



**Commission of Inquiry into
the Tasmanian Government's
Responses to Child Sexual
Abuse in Institutional Settings**

WITNESS STATEMENT OF ANNE INKERI HOLLONDS

I, Anne Inkeri Hollonds of [REDACTED], National Children's Commissioner, Australian Human Rights Commission (AHRC), [REDACTED], do solemnly and sincerely declare that:

1. I am authorised by the AHRC to make this statement on its behalf.
2. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

BACKGROUND AND QUALIFICATIONS

3. I have the following qualifications:
 - (a) Bachelor of Arts in psychology from Macquarie University;
 - (b) Bachelor of Social Studies from University of Sydney; and
 - (c) Masters of Business Administration from Macquarie Graduate School of Management.
4. I have a background in psychology and social work, with extensive experience in child protection, out of home care, domestic violence, child and family therapy, parenting education and mental health.
5. Since November 2020, I have been the National Children's Commissioner (**Commissioner**) at the AHRC.
6. Prior to my appointment as Commissioner at the AHRC, my roles included:
 - (a) between September 2015 and October 2020, I was the Director of the Australian Institute of Family Studies;
 - (b) between March 2015 and September 2015, I was Director of Development Partnerships at Our Watch, the national leader in the primary prevention of violence against women and their children in Australia;
 - (c) between July 2011 and July 2014, I was the Chief Executive Officer of The Benevolent Society, a not-for-profit organisation which provides support services to children, adults and families; and

- (d) between December 1997 and June 2011, I was the Chief Executive Officer of Relationships Australia New South Wales, an organisation which provides support services including child and family counselling, family law mediation, parenting education, and children's contact services.
- 7. I also serve on several advisory boards and councils, including the National Child Maltreatment Study, the New South Wales Domestic and Family Violence and Sexual Assault Council, National Plan Advisory Group, and the National Strategy to Prevent and Respond to Child Sexual Abuse Advisory Group.
- 8. Attached to this statement marked **AIH-1** is a copy of my curriculum vitae.

THE AUSTRALIAN HUMAN RIGHTS COMMISSION

- 9. The role of the National Children's Commissioner sits within the AHRC. The AHRC is Australia's national human rights institution, an independent statutory organisation established to protect and promote human rights. The AHRC has a President and seven Commissioners, including the National Children's Commissioner, that carry out its functions.
- 10. There are several statutes that articulate the AHRC's functions to protect and promote human rights:
 - (a) *Australian Human Rights Commission Act 1986 (Cth) (AHRC Act)*, establishes the AHRC and sets out its core objectives and functions, and responsibilities.
 - (b) *Age Discrimination Act 2004 (Cth)*, which seeks to eliminate, as far as possible, age discrimination in employment, the provision of goods and services, education and the administration of Commonwealth laws and programs;
 - (c) *Disability Discrimination Act 1992 (Cth)*, which seeks to eliminate, as far as possible, discrimination on the basis of disability;
 - (d) *Racial Discrimination Act 1975 (Cth)*, which seeks to eliminate, as far as possible, discrimination on the basis of race, colour or national or ethnic origin; and

- (e) *Sex Discrimination Act 1984* (Cth), which seeks to eliminate, as far as possible, discrimination on the basis of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding. It also protects workers with family responsibilities and makes sexual harassment against the law.

11. Relevant aspects of the AHRC Act are discussed below.

AHRC Act

12. The functions of the AHRC are set out in section 11 of the AHRC Act. They include to:
- (a) inquire into, and attempt to conciliate, complaints of unlawful discrimination;
 - (b) deal with complaints of discriminatory industrial instruments or determinations of the Remuneration Tribunal or Defence Force Remuneration Tribunal and refer those instruments to the relevant body;
 - (c) inquire into, and attempt to conciliate (if appropriate), acts or practices that may be inconsistent with human rights or constitute discrimination;
 - (d) examine enactments for consistency with human rights and equal opportunity in employment or occupation (**equal opportunity**);
 - (e) promote public understanding, discussion and acceptance of human rights and equal opportunity in Australia;
 - (f) undertake research and education programs on behalf of the Commonwealth to promote human rights and equal opportunity;
 - (g) report to the Minister as to the laws that should be made or actions that should be taken on human rights or equal opportunity to ensure compliance with relevant international human rights instruments;
 - (h) examine and report on any inconsistencies between any relevant international human rights instruments;
 - (i) prepare and publish guidelines for the avoidance of acts or practices which are inconsistent with human rights and equal opportunity; and

- (j) intervene, where appropriate, in court proceedings that involve human rights issues.
13. Section 13 of the AHRC Act gives the AHRC the power to do anything necessary or convenient to perform its functions. Part II, Division 3 of the AHRC Act sets out the AHRC's powers in relation to its human rights functions. The AHRC's powers include to:
- (a) obtain information and documents relevant to an AHRC inquiry into an act or practice that may be inconsistent with human rights; and
 - (b) examine witnesses under oath in the course of an AHRC inquiry.

THE NATIONAL CHILDREN'S COMMISSIONER

14. Section 46MA of the AHRC Act establishes the role of the National Children's Commissioner within the AHRC.
15. Section 46MB of the AHRC Act sets out additional functions of the AHRC that are to be performed by the Commissioner on behalf of the AHRC. They include to:
- (a) promote discussion and awareness of matters relating to the human rights of children in Australia;
 - (b) undertake research or programs to promote respect for the human rights of children and to promote the enjoyment and exercise of human rights by children in Australia;
 - (c) examine existing and proposed federal enactments to ascertain whether they recognise and protect the human rights of children and report the results to the Minister; and
 - (d) submit reports (including recommendations) to the Minister on any matter relating to the enjoyment and exercise of human rights by children in Australia.
16. An example of research or programs conducted by the National Children's Commissioner is discussed below.
17. In performing functions, the National Children's Commissioner may:
- (a) give particular attention to children who are at risk or vulnerable; and

- (b) consult:
 - (i) children;
 - (ii) state and federal government departments and authorities;
 - (iii) non-governmental organisations;
 - (iv) international organisations and agencies; and
 - (v) such other organisations, agencies or persons as the Commissioner considers appropriate (s 46MB, AHRC Act).
18. In performing functions, the National Children's Commissioner must, as appropriate, have regard to:
- (a) the Universal Declaration of Human Rights;
 - (a) the following, as amended and in force for Australia from time to time:
 - (i) the *International Convention on the Elimination of all Forms of Racial Discrimination*;
 - (ii) the *International Covenant on Economic, Social and Cultural Rights*;
 - (iii) the *International Covenant on Civil and Political Rights*;
 - (iv) the *Convention on the Elimination of All Forms of Discrimination Against Women*;
 - (v) the *Convention on the Rights of the Child*;
 - (vi) the *Convention on the Rights of Persons with Disabilities*;
 - (b) such other instruments relating to human rights as the Commissioner considers relevant.

CHILD SEXUAL ABUSE AND CHILDREN'S RIGHTS

19. Child sexual abuse is a human rights issue. The National Children's Commissioner's role is to protect and promote children's rights, as set out in the international human rights instruments referred to in the AHRC Act.
20. The United Nations *Convention on the Rights of the Child* (**CRC**) is the main international human rights treaty on children's rights, ratified by Australia in

December 1990. The CRC incorporates all the general rights set out in other treaties that apply to everyone, as well as the special rights that apply to children. The CRC clearly shows that children have a right to be protected from sexual abuse and other forms of violence and abuse:

- (a) Article 19 sets out children's right to be protected from violence, abuse and neglect by their parents or anyone else who looks after them; and
 - (b) Article 34 sets out children's right to be protected from sexual abuse and sexual exploitation.
21. The CRC is underpinned by four Guiding Principles that are relevant for all the rights in the Convention. While these do not deal with safety specifically, they are all relevant to children's right to be safe from violence and abuse. These principles affirm:
- (a) non-discrimination (article 2);
 - (b) the best interests of the child (article 3);
 - (c) children's right to survival and development (article 6); and
 - (d) children's right to participate in decisions that affect them (article 12).
22. The CRC also contains articles that set out the rights of particular groups of children requiring special attention, for example children with disability, refugee and asylum seeking children, indigenous children, children deprived of their family environment, children deprived of their liberty, and children alleged to have, or who have, infringed criminal law. These rights may be especially relevant to measures aimed at preventing child sexual abuse in institutional contexts, such as schools, out-of-home care and youth justice detention.
23. Relevant to youth justice detention in particular, the CRC requires that 'no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment' (article 37(a)) and that 'every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age' (article 37(c)).
24. Related to this, Australia has also signed and ratified the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading*

Treatment or Punishment (OPCAT) that aims to improve how people's human rights are protected when they are detained. It does this by providing for a rigorous process of independent inspections of all places of detention in a country's jurisdiction, through a National Preventive Mechanism and international scrutiny. In so doing, OPCAT enables a light to be shone on the conditions experienced by people in detention. The Australian Government Attorney-General's Department has indicated that it intends for a federated model of National Preventive Mechanisms (NPMs) to be established by January 2022. However, implementation has been slow.

25. Australia has also signed and ratified the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, that develops the obligations set out in the CRC. This Optional Protocol is designed to protect children from the worst forms of commercial sexual exploitation.
26. While Australia has agreed to protect the rights in the CRC, the CRC is not fully incorporated into Australian law, and does not provide an effective remedy for violations of these rights. The United Nations Committee on the Rights of the Child, when making its Concluding Observations on Australia's combined fifth and sixth periodic reports of Australia in 2019, recommended that Australia enact comprehensive national child rights legislation fully incorporating the CRC and providing clear guidelines for its consistent and direct application throughout the states and territories.
27. While it is the Australian Government that is ultimately accountable for ensuring children can enjoy their right to protection from sexual abuse in institutional contexts, it is everyone's responsibility to protect children's rights. Child-related organisations in particular have a responsibility to protect and promote the rights of children that they care for.

NATIONAL FRAMEWORKS AND STRATEGIES RELEVANT TO CHILD SEXUAL ABUSE

28. There are a number of overarching national strategies and frameworks that concern child safety that are especially relevant to child sexual abuse, including:

- (a) National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030;
 - (b) Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031; and
 - (c) National Plan to End Violence Against Women and Children 2022–2032.
29. The National Strategy to Prevent and Respond to Child **Safety** was a key recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**). It has been developed by the Australian Government in partnership with state and territory governments. It is overseen by the National Office for Child Safety.

WORK OF THE NATIONAL CHILDREN'S COMMISSIONER AND THE AHRC RELEVANT TO THIS INQUIRY

30. Protecting children from violence and abuse, including sexual abuse, has been the focus of a number of projects conducted by the AHRC over recent years. This has included work in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

National Principles for Child Safe Organisations

31. Some of the most important work the AHRC has conducted relevant to preventing child sexual abuse has been the development of the National Principles for Child Safe Organisations (**National Principles**).
32. In 2017, the Royal Commission recommended all institutions in Australia that engage in child-related work be required to implement ten child safe standards. The Australian Government commissioned the former National Children's Commissioner, Megan Mitchell, to lead the development of National Principles, that align with these ten child safe standards. After a period of cross-sector consultation, these National Principles were finalised and, in February 2019, they were endorsed by members of the Council of Australian Governments, including the Prime Minister and state and territory First Ministers.
33. The National Principles are attached to this statement at **AIH-2**.

34. The National Principles cover all forms of potential harms, and adopt a child rights, strengths-based approach to organisational development. Applied collectively, they demonstrate that a child safe organisation is one that creates a culture that empowers and values children and young people, engages families and the broader community, adopts suitable strategies and takes appropriate action to promote child safety and wellbeing.
35. The National Principles include guidance to help leaders, staff and volunteers in organisations understand the important aspects of creating a child safe culture. Each principle is accompanied by key action areas and indicators. The key action areas reflect the core components of the Royal Commission's child safe standards. The indicators act as a guide as to whether an organisation is implementing that principle in practice.
36. The AHRC has also developed practical tools and resources for organisations, to help them implement the National Principles, available at <https://childdsafe.humanrights.gov.au/tools-resources>. They include:
 - (a) an introductory self-assessment tool for organisations which will help organisations consider their current child safe practices and areas for improvement;
 - (b) a Child Safety and Wellbeing Policy template that addresses the ten National Principles;
 - (c) an Example Code of Conduct that organisations can adapt to set out expected standards of behaviour when engaging with children and young people;
 - (d) the Charter of Commitment to children and young people template which would be developed in consultation with children and young people in the organisation;
 - (e) a Checklist for online safety, developed with the Office of the e-Safety Commissioner, assists organisations to consider potential safeguarding risks and aspects of online safety to better protect children and young people;

- (f) a Guide for parents and carers helps parents and carers to think about how an organisation operates and to consider its safety and wellbeing arrangements for children; and
 - (g) 11 e-learning modules for each of the National Principles. These are available free of charge at <https://childdsafe.elearning.humanrights.gov.au/login/index.php>.
37. Currently, the Commission is monitoring the use of the 11 e-learning modules on its LMS and supporting agencies to implement the National Principles. Since the e-learning modules were launched in August 2019, a total number of 15,968 users have registered on the LMS platform.
38. The Australian Government's National Office for Child Safety is leading the work on the National Principles. The National Office for Child Safety has developed and commissioned a range of resources to help organisations implement the National Principles, available on their website.
39. The national e-Safety Commissioner takes a lead role in preventing online sexual abuse, including child sexual abuse. They provide information, resources and online learning programs, useful for educators and other child-related organisations, including resources on sexting, grooming and sexual extortion, available on their website. **Error! Hyperlink reference not valid.**

Child safety in specific organisational contexts

40. The AHRC also conducts work relevant to improving child safety in specific organisational contexts.
41. In August 2020, Gymnastics Australia engaged the AHRC to conduct an independent review of culture and practice at all levels of the sport of gymnastics in Australia. The Independent Review into Gymnastics in Australia (the Review) was requested by Gymnastics Australia following the release of the documentary 'Athlete A'. The documentary sparked a global sharing of experiences of abuse in the sport, via social media, with several former athletes and parents of former athletes coming forward in Australia. The Review examined the culture of gymnastics in Australia, including systemic risk factors for child abuse and neglect, misconduct, bullying, abuse, sexual harassment and assault towards athletes. The report presents 12 recommendations for whole of sport change.

42. In 2021, the AHRC was commissioned by Sports Integrity Australia (SIA) to develop resources to assist sport clubs in promoting child safety. These resources include child-friendly versions of SIA's child safeguarding policy and key child rights.

Ensuring the voices of children in national frameworks and policy

43. One of my priorities as National Children's Commissioner has been ensuring the views of children are included in the development of national frameworks and policies.
44. Article 12 of the CRC requires that children are able to participate in decisions that affect them. This means both listening to the views of children, and taking these views into account.
45. To this end, I have recently conducted two projects that aim to give children the opportunity to express their views on national strategies on child safety and wellbeing, relevant to child sexual abuse.

Keeping kids safe and well – your voices project

46. In 2021, the Department of Social Services (DSS) asked the National Children's Commissioner to seek input from children, young people and families in order to inform the Action Plans of *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031*.
47. Between May and July 2021, I held 45 group consultations (both face-to-face and online) with 400 children and families across the country. A total of 426 survey responses were also received from a diverse group of children and their families.
48. The *Keeping kids safe and well – your voices* report, released on 6 April 2022, presents the views of children and their families gathered during this process. It outlines their key issues, identifies priorities, and makes recommendations for action. While child sexual abuse is not a focus of the report, the consultations highlight a number of concerns about how services and supports, such as educational services, child and family support services and youth justice services, are failing to meet the needs of children most at risk.
49. Many children and families said it can be hard to find the help they need and sometimes the right help isn't there for them. They emphasised the value of

more co-ordinated 'wraparound' services and service providers whom they can trust.

50. Children, young people and families told us that the top three things that children need to be safe are:
- (a) help with housing;
 - (b) mental health services; and
 - (c) help with basic needs, like food, clothing, transport, and school supplies.
51. The report includes the views of children and families in Tasmania, although it does not provide any statistical data on issues raised in Tasmania. The top three things that children said they needed, listed above, were consistently raised in consultations in Tasmania, as in other states and territories. Difficulties accessing services in regional areas, and the lack of support for informal kinship carers, were two other notable issues discussed.
52. Overwhelmingly, children, young people and families told us how important it is that governments and service providers listen to them when making decisions that affect them.

A Guide for Children and Young People: National Strategy to Prevent and Respond to Child Sexual Abuse (2021–2030)

53. On the request of the National Office for Child Safety, the AHRC developed a guide to the National Strategy, in consultation with children, to support children and young people's understanding of and engagement with the Strategy. It assists children and young people to understand child safety and child sexual abuse, and to recognise the signs of child sexual abuse. It also provides practical ways for them to keep themselves and their friends safe.

National Student Consent Survey

54. In March 2022, the AHRC announced that the National Children's Commissioner and Sex Discrimination Commissioner will undertake a national survey exploring consent education of secondary school students across Australia.

55. The survey, to take place in 2022, will collect information about the extent of secondary students' consent education as well as the understanding, experience, nature and reporting of sexual harassment among these students.
56. Teach Us Consent founder Chanel Contos, whose committed advocacy has helped put the issue of consent education in schools on the national agenda, will be a Special Advisor to the project.
57. The findings will be reported to government and the public, including to children and young people.

Australian and New Zealand Children's Commissioners and Guardians (ANZCCG)

58. All Australian states and territories have Children's Commissioners, Guardians or Advocates. The legislative functions of these roles differ between jurisdictions. Some have a broad focus, which include all children, whereas others have specified responsibilities relating to children who are at risk or who are vulnerable. Their primary focus is on issues concerning children within their individual jurisdictions.
59. The National Children's Commissioner works collaboratively with the state and territory Children's Commissioners, Guardians and Advocates through the Australian and New Zealand Children's Commissioners and Guardians group (ANZCCG). The ANZCCG usually meets quarterly.
60. The ANZCCG aims to promote and protect the safety, wellbeing and rights of children and young people in Australia and New Zealand. It:
 - (a) promotes the rights of children and young people, including their right to participate in decisions relating to them, as articulated in the CRC;
 - (b) ensures the best interests of children are considered in the development of policies and programs;
 - (c) gives voice to the views of, and encourages direct consultation with, children and young people on matters that affect them; and
 - (d) encourages systemic improvement, informed by evidence-based research, in areas that impact on the rights, interests and wellbeing of children and young people.

61. The National Children's Commissioner may also, on occasion, work collaboratively with individual Commissioners on specific projects and campaigns. For example, the Tasmanian Children's Commissioner was able to provide some practical assistance for the *Keeping kids safe and well* project in 2021.

IMPLEMENTATION OF THE NATIONAL STRATEGY TO PREVENT AND RESPOND TO CHILD SEXUAL ABUSE

62. The development of a National Strategy was a key recommendation of the Royal Commission and responds to many other recommendations made by the Royal Commission that focus on preventing and responding to child sexual abuse.
63. The National Strategy focuses on five themes. These are:
- (a) Awareness raising, education and building child safe cultures;
 - (b) Supporting and empowering victims and survivors;
 - (c) Enhancing national approaches to children with harmful sexual behaviours;
 - (d) Offender prevention and intervention;
 - (e) Improving the evidence base.
64. The National Strategy will be implemented through action plans. The first 2 action plans – a First National Action Plan and a First Commonwealth Action Plan – will run from 2021 to 2024. The First National Action Plan is embedded in the new Strategy. The First Commonwealth Action Plan sits in a separate document.
65. The National Strategy and its implementation through Action Plans present a key opportunity to drive action on many of the recommendations that relate to prevention of, and response to, child sexual abuse.
66. Monitoring and evaluating the Strategy's implementation will be fundamental to its success. Under Theme 5, improving the evidence-base, the Strategy includes an action on developing a monitoring and evaluation framework to assess the progress of the National Strategy's measures and objectives.

67. As National Children's Commissioner, I am keen to see the implementation, and evaluation, of the Strategy informed by children and young people with lived experience. The AHRC will be consulting with children about the implementation of the National Strategy and its Action Plans going forward.

IMPLEMENTATION OF THE NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS

68. While the National Office for Child Safety has led the Australian Government's implementation of the National Principles, state and territory governments are responsible for implementing the National Principles in their state or territory.
69. As stated under the First National Action Plan of the National Strategy (Theme 1, Item 1), the role of the National Office for Child Safety in implementing and promoting the National Principles is to 'work with state and territory governments and organisations to build organisational and community awareness about child safety and wellbeing' and 'improve the capacity of organisations to keep children and young people safe'.
70. The Royal Commission recommended that '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.' (Recommendation 6.8).
71. It also recommended that 'State and territory governments should ensure that 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.' (Recommendation 6.10)
72. As such, the way in which the Royal Commission's recommendations and the National Principles are being implemented differs by state and territory. For example, New South Wales and Victoria have established regulatory schemes that require child-related organisations to meet Child Safe Standards, reflective of the National Principles. Both states have oversight bodies, responsible for monitoring and enforcing the schemes, and oversight of Reportable Conduct schemes.
73. While compliance with mandatory standards are important, the Royal Commission emphasised that 'genuine cultural change needs to occur for institutions to become child safe. Effective implementation would change

people's attitudes and behaviours, rather than focusing only on achieving compliance with mandatory standards' (Volume 6, Making Institutions Child Safe, p286).

74. It will be important to monitor accountability and the effectiveness of the National Principles in bringing about cultural change in organisations. The First National Action Plan under the National Strategy includes an action for the National Office for Child Safety to develop an evaluation framework on the implementation and effectiveness of the National Principles for Child Safe Organisations (Theme 5, Item 27).

ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND SAFETY

75. Given the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care and youth detention, it is important to ensure that national frameworks and policies on safety address their specific needs and include their voices.
76. Aboriginal and Torres Strait Islander children and young people experiencing disadvantage or who are vulnerable are one of four priority groups under the Safe and Supported-National Framework for Protecting Australia's Children 2021–2031. For the first time, Aboriginal and Torres Strait Islander peoples will have their own specific Action Plan developed in partnership with Aboriginal and Torres Strait Islander leaders and communities.
77. The Australian Government also recently announced in the federal budget that it will establish a National Advocate for Aboriginal and Torres Strait Islander Children and Young People. The National Advocate was created to coordinate better outcomes on child protection for Aboriginal and Torres Strait Islander children.
78. Aboriginal and Torres Strait Islander children were a priority group for consultation in the AHRC's *Keeping kids safe and well* project. Amongst the 426 people who responded to the survey, in total 110 identified as Aboriginal and Torres Strait Islander. Of these, 69 were children (aged 5–17 years), nine were young people (aged 18–25 years) and 32 were parents/carers. We also conducted five consultations exclusively with Aboriginal and Torres Strait Islander participants. A further five consultations were hosted at organisations that primarily work with Aboriginal and Torres Strait Islander children, young

people and families, predominantly in the Northern Territory and New South Wales.

79. In the survey, 'no cultural awareness' (n=33, 9%) was listed as an important reason why respondents do not access some services and supports. For Aboriginal and Torres Strait Islander survey respondents (n=17, 19%) and survey respondents who identified with another cultural or ethnic background (n=12, 19%), 'no cultural awareness' was more commonly listed as a barrier to accessing services compared with other groups. In consultations, a number of Aboriginal and Torres Strait Islander children, young people and families spoke of ways they would like to see schools become more culturally safe, including more Aboriginal and Torres Strait Islander perspectives and content in curriculums, including Indigenous languages, more collaboration between schools and the Aboriginal or Torres Strait Islander communities, and more Aboriginal and Torres Strait Islander educators.
80. The Royal Commission found that when an institution does not respect diversity and promote equality, it can create additional risks. Failures to address racism or prejudice such as discrimination on the basis of sexual orientation create particular risks for some children. For example, Aboriginal and Torres Strait Islander children may be less likely to disclose abuse due to a lack of cultural safety and a fear of authorities intruding into their family and community, based on historic experiences of systemic racism and abuse (Volume 2, Nature and cause, p165).
81. Creating an environment of cultural safety should be central to organisations that work with children, especially in health, child protection, youth justice and educational contexts. National Principles 3 and 4 emphasise how a child safe organisation is one where families and communities are informed and involved in promoting child safety, and where equity is upheld and diversity respected. A child-safe organisation is one where all children and young people feel comfortable and where services are provided in culturally safe and inclusive ways. This reduces the risk of discrimination, exclusion, bullying and abuse, including sexual abuse.

CONCLUSION

- 82. Children have a right to be protected from sexual abuse and other forms of violence and abuse. Ensuring the rights, safety and wellbeing of Australia's children requires action from all governments and increased awareness and understanding amongst everyone in the community.
- 83. The National Strategy to Prevent and Respond to Child Sexual Abuse, and the development of National Principles for Child Safe Organisations, are important steps and will require the commitment of all federal, state and territory governments to be fully implemented.
- 84. Implementation of both the National Strategy and the National Principles should be robustly monitored and evaluated for accountability and for their effectiveness in driving cultural change within organisations, and thereby reducing the risk of child sexual abuse.
- 85. It is also essential that children are able to exercise their right to have their views taken into account in decisions that affect them, including decisions made at the level of national policy. Not only will this ensure more effective policies, but it will also help to create child safe cultures within government, non-government organisations and in the community more generally, that is necessary to protect them from harm.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at
on 13 April 2022



Anne Inkeri Hollonds

Before me



Full name of Justice, Commissioner for Declarations or Authorised Person

