## Decorative imageDELIVERING CRIMINAL JUSTICE REFORMS RECOMMENDED BY THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

**Implementing the Royal Commission’s reforms will lead to a criminal justice system that is fairer to all, more accessible for victims and survivors, and more supportive of complainants.**

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in response to allegations of sexual abuse of children in institutional contexts that had been emerging in Australia for many years. Over the course of its enquiry, the Royal Commission was contacted by over 16,000 individuals, heard personal stories from over 8,000 people, and received over 1,000 written accounts from survivors. In addition, it held public hearings, roundtables, and conducted extensive policy and research work. The Royal Commission released its Criminal Justice Report in August 2017, and its Final Report in December 2017.

In responding to the Royal Commission, the ACT Government has committed to addressing every single one of its recommendations.

## THE CONVERSATION

**We held a conversation online, face to face and directly with stakeholders from 22 March to 4 May 2018.**

We wanted to hear feedback from stakeholders about implementing the criminal justice recommendations in the specific legal and social context of the ACT.

## WHO ENGAGED

We heard from organisations that support survivors, friends and family members of survivors, key stakeholders in the justice system, religious organisations, and general members of the public.

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| Key insights from the community |
| Failure to report laws   1. There was strong support for introducing a new offence for failing to report child sexual abuse. 2. Some stakeholders also supported those laws applying to the physical abuse of children. 3. However, a number of stakeholders expressed concerns that the laws could result in overreporting and that it would be important for the new offence to guard against this. |
| Failure to protect laws   1. There was general agreement that adults in a position of authority have a duty to protect children from sexual abuse and our laws should reflect this. 2. Some people emphasised the importance of the new laws being simple so that small organisations can easily comply. |
| The way vulnerable witnesses give evidence   1. Stakeholders supported increasing special measures to assist vulnerable witnesses giving evidence in court, while also emphasising the importance of still ensuring a fair trial for the victim and accused. |
| An intermediary scheme   1. There was overwhelming support for an intermediary scheme being implemented in the ACT. 2. However stakeholders had varying views about what the role of the intermediary should be, and who should have access to an intermediary. |
| Other reforms to trial and sentencing procedures for sexual offences   1. Other reforms to sentencing and trial procedures were supported by survivor groups, however members of the legal profession expressed concerns around implementing reforms to some long-standing legal principles, such as the admissibility of tendency and coincidence evidence and reforming judicial directions. |

## What’s Next?

**The ACT Government passed legislation in December 2018 implementing many of these reforms.**

This included:

• Creating a new offence of failure by a person in authority, in a relevant institution, to protect a child from the risk that a sexual offence will be committed against the child

• Making changes to sentencing laws so that sentences for child sexual abuse must be imposed according to current sentencing practice rather than the sentencing practice at the time of offending

• Enacting principles for dealing with child witnesses

• Extending the availability of certain special measures for giving evidence to more categories of witnesses

• Creating a procedural mechanism for charging offences as a ‘course of conduct’ for child sexual abuse.

Work on implementing the remaining recommendations is ongoing, and we expect to introduce legislation in 2019 and 2020 to implement additional reforms.

To find out more about the ACT Government’s response to the Royal Commission and its work on implementing its recommendations, visit www.act.gov.au/childabuseroyalcommission or follow ACT Government on Facebook or Twitter.

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| Key Timings |
| October 2018 to December 2018 - Further targeted consultation on laws regarding the reporting of child sexual abuse |
| January 2019 to June 2019 - A second tranche of criminal justice reforms to be implemented |
| June 2019 to December 2020 - Further tranches of reform to be progressed to implement remaining recommendations |

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| THANK YOU FOR YOUR FEEDBACK | | | | |
| 503  Unique pageviews on YourSay | **20%**  Of those we consulted, 20% were survivor advocacy groups | **15**  We spoke with 15 stakeholders to better understand any ACT considerations for our reforms | **100%** All applicable criminal justice recommendations are being progressed by the ACT Government |