12 months of the publication of this report:</p> <ol style="list-style-type: none"> a. Facilitate a national model for WWCCs by: <ol style="list-style-type: none"> i. establishing a centralised database, operated by Crim Trac, that is readily accessible to all jurisdictions to record WWC decisions ii. together with state and territory governments, identifying consistent terminology to capture key Working With Children (WWC) decisions (for example, refusal, cancellation, suspension and grant) for recording into the centralised database iii. enhancing CrimTrac's capacity to continuously monitor WWCC cardholders' national criminal history records. b. Explore avenues to make international records more accessible for the purposes of WWCCs c. Identify and require all Commonwealth Government personnel, including contractors, undertaking child-related work, as defined by the child-related work standards set out in this report, to obtain WWCC. 	<p>For further consideration The Commonwealth is leading the implementation of this recommendation. Queensland is participating in discussions in relation to the establishment of a centralised database. Further Commonwealth action and direction is required. Queensland will participate in any interjurisdictional negotiations, as appropriate.</p>
4	<p>The Commonwealth, state and territory governments should, within 12 months of the publication of this report:</p> <ol style="list-style-type: none"> a. Agree on a set of standards or guidelines to enhance the accurate and timely recording of information by state and territory police into CrimTrac's system b. Review the information agreed to be exchanged under the National Exchange of Criminal History Information for People Working with Children (ECHIPWC), and establish a set of definitions for the key terms used to describe the different types of criminal history records so they are consistent across the jurisdictions (these key terms include pending charges, non-conviction charges and information about the circumstances of the offence) c. Take immediate action to record into CrimTrac's system historical criminal records that are in paper form or on microfilm and 	<p>Noted The Queensland Government acknowledges the intent of the recommendation and notes that Australian Government leadership is required to meet the Royal Commission's policy intent.</p> <p>Australian, state and territory governments have reviewed the information exchanged under ECHIPWC, and are satisfied that the definitions for key terms used to describe different types of criminal history records are consistent across jurisdictions.</p> <p>The Queensland Government will continue to participate in interjurisdictional negotiations as appropriate.</p>

No.	Recommendation	Queensland Government response
	<p>which are not currently identified by CrimTrac's initial database search</p> <p>d. Once these historical criminal history records are entered into CrimTrac's system by all jurisdictions, check all WWC cardholders against them through the expanded continuous monitoring process</p>	
5	<p>State and territory governments should amend WWCC laws to incorporate a consistent and simplified definition of child-related work, in line with the recommendations below.</p>	<p>Accept in principle</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the Queensland Family and Child Commission (QFCC) in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission in its WWCC Report.</p> <p>In particular, the QFCC identified the need to simplify Queensland's WWCC laws to make it easier for stakeholders to understand their obligations. An overarching review of the <i>Working with Children (Risk Management and Screening) Act 2000</i> (WWC Act) has commenced.</p>
6	<p>State and territory governments should amend WWCC laws to provide that work must involve contact between an adult and one or more children to qualify as child-related work.</p>	<p>Accept in principle</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission in its WWCC Report.</p> <p>In line with the QFCC's findings, it is noted Queensland proposes to keep its existing safeguards under the WWC Act by continuing to screen decision-makers and individuals who are engaged in specific child-related environments, even if they do not otherwise have contact with children.</p>
7	<p>State and territory governments should:</p> <p>a. amend their WWCC laws to provide that the phrase 'contact with children' refers to physical contact, face-to-face contact, oral communication, written communication or electronic communication</p> <p>b. through COAG, or a relevant ministerial council, agree on standard definitions for each kind of contact and amend their WWCC laws to incorporate those definitions.</p>	<p>Accept in principle</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission in its WWCC Report.</p> <p>In line with the QFCC's findings, it is noted Queensland proposes to keep its existing safeguards under the WWC Act by continuing to screen decision-makers and individuals who are engaged in specific child-related environments, even if they do not otherwise have contact with children.</p> <p>The Queensland Government notes that Australian Government leadership is required to meet the Royal Commission's policy intent.</p>

No.	Recommendation	Queensland Government response
		<p>Queensland is participating in interjurisdictional discussions, which are being led by the Commonwealth, to develop a set of national standards for WWCCs.</p>
8	<p>State and territory governments should:</p> <ol style="list-style-type: none"> a. amend their WWCC laws to provide that contact with children must be a usual part of, and more than incidental to, the child-related work. b. through COAG, or a relevant ministerial council, agree on standard definitions for the phrases 'usual part of work' and 'more than incidental to the work', and amend their WWCC laws to incorporate those definitions. 	<p>Accept in principle</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission in its WWCC Report.</p> <p>The Queensland Government notes that Australian Government leadership is required to meet the Royal Commission's policy intent.</p> <p>Queensland is participating in interjurisdictional discussions, which are being led by the Commonwealth, to develop a set of national standards for WWCCs.</p>
9	<p>State and territory governments should amend their WWCC laws to specify that it is irrelevant whether the contact with children is supervised or unsupervised.</p>	<p>Accept</p> <p>The Queensland Government supports this recommendation and notes that this is currently the position under Queensland's WWCC legislation.</p>
10	<p>State and territory governments should amend their WWCC laws to provide that a person is engaged in child-related work if they are engaged in the work in any capacity and whether or not for reward.</p>	<p>Accept</p> <p>The Queensland Government supports this recommendation and notes that this is currently the position under Queensland's WWCC legislation.</p>
11	<p>State and territory governments should amend their WWCC laws to provide that work that is undertaken under an arrangement for a personal or domestic purpose is not child-related, even if it would otherwise be so considered</p>	<p>Accept in principle</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission in its WWCC Report.</p>
12	<p>State and territory governments should amend their WWCC laws to:</p> <ol style="list-style-type: none"> a. define the following as child-related work: <ol style="list-style-type: none"> i. accommodation and residential services for children, including overnight excursions or stays ii. activities or services provided by religious leaders, officers or personnel of religious organisations iii. childcare or minding services iv. child protection services, including out-of-home care (OOHC) v. clubs and associations with a significant membership of, or involvement by, children vi. coaching or tuition services for children vii. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions viii. disability services for children 	<p>Accept in principle</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission in its WWCC Report.</p> <p>In particular, the QFCC identified the need to simplify Queensland's WWCC laws to make it easier for stakeholders to understand their obligations. An overarching review of the WWCC Act has commenced.</p> <p>Queensland will work to develop one consolidated list of regulated child related services in line with the categories proposed by the Royal Commission in so far as it is within the scope of Queensland's legislative ambit.</p>

No.	Recommendation	Queensland Government response
	<ul style="list-style-type: none"> ix. education services for children x. health services for children xi. justice and detention services for children, including immigration detention facilities where children are regularly detained xii. transport services for children, including school crossing services xiii. other work or roles that involve contact with children that is a usual part of, and more than incidental to, the work or roles. b. require WWCCs for adults residing in the homes of authorised carers of children c. remove all other remaining categories of work or roles 	<p>Queensland Government response</p> <p>It is noted under the WWCC Act, adults residing in the homes of authorised carers of children are already required to hold a WWCC.</p> <p>Further consideration will be given to the ongoing application of exemptions provided for under the WWCC Act as part of the staged implementation of the QFCC Blue Card System Review.</p>
13	<p>State and territory governments, through COAG, or a relevant ministerial council, should agree on standard definitions for each category of child-related work and amend their WWCC laws to incorporate those definitions.</p>	<p>Noted</p> <p>The Queensland Government acknowledges the intent of this recommendation and notes that Australian Government leadership is required to meet the Royal Commission's policy intent.</p> <p>The Queensland Government will participate in interjurisdictional negotiations as appropriate.</p>
14	<p>State and territory governments should amend their WWCC laws to:</p> <ul style="list-style-type: none"> a. exempt: <ul style="list-style-type: none"> i. children under 18 years of age, regardless of their employment status ii. employers and supervisors of children in a workplace, unless the work is child-related iii. people who engage in child-related work for seven days or fewer in a calendar year, except in respect of overnight excursions or stays iv. people who engage in child-related work in the same capacity as the child v. police officers, including members of the Australian Federal Police vi. parents or guardians who volunteer for services or activities that are usually provided to their children, in respect of that activity, except in respect of: <ul style="list-style-type: none"> a) overnight excursions or stays b) providing services to children with disabilities, where the services involve close, personal contact with those children b. remove all other exemptions and exclusions. c. prohibit people who have been denied a WWCC, and subsequently not granted one, from relying on any exemption. 	<p>For further consideration</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>Further consideration will be given to the ongoing application of exemptions under the WWCC Act as part of the staged implementation of the QFCC Blue Card System Review. Queensland will continue to screen children under 18 years of age in certain circumstances.</p>
15	<p>State and territory governments, through COAG, or a relevant ministerial council, should agree on standard definitions for each exemption category and amend their WWCC laws to incorporate those definitions.</p>	<p>Accept in principle</p> <p>The Queensland Government acknowledges the intent of this recommendation and is participating in interjurisdictional discussions, which are being led by the Commonwealth, to develop a set of national standards for WWCCs.</p>
16	<p>State and territory governments should amend their WWCC laws to incorporate a consistent and simplified list of offences, including:</p> <ul style="list-style-type: none"> a. engaging in child-related work without holding, or having applied for, a WWCC 	<p>Accept in principle</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that</p>

No.	Recommendation	Queensland Government response
	<ul style="list-style-type: none"> b. engaging a person in child-related work without them holding, or having applied for, a WWCC c. providing false or misleading information in connection with a WWCC application d. applicants and/or WWCC cardholders failing to notify screening agencies of relevant changes in circumstances e. unauthorised disclosure of information gathered during the course of a WWCC. 	<p>Queensland Government response</p> <p>Queensland should adopt the recommendations of the Royal Commission.</p> <p>The WWC Act already contains each of these offences. However, in line with QFCC's findings, Queensland proposes to maintain its existing suite of additional offences currently provided for under the WWC Act.</p> <p>In addition, the Queensland Government has committed to a 'No Card, No Start' approach for all WWCC applicants. As part of this, the WWC Act will be amended to make it an offence for a person to engage another person in child-related work without them holding a WWCC.</p>
17	<p>State and territory governments should amend their WWCC laws to include a standard definition of criminal history, for WWCC purposes, comprised of:</p> <ul style="list-style-type: none"> a. convictions, whether or not spent b. findings of guilt that did not result in a conviction being recorded c. charges, regardless of status or outcome, including: <ul style="list-style-type: none"> i. pending charges – that is, charges laid but not finalised ii. charges disposed of by a court, or otherwise, other than by way of conviction (for example, withdrawn, set aside or dismissed) iii. charges that led to acquittals or convictions that were quashed or otherwise over-turned on appeal <p>for all offences, irrespective of whether or not they concern the person's history as an adult or a child and/or relate to offences outside Australia</p>	<p>Accept</p> <p>The Queensland Government supports this recommendation and notes that this is currently the position under Queensland's WWCC legislation.</p>
18	<p>Amend WWCC laws to require police services to provide screening agencies with records that meet the definition of criminal history records for WWCC purposes and any other available information relating to the circumstances of such offences.</p>	<p>Accept</p> <p>The Queensland Government supports this recommendation and notes that this is currently the position under Queensland's WWCC legislation.</p>
19	<p>State and territory governments should amend their WWCC laws to:</p> <ul style="list-style-type: none"> a. require that relevant disciplinary and/or misconduct information is checked for all WWCC applicants b. include a standard definition of disciplinary and/or misconduct information that encompasses disciplinary action and/or findings of misconduct where the conduct was against, or involved, a child, irrespective of whether this information arises from reportable conduct schemes or other systems or bodies responsible for disciplinary or misconduct proceedings c. require the bodies responsible for the relevant disciplinary and/or misconduct information to notify their respective screening agencies of relevant disciplinary and/ or misconduct information that meets the definition 	<p>For further consideration</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>Further consideration will be given as to how information from a reportable conduct scheme, when introduced in Queensland, may be considered as part of the WWCC risk assessment process.</p>
20	<p>State and territory governments should amend their WWCC laws to respond to records in the same way, specifically that:</p>	<p>Accept in principle</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations</p>

No.	Recommendation	Queensland Government response
	<ul style="list-style-type: none"> a. the absence of any relevant criminal history, disciplinary or misconduct information in an applicant's history leads to an automatic grant of a WWCC b. any conviction and/or pending charge in an applicant's criminal history for the following categories of offence leads to an automatic WWCC refusal, provided the applicant was at least 18 years old at the time of the offence: <ul style="list-style-type: none"> i. murder of a child ii. manslaughter of a child iii. indecent or sexual assault of a child iv. child pornography-related offences v. incest where the victim was a child vi. abduction or kidnapping of a child vii. animal-related sexual offences. c. all other relevant criminal, disciplinary or misconduct information should trigger an assessment of the person's suitability for a WWCC (consistent with the risk assessment factors set out below) 	<p>made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>Currently, under the WWC Act, the absence of criminal history or disciplinary information in an applicant's history leads to an automatic grant of a WWCC.</p> <p>The exclusionary framework recommended by the Royal Commission has been used as a starting point for jurisdictions in the negotiation of the WWCC national standards as well as the Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme.</p>
21	<p>State and territory governments should amend their WWCC laws to specify that relevant criminal records for the purposes of recommendation 20(c) include but are not limited to the following:</p> <ul style="list-style-type: none"> a. juvenile records and/or non-conviction charges for the offence categories specified in recommendation 20(b) b. sexual offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b) c. violent offences, including assaults, arson and other fire-related offences, regardless of whether the victim was a child and including offences not already covered in recommendation 20(b) d. child welfare offences e. offences involving cruelty to animals f. drug offences. 	<p>Accept</p> <p>The Queensland Government supports this recommendation and notes that this is currently the position under Queensland's WWCC legislation.</p>
22	<p>The Commonwealth Government, through COAG, or a relevant ministerial council, should take a lead role in identifying the specific criminal offences that fall within the categories specified in recommendations 20(b) and 21.</p>	<p>Noted</p> <p>The Queensland Government acknowledges the intent of this recommendation and notes that Australian Government leadership is required to meet the Royal Commission's policy intent.</p> <p>The Queensland Government will participate in interjurisdictional negotiations as appropriate.</p>
23	<p>State and territory governments should amend their WWCC laws to specify that the criteria for assessing risks to children include:</p> <ul style="list-style-type: none"> a. the nature, gravity and circumstances of the offence and/or misconduct, and how this is relevant to children or child-related work b. the length of time that has passed since the offence and/or misconduct occurred c. the age of the child d. the age difference between the person and the child e. the person's criminal and/or disciplinary history, including whether there is a pattern of concerning conduct 	<p>Accept</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>Queensland will introduce a new decision-making framework based on the specific criteria for assessing risks to children as outlined by the Royal Commission.</p>

No.	Recommendation	Queensland Government response
	<p>f. all other relevant circumstances in respect of their history and the impact on their suitability to be engaged in child-related work.</p>	
24	<p>Amend WWCC laws to expressly provide that, in weighing up the risk assessment criteria, the paramount consideration must always be the best interests of children, having regard to their safety and protection.</p>	<p>Accept The Queensland Government supports this recommendation and notes that this is currently the position under Queensland's WWCC legislation.</p> <p>The WWCC Act makes clear the welfare and best interests of a child are paramount and every child is entitled to be cared for in a way that protects the child from harm and promotes the child's wellbeing.</p>
25	<p>State and territory governments should amend their WWCC laws to permit WWCC applicants to begin child-related work before the outcome of their application is determined, provided the safeguards listed below are introduced.</p> <p>Applicants</p> <ul style="list-style-type: none"> a. applicants must submit a WWCC application to the appropriate screening agency before beginning child-related work and not withdraw the application while engaging in child-related work b. applicants must provide a WWCC application receipt to their employers before beginning child-related work <p>Other safeguards</p> <ul style="list-style-type: none"> c. employers must cite application receipts, record application numbers and verify applications with the relevant screening agency d. there must be capacity to impose interim bars on applicants where records are identified that may indicate a risk and require further assessment. 	<p>Noted The Queensland Government has committed to a 'No Card, No Start' approach for all WWCC applicants as this provides the most comprehensive safeguard for children. This is consistent with the findings of the QFCC.</p> <p>WWCC applicants will not be able to begin child-related work before the outcome of their application is determined.</p>
26	<p>State and territory governments should process WWCC applications online WWCC processing system (if one does not already exist).</p>	<p>Accept in principle The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>A key component of the reforms is to streamline the blue card application process and introduce an online processing system</p>
27	<p>Process WWCC applications within five working days, and no longer than 21 working days for more complex cases.</p>	<p>Accept in principle The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>It is noted that while Queensland will work towards reaching these targets for the majority of applications, some complex cases will take</p>

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		longer than 21 days because of the need to gather additional information and to satisfy procedural fairness requirements.
28	<p>All state and territory governments should amend their WWCC laws to specify that:</p> <ol style="list-style-type: none"> a. WWCC decisions are based on the circumstances of the individual and are detached from the employer the person is seeking to work for, or the role or organisation the person is seeking to work in b. the outcome of a WWCC is either that a clearance is issued or it is not; there should be no conditional or different types of clearances c. volunteers and employees are issued with the same type of clearance. 	<p>Accept The Queensland Government supports this recommendation and notes that this is currently the position under Queensland's WWCC legislation.</p>
29	<p>All state and territory governments should ensure that any person the subject of an adverse WWCC decision can appeal to a body independent of the WWCC screening agency, but within the same jurisdiction, for a review of the decision, except persons who have been convicted of one of the following categories of offences:</p> <ul style="list-style-type: none"> • murder of a child • indecent or sexual assault of a child • child pornography-related offences • incest where the victim was a child <p>and</p> <ol style="list-style-type: none"> a. received a sentence of full time custody for the conviction, such persons being permanently excluded from an appeal or b. by virtue of that conviction, the person is subject to an order that imposes any control on the person's conduct or movement, or excludes the person from working with children, such persons being excluded from an appeal for the duration of that order. Notwithstanding the above any person may bring an appeal in which they allege that offences have been mistakenly recorded as applying to that person. 	<p>Accept in principle The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>As noted in the Government response to Recommendation 20(b), the exclusionary framework recommended by the Royal Commission has been used as a starting point for jurisdictions in the negotiation of the WWCC national standards as well as the Intergovernmental Agreement for Nationally Consistent Worker Screening in the National Disability Insurance Scheme.</p>
30	Subject to the implementation of the standards set out in this report, all state and territory governments should amend WWCC laws to enable WWCCs from other jurisdictions to be recognised and accepted.	<p>For further consideration The Queensland Government acknowledges the intent of this recommendation and notes that the issue of portability requires greater consideration and coordination across jurisdictions.</p>
31	<p>Subject to the commencement of continuous monitoring of national criminal history records, all state and territory governments should amend WWCC laws to specify that:</p> <ol style="list-style-type: none"> a. WWCCs are valid for five years b. employers and WWCC cardholders engaged in child-related work must inform the screening agency when a person commences or ceases being engaged in specific child-related work c. screening agencies are required to notify a person's employer of any change in the person's WWCC status. 	<p>Accept in principle The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>Queensland will further consider the renewal period for WWCCs as part of the staged implementation of the QFCC Blue Card Review.</p> <p>Currently, under the WWC Act, employers and WWCC cardholders engaged in child-related</p>

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		<p>Queensland Government response</p> <p>work must inform the WWCC operator when a person commences or ceases being engaged in specific child-related work. In addition, Queensland's WWCC operator is required to notify a person's employer of any change in the person's WWCC status.</p>
32	<p>All state and territory governments should grant screening agencies, or another suitable regulatory body, the statutory power to monitor compliance with WWCC laws.</p>	<p>For further consideration</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>The compliance functions of Queensland's WWCC operator will be further considered as part of the staged implementation of the QFCC Blue Card Review.</p>
33	<p>All state and territory governments should ensure WWCC laws include powers to compel the production of relevant information for the purposes of compliance monitoring.</p>	<p>For further consideration</p> <p>The Queensland Government has broadly supported the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system. As a minimum standard, the QFCC recommended that Queensland should adopt the recommendations of the Royal Commission.</p> <p>The compliance functions of Queensland's WWCC operator will be further considered as part of the staged implementation of the QFCC Blue Card Review.</p>
34	<p>The Commonwealth, state and territory governments should:</p> <ol style="list-style-type: none"> a. through COAG, or a relevant ministerial council, adopt the standards and set a timeframe within which all jurisdictions must report back to COAG, or a relevant ministerial council, on implementation b. establish a process whereby changes to the standards or to state and territory schemes need to be agreed to by COAG, or a relevant ministerial council, and must be adopted across all jurisdictions. 	<p>Noted</p> <p>Queensland is participating in interjurisdictional discussions, which are being led by the Commonwealth, to develop a set of national standards for WWCCs</p>
35	<p>The Commonwealth, state and territory governments should provide an annual report to COAG, or a relevant ministerial council, for three years following the publication of this report, to be tabled in the parliaments of all nine jurisdictions, detailing their progress in implementing the recommendations in this report and achieving a nationally consistent approach to WWCCs.</p>	<p>Noted</p> <p>The Queensland Government acknowledges the intent of this part of the recommendation and notes that Australian Government leadership is required to meet the Royal Commission's policy intent.</p> <p>The Queensland Government will participate in interjurisdictional negotiations as appropriate.</p>

No.	Recommendation	Queensland Government response
36	COAG, or a relevant ministerial council, should ensure a review is made after three years of the publication of this report, of the state and territory governments' progress in achieving consistency across the WWCC schemes, with a view to assessing whether they have implemented the Royal Commission's recommendations.	<p data-bbox="1018 376 1093 398">Noted</p> <p data-bbox="1018 398 1508 504">The Queensland Government acknowledges the intent of this recommendation and notes that Australian Government leadership is required to meet the Royal Commission's policy intent.</p> <p data-bbox="1018 526 1508 575">The Queensland Government will participate in interjurisdictional negotiations as appropriate.</p>



Queensland Government response to the
**Royal Commission into Institutional
Responses to Child Sexual Abuse**

June 2018

Redress and Civil Litigation report

Redress and Civil Litigation Report

No.	Recommendation	Queensland Government response
1	A process for redress must provide equal access and equal treatment for survivors – regardless of the location, operator, type, continued existence or assets of the institution in which they were abused – if it is to be regarded by survivors as being capable of delivering justice.	<p>Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.</p> <p>The Queensland Government is progressing the necessary legislative and administrative arrangements for Queensland's participation.</p> <p>The Queensland Government is calling on non-government institutions to participate in the national redress scheme.</p>
2	Appropriate redress for survivors should include the elements of: <ol style="list-style-type: none"> a. direct personal response b. counselling and psychological care c. monetary payments. 	<p>Accept See above recommendation (1).</p>
3	Funders or providers of existing support services should maintain their current resourcing for existing support services, without reducing or diverting resources in response to the Royal Commission's recommendations on redress and civil litigation.	<p>Accept See above recommendation (1).</p>
4	Any institution or redress scheme that offers or provides any element of redress should do so in accordance with the following principles: <ol style="list-style-type: none"> a. Redress should be survivor focused. b. There should be a 'no wrong door' approach for survivors in gaining access to redress. c. All redress should be offered, assessed and provided with appropriate regard to what is known about the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and to the cultural needs of survivors. d. All redress should be offered, assessed and provided with appropriate regard to the needs of particularly vulnerable survivors. 	<p>Accept See above recommendation (1).</p>
5	Institutions should offer and provide a direct personal response to survivors in accordance with the following principles: <ol style="list-style-type: none"> a. Re-engagement between a survivor and an institution should only occur if, and to the extent that, a survivor desires it. b. Institutions should make clear what they are willing to offer and provide by way of direct personal response to survivors of institutional child sexual abuse. Institutions should ensure that they are able to provide the direct personal response they offer to survivors. c. At a minimum, all institutions should offer and provide on request by a survivor: <ol style="list-style-type: none"> i. an apology from the institution ii. the opportunity to meet with a senior institutional representative and receive an acknowledgement of the abuse and its impact on them iii. an assurance or undertaking from the institution that it has taken, or will take, steps to protect against further abuse of children in that institution. 	<p>Accept See above recommendation (1).</p>

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	<ul style="list-style-type: none"> d. In offering direct personal responses, institutions should try to be responsive to survivors' needs. e. Institutions that already offer a broader range of direct personal responses to survivors and others should consider continuing to offer those forms of direct personal response. f. Direct personal responses should be delivered by people who have received some training about the nature and impact of child sexual abuse and the needs of survivors, including cultural awareness and sensitivity training where relevant. g. Institutions should welcome feedback from survivors about the direct personal response they offer and provide. 	
6	Those who operate a redress scheme should offer to facilitate the provision of a written apology, a written acknowledgement and/or a written assurance of steps taken to protect against further abuse for survivors who seek these forms of direct personal response but who do not wish to have any further contact with the institution.	<p>Accept See above recommendation (1).</p>
7	Those who operate a redress scheme should facilitate the provision of these forms of direct personal response by conveying survivors' requests for these forms of direct personal response to the relevant institution.	<p>Accept See above recommendation (1).</p>
8	Institutions should accept a survivor's choice of intermediary or representative to engage with the institution on behalf of the survivor, or with the survivor as a support person, in seeking or obtaining a direct personal response.	<p>Accept See above recommendation (1).</p>
9	<p>Counselling and psychological care should be supported through redress in accordance with the following principles:</p> <ul style="list-style-type: none"> a. Counselling and psychological care should be available throughout a survivor's life. b. Counselling and psychological care should be available on an episodic basis. c. Survivors should be allowed flexibility and choice in relation to counselling and psychological care. d. There should be no fixed limits on the counselling and psychological care provided to a survivor. e. Without limiting survivor choice, counselling and psychological care should be provided by practitioners with appropriate capabilities to work with clients with complex trauma. f. Treating practitioners should be required to conduct ongoing assessment and review to ensure treatment is necessary and effective. If those who fund counselling and psychological care through redress have concerns about services provided by a particular practitioner, they should negotiate a process of external review with that practitioner and the survivor. Any process of assessment and review should be designed to ensure it causes no harm to the survivor. 	<p>Accept in principle</p> <p>The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.</p> <p>The national scheme will enable access to counselling and psychological care through a counselling and psychological services payment or by delivery through a participating jurisdiction that is a declared provider.</p> <p>The Queensland Government's preferred approach is to facilitate delivery of counselling and psychological care services. The details of this approach will be resolved ahead of the Queensland Government's expected participation in the scheme in late 2018.</p>

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	<p>g. Counselling and psychological care should be provided to a survivor's family members if necessary for the survivor's treatment.</p>	
10	<p>To facilitate the provision of counselling and psychological care by practitioners with appropriate capabilities to work with clients with complex trauma:</p> <ul style="list-style-type: none"> a. the Australian Psychological Society should lead work to design and implement a public register to enable identification of practitioners with appropriate capabilities to work with clients with complex trauma b. the public register and the process to identify practitioners with appropriate capabilities to work with clients with complex trauma should be designed and implemented by a group that includes representatives of the Australian Psychological Society, the Australian Association of Social Workers, the Royal Australian and New Zealand College of Psychiatrists, Adults Surviving Child Abuse, a specialist sexual assault service, and a non-government organisation with a suitable understanding of the counselling and psychological care needs of Aboriginal and Torres Strait Islander survivors. c. the funding for counselling and psychological care under redress should be used to provide financial support for the public register if required d. those who operate a redress scheme should ensure that information about the public register is made available to survivors who seek counselling and psychological care through the redress scheme 	<p>Accept in principle See above recommendation (9).</p>
11	<p>Those who administer support for counselling and psychological care through redress should ensure that counselling and psychological care are supported through redress in accordance with the following principles:</p> <ul style="list-style-type: none"> a. Counselling and psychological care provided through redress should supplement, and not compete with, existing services. b. Redress should provide funding for counselling and psychological care services and should not itself provide counselling and psychological care services c. Redress should fund counselling and psychological care as needed by survivors rather than providing a lump sum payment to survivors for their future counselling and psychological care needs 	<p>Accept See above recommendation (9).</p>
12	<p>The Australian Government should remove any restrictions on the number of sessions of counselling and psychological care, whether in a particular period of time or generally, for which Medicare funding is available for survivors who are assessed as eligible for redress under a redress scheme.</p>	<p>Noted</p>
13	<p>The Australian Government should expand the range of counselling and psychological care services for which Medicare funding is available for survivors who are assessed as eligible for redress under a redress scheme to include longer-term interventions that are</p>	<p>Noted</p>

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	suitable for treating complex trauma, including through non-cognitive approaches	
14	<p>The funding obtained through redress to ensure that survivors' needs for counselling and psychological care are met should be used to fund measures that help to meet those needs, including:</p> <ul style="list-style-type: none"> a. measures to improve survivors' access to Medicare by: <ul style="list-style-type: none"> i. funding case management style support to help survivors to understand what is available through the Better Access initiative and Access to Allied Psychological Services and why a GP diagnosis and referral is needed ii. maintaining a list of GPs who have mental health training, are familiar with the existence of the redress scheme and are willing to be recommended to survivors as providers of GP services, including referrals, in relation to counselling and psychological care iii. supporting the establishment and use of the public register that provides details of practitioners who have been identified as having appropriate capabilities to treat survivors and who are registered practitioners for Medicare purposes. b. providing funding to supplement existing services provided by state-funded specialist services to increase the availability of services and reduce waiting times for survivors c. measures to address gaps in expertise and geographical and cultural gaps by: <ul style="list-style-type: none"> i. supporting the establishment and promotion of the public register that provides details of practitioners who have been identified as having appropriate capabilities to treat survivors ii. funding training in cultural awareness for practitioners who have the capabilities to work with survivors but have not had the necessary training or experience in working with Aboriginal and Torres Strait Islander survivors iii. funding rural and remote practitioners, or Aboriginal and Torres Strait Islander practitioners, to obtain appropriate capabilities to work with survivors iv. providing funding to facilitate regional and remote visits to assist in establishing therapeutic relationships; these could then be maintained largely by online or telephone counselling. There could be the potential to fund additional visits if required from time to time d. providing funding for counselling and psychological care for survivors whose needs for counselling and psychological care cannot otherwise be met, including by paying reasonable gap fees charged by practitioners if survivors are unable to afford these fees 	<p>Noted See above recommendation (9).</p>
15	The purpose of a monetary payment under redress should be to provide a tangible recognition of the seriousness of the hurt and injury suffered by a survivor	<p>Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing</p>

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		the national scheme with the Australian Government and states and territories.								
16	<p>Monetary payments should be assessed and determined by using the following matrix:</p> <table border="0"> <tr> <td>Factor</td> <td>Value</td> </tr> <tr> <td>Severity of abuse</td> <td>1–40</td> </tr> <tr> <td>Impact of abuse</td> <td>1–40</td> </tr> <tr> <td>Additional elements</td> <td>1–20</td> </tr> </table>	Factor	Value	Severity of abuse	1–40	Impact of abuse	1–40	Additional elements	1–20	<p>Accept in principle The Australian Government has designed a framework for assessing monetary payments which takes these factors into consideration and is based on actuarial and other expert advice.</p>
Factor	Value									
Severity of abuse	1–40									
Impact of abuse	1–40									
Additional elements	1–20									
17	<p>The 'Additional elements' factor should recognise the following elements:</p> <ol style="list-style-type: none"> whether the applicant was in state care at the time of the abuse – that is, as a ward of the state or under the guardianship of the relevant Minister or government agency whether the applicant experienced other forms of abuse in conjunction with the sexual abuse – including physical, emotional or cultural abuse or neglect whether the applicant was in a 'closed' institution or without the support of family or friends at the time of the abuse whether the applicant was particularly vulnerable to abuse because of his or her disability. 	<p>Accept See above recommendation (16).</p>								
18	<p>Those establishing a redress scheme should commission further work to develop this matrix and the detailed assessment procedures and guidelines required to implement it:</p> <ol style="list-style-type: none"> in accordance with our discussion of the factors taking into account expert advice in relation to institutional child sexual abuse, including child development, medical, psychological, social and legal perspective with the benefit of actuarial advice in relation to the actuarial modelling on which the level and spread of monetary payments and funding expectations are based 	<p>Accept See above recommendation (16).</p>								
19	<p>The appropriate level of monetary payments under redress should be:</p> <ol style="list-style-type: none"> a minimum payment of \$10,000 a maximum payment of \$200,000 for the most severe case and an average payment of \$65,000 	<p>Accept in principle The Australian Government determined a maximum payment of \$150,000 under the national scheme.</p>								
20	<p>Monetary payments should be assessed and paid without any reduction to repay past Medicare expenses, which are to be repaid (if required) as part of the administration costs of a redress scheme.</p>	<p>Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.</p>								
21	<p>Consistent with our view that monetary payments under redress are not income for the purposes of social security, veterans' pensions or any other Federal Government payments, those who operate a redress scheme should seek a ruling to this effect to provide certainty for survivors.</p>	<p>Accept See above recommendation (20).</p>								
22	<p>Those who operate a redress scheme should give consideration to offering monetary payments by instalments at the option of eligible survivors, taking into account the likely demand for this option from survivors and the cost to the scheme of providing it.</p>	<p>Accept in principle The national scheme designed by the Australian Government does not currently facilitate instalment payments.</p>								

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23	Survivors who have received monetary payments in the past – whether under other redress schemes, statutory victims of crime schemes, through civil litigation or otherwise – should be eligible to be assessed for a monetary payment under redress.	Accept in principle The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.
24	The amount of the monetary payments that a survivor has already received for institutional child sexual abuse should be determined as follows: <ul style="list-style-type: none"> a. monetary payments already received should be counted on a gross basis, including any amount the survivor paid to reimburse Medicare or in legal fees b. no account should be taken of the cost of providing any services to the survivor, such as counselling services c. any uncertainty as to whether a payment already received related to the same abuse for which the survivor seeks a monetary payment through redress should be resolved in the survivor's favour. 	Accept See above recommendation (23).
25	The monetary payments that a survivor has already received for institutional child sexual abuse should be taken into account in determining any monetary payment under redress by adjusting the amount of the monetary payments already received for inflation and then deducting that amount from the amount of the monetary payment assessed under redress.	Accept See above recommendation (23).
26	In order to provide redress under the most effective structure for ensuring justice for survivors, the Australian Government should establish a single national redress scheme.	Accept See above recommendation (23).
27	If the Australian Government does not establish a single national redress scheme, as the next best option for ensuring justice for survivors, each state and territory government should establish a redress scheme covering government and non-government institutions in the relevant state or territory.	Accept See above recommendation (23).
28	The Australian Government should determine and announce by the end of 2015 that it is willing to establish a single national redress scheme	Noted The Australian Government announced its intention to establish a redress scheme in November 2016.
29	If the Australian Government announces that it is willing to establish a single national redress scheme, the Australian Government should commence national negotiations with state and territory governments and all parties to the negotiations should seek to ensure that the negotiations proceed as quickly as possible to agree the necessary arrangements for a single national redress scheme.	Noted The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.
30	If the Australian Government does not announce that it is willing to establish a single national redress scheme, each state and territory government should establish a redress scheme for the relevant state or territory that covers government and non-government institutions. State and territory governments should undertake national negotiations as quickly as possible to agree the necessary matters of detail to provide the maximum possible consistency for survivors between the different state and territory schemes.	Accept See above recommendation (29).
31	Whether there is a single national redress scheme or separate state and territory redress schemes, the	Accept in principle

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	scheme or schemes should be established and ready to begin inviting and accepting applications from survivors by no later than 1 July 2017.	The national scheme is intended to commence from 1 July 2018.
32	The Australian Government (if it announces that it is willing to establish a single national redress scheme) or state and territory governments should establish a national redress advisory council to advise all participating governments on the establishment and operation of the redress scheme or schemes.	Noted The Australian Government announced in November 2016 that it would establish an independent advisory council bringing together a broad group of specialists, including survivor groups, legal and psychological experts, to provide advice on the implementation of the scheme.
33	The national redress advisory council should include representatives: <ul style="list-style-type: none"> a. of survivor advocacy and support groups b. of non-government institutions, particularly those that are expected to be required to respond to a significant number of claims for redress c. with expertise in issues affecting survivors with disabilities d. with expertise in issues of particular importance to Aboriginal and Torres Strait Islander survivors e. with expertise in psychological and legal issues relevant to survivors f. with any other expertise that may assist in advising on the establishment and operation of the redress scheme or schemes. 	Noted See above recommendation (32).
34	For any application for redress made to a redress scheme, the cost of redress in respect of the application should be: <ul style="list-style-type: none"> a. a proportionate share of the cost of administration of the scheme b. if the applicant is determined to be eligible, the cost of any contribution for counselling and psychological care in respect of the applicant c. if the applicant is determined to be eligible, the cost of any monetary payment to be made to the applicant. 	Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.
35	The redress scheme or schemes should be funded as much as possible in accordance with the following principles: <ul style="list-style-type: none"> a. The institution in which the abuse is alleged or accepted to have occurred should fund the cost of redress. b. Where an applicant alleges or is accepted to have experienced abuse in more than one institution, the redress scheme or schemes should apportion the cost of funding redress between the relevant institutions, taking account of the relative severity of the abuse in each institution and any other features relevant to calculating a monetary payment. c. Where the institution in which the abuse is alleged or accepted to have occurred no longer exists but the institution was part of a larger group of institutions or where there is a successor to the institution, the group of institutions or the successor institution should fund the cost of redress. 	Accept See above recommendation (34).
36	The Australian Government and state and territory governments should provide 'funder of last resort'	Accept in principle

No.	Recommendation	Queensland Government response
	funding for the redress scheme or schemes so that the governments will meet any shortfall in funding for the scheme or schemes.	The national scheme designed by the Australian Government will provide for the Australian and state and territory governments to provide 'funder of last resort' funding in certain circumstances where an institution no longer exists.
37	Regardless of whether there is a single national redress scheme or separate state and territory redress schemes, the Australian Government and each state or territory government should negotiate and agree their respective shares of or contributions to 'funder of last resort' funding in respect of applications alleging abuse in the relevant state or territory.	Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.
38	The Australian Government (if it announces that it is willing to establish a single national redress scheme) or state and territory governments should determine how best to raise the required funding for the redress scheme or schemes, including government funding and funding from non-government institutions.	Accept See above recommendation (37).
39	The Australian Government or state and territory governments should determine whether or not to require particular non-government institutions or particular types of non-government institutions to contribute funding for redress.	Accept See above recommendation (37).
40	The redress scheme, or each redress scheme, should establish a trust fund to receive the funding for counselling and psychological care paid under redress and to manage and apply that funding to meet the needs for counselling and psychological care of those eligible for redress under the relevant redress scheme.	Accept in principle The national scheme will enable access to counselling and psychological care through a counselling and psychological services payment or by delivery through a participating jurisdiction that is a declared provider. The Queensland Government's preferred approach is to facilitate delivery of counselling and psychological care services. The details of this approach will be resolved ahead of the Queensland Government's expected participation in the scheme in late 2018.
41	The trust fund, or each trust fund, should be governed by a corporate trustee with a board of directors appointed by the government that establishes the relevant redress scheme. The board or each board should include: a. an independent Chair. b. a representative of: government; non-government institutions; survivor advocacy and support groups; and the redress scheme. c. those with any other expertise that is desired at board level to direct the trust.	Accept in principle See above recommendation (40).
42	The trustee, or each trustee, should engage actuaries to conduct regular actuarial assessments to determine a 'per head' estimate of future counselling and psychological care costs to be met through redress. The trustee, or each trustee, should determine the amount from time to time that those who fund redress, including as the funder of last resort, must pay per eligible applicant to fund the counselling and psychological care element of redress.	Accept in principle See above recommendation (40).
43	A person should be eligible to apply to a redress scheme for redress if he or she was sexually abused as a child in an institutional context and the sexual	Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing

No.	Recommendation	Queensland Government response
	abuse occurred, or the first incidence of the sexual abuse occurred, before the cut-off date.	the national scheme with the Australian Government and states and territories.
44	Institution' should have the same meaning as in the Royal Commission's terms of reference	Accept See above recommendation (43).
45	Child sexual abuse should be taken to have occurred in an institutional context in the following circumstances: a. it happens: i. on premises of an institution ii. where activities of an institution take place or iii. in connection with the activities of an institution in circumstances where the institution is, or should be treated as being, responsible for the contact between the abuser and the applicant that resulted in the abuse being committed b. it is engaged in by an official of an institution in circumstances (including circumstances that involve settings not directly controlled by the institution) where the institution has, or its activities have, created, facilitated, increased, or in any way contributed to (whether by act or omission) the risk of abuse or the circumstances or conditions giving rise to that risk c. it happens in any other circumstances where the institution is, or should be treated as being, responsible for the adult abuser having contact with the applicant.	Accept See above recommendation (43).
46	Those who operate the redress scheme should specify the cut-off date as being the date on which the Royal Commission's recommended reforms to civil litigation in relation to limitation periods and the duty of institutions commence.	Accept in principle The national scheme provides that abuse of a person will be within the scope of the scheme if it occurred before the scheme start date (anticipated to be 1 July 2018).
47	An offer of redress should only be made if the applicant is alive at the time the offer is made.	Accept in principle Under the national scheme, an offer of redress may be made to a person if they apply for redress but pass away before a determination on the application is made.
48	A redress scheme should have no fixed closing date. But, when applications to the scheme reduce to a level where it would be reasonable to consider closing the scheme, those who operate the redress scheme should consider specifying a closing date for the scheme. The closing date should be at least 12 months into the future. Those who operate the redress scheme should ensure that the closing date is given widespread publicity until the scheme closes.	Accept in principle The national scheme designed by the Australian Government will operate for 10 years, with the possibility of extension.
49	Those who operate a redress scheme should ensure the availability of the scheme is widely publicised and promoted.	Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.
50	The redress scheme should consider adopting particular communication strategies for people who might be more difficult to reach, including: a. Aboriginal and Torres Strait Islander communities	Accept See above recommendation (49).

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	<ul style="list-style-type: none"> b. people with disability c. culturally and linguistically diverse communities d. regional and remote communities e. people with mental health difficulties f. people who are experiencing homelessness g. people in correctional or detention centres h. children and young people i. people with low levels of literacy j. survivors now living overseas 	
51	A redress scheme should rely primarily on completion of a written application form.	Accept See above recommendation (49).
52	A redress scheme should fund support services and community legal centres to assist applicants to apply for redress.	Accept Support services and legal assistance will be funded to assist applicants under the scheme.
53	A redress scheme should select support services and community legal centres to cover a broad range of likely applicants, taking into account the need to cover regional and remote areas and the particular needs of different groups of survivors, including Aboriginal and Torres Strait Islander survivors.	Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.
54	Those who operate a redress scheme should determine whether the scheme will require additional material or evidence and additional procedures to determine the validity of applications. Any additional requirements should be clearly set out in scheme material that is made available to applicants, support services and others who may support or advise applicants in relation to the scheme.	Accept See above recommendation (53).
55	A redress scheme may require applicants for redress to verify their accounts of abuse by statutory declaration.	Accept See above recommendation (53).
56	A redress scheme should inform any institution named in an application for redress of the application and the allegations made in it and request the institution to provide any relevant information, documents or comments	Accept See above recommendation (53).
57	Reasonable likelihood' should be the standard of proof for determining applications for redress	Accept See above recommendation (53).
58	A redress scheme should adopt administrative decision-making processes appropriate to a large-scale redress scheme. It should make decisions based on the application of the detailed assessment procedures and guidelines for implementing the matrix for monetary payments.	Accept See above recommendation (53).
59	An offer of redress should remain open for acceptance for a period of one year.	Accept in principle The national scheme designed by the Australian Government provides for an acceptance period of at least six months, which may be extended in exceptional circumstances.
60	A period of three months should be allowed for an applicant to seek a review of an offer of redress after the offer is made.	Accept in principle The national scheme designed by the Australian Government provides for a period of at least 28 days, but no longer than six months, for a person to apply for review of a determination.
61	A redress scheme should offer an internal review process.	Accept See above recommendation (60).
62	A redress scheme established on an administrative basis should be made subject to oversight by the relevant ombudsman through the ombudsman's complaints mechanism.	Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing

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		the national scheme with the Australian Government and states and territories.
63	As a condition of making a monetary payment, a redress scheme should require an applicant to release the scheme (including the contributing government or governments) and the institution from any further liability for institutional child sexual abuse by executing a deed of release.	Accept See above recommendation (62).
64	A redress scheme should fund, at a fixed price, a legal consultation for an applicant before the applicant decides whether or not to accept the offer of redress and grant the required releases.	Accept See above recommendation (62).
65	No confidentiality obligations should be imposed on applicants for redress.	Accept See above recommendation (62).
66	A redress scheme should offer and fund counselling during the period from assisting applicants with the application, through the period when the application is being considered, to the making of the offer and the applicant's consideration of whether or not to accept the offer. This should include a session of financial counselling if the applicant is offered a monetary payment.	Accept See above recommendation (62).
67	A redress scheme should fund counselling provided by a therapist of the applicant's choice if it is specifically requested by the applicant and in circumstances where the applicant has an established relationship with the therapist and the cost is reasonable comparable to the cost the redress scheme is paying for these services generally.	Accept in principle The national scheme will enable access to counselling and psychological care through a counselling and psychological services payment or by delivery through a participating jurisdiction that is a declared provider. The Queensland Government's preferred approach is to facilitate delivery of counselling and psychological care services. The details of this approach will be resolved ahead of the Queensland Government's expected participation in the scheme in late 2018.
68	A redress scheme should offer and fund a limited number of counselling sessions for family members of survivors if reasonably required.	Accept in principle See above recommendation (67).
69	A redress scheme should take the following steps to improve transparency and accountability: <ul style="list-style-type: none"> a. In addition to publicising and promoting the availability of the scheme, the scheme's processes and time frames should be as transparent as possible. The scheme should provide up-to-date information on its website and through any funded counselling and support services and community legal centres, other relevant support services and relevant institutions. b. If possible, the scheme should ensure that each applicant is allocated to a particular contact officer who they can speak to if they have any queries about the status of their application or the timing of its determination and so on. c. The scheme should operate a complaints mechanism and should welcome any complaints or feedback from applicants and others involved in the scheme (for example, support services and community legal centres) 	Accept The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.

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	<p>d. The scheme should provide any feedback it receives about common problems that have been experienced with applications or institutions' responses to funded counselling and support services and community legal centres, other relevant support services and relevant institutions. It should include any suggestions on how to improve applications or responses or ensure more timely determinations</p> <p>e. The scheme should publish data, at least annually, about:</p> <ul style="list-style-type: none"> i. the number of applications received ii. the institutions to which the applications relate iii. the periods of alleged abuse iv. the number of applications determined v. the outcome of applications vi. the mean, median and spread of payments offered vii. the mean, median and spread of time taken to determine the application viii. the number and outcome of applications for review 	
70	A redress scheme should not make any 'findings' that any alleged abuser was involved in any abuse.	Accept See above recommendation (69).
71	A redress scheme may defer determining an application for redress if the institution advises that it is undertaking internal disciplinary processes in respect of the abuse the subject of the application. A scheme may have the discretion to consider the outcome of the disciplinary process, if it is provided by the institution, in determining the application.	Accept in principle See above recommendation (69).
72	A redress scheme should comply with any legal requirements, and make use of any permissions, to report or disclose abuse, including to oversight agencies.	Accept See above recommendation (69).
73	A redress scheme should report any allegations to the police if it has reason to believe that there may be a current risk to children. If the relevant applicant does not consent to the allegations being reported to the police, the scheme should report the allegations to the police without disclosing the applicant's identity. Note: The issue of reporting to police, including blind reporting, will be considered further in our work in relation to criminal justice issues.	Accept See above recommendation (69).
74	A redress scheme should seek to cooperate with any reasonable requirements of the police in terms of information sharing, subject to satisfying any privacy and consent requirements with applicants.	Accept See above recommendation (69).
75	A redress scheme should encourage any applicants who seek advice from it about reporting to police to discuss their options directly with the police.	Accept See above recommendation (69).
76	Institutions should seek to achieve independence in institutional redress processes by taking the following steps: <ul style="list-style-type: none"> a. Institutions should provide information on the application process, including online, so that survivors do not need to approach the institution if there is an independent person with whom they can make their claim 	<p>Accept in principle The Queensland Government will participate in the national redress scheme. The Queensland Government has actively engaged in designing the national scheme with the Australian Government and states and territories.</p> <p>The Queensland Government is not implementing interim redress arrangements.</p>

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	<ul style="list-style-type: none"> b. If feasible, the process of receiving and determining claims should be administered independently of the institution to minimise the risk of any appearance that the institution can influence the process or decisions c. Institutions should ensure that anyone they engage to handle or determine redress claims is appropriately trained in understanding child sexual abuse and its impacts and in any relevant cultural awareness issues d. Institutions should ensure that any processes or interactions with survivors are respectful and empathetic, including by taking into account the factors discussed in Chapter 5 concerning meetings and meeting environments e. Processes and interactions should not be legalistic. Any legal, medical and other relevant input should be obtained for the purposes of decision making. 	
77	Institutions should ensure that the required independence is set out clearly in writing between the institution and any person or body the institution engages as part of its redress process	<p>Accept in principle See above recommendation (76).</p>
78	<p>If a survivor alleges abuse in more than one institution, the institution to which the survivor applies for redress should adopt the following process:</p> <ul style="list-style-type: none"> a. With the survivor's consent, the institution's redress process should approach the other named institutions to seek cooperation on the claim b. If the survivor consents and the relevant institutions agree, one institutional process should assess the survivor's claim in accordance with the recommended redress elements and processes (with any necessary modifications because of the absence of a government-run scheme) and allocate contributions between the institutions. c. If any institution no longer exists and has no successor, its share should be met by the other institution or institutions. 	<p>Accept in principle See above recommendation (76).</p>
79	Institutions should adopt the elements of redress and the general principles for providing redress recommended in Chapter 4.	<p>Accept in principle See above recommendation (76).</p>
80	Institutions should undertake, through their redress processes, to meet survivors' needs for counselling and psychological care. A survivor's need for counselling and psychological care should be assessed independently of the institution.	<p>Accept in principle See above recommendation (76).</p>
81	Institutions should adopt the purpose of monetary payments recommended in Chapter 7 and be guided by the recommended matrix for assessing monetary payments.	<p>Accept in principle See above recommendation (76).</p>
82	In implementing any interim arrangements for institutions to offer and provide redress, institutions should take account of our discussion of the applicability of the redress scheme processes recommended in Chapter 11.	<p>Accept in principle See above recommendation (76).</p>
83	Institutions should ensure no deeds of release are required under interim arrangements for institutions to offer and provide redress.	<p>Accept in principle See above recommendation (76).</p>

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84	If the Australian Government or state and territory governments accept our recommendations and announce that they are working to establish a single national redress scheme or separate state and territory redress schemes, institutions may wish to offer smaller interim or emergency payments as an alternative to offering institutional redress processes as interim arrangement	Accept in principle See above recommendation (76).
85	State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.	Accept Amendments to the <i>Limitation of Actions Act 1974</i> and the <i>Personal Injuries Proceedings Act 2002</i> , made by the <i>Limitation of Actions (Child Sexual Abuse) and Other Legislation Amendment Act 2016</i> , retrospectively remove the limitation periods for commencing an action for damages relating to child sexual abuse (regardless of the setting). The amendments commenced on 1 March 2017.
86	State and territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.	Accept See above recommendation (85).
87	State and territory governments should expressly preserve the relevant courts' existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period.	Accept See above recommendation (85).
88	State and territory governments should implement these recommendations to remove limitation periods as soon as possible, even if that requires that they be implemented before our recommendations in relation to the duty of institutions and identifying a proper defendant are implemented.	Accept See above recommendation (85).
89	State and territory governments should introduce legislation to impose a non-delegable duty on certain institutions for institutional child sexual abuse despite it being the deliberate criminal act of a person associated with the institution	For further consideration The Queensland Government released an Issues Paper for public consultation which included discussion on recommendations 89-95. Further targeted stakeholder consultation was undertaken after the closing date for submission ended. The Queensland Government is considering the outcomes of the consultation.
90	The non-delegable duty should apply to institutions that operate the following facilities or provide the following services and be owed to children who are in the care, supervision or control of the institution in relation to the relevant facility or service: <ul style="list-style-type: none"> a. residential facilities for children, including residential out-of-home care facilities and juvenile detention centres but not including foster care or kinship care b. day and boarding schools and early childhood education and care services, including long day care, family day care, outside school hours services and preschool programs c. disability services for children d. any other facility operated for profit which provides services for children that involve the facility having the care, supervision or control of children for a period of time but not including foster care or kinship care e. any facilities or services operated or provided by religious organisations, including activities or services provided by religious leaders, 	For further consideration See above recommendation (89).

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	officers or personnel of religious organisations but not including foster care or kinship care	
91	Irrespective of whether state and territory parliaments legislate to impose a non-delegable duty upon institutions, state and territory governments should introduce legislation to make institutions liable for institutional child sexual abuse by persons associated with the institution unless the institution proves it took reasonable steps to prevent the abuse. The 'reverse onus' should be imposed on all institutions, including those institutions in respect of which we do not recommend a non-delegable duty be imposed.	For further consideration See above recommendation (89).
92	For the purposes of both the non-delegable duty and the imposition of liability with a reverse onus of proof, the persons associated with the institution should include the institution's officers, office holders, employees, agents, volunteers and contractors. For religious organisations, persons associated with the institution also include religious leaders, officers and personnel of the religious organisation.	For further consideration See above recommendation (89).
93	State and territory governments should ensure that the non-delegable duty and the imposition of liability with a reverse onus of proof apply prospectively and not retrospectively.	For further consideration See above recommendation (89).
94	State and territory governments should introduce legislation to provide that, where a survivor wishes to commence proceedings for damages in respect of institutional child sexual abuse where the institution is alleged to be an institution with which a property trust is associated, then unless the institution nominates a proper defendant to sue that has sufficient assets to meet any liability arising from the proceedings: <ul style="list-style-type: none"> a. the property trust is a proper defendant to the litigation b. any liability of the institution with which the property trust is associated that arises from the proceedings can be met from the assets of the trust 	For further consideration See above recommendation (89).
95	The Australian Government and state and territory governments should consider whether there are any unincorporated bodies that they fund directly or indirectly to provide children's services. If there are, they should consider requiring them to maintain insurance that covers their liability in respect of institutional child sexual abuse claims.	For further consideration See above recommendation (89).
96	Government and non-government institutions that receive, or expect to receive, civil claims for institutional child sexual abuse should adopt guidelines for responding to claims for compensation concerning allegations of child sexual abuse	Accept Guidelines for Queensland Government agencies responding to civil litigation in relation to child sexual abuse were released on 16 August 2016. They are available on the Department of Justice and Attorney-General website.
97	The guidelines should be designed to minimise potential re-traumatisation of claimants and to avoid unnecessarily adversarial responses to claims	Accept See above recommendation (96).
98	The guidelines should include an obligation on the institution to provide assistance to claimants and their legal representatives in identifying the proper defendant to a claim if the proper defendant is not identified or is incorrectly identified	Accept See above recommendation (96).

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99	Government and non-government institutions should publish the guidelines they adopt or otherwise make them available to claimants and their legal representatives	Accept See above recommendation (96).



Queensland Government response to the
**Royal Commission into Institutional
Responses to Child Sexual Abuse**

June 2018

Criminal Justice report

Criminal Justice Report

No.	Recommendation	Queensland Government response
1.	<p>In relation to child sexual abuse, including institutional child sexual abuse, the criminal justice system should be reformed to ensure that the following objectives are met:</p> <ol style="list-style-type: none"> a. the criminal justice system operates in the interests of seeking justice for society, including the complainant and the accused b. criminal justice responses are available for victims and survivors c. victims and survivors are supported in seeking criminal justice responses. 	<p>Accept in principle</p> <p>These principles already underpin Queensland's criminal justice system and future reform in relation to child sexual abuse will be informed by the consideration of other recommendations in the Report.</p> <p>Queensland has in many ways led the way in reforming the criminal justice system in relation to child sexual abuse.</p> <p>For example, since 2003 Queensland has had legislation for the giving of evidence of an 'affected child'. This legislation provides special measures such as prerecording the entirety of the child's evidence by video before trial.</p> <p>Queensland's Criminal Code also contains a range of offences targeting child sex offending, carrying significant penalties, including maintaining a sexual relationship with a child and grooming children under 16 years of age.</p> <p>These offences formed the basis of some of the Royal Commission's recommendations.</p> <p>Victim Assist Queensland (VAQ) supports victims of crime through court support, referral to specialist support services, and where appropriate, through financial assistance to help those impacted by crime to get their lives back on track. VAQ also administers funding to support specialist non-government organisations that deliver services to victims of crime, including court support (such as Protect All Children Today Inc.).</p> <p>In 2017, the Queensland Government introduced a new Charter of Victims' Rights which provide standards for how victims of crime should be treated when interacting with agencies within the legal process.</p> <p>The network of legal assistance support available to vulnerable and disadvantaged Queenslanders is known as the 'service system.' Queensland's service system is comprised of: Legal Aid Queensland (LAQ); community organisations (mostly Community Legal Centres [CLCs]); the Aboriginal and Torres Strait Islander Legal Service (ATSILS Qld); and the Queensland Indigenous Family Violence Legal Service (QIFVLS).</p> <p>The Queensland Government allocates State and Commonwealth funding for legal assistance services delivered by LAQ and community organisations. The Queensland Government has allocated \$61.2 million of State and Commonwealth funding over 2017-20 to community organisations to provide legal assistance services to vulnerable and</p>

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		disadvantaged Queenslanders. This includes: \$35.039 million in Queensland funding.
2.	<p>Australian governments should refer to the Steering Committee for the Report on Government Services for review the issues of:</p> <ul style="list-style-type: none"> a. how the reporting framework for police services in the Report on Government Services could be extended to include reporting on child sexual abuse offences b. whether any outcome measures that would be appropriate for police investigations of child sexual abuse offences could be developed and reported on. 	<p>For further consideration This recommendation requires national coordination.</p> <p>The Steering Committee for the Review of Government Service Provision (Steering Committee) has been established by the Council of Australian Governments and comprises representatives from the Commonwealth and State and Territory governments.</p>
3.	<p>Each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> a. recognises that a victim or survivor's initial contact with police will be important in determining their satisfaction with the entire criminal justice response and in influencing their willingness to proceed with a report and to participate in a prosecution b. ensures that all police who may come into contact with victims or survivors of institutional child sexual abuse are trained to: <ul style="list-style-type: none"> i. have a basic understanding of complex trauma and how it can affect people who report to police, including those who may have difficulties dealing with institutions or persons in positions of authority (such as the police) ii. treat anyone who approaches the police to report child sexual abuse with consideration and respect, taking account of any relevant cultural safety issues c. establishes arrangements to ensure that, on initial contact from a victim or survivor, police refer victims and survivors to appropriate support services. 	<p>Accept in principle Current Queensland Government practices are consistent with this recommendation, and the Queensland Police Service has investigators who provide a specialist policing response to child victims.</p> <p>The Queensland Police Service will review current policies and training resources to ensure they provide sufficient guidance to all police officers in relation to the dynamics of sexual abuse and how trauma may impact on a person's ability to interact with police and the criminal justice system.</p>
4.	<p>To encourage reporting of allegations of child sexual abuse, including institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> a. takes steps to communicate to victims (and their families or support people where the victims are children or are particularly vulnerable) that their decision whether to participate in a police investigation will be respected – that is, victims retain the right to withdraw at any stage in the process and to decline to proceed further with police and/or any prosecution b. provides information on the different ways in which victims and survivors can report to police or seek advice from police on their options for reporting or not reporting abuse – this should be in a format that allows institutions and survivor advocacy and support groups and support services to provide it to victims and survivors c. makes available a range of channels to encourage reporting, including specialist 	<p>Accept in principle The Queensland Government supports the intent of the Royal Commission's recommendation.</p> <p>Further consideration is needed with stakeholders, in particular the service sector. It is likely that this recommendation will have financial and service capability implications for service delivery stakeholders and police.</p>

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	<p>telephone numbers and online reporting forms, and provides information about what to expect from each channel of reporting</p> <ul style="list-style-type: none"> d. works with survivor advocacy and support groups and support services, including those working with people from culturally and linguistically diverse backgrounds and people with disability, to facilitate reporting by victims and survivors e. allows victims and survivors to benefit from the presence of a support person of their choice if they so wish throughout their dealings with police, provided that this will not interfere with the police investigation or risk contaminating evidence f. is willing to take statements from victims and survivors in circumstances where the alleged perpetrator is dead or is otherwise unlikely to be able to be tried. 	
5.	<p>To encourage reporting of allegations of child sexual abuse, including institutional child sexual abuse, among Aboriginal and Torres Strait Islander victims and survivors, each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> a. takes the lead in developing good relationships with Aboriginal and Torres Strait Islander communities b. provides channels for reporting outside of the community (such as telephone numbers and online reporting forms). 	<p>Accept in principle Current Queensland Police Service practices are consistent with this recommendation, however the Queensland Police Service will review current cultural training programs and sexual assault reporting options to ensure they meet the needs of Aboriginal and Torres Strait Islander victims and survivors.</p>
6.	<p>To encourage prisoners and former prisoners to report allegations of child sexual abuse, including institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> a. provides channels for reporting that can be used from prison and that allow reports to be made confidentially b. does not require former prisoners to report at a police station. 	<p>Accept in principle Queensland Police Service and Queensland Corrective Services to work together to ensure current mechanisms are sufficient for prisoners to effectively and confidentially raise allegations of child sexual abuse.</p>
7.	<p>Each Australian government should ensure that its policing agency conducts investigations of reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:</p> <ul style="list-style-type: none"> a. While recognising the complexity of police rosters, staffing and transfers, police should recognise the benefit to victims and their families and survivors of continuity in police staffing and should take steps to facilitate, to the extent possible, continuity in police staffing on an investigation of a complaint. b. Police should recognise the importance to victims and their families and survivors of police maintaining regular communication with them to keep them informed of the status of their report and any investigation unless they have asked not to be kept informed. c. Particularly in relation to historical allegations of institutional child sexual abuse, police who assess or provide an investigative response to allegations should be trained to: <ul style="list-style-type: none"> i. be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health 	<p>Accept Current QPS practices are consistent with this recommendation, and the QPS has investigators who provide a specialist policing response to child victims, which helps to facilitate continuity of police staffing and communication with victims.</p>

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	<p>problems, and some may have a criminal record</p> <p>ii. focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant.</p>	
8.	<p>State and territory governments should introduce legislation to implement Recommendation 20-1 of the report of the Australian Law Reform Commission and the New South Wales Law Reform Commission <i>Family violence: A national legal response</i> in relation to disclosing or revealing the identity of a mandatory reporter to a law enforcement agency.</p>	<p>For further consideration</p> <p>Section 186 of the <i>Child Protection Act 1999</i> provides confidentiality for persons who make child protection reports. It also imposes a penalty where a person unlawfully discloses information likely to lead to the identification of a notifier (section 186(2)). Some limited exceptions are provided, for example, where disclosing the notifier's identity is for purposes related to functions being performed under the <i>Child Protection Act 1999</i> (section 186(2)(a)), or by way of evidence given in a legal proceeding under subsections 186(3) and (4).</p> <p>The intent of the protection of notifier confidentiality is to encourage people to report a concern about a child to Child Safety without fear of their identity being disclosed, to protect notifiers who have made a report from possible retaliation, and to help professionals to maintain positive (and often protective) working relationships with children and families.</p>
9.	<p>Each Australian government should ensure that its policing agency conducts investigative interviewing in relation to reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:</p> <ol style="list-style-type: none"> a. All police who provide an investigative response (whether specialist or generalist) to child sexual abuse should receive at least basic training in understanding sexual offending, including the nature of child sexual abuse and institutional child sexual abuse offending. b. All police who provide an investigative response (whether specialist or generalist) to child sexual abuse should be trained to interview the complainant in accordance with current research and learning about how memory works in order to obtain the complainant's memory of the events. c. The importance of video recorded interviews for children and other vulnerable witnesses should be recognised, as these interviews usually form all, or most, of the complainant's and other relevant witnesses' evidence in chief in any prosecution. d. Investigative interviewing of children and other vulnerable witnesses should be undertaken by police with specialist training. The specialist training should focus on: <ul style="list-style-type: none"> - specialist understanding of child sexual abuse, including institutional child sexual abuse, and the developmental and communication needs of children and other vulnerable witnesses 	<p>Accept in principle</p> <p>Current Queensland Police Service practices are consistent with this recommendation, and the Queensland Police Service has investigators who provide a specialist policing response to child victims.</p> <p>The Queensland Police Service will review current training resources to ensure they meet all recommended requirements.</p> <p>Part (j) of this recommendation is related to the establishment of an intermediary scheme under recommendations 59 and 60, which require further consideration.</p>

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	<ul style="list-style-type: none"> - skill development in planning and conducting interviews, including use of appropriate questioning techniques. e. Specialist police should undergo refresher training on a periodical basis to ensure that their specialist understanding and skills remain up to date and accord with current research. f. From time to time, experts should review a sample of video recorded interviews with children and other vulnerable witnesses conducted by specialist police for quality assurance and training purposes and to reinforce best-practice interviewing techniques. g. State and territory governments should introduce legislation to remove any impediments, including in relation to privacy concerns, to the use of video recorded interviews so that the relevant police officer, his or her supervisor and any persons engaged by police in quality assurance and training can review video recorded interviews for quality assurance and training purposes. This should not authorise the use of video recorded interviews for general training in a manner that would raise privacy concerns. h. Police should continue to work towards improving the technical quality of video recorded interviews so that they are technically as effective as possible in presenting the complainant's and other witnesses' evidence in chief. i. Police should recognise the importance of interpreters, including for some Aboriginal and Torres Strait Islander victims, survivors and other witnesses. j. Intermediaries should be available to assist in police investigative interviews of children and other vulnerable witnesses. 	
10.	<p>Each Australian government should ensure that its policing agency makes decisions in relation to whether to lay charges for child sexual abuse offences in accordance with the following principles:</p> <ul style="list-style-type: none"> a. Recognising that it is important to complainants that the correct charges be laid as early as possible so that charges are not significantly downgraded at or close to trial, police should ensure that care is taken, and that early prosecution advice is sought, where appropriate, in laying charges. b. In making decisions about whether to charge, police should not: <ul style="list-style-type: none"> i. expect or require corroboration where the victim or survivor's account does not suggest that there should be any corroboration available ii. rely on the absence of corroboration as a determinative factor in deciding not to charge, where the victim or survivor's account does not suggest that there should be any corroboration available, unless the prosecution service advises otherwise. 	<p>Accept Current Queensland Police Service policies and practices are consistent with this recommendation.</p>

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11.	<p>The Victorian Government should review the operation of section 401 of the <i>Criminal Procedure Act 2009</i> (Vic) and consider amending the provision to restrict the awarding of costs against police if it appears that the risk of costs awards might be affecting police decisions to prosecute. The government of any other state or territory that has similar provisions should conduct a similar review and should consider similar amendments.</p>	<p>For further consideration Further consideration and consultation is required to confirm that Queensland's cost provisions do not operate similar to Victoria.</p>
12.	<p>Each Australian government should ensure that, if its policing agency does not provide a specialist response to victims and survivors reporting historical child sexual abuse, its policing agency develops and implements a document in the nature of a 'guarantee of service' which sets out for the benefit of victims and survivors – and as a reminder to the police involved – what victims and survivors are entitled to expect in the police response to their report of child sexual abuse. The document should include information to the effect that victims and survivors are entitled to:</p> <ol style="list-style-type: none"> a. be treated by police with consideration and respect, taking account of any relevant cultural safety issues b. have their views about whether they wish to participate in the police investigation respected c. be referred to appropriate support services d. contact police through a support person or organisation rather than contacting police directly if they prefer e. have the assistance of a support person of their choice throughout their dealings with police unless this will interfere with the police investigation or risk contaminating evidence f. have their statement taken by police even if the alleged perpetrator is dead g. be provided with the details of a nominated person within the police service for them to contact h. be kept informed of the status of their report and any investigation unless they do not wish to be kept informed i. have the police focus on the credibility of the complaint or allegations rather than focusing only on the credibility of the complainant, recognising that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record. 	<p>Accept The Queensland Police Service has investigators who provide a specialist policing response to child victims and victims of historical child sexual abuse.</p>
13.	<p>Each Australian government should ensure that its policing agency responds to victims and survivors with disability, or their representatives, who report or seek to report child sexual abuse, including institutional child sexual abuse, to police in accordance with the following principles:</p> <ol style="list-style-type: none"> a. Police who have initial contact with the victim or survivor should be non-judgmental and should not make any adverse assessment of the victim or survivor's credibility, reliability or ability to make a report or participate in a police investigation or prosecution because of their disability. 	<p>Accept in principle Current Queensland Police Service policies and practices are consistent with this recommendation. The recommendations in relation to witness intermediaries will provide significant assistance to police in their response to people with special needs</p>

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	<ul style="list-style-type: none"> b. Police who assess or provide an investigative response to allegations made by victims and survivors with disability should focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant, and they should not make any adverse assessment of the victim or survivor's credibility or reliability because of their disability. c. Police who conduct investigative interviewing should make all appropriate use of any available intermediary scheme, and communication supports, to ensure that the victim or survivor is able to give their best evidence in the investigative interview. d. Decisions in relation to whether to lay charges for child sexual abuse offences should take full account of the ability of any available intermediary scheme, and communication supports, to assist the victim or survivor to give their best evidence when required in the prosecution process. 	
14.	<p>In order to assist in the investigation of current allegations of institutional child sexual abuse, each Australian government should ensure that its policing agency:</p> <ul style="list-style-type: none"> a. develops and keeps under review procedures and protocols to guide police and institutions about the information and assistance police can provide to institutions where a current allegation of institutional child sexual abuse is made b. develops and keeps under review procedures and protocols to guide the police, other agencies, institutions and the broader community on the information and assistance police can provide to children and parents and the broader community where a current allegation of institutional child sexual abuse is made. 	<p>Accept While current Queensland Police Service policies are consistent with this recommendation, the Queensland Police Service will consider implementation of the New South Wales procedures referred to in recommendation 15.</p>
15.	<p>The New South Wales Standard Operating Procedures for Employment Related Child Abuse Allegations and the Joint Investigation Response Team Local Contact Point Protocol should serve as useful precedents for other Australian governments to consider.</p>	<p>Accept While current Queensland Police Service policies are consistent with this recommendation, the Queensland Police Service will consider implementation of the New South Wales procedures</p>
16.	<p>In relation to blind reporting, institutions and survivor advocacy and support groups should:</p> <ul style="list-style-type: none"> a. be clear that, where the law requires reporting to police, child protection or another agency, the institution or group or its relevant staff member or official will report as required b. develop and adopt clear guidelines to inform staff and volunteers, victims and their families and survivors, and police, child protection and other agencies as to the approach the institution or group will take in relation to allegations, reports or disclosures it receives that it is not required by law to report to police, child protection or another agency. 	<p>For further consideration Consideration will be given to applicability and relevance of this recommendation to Queensland Government agencies.</p>
17.	<p>If a relevant institution or survivor advocacy and support group adopts a policy of reporting survivors' details to police without survivors' consent – that is, if</p>	<p>For further consideration</p>

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	it will not make blind reports – it should seek to provide information about alternative avenues for a survivor to seek support if this aspect of the institution or group’s guidelines is not acceptable to the survivor.	Consideration will be given to applicability and relevance of this recommendation to Queensland Government agencies.
18.	Institutions and survivor advocacy and support groups that adopt a policy that they will not report the survivor’s details without the survivor’s consent should make a blind report to police in preference to making no report at all.	For further consideration Consideration will be given to applicability and relevance of this recommendation to Queensland Government agencies.
19.	Regardless of an institution or survivor advocacy and support group’s policy in relation to blind reporting, the institution or group should provide survivors with: <ul style="list-style-type: none"> a. information to inform them about options for reporting to police b. support to report to police if the survivor is willing to do so. 	For further consideration Consideration will be given to applicability and relevance of this recommendation to Queensland Government agencies.
20.	Police should ensure that they review any blind reports they receive and that they are available as intelligence in relation to any current or subsequent police investigations. If it appears that talking to the survivor might assist with a police investigation, police should contact the relevant institution or survivor advocacy and support group, and police and the institution or group should cooperate to try to find a way in which the survivor will be sufficiently supported so that they are willing to speak to police.	Accept in principle The Queensland Police Service reviews any blind reports it receives and ensures these reports are available as intelligence in relation to current or subsequent police investigations. All reports involving children as victims are investigated.
21.	Each state and territory government should introduce legislation to amend its persistent child sexual abuse offence so that: <ul style="list-style-type: none"> a. the <i>actus reus</i> is the maintaining of an unlawful sexual relationship b. an unlawful sexual relationship is established by more than one unlawful sexual act c. the trier of fact must be satisfied beyond reasonable doubt that the unlawful sexual relationship existed but, where the trier of fact is a jury, jurors need not be satisfied of the same unlawful sexual acts d. the offence applies retrospectively but only to sexual acts that were unlawful at the time they were committed e. on sentencing, regard is to be had to relevant lower statutory maximum penalties if the offence is charged with retrospective application. 	For further consideration Recommendation 21, sub recommendations (a) – (c) are already implemented in Queensland in the form of section 229B of the Criminal Code, the offence of <i>Maintaining a sexual relationship with a child under 16</i> . Further consideration of recommendation 21, sub recommendations (d) and (e) is required. These aspects of the recommendation involve significant changes which will require consultation with relevant stakeholders. Sub recommendation (e) also requires consideration in the context of other sentencing recommendations.
22.	The draft provision in Appendix H provides for the recommended reform. Legislation to the effect of the draft provision should be introduced.	For further consideration This recommendation is related to recommendation 21.
23.	State and territory governments (other than Victoria) should consider introducing legislation to establish legislative authority for course of conduct charges in relation to child sexual abuse offences if legislative authority may assist in using course of conduct charges.	For further consideration Further consideration and consultation is required to identify the utility of a course of conduct charge in Queensland, in light of the already expansive application of the existing offence of maintaining a sexual relationship with a child under 16 (section 229B of the Criminal Code).
24.	State and territory governments should consider providing for any of the two or more unlawful sexual acts that are particularised for the maintaining an	For further consideration This recommendation is related to recommendation 23.

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	unlawful sexual relationship offence to be particularised as courses of conduct.	
25.	To the extent they do not already have a broad grooming offence, each state and territory government should introduce legislation to amend its criminal legislation to adopt a broad grooming offence that captures any communication or conduct with a child undertaken with the intention of grooming the child to be involved in a sexual offence.	<p>Accept</p> <p>Queensland criminal law already has in place broad coverage of grooming conduct. The Criminal Code offence provisions of <i>Grooming children under 16</i> (section 218B) and <i>Using internet etc to procure children under 16</i> (section 218A) capture both communication and conduct with a child undertaken with the intention of grooming the child for participation in a sexual offence. Accordingly, no further action is required.</p>
26.	Each state and territory government (other than Victoria) should introduce legislation to extend its broad grooming offence to the grooming of persons other than the child.	<p>For further consideration</p> <p>The recommendation involves a significant change to Queensland's grooming offence (see recommendation 25). It raises a number of issues that require further analysis and consultation with key stakeholders.</p>
27.	State and territory governments should review any position of authority offences applying in circumstances where the victim is 16 or 17 years of age and the offender is in a position of authority (however described) in relation to the victim. If the offences require more than the existence of the relationship of authority (for example, that it be 'abused' or 'exercised'), states and territories should introduce legislation to amend the offences so that the existence of the relationship is sufficient.	<p>Noted</p> <p>Queensland's Criminal Code currently has no direct equivalent offence.</p> <p>This recommendation is related to recommendations 28 and 29.</p>
28.	State and territory governments should review any provisions allowing consent to be negated in the event of sexual contact between a victim of 16 or 17 years of age and an offender who is in a position of authority (however described) in relation to the victim. If the provisions require more than the existence of the relationship of authority (for example, that it be 'abused' or 'exercised'), state and territory governments should introduce legislation to amend the provisions so that the existence of the relationship is sufficient.	<p>For further consideration</p> <p>In Queensland, the age of consent to all sexual activity is 16 years, and the Criminal Code currently has no direct equivalent position of authority offence. However, abusing a child under care exposes a person to higher penalties for most sexual offences. The Criminal Code also provides that consent for rape and sexual assault offences is negated in a range of circumstances, including by exercise of authority.</p> <p>Further consideration and consultation with stakeholders is required in relation to the impacts of the amendment recommended.</p>
29.	If there is a concern that one or more categories of persons in a position of authority (however described) may be too broad and may catch sexual contact which should not be criminalised when it is engaged in by such persons with children above the age of consent, state and territory governments could consider introducing legislation to establish defences such as a similar-age consent defence.	<p>For further consideration</p> <p>This recommendation is related to recommendation 28.</p>
30.	State and territory governments should introduce legislation to remove any remaining limitation periods, or any remaining immunities, that apply to child sexual abuse offences, including historical child sexual abuse offences, in a manner that does not revive any sexual offences that are no longer in keeping with community standards.	<p>For further consideration</p> <p>This is a complex recommendation that is largely without precedent in Queensland by retrospectively creating criminal liability. Significant further analysis and consultation with stakeholders is required.</p>
31.	Without limiting recommendation 30, the New South Wales Government should introduce legislation to give the repeal of the limitation period in section 78 of the <i>Crimes Act 1900</i> (NSW) retrospective effect.	<p>Noted</p> <p>This recommendation is not applicable to Queensland.</p>

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32.	Any person associated with an institution who knows or suspects that a child is being or has been sexually abused in an institutional context should report the abuse to police (and, if relevant, in accordance with any guidelines the institution adopts in relation to blind reporting under recommendation 16).	<p>For further consideration Consideration will be given to applicability and relevance of this recommendation to Queensland Government agencies.</p> <p>It is noted that this recommendation is closely related to recommendations concerning mandatory reporting, reportable conduct schemes, and Child Safe Standards in the Royal Commission's final report and will be considered alongside those recommendations.</p>
33.	<p>Each state and territory government should introduce legislation to create a criminal offence of failure to report targeted at child sexual abuse in an institutional context as follows:</p> <ol style="list-style-type: none"> a. The failure to report offence should apply to any adult person who: <ol style="list-style-type: none"> i. is an owner, manager, staff member or volunteer of a relevant institution – this includes persons in religious ministry and other officers or personnel of religious institutions ii. otherwise requires a Working with Children Check clearance for the purposes of their role in the institution but it should not apply to individual foster carers or kinship carers. b. The failure to report offence should apply if the person fails to report to police in circumstances where they know, suspect, or should have suspected (on the basis that a reasonable person in their circumstances would have suspected and it was criminally negligent for the person not to suspect), that an adult associated with the institution was sexually abusing or had sexually abused a child. c. Relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster and kinship care services should be included (but not individual foster carers or kinship carers). Facilities and services provided by religious institutions, and any services or functions performed by persons in religious ministry, should be included. d. If the knowledge is gained or the suspicion is or should have been formed after the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply: <ol style="list-style-type: none"> i. A child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years). ii. The person who is known to have abused a child or is or should have been suspected of abusing a child is either: still associated with the institution known or believed to be associated with another relevant institution. iii. The knowledge gained or the suspicion that is or should have been formed relates to 	<p>For further consideration Further consideration and consultation with stakeholders is required in light of existing reporting requirements and other recommendations concerning mandatory reporting, reportable conduct schemes, and Child Safe Standards in the Royal Commission's final report.</p>

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	<p>abuse that may have occurred within the previous 10 years.</p> <p>e. If the knowledge is gained or the suspicion is or should have been formed before the failure to report offence commences, the failure to report offence should apply if any of the following circumstances apply:</p> <p>i. A child to whom the knowledge relates or in relation to whom the suspicion is or should have been formed is still a child (that is, under the age of 18 years) and is still associated with the institution (that is, they are still in the care, supervision or control of the institution).</p> <p>ii. The person who is known to have abused a child or is or should have been suspected of abusing a child is either: still associated with the institution known or believed to be associated with another relevant institution.</p>	
34.	<p>State and territory governments should:</p> <p>a. ensure that they have systems in place in relation to their mandatory reporting scheme and any reportable conduct scheme to ensure that any reports made under those schemes that may involve child sexual abuse offences are brought to the attention of police</p> <p>b. include appropriate defences in the failure to report offence to avoid duplication of reporting under mandatory reporting and any reportable conduct schemes.</p>	<p>For further consideration</p> <p>Paragraph (a) of this recommendation is closely related to recommendations concerning mandatory reporting, reportable conduct schemes, and Child Safe Standards in the final report and will be considered alongside consideration of those recommendations. Paragraph (b) of this recommendation is related to recommendation 33.</p>
35.	<p>Each state and territory government should ensure that the legislation it introduces to create the criminal offence of failure to report recommended in recommendation 33 addresses religious confessions as follows:</p> <p>a. The criminal offence of failure to report should apply in relation to knowledge gained or suspicions that are or should have been formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.</p> <p>b. The legislation should exclude any existing excuse, protection or privilege in relation to religious confessions to the extent necessary to achieve this objective.</p> <p>c. Religious confession should be defined to include a confession about the conduct of a person associated with the institution made by a person to a second person who is in religious ministry in that second person's professional capacity according to the ritual of the church or religious denomination concerned.</p>	<p>For further consideration</p> <p>This recommendation is related to recommendation 33.</p>
36.	<p>State and territory governments should introduce legislation to create a criminal offence of failure to protect a child within a relevant institution from a substantial risk of sexual abuse by an adult associated with the institution as follows:</p> <p>a. The offence should apply where:</p> <p>i. an adult person knows that there is a substantial risk that another adult person associated with the institution will commit a sexual offence against:</p>	<p>For further consideration</p> <p>Further consideration and consultation with stakeholders is required.</p> <p>This recommendation is also closely related to recommendations concerning mandatory reporting, reportable conduct schemes, and Child Safe Standards in the final report and will be considered alongside consideration of those recommendations.</p>

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	<ul style="list-style-type: none"> • a child under 16 • a child of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child <p>ii. the person has the power or responsibility to reduce or remove the risk</p> <p>iii. the person negligently fails to reduce or remove the risk.</p> <p>b. The offence should not be able to be committed by individual foster carers or kinship carers.</p> <p>c. Relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster care and kinship care services should be included, but individual foster carers and kinship carers should not be included. Facilities and services provided by religious institutions, and any service or functions performed by persons in religious ministry, should be included.</p> <p>d. State and territory governments should consider the Victorian offence in section 49C of the Crimes Act 1958 (Vic) as a useful precedent, with an extension to include children of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child.</p>	
37.	<p>All Australian Directors of Public Prosecutions, with assistance from the relevant government in relation to funding, should ensure that prosecution responses to child sexual abuse are guided by the following principles:</p> <ul style="list-style-type: none"> a. All prosecution staff who may have professional contact with victims of institutional child sexual abuse should be trained to have a basic understanding of the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and how it can affect people who are involved in a prosecution process, including those who may have difficulties dealing with institutions or person in positions of authority. b. While recognising the complexity of prosecution staffing and court timetables, prosecution agencies should recognise the benefit to victims and their families and survivors of continuity in prosecution team staffing and should take steps to facilitate, to the extent possible, continuity in staffing of the prosecution team involved in a prosecution. c. Prosecution agencies should continue to recognise the importance to victims and their families and survivors of the prosecution agency maintaining regular communication with them to keep them informed of the status of the prosecution unless they have asked not to be kept informed. d. Witness Assistance Services should be funded and staffed to ensure that they can 	<p>For further consideration</p> <p>The Queensland Government supports the guiding principles of this recommendation.</p> <p>In Queensland, the Office of the Director of Public Prosecutions (ODPP) already has an obligation under the <i>Victims of Crime Assistance Act 2009</i> to treat victims with courtesy, kindness and respect and further act in accordance with the Charter of victim's rights under that <i>Act</i>.</p> <p>This obligation is consistent with the terms of the Director's Guidelines, which are available publicly online. The Guidelines include detailed guidance on working with victims and witnesses, before, during and after trial, including in circumstances that the victim or witness is a child and/or where the victim is a victim of sexual offending.</p> <p>ODPP staff currently receive training consistent with the Guidelines and the Charter of victim's rights to ensure awareness and compliance.</p> <p>As the recommendation itself notes, there are significant complexities involved in prosecution staffing and court timetables that can be insurmountable in practice given current available resources.</p> <p>The ODPP provides information to victims of crime consistent with the Charter of victim's rights regarding the court process and referral to support agencies. Witness assistance services</p>

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	<p>perform their task of keeping victims and their families and survivors informed and ensuring that they are put in contact with relevant support services, including staff trained to provide a culturally appropriate service for Aboriginal and Torres Strait Islander victims and survivors. Specialist services for children should also be considered.</p> <p>e. Particularly in relation to historical allegations of institutional child sexual abuse, prosecution staff who are involved in giving early charge advice or in prosecuting child sexual abuse matters should be trained to:</p> <p>i. be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record</p> <p>ii. focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant.</p> <p>f. Prosecution agencies should recognise that children with disability are at a significantly increased risk of abuse, including child sexual abuse. Prosecutors should take this increased risk into account in any decisions they make in relation to prosecuting child sexual abuse offences.</p>	<p>in Queensland are provided by a number of agencies, both Government and external. The ODPP provides the information component to victims and their families but is not itself a support service.</p> <p>The Guidelines are compliant in a number of aspects of this recommendation. The Guidelines are presently under review, in part, to take into account various Royal Commission recommendations. Further consideration is needed as to whether the Guidelines can further satisfy the intent of the recommendation.</p> <p>Consideration of changes to the Guidelines will need to take into account the resource implications for the courts and prosecutions systems. The ability to provide continuity of staffing in the prosecution team for each matter will require considerable increase of staffing resources for the ODPP.</p> <p>Further funding will be required to ensure that Victim Liaison Officers are trained to provide a culturally appropriate service for Aboriginal and Torres Strait Islander victims and children generally</p>
38.	<p>Each state and territory government should facilitate the development of standard material to provide to complainants or other witnesses in child sexual abuse trials to better inform them about giving evidence. The development of the standard material should be led by Directors of Public Prosecutions in consultation with Witness Assistance Services, public defenders (where available), legal aid services and representatives of the courts to ensure that it:</p> <p>a. is likely to be of adequate assistance for complainants who are not familiar with criminal trials and giving evidence</p> <p>b. is fair to the accused as well as to the prosecution</p> <p>c. does not risk rehearsing or coaching the witness.</p>	<p>For further consideration</p> <p>The ODPP provides a number of factsheets to victims of crime and their families, including those specifically for child sexual abuse matters.</p> <p>Other agencies, such as PACT, VAQ, and LAQ, also provide information to complainants and, in some instances witnesses, regarding the Criminal Justice System.</p> <p>The Director's Guideline provides, in part, that <i>"Every victim who is a witness must be advised of the trial process and his or her role as a prosecution witness."</i> In practice, all victims and many other witnesses are not only verbally informed of the trial process and their role and have any questions they may have answered, but they are regularly shown the courtroom in advance of the hearing. This latter aspect may be done by the ODPP staff or other organisations such as PACT, Court Network, QHVSC, etc.</p> <p>Further analysis of these combined resources and their effect is required to determine if they are sufficient to meet the intention of the recommendation. Additionally the further analysis will assist to determine any resource implications on ODPP.</p>
39.	<p>All Australian Directors of Public Prosecutions should ensure that prosecution charging and plea decisions in prosecutions for child sexual abuse offences are guided by the following principles:</p> <p>a. Prosecutors should recognise the importance to complainants of the correct charges being laid as early as possible so that charges are</p>	<p>For further consideration</p> <p>The Director's Guidelines provide the principles which guide decisions to prosecute and which reflect the principles of this recommendation.</p> <p>The Guidelines detail the matters that need to be considered where the charge involves a child, either as a complainant or an accused, or</p>

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	<p>not significantly downgraded or withdrawn at or close to trial. Prosecutors should provide early advice to police on appropriate charges to lay when such advice is sought.</p> <p>b. Regardless of whether such advice has been sought, prosecutors should confirm the appropriateness of the charges as early as possible once they are allocated the prosecution to ensure that the correct charges have been laid and to minimise the risk that charges will have to be downgraded or withdrawn closer to the trial date.</p> <p>c. While recognising the benefit of securing guilty pleas, prosecution agencies should also recognise that it is important to complainants – and to the criminal justice system – that the charges for which a guilty plea is accepted reasonably reflect the true criminality of the abuse they suffered.</p> <p>d. Prosecutors must endeavour to ensure that they allow adequate time to consult the complainant and the police in relation to any proposal to downgrade or withdraw charges or to accept a negotiated plea and that the complainant is given the opportunity to obtain assistance from relevant witness assistance officers or other advocacy and support services before they give their opinion on the proposal. If the complainant is a child, prosecutors must endeavour to ensure that they give the child the opportunity to consult their carer or parents unless the child does not wish to do so.</p>	<p>sexual offending. This includes Guidelines for charge negotiations and victim consultation.</p> <p>The Guidelines stipulate the need to consult complainants to ensure they are fully informed of significant prosecutorial decisions and the reasons for such decisions.</p> <p>With respect to violent and sexual offences, the Guidelines require that the views of the victim be recorded and properly considered.</p> <p>The Guidelines provide for the mechanism by which police officers can seek advice from the ODPP concerning charging.</p> <p>The Guidelines are presently under review. Further consideration is necessary to ensure the Guidelines appropriately meet the intention of this recommendation.</p> <p>Implementation of this recommendation would require additional staffing resources for the ODPP, however they would be fully subsumed by the full provision of staffing resources noted in relation to recommendation 37 concerning the continuity of staffing of prosecution teams.</p>
40.	<p>Each Australian Director of Public Prosecutions should:</p> <p>a. have comprehensive written policies for decision-making and consultation with victims and police</p> <p>b. publish all policies online and ensure that they are publicly available</p> <p>c. provide a right for complainants to seek written reasons for key decisions, without detracting from an opportunity to discuss reasons in person before written reasons are provided.</p>	<p>Accept in principle</p> <p>As discussed above, the Director's Guidelines are publicly available.</p> <p>The current Guidelines are compliant with the elements of this recommendation.</p> <p>As noted above the Guidelines are under review. It is not proposed that such review would negatively impact or detract from the current level of compliance with this recommendation.</p>
41.	<p>Each Australian Director of Public Prosecutions should establish a robust and effective formalised complaints mechanism to allow victims to seek internal merits review of key decisions.</p>	<p>For further consideration</p> <p>The Queensland Government acknowledges the impact on victims of prosecutorial decisions.</p> <p>ODPP is currently subject to the DJAG complaints policy, but only in respect of decisions not related to the conduct of prosecutions. Consideration is currently being given to the development of a policy concerning prosecution based decisions, and which is more in line with the recommendation. A number of procedures are already in place to address many of the issues which underpinned this recommendation. However, this recommendation does require considerable further analysis to determine impact and resource implications on ODPP and consider the viability of potential alternative models for such review mechanism to be implemented.</p>

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		<p>A victim may also make a complaint about a contravention of a right under the Charter for Victim's Rights or a friend or family member may make a complaint with the victim's permission. The complaint can be made straight to the agency the victim has been dealing with or to the Victim Services Coordinator at VAQ</p>
42.	<p>Each Australian Director of Public Prosecutions should establish robust and effective internal audit processes to audit their compliance with policies for decision-making and consultation with victims and police.</p>	<p>For further consideration ODPP is presently running a pilot internal audit, based on electronic files only, in order to assess compliance with the Guidelines and internal process requirements. This audit is conducted on a relatively small sample size each month. The size of the audit is currently dictated by available resourcing. Continuation of this pilot will assist in better identifying and quantifying resource implications of this recommendation on the ODPP, and identify the practical requirements of establishing such a process on a broader and permanent basis.</p> <p>This recommendation needs further analysis to determine impact and resource implications on ODPP</p>
43.	<p>Each Australian Director of Public Prosecutions should publish the existence of their complaints mechanism and internal audit processes and data on their use and outcomes online and in their annual reports.</p>	<p>For further consideration Consideration of this recommendation is dependent upon the outcome of analysis of recommendations 41 and 42.</p>
44.	<p>In order to ensure justice for complainants and the community, the laws governing the admissibility of tendency and coincidence evidence in prosecutions for child sexual abuse offences should be reformed to facilitate greater admissibility and cross-admissibility of tendency and coincidence evidence and joint trials.</p>	<p>For further consideration This is a complex recommendation with significant implications for the Queensland criminal justice system and requires extensive consideration and consultation with stakeholders.</p> <p>While Queensland is not a Uniform Evidence Act jurisdiction, representatives are participating in a national working group reporting to the Council of Attorneys-General (CAG) that is considering the Royal Commission's recommendations in relation to admissibility of tendency and coincidence evidence. The working group is due to report to CAG with a reform proposal in the second half of 2018.</p>
45.	<p>Tendency or coincidence evidence about the defendant in a child sexual offence prosecution should be admissible:</p> <ol style="list-style-type: none"> a. if the court thinks that the evidence will, either by itself or having regard to the other evidence, be 'relevant to an important evidentiary issue' in the proceeding, with each of the following kinds of evidence defined to be 'relevant to an important evidentiary issue' in a child sexual offence proceeding: <ol style="list-style-type: none"> i. evidence that shows a propensity of the defendant to commit particular kinds of offences if the commission of an offence of the same or a similar kind is in issue in the proceeding ii. evidence that is relevant to any matter in issue in the proceeding if the matter concerns 	<p>For further consideration See above recommendation (44).</p>

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	<p>an act or state of mind of the defendant and is important in the context of the proceeding as a whole</p> <p>b. unless, on the application of the defendant, the court thinks, having regard to the particular circumstances of the proceeding, that both:</p> <p>i. admission of the evidence is more likely than not to result in the proceeding being unfair to the defendant</p> <p>ii. if there is a jury, the giving of appropriate directions to the jury about the relevance and use of the evidence will not remove the risk.</p>	
46.	Common law principles or rules that restrict the admission of propensity or similar fact evidence should be explicitly abolished or excluded in relation to the admissibility of tendency or coincidence evidence about the defendant in a child sexual offence prosecution.	For further consideration See above recommendation (44).
47.	Issues of concoction, collusion or contamination should not affect the admissibility of tendency or coincidence evidence about the defendant in a child sexual offence prosecution. The court should determine admissibility on the assumption that the evidence will be accepted as credible and reliable, and the impact of any evidence of concoction, collusion or contamination should be left to the jury or other fact-finder.	For further consideration See above recommendation (44).
48.	Tendency or coincidence evidence about a defendant in a child sexual offence prosecution should not be required to be proved beyond reasonable doubt.	For further consideration See above recommendation (44).
49.	Evidence of: <p>a. the defendant's prior convictions</p> <p>b. acts for which the defendant has been charged but not convicted (other than acts for which the defendant has been acquitted)</p> <p>should be admissible as tendency or coincidence evidence if it otherwise satisfies the test for admissibility of tendency or coincidence evidence about a defendant in a child sexual offence prosecution.</p>	For further consideration See above recommendation (44).
50.	Australian governments should introduce legislation to make the reforms we recommend to the rules governing the admissibility of tendency and coincidence evidence.	For further consideration See above recommendation (44).
51.	The draft provisions in Appendix N provide for the recommended reforms for Uniform Evidence Act jurisdictions. Legislation to the effect of the draft provisions should be introduced for Uniform Evidence Act jurisdictions and non-Uniform Evidence Act jurisdictions.	For further consideration See above recommendation (44).
52.	State and territory governments should ensure that the necessary legislative provisions and physical resources are in place to allow for the prerecording of the entirety of a witness's evidence in child sexual abuse prosecutions. This should include both: <p>a. in summary and indictable matters, the use of a pre-recorded investigative interview as some or all of the witness's evidence in chief</p>	For further consideration The <i>Evidence Act 1977</i> has provisions allowing prerecording of the evidence of children and other vulnerable witnesses. Further consideration and consultation is needed to determine the sufficiency of existing legislative provisions and physical resources to meet the intent of the recommendation.

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	<ul style="list-style-type: none"> b. in matters tried on indictment, the availability of pre-trial hearings to record all of a witness's evidence, including cross-examination and re-examination, so that the evidence is taken in the absence of the jury and the witness need not participate in the trial itself. 	
53.	<p>Full prerecording should be made available for:</p> <ul style="list-style-type: none"> a. all complainants in child sexual abuse prosecutions b. any other witnesses who are children or vulnerable adults c. any other prosecution witness that the prosecution considers necessary. 	<p>For further consideration See above recommendation (52).</p>
54.	<p>Where the prerecording of cross-examination is used, it should be accompanied by ground rules hearings to maximise the benefits of such a procedure.</p>	<p>For further consideration See above recommendation (52).</p>
55.	<p>State and territory governments should work with courts to improve the technical quality of closed circuit television and audio-visual links and the equipment used and staff training in taking and replaying pre-recorded and remote evidence.</p>	<p>For further consideration Consideration of this recommendation is dependent on consideration of other related recommendations.</p>
56.	<p>State and territory governments should introduce legislation to require the audio-visual recording of evidence given by complainants and other witnesses that the prosecution considers necessary in child sexual abuse prosecutions, whether tried on indictment or summarily, and to allow these recordings to be tendered and relied on as the relevant witness's evidence in any subsequent trial or retrial. The legislation should apply regardless of whether the relevant witness gives evidence live in court, via closed circuit television or in a pre-recorded hearing.</p>	<p>For further consideration The <i>Evidence Act 1977</i> has provisions allowing prerecording of the evidence of children and other vulnerable witnesses.</p> <p>Further consideration and consultation is needed to determine the sufficiency of existing legislative provisions and other impacts.</p>
57.	<p>State and territory governments should ensure that the courts are adequately resourced to provide this facility, in terms of both the initial recording and its use in any subsequent trial or retrial.</p>	<p>For further consideration Consideration of this recommendation is dependent on consideration of other related recommendations.</p>
58.	<p>If it is not practical to record evidence given live in court in a way that is suitable for use in any subsequent trial or retrial, prosecution guidelines should require that the fact that a witness may be required to give evidence again in the event of a retrial be discussed with witnesses when they make any choice as to whether to give evidence via prerecording, closed circuit television or in person.</p>	<p>For further consideration See above recommendation (57).</p>
59.	<p>State and territory governments should establish intermediary schemes similar to the Registered Intermediary Scheme in England and Wales which are available to any prosecution witness with a communication difficulty in a child sexual abuse prosecution. Governments should ensure that the scheme:</p> <ul style="list-style-type: none"> a. requires intermediaries to have relevant professional qualifications to assist in communicating with vulnerable witnesses b. provides intermediaries with training on their role and in understanding that their duty is to assist the court to communicate with the witness and to be impartial c. makes intermediaries available at both the police interview stage and trial stage 	<p>For further consideration This recommendation is complex and involves significant change for Queensland and carries extensive resource implications for relevant agencies.</p> <p>Further consideration is required in consultation with stakeholders.</p>

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	<ul style="list-style-type: none"> d. enables intermediaries to provide recommendations to police and the court on how best to communicate with the witness and to intervene in an interview or examination where they observe a communication breakdown. 	
60.	<p>State and territory governments should work with their courts administration to ensure that ground rules hearings are able to be held – and are in fact held – in child sexual abuse prosecutions to discuss the questioning of prosecution witnesses with specific communication needs, whether the questioning is to take place via a pre-recorded hearing or during the trial. This should be essential where a witness intermediary scheme is in place and should allow, at a minimum, a report from an intermediary to be considered.</p>	<p>For further consideration See above recommendation (59).</p>
61.	<p>The following special measures should be available in child sexual abuse prosecutions for complainants, vulnerable witnesses and other prosecution witnesses where the prosecution considers it necessary:</p> <ul style="list-style-type: none"> a. giving evidence via closed circuit television or audio-visual link so that the witness is able to give evidence from a room away from the courtroom b. allowing the witness to be supported when giving evidence, whether in the courtroom or remotely, including, for example, through the presence of a support person or a support animal or by otherwise creating a more child-friendly environment c. if the witness is giving evidence in court, using screens, partitions or one-way glass so that the witness cannot see the accused while giving evidence d. clearing the public gallery of a courtroom during the witness's evidence e. the judge and counsel removing their wigs and gowns. 	<p>For further consideration While Queensland has a range of provisions in the <i>Evidence Act 1977</i> which provide measures for special witnesses and affected children, the recommendation may extend beyond these current provisions.</p> <p>Further analysis and consultation with stakeholders is required to determine the impacts for Queensland.</p>
62.	<p>State and territory governments should introduce legislation to allow a child's competency to give evidence in child sexual abuse prosecutions to be tested as follows:</p> <ul style="list-style-type: none"> a. Where there is any doubt about a child's competence to give evidence, a judge should establish the child's ability to understand basic questions asked of them by asking simple, non-theoretical questions – for example, about their age, school, family et cetera. b. Where it does not appear that the child can give sworn evidence, the judge should simply ask the witness for a promise to tell the truth and allow the examination of the witness to proceed. 	<p>For further consideration Section 9 of the <i>Evidence Act 1977</i> provides that every person, including a child, is presumed to be competent to give evidence in a proceeding on oath. If an issue as to competence is raised by a party to the proceeding or by the court, it is an issue to be decided by the judge alone.</p> <p>Further consideration is needed as to whether existing legislation and procedures are sufficient to achieve the intent of the recommendation.</p>
63.	<p>State and territory governments should provide adequate interpreting services such that any witness in a child sexual abuse prosecution who needs an interpreter is entitled to an interpreter who has sufficient expertise in their primary language, including sign language, to provide an accurate and impartial translation.</p>	<p>For further consideration Section 131A of the <i>Evidence Act 1977</i> provides that in a criminal proceeding, a court may order that the State provide an interpreter for a complainant, defendant or witness, if the court is satisfied that the interests of justice so require.</p>

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		<p>Queensland Government response</p> <p>Queensland courts support the use of interpreters and the provision of interpreter services is guided by the relevant court's procedures.</p> <p>Consideration will need to be given to any related work concerning interpreters in response to recommendation 116 of the report <i>Not Now, Not Ever: Putting an End to domestic and family violence in Queensland</i>.</p>
64.	<p>State and territory governments should consider or reconsider the desirability of partial codification of judicial directions now that Victoria has established a precedent from which other jurisdictions could develop their own reforms.</p>	<p>For further consideration</p> <p>In Queensland, judicial directions are set out in the Supreme and District Court Benchbook which is published on the Queensland Courts website.</p> <p>The Queensland Government notes there are a number of recommendations concerning judicial directions with respect to the conduct of cases involving child sexual abuse.</p> <p>Together, these recommendations could result in significant changes to directions in Queensland.</p> <p>Further consultation is required with the judiciary and other relevant stakeholders.</p>
65.	<p>Each state and territory government should review its legislation and introduce any amending legislation necessary to ensure that it has the following provisions in relation to judicial directions and warnings:</p> <ul style="list-style-type: none"> a. Delay and credibility: Legislation should provide that: <ul style="list-style-type: none"> i. there is no requirement for a direction or warning that delay affects the complainant's credibility ii. the judge must not direct, warn or suggest to the jury that delay affects the complainant's credibility unless the direction, warning or suggestion is requested by the accused and is warranted on the evidence in the particular circumstances of the trial iii. in giving any direction, warning or comment, the judge must not use expressions such as 'dangerous or unsafe to convict' or 'scrutinise with great care'. b. Delay and forensic disadvantage: Legislation should provide that: <ul style="list-style-type: none"> i. there is no requirement for a direction or warning as to forensic disadvantage to the accused ii. the judge must not direct, warn or suggest to the jury that delay has caused forensic disadvantage to the accused unless the direction, warning or suggestion is requested by the accused and there is evidence that the accused has suffered significant forensic disadvantage 	<p>For further consideration</p> <p>See above recommendation (64).</p>

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	<ul style="list-style-type: none"> iii. the mere fact of delay is not sufficient to establish forensic disadvantage iv. in giving any direction, warning or comment, the judge should inform the jury of the nature of the forensic disadvantage suffered by the accused v. in giving any direction, warning or comment, the judge must not use expressions such as 'dangerous or unsafe to convict' or 'scrutinise with great care'. c. Uncorroborated evidence: Legislation should provide that the judge must not direct, warn or suggest to the jury that it is 'dangerous or unsafe to convict' on the uncorroborated evidence of the complainant or that the uncorroborated evidence of the complainant should be 'scrutinised with great care'. d. Children's evidence: Legislation should provide that: <ul style="list-style-type: none"> i. the judge must not direct, warn or suggest to the jury that children as a class are unreliable witnesses ii. the judge must not direct, warn or suggest to the jury that it would be 'dangerous or unsafe to convict' on the uncorroborated evidence of a child or that the uncorroborated evidence of a child should be 'scrutinised with great care' iii. the judge must not give a direction or warning about, or comment on, the reliability of a child's evidence solely on account of the age of the child. 	
66.	The New South Wales Government, the Queensland Government and the government of any other state or territory in which <i>Markuleski</i> directions are required should consider introducing legislation to abolish any requirement for such directions.	<p>For further consideration See above recommendation (64).</p>
67.	State and territory governments should support and encourage the judiciary, public prosecutors, public defenders, legal aid and the private Bar to implement regular training and education programs for the judiciary and legal profession in relation to understanding child sexual abuse and current social science research in relation to child sexual abuse.	<p>For further consideration In Queensland, there are extensive professional development programs in place for the judiciary and legal professionals. For example, the program for magistrates has already included modules on children as participants in court proceedings and the effect of childhood trauma on the developing brain.</p> <p>The Queensland Government recognises the importance of appropriate professional education and development and will work with the relevant professional organisations and the judiciary to consider the adequacy of current requirements and resource implications of increasing these requirements.</p>
68.	<p>Relevant Australian governments should ensure that bodies such as:</p> <ul style="list-style-type: none"> a. the Australasian Institute of Judicial Administration b. the National Judicial College of Australia c. the Judicial Commission of New South Wales d. the Judicial College of Victoria <p>are adequately funded to provide leadership in making relevant information and training available in</p>	<p>For further consideration The Queensland Government notes that some of these bodies are funded jointly by states, territories, and the Commonwealth Government and therefore may require national consideration.</p> <p>Queensland contributes funding to the Australasian Institute of Judicial Administration</p>

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	the most effective forms to the judiciary and, where relevant, the broader legal profession so that they understand and keep up to date with current social science research that is relevant to understanding child sexual abuse.	(AIJA) and the National Judicial College of Australia (NJCA). The Director-General, Department of Justice and Attorney-General is a Council Member for the NJCA.
69.	In any state or territory where provisions such as those in sections 79(2) and 108C of the Uniform Evidence Act or their equivalent are not available, the relevant government should introduce legislation to allow for expert evidence in relation to the development and behaviour of children generally and the development and behaviour of children who have been victims of child sexual abuse offences.	<p>For further consideration Queensland is not a Uniform Evidence Act jurisdiction and generally operates under the common law. However, section 9C of the <i>Evidence Act 1977</i> deals with expert evidence about witness's ability to give evidence.</p> <p>Consequently, this recommendation needs further consultation and analysis.</p>
70.	Each state and territory government should lead a process to consult the prosecution, defence, judiciary and academics with relevant expertise in relation to judicial directions containing educative information about children and the impact of child sexual abuse, with a view to settling standard directions and introducing legislation as soon as possible to authorise and require the directions to be given. The National Child Sexual Assault Reform Committee's recommended mandatory judicial directions and the Victorian Government's proposed directions on inconsistencies in the complainant's account should be the starting point for the consultation process, subject to the removal of the limitation in the third direction recommended by the National Child Sexual Assault Reform Committee in relation to children's responses to sexual abuse so that it can apply regardless of the complainant's age at trial.	<p>For further consideration The Queensland Government notes there are a number of recommendations concerning judicial directions with respect to the conduct of cases involving child sexual abuse.</p> <p>Together, these recommendations could result in significant changes for Queensland.</p> <p>Further consultation is required with the judiciary and other relevant stakeholders.</p>
71.	In advance of any more general codification of judicial directions, each state and territory government should work with the judiciary to identify whether any legislation is required to permit trial judges to assist juries by giving relevant directions earlier in the trial or to otherwise assist juries by providing them with more information about the issues in the trial. If legislation is required, state and territory governments should introduce the necessary legislation.	<p>For further consideration See above recommendation (70).</p>
72.	<p>Each state and territory government should work with its courts, prosecution, legal aid and policing agencies to ensure that delays are reduced and kept to a minimum in prosecutions for child sexual abuse offences, including through measures to encourage:</p> <ol style="list-style-type: none"> a. the early allocation of prosecutors and defence counsel b. the Crown – including subsequently allocated Crown prosecutors – to be bound by early prosecution decisions c. appropriate early guilty pleas <p>case management and the determination of preliminary issues before trial.</p>	<p>For further consideration The Queensland Government will continue to work with all relevant agencies to reduce delays in criminal prosecutions.</p> <p>Further consideration and consultation with stakeholders is required.</p>
73.	In those states and territories that have a qualified privilege in relation to sexual assault communications, the relevant state or territory government should work with its courts, prosecution and legal aid agencies to implement any necessary procedural or case management reforms to ensure that complainants are	<p>Accept in principle On 1 December 2017 amendments commenced introducing a sexual assault counselling privilege in Queensland. An absolute privilege applies in preliminary proceedings, for example a bail proceeding, and a qualified privilege in other proceedings.</p>

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	effectively able to claim the privilege without risking delaying the trial.	The Queensland Government has also provided funding for sexual assault counselling support services. Services include legal advice and representation to sexual assault victims and counsellors who seek to prevent disclosure of counselling communications in court.
74.	All state and territory governments (other than New South Wales and South Australia) should introduce legislation to provide that good character be excluded as a mitigating factor in sentencing for child sexual abuse offences where that good character facilitated the offending, similar to that applying in New South Wales and South Australia.	<p>For further consideration Sentencing in Queensland is governed by the <i>Penalties and Sentences Act 1992</i>, which does not currently contain a provision as outlined in the recommendation.</p> <p>Further consideration and consultation is required with stakeholders to determine the impacts of this recommendation for Queensland.</p>
75.	State and territory governments should introduce legislation to require sentencing courts, when setting a sentence in relation to child sexual abuse offences involving multiple discrete episodes of offending and/or where there are multiple victims, to indicate the sentence that would have been imposed for each offence had separate sentences been imposed.	<p>For further consideration Sentencing in Queensland is governed by the <i>Penalties and Sentences Act 1992</i>. Queensland has a general presumption in favour of concurrent sentencing, however there is no legislative provision providing for aggregate sentences.</p> <p>Further consideration and consultation with stakeholders whether Queensland's existing provisions and practices meet the intent of the recommendation.</p>
76.	State and territory governments should introduce legislation to provide that sentences for child sexual abuse offences should be set in accordance with the sentencing standards at the time of sentencing instead of at the time of the offending, but the sentence must be limited to the maximum sentence available for the offence at the date when the offence was committed.	<p>For further consideration Sentencing in Queensland is governed by the <i>Penalties and Sentences Act 1992</i>.</p> <p>Further consideration and consultation is required with stakeholders to determine the impacts of this recommendation for Queensland.</p>
77.	<p>State and territory governments, in consultation with their respective Directors of Public Prosecutions, should improve the information provided to victims and survivors of child sexual abuse offences to:</p> <ol style="list-style-type: none"> a. give them a better understanding of the role of the victim impact statement in the sentencing process b. better prepare them for making a victim impact statement, including in relation to understanding the sort of content that may result in objection being taken to the statement or parts of it. 	<p>For further consideration <i>Queensland's Penalties and Sentences Act 1992</i> contains provisions for the giving of victim impact statements in certain circumstances.</p> <p>VAQ and Queensland Courts publish a range of information for victims of crime, including <i>A Guide for Victims of Crime in Queensland</i>.</p> <p>The Charter of Victims' Rights, set out in the <i>Victims of Crime Assistance Act 2009</i>, describes the treatment victims can expect to receive from Queensland Government agencies, their officers and funded non-government agencies that provide services to victims of crime.</p> <p>The Director's Guidelines for the Office of the Director of Public Prosecution are available online.</p> <p>Director Guideline No.5 provides general guidelines for dealing with victims and outlines information that should be provided to victims including information on making a victim impact statement.</p> <p>LAQ also provides online information to victims of crime and people charged with offences.</p>

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		Further analysis of existing resources, in consultation with all relevant stakeholders, is required to determine if they are sufficient to meet the intent of the recommendation.
78.	State and territory governments should ensure that, as far as reasonably practicable, special measures to assist victims of child sexual abuse offences to give evidence in prosecutions are available for victims when they give a victim impact statement, if they wish to use them.	<p>Accept in principle</p> <p>The <i>Penalties and Sentences Act 1992</i> already provides for special arrangements to assist victims to read victim impact statements into evidence. This includes providing for emotional support for the victim, for the victim to provide their statement out of the view of the offender, and to provide the statement by means of an audiovisual link.</p>
79.	<p>State and territory governments should introduce legislation, where necessary, to expand the Director of Public Prosecution's right to bring an interlocutory appeal in prosecutions involving child sexual abuse offences so that the appeal right:</p> <ol style="list-style-type: none"> a. applies to pre-trial judgments or orders and decisions or rulings on the admissibility of evidence, but only if the decision or ruling eliminates or substantially weakens the prosecution's case b. is not subject to a requirement for leave c. extends to 'no case' rulings at trial. 	<p>For further consideration</p> <p>This recommendation is complex and involves significant change for Queensland.</p> <p>Further detailed consideration and consultation is required.</p>
80.	State and territory governments should work with their appellate court and the Director of Public Prosecutions to ensure that the court is sufficiently well resourced to hear and determine interlocutory appeals in prosecutions involving child sexual abuse offences in a timely manner.	<p>For further consideration</p> <p>This recommendation is dependent on further consideration of recommendation 79 and consideration of resource implications for the courts.</p>
81.	Directors of Public Prosecutions should amend their prosecution guidelines, where necessary, in relation to the decision as to whether there should be a retrial following a successful conviction appeal in child sexual abuse prosecutions. The guidelines should require that the prosecution consult the complainant and relevant police officer before the Director of Public Prosecutions decides whether to retry a matter.	<p>For further consideration</p> <p>The Director's Guidelines currently require consultation with, variously, victims and police to ensure they are fully informed of significant prosecutorial decisions and the reasons for such decisions – Guidelines 21, 22, 23, 25 and 51. This is consistent with the obligations to victims under the <i>Victims of Crime Assistance Act 2009</i> and the Charter of victim's rights under that Act. The current Guidelines are compliant in a number of aspects of this recommendation.</p> <p>The Guidelines are presently under review and further consideration is needed as to whether the Guidelines can further satisfy the intent of this recommendation. Any changes to the Guidelines will need to take into account any resource implications for the ODPP.</p>
82.	<p>State and territory governments should ensure that a relevant government agency, such as the Office of the Director of Public Prosecutions, is monitoring the number, type and success rate of appeals in child sexual abuse prosecutions and the issues raised to:</p> <ol style="list-style-type: none"> a. identify areas of the law in need of reform b. ensure any reforms – including reforms arising from the Royal Commission's recommendations in relation to criminal justice, if implemented – are working as intended. 	<p>For further consideration</p> <p>Further consideration and consultation with relevant stakeholders is required, particularly with regard to resourcing implications of this recommendation.</p>

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83.	State and territory governments (other than the Northern Territory) should give further consideration to whether the abolition of the presumption that a male under the age of 14 years is incapable of having sexual intercourse should be given retrospective effect and whether any immunity which has arisen as a result of the operation of the presumption should be abolished. State and territory governments (other than the Northern Territory) should introduce any legislation they consider necessary as a result of this consideration.	<p>For further consideration</p> <p>In 1989 the Criminal Code was amended to abolish the presumption that a male under the age of 14 years was incapable of having sexual intercourse. The amendment does not operate retrospectively. Currently, section 29(2) of the Criminal Code establishes a rebuttable presumption against all criminal responsibility for children aged between 10 and 14 years.</p> <p>Further consideration and consultation with relevant stakeholders is required to determine whether any legislative change is required.</p>
84.	State and territory governments should review their legislation – and if necessary introduce amending legislation – to ensure that complainants in child sexual abuse prosecutions do not have to give evidence on any additional occasion in circumstances where the accused, or one of two or more co-accused, is a juvenile at the time of prosecution or was a juvenile at the time of the offence.	<p>For further consideration</p> <p>The Queensland Government will review the sufficiency of current legislation, including the <i>Evidence Act 1977</i> and <i>Youth Justice Act 1992</i>, in accordance with the recommendation.</p> <p>This review will include consultation with relevant stakeholders as required.</p>
85.	<p>State and territory governments should keep the interaction of:</p> <ul style="list-style-type: none"> a. their legislation relevant to regulatory responses to institutional child sexual abuse b. their crimes legislation and the crimes legislation of all other Australian jurisdictions, particularly in relation to child sexual abuse offences and sex offender registration <p>under regular review to ensure that their regulatory responses work together effectively with their relevant crimes legislation and the relevant crimes legislation of all other Australian jurisdictions in the interests of responding effectively to institutional child sexual abuse.</p>	<p>For further consideration</p> <p>Government will continue to monitor the operation of its laws and work with other states and territories through appropriate forums, such as the Council of Attorneys-General.</p>

