

Progress update: Implementation of the Royal Commission into Institutional Responses to Child Sexual Abuse

Final Report 2017 Volume 6 recommendations

The Australian and New Zealand Children's Commissioners and Guardians (ANZCCG)¹ is a coalition of independent commissioners, guardians and advocates for children and young people that aims to:

- Promote the rights of children and young people, including their right to participate in decisions relating to them, as articulated in the United Nations Convention on the Rights of the Child.
- Ensure the best interests of children and young people are considered in the development of policies and programs.
- Give voice to the views of, and encourage direct consultation with, children and young people on matters that affect them.
- Encourage systemic improvement, informed by evidence-based research, in areas that impact on the rights, interests and wellbeing of children and young people.

In November 2012 the Prime Minister announced the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), and on 15 December 2017 the *Final Report* was delivered. The Royal Commission made 409 recommendations to better protect children from sexual abuse in Australian institutions. These recommendations were across four reports: *Redress and Civil Litigation Report 2015* (99 recommendations); *Working with Children Checks Report 2015* (36 recommendations); *Criminal Justice Report 2017* (85 recommendations); and the *Final Report 2017*, 17 volumes (189 recommendations).

Since the release of the *Final Report* in 2017, the Commonwealth, State and Territory Governments have made commitments to improving processes to support enhanced responses to institutional child sexual abuse.

ANZCCG members have been advocating for full implementation of the Royal Commission recommendations. Some ANZCCG members or their teams are also actively involved in supporting or implementing some of the Royal Commission recommendations.

December 2022 will mark the halfway point of the ten-year implementation period of the recommendations, and the anticipated end of the annual progress reporting by jurisdictions suggested by the Royal Commission. With this milestone in mind, the WA Commissioner for Children and Young People engaged KPMG to undertake a rapid review of the progress of the implementation across Australia of the 24 recommendations in Volume 6 of the *Final Report: Making Institutions Child Safe*.

Volume 6 is underpinned by the United Nations Convention on the Rights of the Child (ratified by Australia in 1990) and highlighted the systemic institutional failings across communities and contributed to a failure to protect children from sexual abuse and to respond appropriately and effectively when it did occur. This volume comprehensively examined the following opportunities for improvement:

- Creating child safe communities through prevention.
- What makes institutions safer for children.
- Improving child safe approaches.
- Preventing and responding to online child sexual abuse in institutions.

The KPMG rapid review focused exclusively on publicly available progress reports released by State, Territory and the Commonwealth Governments from 2018, 2019 and 2020. This information was cross referenced against the Commonwealth Government's central website resource for survivors and victims of institutional child sexual abuse, their families and supporters, government, institutions, and members of the public, which contains links to progress reports from the jurisdictions. The findings preclude progression or finalisation of recommendations that may have occurred in 2021.

KPMG found that after three years, only two of the 24 recommendations from Volume 6 have been completed by all jurisdictions:

- Recommendation 6.7 The National Statement of Principles of Child Safe Organisations should be endorsed by the Council of Australian Governments.
- Recommendation 6.18 The Australian Government should create a ministerial portfolio with responsibility for children's policy issues, including the National Framework for Child Safety.

The majority (21) of the other recommendations were found to be in progress, with varying levels of progress being reported between jurisdictions, and the status of one recommendation was undetermined. Some individual states or territories reported that they had completed some recommendations, but the overall status of the recommendation nationally was graded as 'in progress' due to completion being the exception rather than the rule.

Of concern to the ANZCCG are the findings within the rapid review on the limitations of the public reporting on the implementation of the Royal Commission recommendations. These include:

- Commonwealth, State and Territory Governments each report individually on their respective efforts, without overarching coordination or consolidation.
- At their own discretion, jurisdictions vary in the extent to which they explicitly report against specific recommendations with some jurisdictions providing summaries only.
- Some jurisdictions have developed inconsistently defined 'themes' to inform their implementation, which combine several volumes or areas from the Final Report, with responses drifting further from the original intent of the recommendations.
- It is often unclear which recommendation is being referred to in generic text describing activities in jurisdictions.
- Some jurisdictions report on existing or peripheral activities (which have some commonalities with the recommendations, but appear to have different objectives), 'shoe-horning' these existing initiatives into their responses.
- Some jurisdictions combine Royal Commission reporting with reporting of other jurisdiction-based activities which results in a lack of clarity.

- The lack of coordinated oversight of reporting has resulted in inconsistent reporting between jurisdictions, which limits comparison of progress.
- The absence of any oversight of implementation means progress reports are not subjected to quality assessment or assurance.

“Due to these process and reporting issues, it would be particularly challenging for a community member, including someone affected by child sexual abuse, to be able to reasonably access information and gain a clear understanding of how Governments are implementing the recommendations of the Royal Commission in relation to making child safe.”²

The Royal Commission noted in its *Final Report* that oversight of implementation would help support progress and improve responses, while holding government and institutions accountable. The *Final Report* suggested governments may consider producing a consolidated annual report, and monitoring and reporting could be undertaken through parliamentary committees, central agencies, departments of education or community services, Ombudsmen or Children’s Commissioners (the mechanism for reporting was left for governments to determine). The *Final Report* made specific reference to the National Office for Child Safety assuming responsibility for reporting on implementation.

The rapid review found that at 30 June 2021 there appeared to be no public coordination between States, Territories and the Commonwealth Governments regarding the monitoring and reporting of progress towards the implementation recommendations, with each jurisdiction reporting on their respective efforts without overarching coordination. Without consistent oversight of responses, there is no quality assurance or sense check being applied at the system level with respect to the accuracy and completeness of progress updates being provided.³

The findings from this rapid review, which had a limited scope and timeframe, raises concerns about the reporting on the recommendations, as well as the pace of implementation. Whilst a couple of states are tracking well in their implementation of the recommendations of Volume 6, some jurisdictions are lagging and some may be overstating their progress by reporting on existing or peripheral activities. The inequity in implementation progress is of major concern to ANZCCG. Nationally the recommendations will not be complete until each jurisdiction has implemented each of the recommendations.

The implementation period of the Royal Commission recommendations is 10 years to December 2027. One third of that period was completed at the time of the rapid review. The ANZCCG notes the findings outlined in the KPMG report and potential next steps and makes the following statement:

The ANZCCG commends the agreement by the Council of Australian Governments in February 2019 to the National Principles of Child Safe Organisations based on Recommendation 6.7 of the Royal Commission Final Report. This recommendation however is only one of two of the 24 recommendations of Volume 6 of the Final Report that is complete across all jurisdictions as at December 2020.

ANZCCG members are concerned about the quality and lack of clarity of the annual public reporting on the progress on the implementation of the Royal Commission recommendations within and across jurisdictions and the inequity in implementation progress developing between states and territories. The lack of an accountability mechanism for the oversight of implementation progress is contributing to these issues.

The ANZCCG calls on all governments to improve their transparency and public reporting on the implementation of each of the Royal Commission recommendations and to co-ordinate their reporting to facilitate clear cross jurisdiction comparison. An independent oversight mechanism should also be established in order to ensure quality assurance of the implementation progress and give confidence to the survivors who participated in the Royal Commission and to all community members that the recommendations are being implemented as intended and will meet the timeframes set by the Royal Commission.

ANZCCG members will conduct further work during 2021–2022 focused on the implementation of the Royal Commission recommendations and will invite the Royal Commissioners to join with them in 2022, at the half way mark of the implementation period, to reflect on the progress made nationally by that date, and the work still yet to do across Australia in making institutions safer for children and young people.

11 October 2021

Endnotes

1. ANZCCG Australian Membership list attached.
2. KPMG October 2021 [Monitoring the Implementation of the Royal Commission recommendations – Rapid review findings – Final Report](#), WA Commissioner for Children and Young People, p. 53.
3. Ibid.

Australian Members of the ANZCCG

Colin Pettit, Commissioner
Commissioner for Children and Young People, Western Australia

Liana Buchanan, Principal Commissioner
Commission for Children and Young People, Victoria

Justin Mohamed, Commissioner for Aboriginal Children and Young People
Commission for Children and Young People, Victoria

Leanne McLean, Commissioner
Commissioner for Children and Young People, Tasmania

Penny Wright, Guardian
Office of the Guardian for Children and Young People, South Australia

Helen Connolly, Commissioner
Commissioner for Children and Young People, South Australia

Shayna Smith, Public Guardian
Office of the Public Guardian, Queensland

Cheryl Vardon, Principal Commissioner
Queensland Family and Child Commission, Queensland

Natalie Lewis, Commissioner
Queensland Family and Child Commission, Queensland

Sally Sievers, Commissioner
Office of the Children's Commissioner, Northern Territory

Janet Schorer, Children's Guardian
Office of the Children's Guardian, New South Wales

Richard Weston, Deputy Children's Guardian for Aboriginal Children and Young People
Office of the Children's Guardian, New South Wales

Zoe Robinson, Advocate
Advocate for Children and Young People, New South Wales

Anne Hollonds, National Children's Commissioner
Australian Human Rights Commission

Jodie Griffiths-Cook, Public Advocate and Children & Young People Commissioner
Australian Capital Territory Human Rights Commission