

knowmore
free legal help for survivors

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

September 2021

Table of Contents

About knowmore	3
Our service	3
Our clients	3
knowmore's submission	5
Support services for survivors	6
Access to records	13
The Tasmanian Government as a respondent in civil litigation	20
Effective oversight of institutions	23
The intersection between out of home care, youth detention, and child sexual abuse	28
National Redress Scheme - Serious criminal convictions	34
The Tasmanian Government's response to the Royal Commission's recommendations	38
Conclusion	39

About knowmore

Our service

knowmore legal service (knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our mission is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

Our service was established in 2013 to assist people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). From 1 July 2018, knowmore has been funded to deliver legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme (NRS). knowmore also receives funding to deliver financial counselling services to people participating in the NRS, and to work with other services in the NRS support network to support and build their capability.

knowmore is funded by the Commonwealth Government, represented by the Attorney-General's Department and the Department of Social Services.

knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. knowmore currently has offices in Sydney, Melbourne, Brisbane and Perth, is establishing an office in Adelaide, and has one worker located in Tasmania. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. Almost a quarter (24%) of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

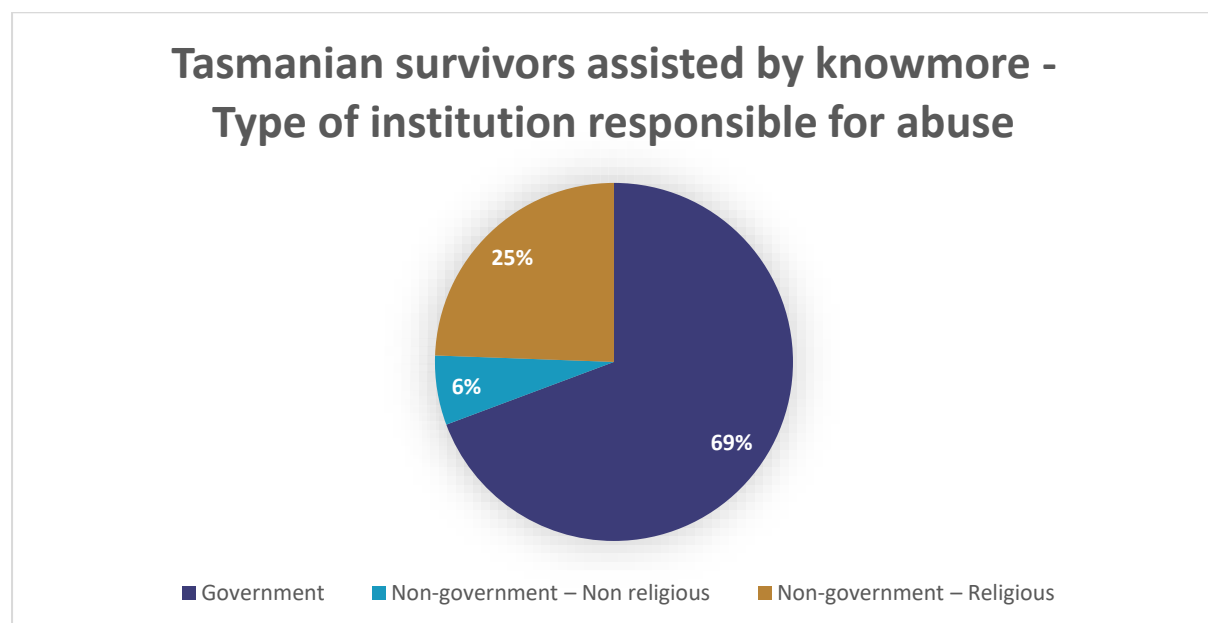
Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018, to 31 July 2021 knowmore has received 50,222 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 9,450 clients. 31% of knowmore's clients identify as Aboriginal and/or Torres Strait Islander peoples. 20% of clients are classified as priority clients due to advanced age and/or

immediate and serious health concerns including terminal cancer or other life-limiting illness.

Our clients in Tasmania

knowmore has a significant client base in Tasmania - 5 per cent of our current clients reside in Tasmania. The graph below provides data on survivors who experienced child sexual abuse in Tasmania and the type of institution they were abused in. The figures indicate that the majority of our Tasmanian client base experienced child sexual abuse while in Tasmanian Government institutions. Our client group and our service therefore have a strong interest in the Tasmanian Government's responses to child sexual abuse in institutional settings.

Figure 1 – Tasmanian clients and responsible institutions



[The figures produced above relate to survivors knowmore has assisted from 1 July 2018 – when the National Redress Scheme commenced - and include data up to August 2021].

knowmore's submission

We thank the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings ("the Tasmanian COI") for the opportunity to make a submission to this important inquiry. Overall, we note that the Tasmanian COI is an opportunity for the Tasmanian Government to address many of the barriers and issues for survivors of institutional child sexual abuse, that have existed in the Tasmanian landscape for years.

In providing this submission to the Tasmanian COI, knowmore has reflected on both the findings and recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse ("the Royal Commission"), the Second Anniversary Review of the National Redress Scheme for Institutional Child Sexual Abuse ("the Second Anniversary Review of the NRS") and its own work supporting survivors of institutional child sexual abuse. These perspectives inform our submission and the suggestions made as to how the work of the Tasmanian COI can enhance safety and support for survivors of institutional child sexual abuse seeking to access justice.

Our submission addresses some, but not all, of the questions set out in Parts A and B of the Tasmanian COI's Information Paper, released on 13 May 2021.

The general topics addressed in our submission are:

- Support services for survivors
- Access to records
- The Tasmanian Government as a respondent in civil litigation
- Effective oversight of institutions
- The intersection between out of home care, youth detention, and child sexual abuse
- The National Redress Scheme and survivors with serious criminal convictions
- The Tasmanian Government's response to the Royal Commission's recommendations

Support services for survivors

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

Question 5: Please tell us about any specific experience you have had of:

- services which supported you in the reporting of child sexual abuse
- other counselling or psychological support provided through or paid for by the Tasmanian Government

The Royal Commission, in identifying the need for reform within the community service sector supporting victims and survivors on childhood sexual abuse in institutional contexts, recommended that dedicated community services were needed and that such services must be:

- trauma-informed, and have an understanding of institutional child sexual abuse; and
- collaborative, available, accessible, acceptable and high quality.¹

knowmore has established relationships with many of the services in Tasmania and across Australia that work regularly with survivors, including the 'Redress Support Services' funded to support survivors engaging with the National Redress Scheme.² knowmore's work with survivors of institutional child sexual abuse continually provides us with insights into our clients' previous or ongoing experiences with support services.

As a service that provides support services to survivors, knowmore seeks always to ensure that our services align with the above principles set out by the Royal Commission, including that we provide a culturally safe environment for Aboriginal and Torres Strait Islander survivors and that our provision of legal assistance is delivered through a multidisciplinary service model to meet the varying and complex needs of our clients. Consistent with the principles of therapeutic jurisprudence, we acknowledge that our support cannot undo the harm caused by child sexual abuse but can contribute to survivors' healing by minimising the often re-traumatising impact of justice and redress processes.

We make the following comments about supports for survivors who are engaging, or considering engaging, with the Tasmanian COI.

¹ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 9 – Advocacy, support and therapeutic treatment services*, Recommendation 9.1

² For a listing of these services, see <https://www.nationalredress.gov.au/support/explore>.

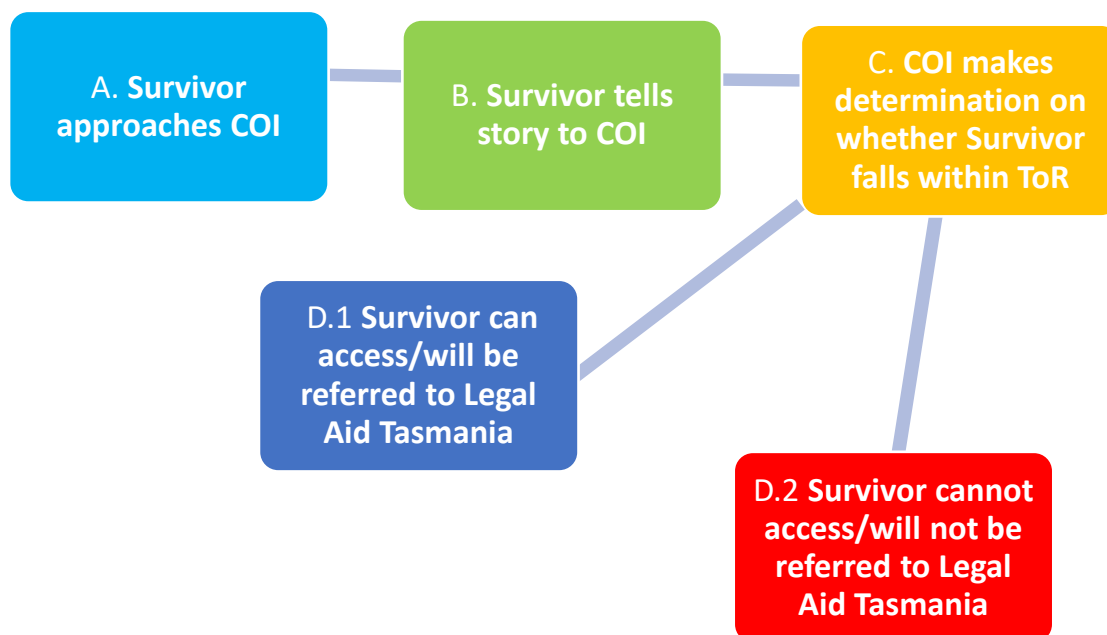
Referral pathways and supports for survivors engaging with the COI

The voices and experiences of survivors are crucial in informing all aspects of the work of the Tasmanian COI, and it follows that effective and extensive engagement with survivors is integral to the outcomes that the COI may deliver.

As noted above, knowmore provided legal advice and support to many thousands of survivors who sought our help when engaging or thinking about engaging with the Royal Commission. In our experience, the availability and accessibility of appropriate and trauma-informed support services and pathways for survivors materially affects the likelihood of them feeling safe and supported to share their experiences through engaging with the COI. We make the following observations about that experience, in the context of the Tasmanian COI.

In knowmore's discussions with the Tasmanian COI, we have been informed that the referral pathway for survivors to tell their stories to the Commission is as below.

Figure 2 – COI referral pathway



knowmore fully supports survivors having access to free legal assistance to help them engage the Tasmanian COI process. However, we note that the current referral pathways require survivors to first engage directly with the COI. This means that at point 'C' in Figure 2 above, if the COI determines that a survivor's story does not fall within the terms of reference, the process essentially stops, and the survivor is not referred on to Legal Aid Tasmania (which is providing legal assistance). We make the following comments about this.

First, the COI has been established by the Tasmanian Government. In our experience, many survivors of abuse are likely to experience initial mistrust towards any institutions perceived

to have a connection with Government and may require advice and other support to help them understand the COI's independence and role, so that they develop confidence to engage at all. Where the abuse experienced by survivors relates to instances while in state care, or Government institutions, the mistrust of Government is even greater.

Second, our experience also reflects that even in cases where survivors are comfortable to approach the COI directly, they may not be willing or able to disclose their full story of abuse. Some may not fully understand that forms of abuse experienced by them would constitute sexual abuse, and/or that their perpetrator(s), or the settings for that abuse, may be such as to bring their experience within the terms of reference. This could subsequently lead to an incorrect assessment about the survivor's eligibility being made by the COI, which would in turn result in the survivor not being able to access Legal Aid.

Third, having to repeatedly tell their story of trauma, particularly when they have no existing supports, can be highly re-traumatising for survivors and efforts to minimise this impact should be made. This should include providing survivors with access to services where they can receive the support they need, before approaching the Tasmanian COI directly.

Even if a survivor's story does not fall within the terms of reference of the COI, what they disclose can still be deeply traumatising. To mitigate this, survivors should be provided the option of a safe pathway to connect with a support service, before they approach the Tasmanian COI. In our work assisting survivors with the Royal Commission, we were often able to provide survivors with various supports, and to assist some survivors in circumstances of vulnerability to prepare statements, which were both of assistance to the Royal Commission and also reduced the impact for the survivor in not having to re-tell their story in detail.

Fourth, we raise the need to have in place other options to provide survivors with legal support, beyond providing only one, pre-existing, legal service. Legal Aid is an organisation that has a long history in Tasmania in a range of matters including criminal, civil and family law matters. Legal Aid's work in these areas means that they invariably come into contact with a large portion of the Tasmanian population. Resultantly, for almost every case Legal Aid Tasmania takes on, they conflict out another person.

Legal Aid's representation of persons accused of child sexual offences (in all settings) will also likely operate as a barrier for some survivors, who will be unwilling to engage with any legal practice undertaking such defence work. In our own work we see that sometimes survivors of child sexual abuse in institutional settings are also named as perpetrators of child sexual abuse in those institutions. We have in place appropriate conflict arrangements to manage those cases. This is likely to be an issue for the Tasmanian COI and it will be necessary to have conflict arrangements in place, such as by creating a network of referral pathways for legal assistance, so survivors can choose a service they are comfortable with.

We suggest that point 'D.1' in *Figure 2* - where the survivor accesses Legal Aid - should be moved to the front of the model. This would allow survivors to first seek advice and potentially tell their story in a setting that is not as confronting as approaching the Commission directly would be. We would submit that this change would help to promote survivor engagement with the COI and in turn help the COI to achieve the best outcomes possible in its work. It will also help to ensure that survivors are offered trauma-informed, culturally safe and legally informed support before engaging with the COI, and throughout the process, reducing the trauma that such engagement might cause.

Trauma-informed training for services

In our work assisting survivors of institutional child sexual abuse, knowmore recognises the crucial importance of all staff undertaking trauma-informed training. Knowledge of trauma-informed practice is central to ensuring that survivors receive the best possible support and assistance:

“[T]rauma-informed care and practice recognises the prevalence of trauma and its impact on the emotional, psychological and social wellbeing of people and communities”.³

We have referred above to Volume 9 of the Royal Commission’s final report and the recommendations contained therein.⁴ knowmore emphasises the settled view that trauma-informed training of staff is crucial to ensuring the safety of survivors, referral services must therefore be adequately trained before engaging with survivors of institutional child sexual abuse.

Culturally safe services – Aboriginal and/or Torres Strait Islander People

Survivors have told us there is a lack of access to culturally safe services for Aboriginal and Torres Strait Islander people in Tasmania. The 2016 census found that there was an increase of people in Tasmania identifying as Aboriginal and Torres Strait Islander, representing a total of 4.6% of the total population.⁵ Further, in Tasmania, Aboriginal and Torres Strait Islander children are 4.7 times more likely to be removed from their families by child protection services compared to non-Indigenous children.⁶ In Legal Aid Tasmania’s report ‘Children First’, it was found that:

[a] small group of children are over-represented in the youth justice system. There are some common themes that emerge when looking at this cohort of children. The earlier that children are involved in the system the more entrenched they become.

³ Blue Knot Foundation, *Trauma-informed Care and Practice*, available [here](#).

⁴ See footnote 1 above.

⁵ Australian Bureau of Statistics, 2016 Census Data Summary, available [here](#).

⁶ Legal Aid Tasmania, *Children First: Children in the Child Safety and Youth Justice System*, July 2021, p. 12.

Children who also have involvement with child safety services (referred to as ‘crossover children’) are over-represented in this group, particularly Aboriginal and Torres Strait Islander children and girls.⁷

In particular, “[W]hile around 10% of Tasmanian children identify as Aboriginal or Torres Strait Islander, 12% of all Legal Aid Tasmania’s youth justice clients and 15% of crossover children identify as Aboriginal and Torres Strait Islander”.⁸ These statistics indicate that Aboriginal and Torres Strait Islander children are invariably more likely to be exposed to forms of abuse within an institutional setting, whether that is in the child protection system, or in youth detention. Consequently, there may be an over-representation of Aboriginal and/or Torres Strait Islander peoples who want to engage with the Tasmanian COI. It is therefore crucial that culturally appropriate services are available to enable this participation, and more generally, to support these survivors in a culturally safe way.

We note that for the National Redress Scheme, there are only two Tasmanian based support services available to assist survivors of child sexual abuse. These are the ‘Sexual Assault Support Service’, which has one location near Hobart, and ‘Relationships Australia Tasmania’ which has locations in Hobart, Launceston and Devonport. While this generally covers a good part of Tasmania’s regions, and both services enjoy established reputations for their expertise and work, neither of these services are Aboriginal and Torres Strait Islander controlled organisations. knowmore believes that it is important for people to have a range of services they can access, such as the broad redress support services network that is available to people engaging with the National Redress Scheme. We submit that a similar approach should be taken when considering services that can support survivors accessing the Tasmanian COI, in recognition that Aboriginal and Torres Strait Islander led and/or staffed services are best able to provide specific and culturally safe assistance to Aboriginal and/or Torres Strait Islander survivors.

In support of this view, we refer to the following recommendation of the Royal Commission, again from Volume 9:

Recommendation 9.2

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.

⁷ Ibid p. 3-4.

⁸ Ibid p. 4.

Further, in the final report of the Second Year Review of the National Redress Scheme, it was found that “[L]ack of available and readily accessible services and culturally appropriate and safe support services exacerbates and contributes to ongoing trauma and survivor Scheme fatigue”.⁹

knowmore supports an approach where the Tasmanian COI ensures that Aboriginal and Torres Strait Islander survivors can readily access culturally safe and appropriate services to ensure those survivors can engage effectively with the COI and be fully supported.

Specialised disability services and support

As noted, knowmore encourages the Commission to closely consider the wide-ranging and often complex needs that survivors have. In particular, it is important that the Commission remains accessible to a wide range of people with varying ability, as well as reducing any potential barriers to access. It is to be anticipated that many people with disability will have had extensive interaction with Tasmanian Government institution during their childhood. In support of this approach, we refer to the following recommendation of the Royal Commission:

Recommendation 9.3

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.

The Second Year Review of the NRS highlighted that:

To include people with a disability, the Scheme must allow a variety of communication methods for people to record their experience of abuse. For example, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability invites people to share their experiences through a range of media, including in writing, over the phone and in a video or audio recording. The National Disability Insurance Scheme (NDIS) allows participants to communicate their needs through Auslan interpreters and symbol-based communication tools such as Proloquo2Go.¹⁰

We submit that the approaches adopted by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability towards engaging with people with disability provides a useful roadmap for the Tasmanian COI to reference.

⁹ Robyn Kruk AO, [Second year review of the National Redress Scheme](#): Final Report (2021), at p. 208.

¹⁰ Ibid at p. 217.

Survivor participation and accessibility of resources

As discussed in depth above, the availability and accessibility of appropriate support services is crucial to ensuring survivor participation. In turn, supportive services can reduce trauma for survivors when engaging with the justice process. Participation in the Tasmanian COI by survivors should be a mutually beneficial exercise. For survivors, it gives them a platform to be heard and tell their story. These stories and experiences in turn inform the work of the Commission.

In consideration of all the above, knowmore submits that it would be beneficial for the Tasmanian COI to produce a range of resources for survivors and other people thinking about engaging with the Commission. These might include specific resources for people with disability, for young people, and for Aboriginal and/or Torres Strait Islander survivors. knowmore has developed a specific range of resources for Aboriginal and/or Torres Strait Islander peoples.¹¹ These resources were developed in collaboration with our team of Aboriginal and Torres Strait Islander engagement advisors and reflects feedback provided by our Aboriginal and/or Torres Strait Islander clients about the content of our existing resources and, in particular, language and concepts that they reported as being unclear or difficult to understand.

Resources (such as a factsheet) could also be developed for current and former employees of Tasmanian Government institutions who may be in a position to contribute useful information to the COI.

Recommendations

In light of the above, we would recommend the following actions for consideration by the COI:

1. Provide direct access to funded legal services for survivors, removing the requirement that they first must speak to the COI.
2. Ensure appropriate alternative legal support services are available for survivors who are conflicted or unwilling to engage with Legal Aid.
3. Ensure that all services providing support to survivors in relation to the COI are trained in trauma-informed practice.
4. Ensure that culturally safe and appropriate services are available for Aboriginal and/or Torres Strait Islander survivors.
5. Ensure that survivors with disability can access the COI through a range of appropriate communication channels.
6. Develop a range of accessible resources for survivors and Tasmanian Government staff.

¹¹ knowmore Legal Service, Aboriginal and Torres Strait Islander engagement resources, available [here](#).
knowmore submission to the Commission of Inquiry into the Tasmanian Government's Responses to Child

Access to records

Question 12: Are you aware of situations where Tasmanian government institutions have not shared information about child sexual abuse or suspected abuse?

Question 13: Are there legal and/or cultural barriers to the sharing of information and keeping accurate records about child sexual abuse in Tasmania? If so, what steps are being taken to address these barriers? What else should be done to overcome them?

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

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

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

Records can play a significant role in alleviating the impact of child sexual abuse for survivors.¹² Records can assist with establishing a sense of self, history, and identity.¹³

The Royal Commission wrote:

Survivors of all ages and from all institution types have told us how important it is to them to be able to access institutional records about their childhoods – including the sexual abuse they experienced – and about how relevant institutions responded to that abuse. In the case of care-leavers in particular, accessing records created by out-of-home care institutions can be imperative, as these may contain the only surviving link to family and personal history or memorabilia of their childhoods.¹⁴

Records can also assist survivors with accessing redress and participating in civil or criminal proceedings. When survivors are unable to access records or access to records is delayed, their path of healing from prior traumatic experiences can be suspended.¹⁵

A principle of trauma informed practice is to avoid asking a survivor to retell their story when they do not want to, when it will be re-traumatising to do so, and when there are already recorded disclosures and existing statements of abuse.

For these reasons, requesting client records informs an important part of knowmore's work.

¹² Royal Commission Final Report, *Volume 8 - Recordkeeping and information sharing*, p. 9.

¹³ *Ibid* p. 38.

¹⁴ *Ibid* p. 87.

¹⁵ *Ibid* p. 44.

Records are also probative in establishing institutional responsibility and are necessary in our work to accurately advise survivors on the redress and compensation options available to them. Obstructive and unresponsive processes for accessing records creates a barrier to holding institutions accountable from the outset. This can hugely deter survivors from engaging in even just the information seeking process. This by default benefits government and non-government institutions by reducing claims and limiting their accountability, and also minimises opportunities to implement changes that protect future children from abuse. Therefore, access to records within a reasonable timeframe is imperative in supporting survivors who are seeking justice and healing from the impacts of child sexual abuse.

In knowmore's experience, and as has been widely documented,¹⁶ the wait time to fulfil a request for records from the Tasmanian Government (e.g. to access wardship records, or a prior statement of abuse such as to Tasmania's Claims of Abuse in State Care Program) can exceed two years. This means that survivors often have to retell their stories and repeat disclosures of the sexual abuse they experienced. This is unnecessarily re-traumatising given that in some circumstances statements of abuse already exist but cannot be accessed in a reasonable timeframe. Often it is the case that survivors complete the entire redress process (a process which can take 6-12 months), before receiving records from the Tasmanian Government. This extended timeframe is incongruent with the *Right to Information Act 2009* (Tas) which provides that an applicant for an assessed disclosure of information must be notified of a decision no later than 20 working days after the acceptance of the application.¹⁷

The Australian Information Access Commissioners (AIAC) released a National Dashboard on the Utilisation of Information Access Rights.¹⁸ The table below outlines the metrics collected by AIAC respective to Tasmania's performance and the performance against other Australian jurisdictions.

¹⁶ Leon Compton, 'Right to Information Tasmanian backlog blows out, reviews taking over two years', *ABC News* (online, 8 Nov 2018) <<https://www.abc.net.au/news/2018-11-08/right-to-information-backlog-blows-out-in-tasmania/10474458?nw=0>>; Christopher Knaus, 'Tasmania's FOI regime crippled by 'outrageous' delays, academics say', *The Guardian* (online, 14 Jan 2019) <<https://www.theguardian.com/australia-news/2019/jan/14/tasmanias-foi-regime-crippled-by-outrageous-delays-academics-say>>; Sally Glaetzer, 'Right to Information review delays blow out to almost three years', *The Mercury* (online, August 22, 2020) <<https://www.themercury.com.au/news/tasmania/right-to-information-review-delays-blow-out-to-almost-three-years/news-story/dfbe41c7e7b0ca3d9e08baa05c07424c>>; Ombudsman Tasmania, Annual Report 2019-2020 (Report, 20 October 2020) 29 <https://www.ombudsman.tas.gov.au/_data/assets/pdf_file/0005/592178/ANNUAL-REPORT-2019-2020-Ombudsman-Tasmania.PDF>.

¹⁷ *Right to Information Act 2009* (Tas) s 15.

¹⁸ Australian Information Access Commissioners, National Dashboard - Utilisation of Information Access Rights, July 2020 <https://www.ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_Jul_2020.pdf>.

Metric	Tasmania's performance
Formal applications received per capita (excluding the Commonwealth)	<ul style="list-style-type: none"> Tasmania received the least amount of applications per capita in 2018-19, 2017-18. Tasmania and NSW tied as receiving the least amount of applications per capita for 2016-17 and 2015-16.
Percentage of decisions on formal applications where access was granted in full or part	<ul style="list-style-type: none"> Tasmania was the lowest in 2017-2018 and 2018-19. Tasmania was the second lowest in 2015-2016 and 2016-2017.
Percentage of all decisions made on formal applications where access was refused in full	<ul style="list-style-type: none"> Tasmania held the highest percentage for this metric in 2017-2018 and 2018-19.
Percentage of all decisions made within the statutory time-frames	<ul style="list-style-type: none"> Tasmania held the second lowest percentage for this metric in 2018-19, 2017-18 Tasmania held the lowest percentage in 2015-16 and 2014-15.
Percentage of applications received which are reviewed by the jurisdiction's Information Commissioner/Ombudsman	<ul style="list-style-type: none"> Tasmania had the highest percentage across all the years measured (2018-19, 2017-18, 2016-17, 2015-16, and 2014-15).

The above metrics evidence that backlogs are not the sole issue impacting applicants to Tasmania's RTI regime. In knowmore's experience, records released by the Tasmanian Government can often be heavily redacted. The above metrics confirm the extent of this issue, and we note as well the comments made by the CEO of a Redress Support Service in a recent ABC Hobart broadcast.¹⁹

The Tasmanian Ombudsman report for 2019-2020 has cited the above National Dashboard statistics and commented on Tasmania's performance. The Tasmanian Ombudsman stated:

*Where relevant, the public interest test is consistently misapplied, if it is referred to at all. It is often the case that only those factors that support a claim for exemption are considered, when a more balanced and considered approach is required.*²⁰

In knowmore's experience, most names that appear in records released by the Tasmanian

¹⁹ The CEO of the Redress Support Service CLAN (Ms Leonie Sheedy) spoke about the experience of two Tasmanian survivors requesting their records. One instance included where 18 of 87 pages of the survivor's wardship file were redacted in full. The other instance was where the names of the survivor's parents were redacted from their birth certificate that was released to them by the Tasmanian Government. This second instance reportedly prompted an apology from the Deputy Secretary of the Department of Children Youth and Families.

Leon Compton, 'Mornings with Leon Compton', (ABC Radio Hobart, 23 Aug 2021) <<https://www.abc.net.au/radio/hobart/programs/mornings/mornings/13504030>>.

²⁰ Ombudsman Tasmania, [Annual Report 2019-2020](#), p. 33.

Government, that are not the name of the applicant requesting their personal information, are redacted. Comparatively, in NSW, the Information Access Guidelines provide that:

While the fact that disclosing information to someone would reveal personal information about someone else [including a person's name] is a public interest consideration against disclosure, it is not an absolute barrier to the information being disclosed. It is only a relevant factor that needs to be weighed against other factors for and against disclosure.²¹

The report by the Ombudsman references the *Right to Information Act 2009* (Tas) and states:

The Act also expressly states Parliament's intention that the Act be interpreted so as to further its object, and that the discretions it confers are to be exercised so as to facilitate and promote, promptly and at the lowest reasonable cost, the provision of the maximum amount of official information. The Act establishes a 'push model', which encourages the proactive routine disclosure of information, and provides that assessed disclosure is the method of last resort. Yet applications for external review to my office are increasing, corresponding with the increase in decisions by public authorities to refuse access to any information.²²

The redactions and access refusals evidenced in the above metrics and the experiences of service providers assisting survivors with records access, including knowmore, do not align with the push model articulated by the Ombudsman.

The Ombudsman's report discusses the additional recurrent funding allocated to the Right to Information (RTI) jurisdiction for the recruitment of two additional staff.²³ While this may assist in reducing backlog, it does not identify or address the primary cause or issues that have resulted in this tremendous backlog. The report also highlights a suggestion by the Ombudsman and an action taken to achieve improvement.²⁴ The Ombudsman suggested that public authorities order information in schedules in the first instance to avoid lengthening the external review process when it reaches the Ombudsman. The Ombudsman is the external review entity under the *Right to Information Act 2009* (Tas).

The Ombudsman's report also references the following action taken to improve issues with the RTI regime:

²¹ Information and Privacy Commission New South Wales, [GIPA Guideline 4: Personal information as a public interest consideration under the GIPA Act](#), p. 8.

²² Ombudsman Tasmania, [Annual Report 2019-2020](#), p. 32.

²³ Ibid p. 3.

²⁴ Ibid p. 32.

My office circulated advice to all public authorities just prior to Easter 2020 containing suggestions for managing their RTI requests during the COVID-19 emergency period, to assist in meeting their statutory time limits. Judging by the applications to review deemed refusals that my office continues to receive, some public authorities appear to have had limited success in this regard.²⁵

While undoubtedly the COVID-19 pandemic will have impacted on the activities of public authorities, the issues highlighted above cannot be attributed to those impacts alone.

Recommendations

We suggest that in order to achieve meaningful change, the Tasmanian COI consider the following recommendations:

1. An independent audit and review of Tasmania's RTI regime be undertaken. This should include an updated jurisdictional comparison of the operation of other information access regimes. This should also seek to answer why the backlog has reached a height of an almost three year delay. The review should seek to understand why Tasmanian Government records are being redacted in the current manner, why access to records are being refused, and why Tasmania is not a more open jurisdiction given the 'push model'. The review must examine and take steps to address why current processes and procedures result in decisions that 'misapply'²⁶ the public interest test. This is a systemic fault given the public interest in institutional reckoning. The review must make recommendations to resolve these issues and an independent oversight body must monitor the implementation of the recommendations.
2. Relevant RTI staff should receive trauma awareness and cultural safety training. This should include training on the impact of child sexual abuse, the impact of being in state care, and the intergenerational trauma experienced by Aboriginal and/or Torres Strait Islander peoples. RTI staff should receive training on the information relevant to these specific groups of people, and the impact of unnecessary redactions. This training should include the impact of trauma on memory and why it is important that records contain as few redactions as possible. It should also highlight that many survivors who were in Government care were in multiple institutions over their lifetime and therefore rely on records to establish a timeline or jog their memories to be able to better access redress and participate in civil or criminal proceedings.
3. Further additional RTI staff be recruited to assist with reducing the backlog.

²⁵ Ibid p. 33.

²⁶ Ibid.

4. All Tasmanian Government staff, and non-Government staff in institutions funded by the Tasmanian Government, doing child-related work must receive training on their responsibilities and best practice procedures for record keeping.²⁷
5. At the COI Stakeholder Engagement session attended by knowmore, and in our experience communicating with RTI Communities Tasmania, it was noted that records and information (both physical and electronic) exists across multiple different bodies and areas (sometimes up to 5 or 6 different locations). This means time is spent identifying where these records exist and transferring them across. We recommend a centralised record keeping system and regular audits of how records are being kept to ensure compliance with best practice principles and terms of funding (where relevant).

Cultural barriers

Question 13: Are there legal and/or cultural barriers to the sharing of information and keeping accurate records about child sexual abuse in Tasmania? If so, what steps are being taken to address these barriers? What else should be done to overcome them?

We have discussed the availability of appropriate services for Aboriginal and/or Torres Strait Islander peoples above under “Availability of Services”. As outlined in this section, there is a distinct lack of access to culturally safe services for Aboriginal and/or Torres Strait Islander peoples in Tasmania. This also impacts Aboriginal and/or Torres Strait Islander peoples in Tasmania seeking assistance to locate and apply for their records.

The Royal Commission found that:

Many survivors are not confident or are unsure of how to assert their rights as regards records about themselves. Some survivors feel ill-equipped to begin the process of requesting access to or amendment of records about themselves, especially where the institution that made the record has closed or no longer exists. Many survivors are also unsure about where and from whom to seek assistance. Knowing where to begin a search for records, or which institution or body to ask for advice or access, can be daunting and mystifying when the institution that created the records no longer exists or its name and function have changed in the intervening years. We have also heard that many survivors are unaware of their rights to apply for or request amendment or annotation of records

²⁷ This training must involve and comply with the five principles for records and recordkeeping recommended by the Royal Commission (recommendation 8.4) and must be consistent with the recommendations for implementing 10 Child Safe Standards (Recommendations 6.8 to 6.11) from the Royal Commission Final Report, *Volume 8 - Recordkeeping and information sharing*, p. 22-23 and the Royal Commission Final Report, *Volume 6 - Making institutions child safe*, p. 28-29.

*and that records holders themselves are unsure about how to manage and respond to such requests.*²⁸

In knowmore's experience, this is particularly true for Aboriginal and/or Torres Strait Islander survivors of child sexual abuse and Stolen Generation members. In our work with Tasmanian survivors, we have heard of the following concerning issues:

- Elders being directed to the library and being told to look for their own records with no assistance to do so and no cultural or trauma safety supports. This practice also raises privacy concerns as it is possible to access the records of others.
- Aboriginal and/or Torres Strait Islander survivors of child sexual abuse and Stolen Generation members who have reading and/or writing difficulties automatically experiencing a barrier to access from the outset.²⁹
- Denials of Aboriginal and/or Torres Strait Islander ancestry and the Office of Aboriginal Affairs requesting documentation of ancestry.
- An overall lack of understanding of the position of Aboriginal and/or Torres Strait Islander survivors of child sexual abuse and Stolen Generation members. This group of peoples were forcibly removed as children by the Government, and/or experienced child sexual abuse while in the care of the Government. This group of peoples having to return to Government departments to request their personal information in the absence of a culturally safe records advocacy service, in a RTI regime with fundamental operational flaws (as above), is a weighted barrier to access.

It is our recommendation that the Tasmanian Government, as a priority, must fund an Aboriginal Community Controlled Organisation (ACCO) records advocacy service. Although existing ACCOs doing this work in different jurisdictions may be able to assist Tasmanian Stolen Generation members and survivors remotely, this is not a solution nor an adequate replacement for a Tasmanian ACCO doing this work on the ground.

Such a service would be better placed to assist survivors in a way that:

- is culturally safe;
- understands and is experienced in the unique context and needs of Stolen Generation members and Aboriginal and/or Torres Strait Islander survivors; and
- understands the unique landscape of the Tasmanian Aboriginal and/or Torres Strait Islander community.

By virtue of there not being an organisation of this nature, Tasmanian Aboriginal and/or Torres Strait Islander survivors of child sexual abuse and Stolen Generation members

²⁸ Royal Commission Final Report, *Volume 8 - Recordkeeping and information sharing*, p. 93.

²⁹ In this section, 'access' refers to access to records, access to redress, and access to civil and/or criminal proceedings.

inherently experience a barrier to access and are at an automatic and overwhelming disadvantage.

The Tasmanian Government as a respondent in civil litigation

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

The changes to improve access to justice for survivors of child sexual abuse have been both necessary and important and have undoubtedly allowed many survivors to have their claims determined on their merits.

However, although the limitation period for personal injury claims for child sexual abuse was removed in Tasmania in 2018,³⁰ some survivors of child sexual abuse that occurred in Tasmanian Government institutions have faced extensive delays in achieving out of court settlements.³¹ Due to these delays, survivors are being forced to commence court proceedings.³² These delays may also force some survivors to follow the pathway of a claim under the National Redress Scheme, where redress payments are capped at \$150,000, when they would receive far more in a civil claim but are deterred from engaging or continuing to engage with this process because of the likely delay and other relevant circumstances (such as serious illness). These kinds of delays can significantly re-traumatise survivors and effectively restrict their available options for justice and likely entitlements.

These delays are also a barrier to justice and recovery for survivors from the outset and highlight the disproportionate balance of power between parties in this kind of litigation. The Royal Commission recommended that government institutions adopt guidelines for responding to claims for compensation concerning allegations of child sexual abuse.³³ The guidelines for the State of Tasmania provide that the nature of the obligation of the

³⁰ The *Limitation Amendment Act 2018* (Tas) inserted section 5B into the *Limitation Act 1974* (Tas).

³¹ Tasmanian Labor, 'More trauma for survivors of child sex abuse' (Media Release, March 3, 2020); <https://taslabor.com/more-trauma-for-survivors-of-child-sex-abuse/>; Amber Wilson, 'Sex abuse survivor takes govt to court after months of delays', *The Mercury* (online, March 4, 2020) <<https://www.themercury.com.au/truecrimeaustralia/police-courts/sex-abuse-survivor-takes-govt-to-court-after-months-of-delays/news-story/770ad2687c11cb6b51b71a54186eaa66>>.

³² Loretta Lohberger, 'Sexual abuse survivors turn to courts, after long waits for government settlement conferences', *ABC News* (online, 3 Mar 2020) <<https://www.abc.net.au/news/2020-03-03/sexual-abuse-survivors-turn-to-tasmania-courts/12015918>>.

³³ Royal Commission Final Report, Redress and civil litigation, p. 60.

State to act as a model litigant arises from the Crown's status as a moral exemplar and requires the State and its agencies to:³⁴

- a. deal with matters efficiently and expeditiously;*
- b. ...*
- c. settle legitimate claims promptly, without resort to litigation. This includes partial or interim settlements, where liability is clearly established for the part of the claim to which the settlement gives effect;*
- d. ...*
- e. avoid resort to litigation and encourage and participate in alternative dispute resolution where possible;*
- f. keep the costs of litigation to a minimum;*
- g. not require a party to prove a matter that the State knows to be true;*
- h. ...*
- i. not take advantage of a party who lacks resources to pursue a legitimate claim.*

Similarly, guidelines for the State of Tasmania's conduct in civil claims outlines that the State and its Agencies must:³⁵

- 1. Acknowledge the potential for litigation to re-traumatise claimants, and act in a way to minimise this potential.*
- ...*
- 5. Provide early acknowledgement of claims and information about particulars needed to progress the claim, and subject to receiving proper particulars of claim, the estimated time for any necessary historical investigations.*
- 6. Facilitate access to records relating to the claimant and the alleged abuse, subject to other's privacy and legal restrictions.*
- ...*
- 8. Subject to receiving proper particulars of claim, consider facilitating an early settlement and should generally be willing to enter into negotiations to achieve this.*
- 9. Resolve all claims as quickly as possible.*
- ...*
- 16. Ensure that legal practitioners, acting on behalf of the State of Tasmania, receive training the effect of child sexual abuse on complainants, and in utilising trauma-informed frameworks.*

³⁴ Tasmanian Solicitor General publications, [Model Litigant Guidelines](#).

³⁵ Tasmanian Solicitor General publications, [Guidelines for the Conduct of Civil Claims](#).

Although the above guidelines were designed to ensure that the State is responding appropriately to claims, the issues survivors are currently facing evidence that these guidelines have not been met with positive action by the Tasmanian State Government and its agents.

To strengthen compliance with model litigant principles and guidelines, the Australian Productivity Commission recommended the following:³⁶

The Australian, State and Territory governments (including local governments) and their agencies and legal representatives should be subject to model litigant obligations.

- Compliance should be monitored and enforced, including by establishing a formal avenue of complaint to government ombudsmen for parties who consider model litigant obligations have not been met.
- State and Territory Governments should provide appropriate assistance for local governments to develop programs to meet these obligations.

Recommendations

We note recent developments that have advised that ‘some of those cases [abuse while in the care of the Tasmanian state government] are now being settled’.³⁷ However, we suggest that to achieve meaningful change, the State of Tasmania should:

1. Fully ascertain the nature and extent of the problem of non-compliance with the model litigant and civil claim conduct obligations, such as through an independent audit of compliance. A monitoring mechanism should be introduced to evaluate the extent of compliance and non-compliance that is achieved in practice. This audit should also aim to understand why these delays are occurring. Recommendations should be made and implemented to urgently rectify this issue.
2. Work towards a model that recognises the advantage of a system that puts greater weight on working to prevent guideline breaches, rather than rectifying non-compliance. Such a model would benefit both the State and plaintiffs.

³⁶ Productivity Commission Inquiry Report, Access to Justice Arrangements, Volume 1 No. 72, 5 September 2014, recommendation 12.3, p.54.

³⁷ Loretta Lohberger and April McLennan, ‘Tasmanian government facing huge bill over allegations of abuse by former Ashley Youth Detention centre detainees’, *ABC News* (online, 21 Aug 2021)

<<https://www.abc.net.au/news/2021-08-21/ashley-youth-detention-class-action-settlements-growing-action/100394834>>.

3. Encourage affected litigants to make a complaint to the Tasmanian Ombudsman, and encourage the Tasmanian Ombudsman to investigate these complaints, to strengthen compliance with model litigant obligations.

The above points are essential given the Productivity Commission's recommendations and reports of the Tasmanian Government's significant non-compliance with the model litigant and conduct of civil claims guidelines.

It is our belief that every survivor of child sexual abuse should have the freedom to choose the most suitable option for them in pursuing justice and healing. Survivors should not be constrained by systems and processes that compel them to make choices that are undesirable and re-traumatising. To better ensure this no longer occurs, we ask that the Tasmanian COI give sufficient weight to this issue so that survivors are instead supported by smooth and timely systems and are free to make the choices suitable for them.

Effective oversight of institutions

Question 1: Do you have any views on the effectiveness of the steps the Tasmanian Government has taken since the RCIRCSA to make institutions safe for children?

Question 2: Are there systems, practices or cultures that continue to expose children to the risk of sexual abuse in Tasmanian Government institutions?

Question 3: What more should the Tasmanian Government (and its agencies and officials) do to ensure the safety of children in government institutions, including in public schools, hospitals and youth detention centres?

Tasmanian Integrity Commission

While knowmore has no direct experience with the Tasmanian Integrity Commission ("TIC"), we note with concern issues that have been reported by other sources surrounding the gaps in effective oversight of government actions giving rise to complaints, and the powers that exist within the TIC to investigate such matters.

For example, the Australian Institute released a review into the TIC in 2018, which found that the TIC had never "held a full inquiry using all of its investigative powers"³⁸ and had never held a public hearing.³⁹ The Australian Institute report highlights the narrow scope of the TIC in comparison with its NSW counterpart, outlining how this impacts its effectiveness, function and powers:

³⁸ The Australia Institute, [Tasmania's toothless watchdog](#) (2018), p. 2.

³⁹ Ibid p. 10.

The available data shows that the NSW ICAC is dramatically more effective in exposing corruption. With 5-10 public hearings each year, NSW ICAC delivered corrupt conduct findings against 123 people and referred 76 people for prosecution over the observed period 2012-16. The Tasmanian IC did not launch any full inquiries during the period, and therefore did not make any misconduct findings or referrals for prosecution.⁴⁰

Further:

[the TIC] has never held a full inquiry, meaning it has never used all of its investigative powers to expose corruption and misconduct in Tasmania. Its investigations do not hold hearings, public or private, and do not make findings. Often investigations focus on scenarios involving one or two public servants, rather than complex networks of systemic corruption, and it publishes one or two reports each year on its website, leaving the public in the dark about potential corruption and misconduct in Tasmania.⁴¹

The Royal Commission shed light on the nature and extent of child sexual abuse in Australian institutions, including in schools, out-of-home care, youth detention environments, health and allied services, services that support people with disabilities, childcare centres and youth groups, recreational clubs and associations, and commercial services. The Royal Commission concluded that institutional child sexual abuse is not a problem of the past, and that “institutional cultures and practices that allow abuse to occur and inhibit detection and response continue to exist in contemporary institutions”.⁴²

Poor and inadequate institutional responses to child sexual abuse can have a devastating and long-lasting impact on victims and survivors, members of their family, and other children in their community:

[i]nappropriate or damaging responses by institutions can result in the sexual abuse continuing for the victim, as well as placing other children at risk. Victims and their families can be left feeling betrayed by the institutions they trusted, resulting in fear and distrust of, and contempt for, institutions. Survivors told us that these responses can not only compound the impacts of the abuse, but cause additional impacts and re-traumatisation. We heard that some victims were ostracised by the institution because of disclosing the abuse.⁴³

knowmore submits that an effective and appropriately resourced integrity commission is integral to reducing and eliminating corruption within Government. In turn, the reduction

⁴⁰ Ibid p. 18.

⁴¹ Ibid p. 23.

⁴² Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6 - Making institutions child safe*, 2017, p. 14.

⁴³ Royal Commission, *Final Report: Volume 3 - Impacts*, 2017, pp. 11-12.

and elimination of corruption will ensure that the Government can function in a way that best protects children who may otherwise be exposed to abuse, and protect processes for survivors of abuse. The central theme common between corruption and child sexual abuse is the abuse of power. Where these two intersect, the distrust of the Government grows. The result is that perpetrators are protected, and survivors are left with little to no recourse for justice. Without effective oversight, survivors are less likely to come forward and environments where perpetrators flourish are sustained. We submit that the procedures, powers and scope of the TIC must be reviewed to ensure that it can effectively address systemic issues within the Tasmanian Government's responses to institutional child sexual abuse that suggest corrupt or other criminal conduct.

knowmore further raises concerns about inadequate internal Government reporting and complaint processes. In addressing this issue, knowmore is aware of concerns that some staff that must have a role in dealing with complaints regarding child sexual abuse in government institutional settings are often inadequately trained to deal with that subject matter. Staff-turnover and the employment of junior staff in these roles can create further barriers to effective and timely responses.

knowmore also acknowledges the recent media reporting about the alleged concealment of child sex complaints and the "moving around" of state government teachers accused of child sex offences.⁴⁴ knowmore expects that these issues will be the subject of extensive investigations by the Tasmanian COI. Such allegations, if established, not only encompass a lack of safety in Tasmanian state educational institutions, but also raise serious concerns about the protection of perpetrators, concealment of child sex offences and the direct responsibility of the Tasmanian Government for further instances of child sexual abuse by allowing accused perpetrators to continue working in environments with children.

Tasmanian Commissioner for Children and Young People

It is our view that the Tasmanian Commissioner for Children and Young People is one of the most crucial positions within a comprehensive child protection and safety framework. Accordingly, the Commissioner for Children and Young People must have the relevant function and scope of powers to be able to enact relevant systemic change. The functions of the Commissioner for Children and Young People are contained in section 8 the *Commissioner for Children and Young People Act 2016 (Tas)* ("CCYP Act"), as follows:

⁴⁴ April McLennan and Edith Bevin, '[Survivors of child sexual abuse taking Education Department to court for negligence](#)', *ABC News* (online, 6 May 2020); Amber Wilson, '[Child sex abuse survivor advocates worry government won't answer why it moved paedophiles](#)', *The Mercury* (online, 28 August 2020);); Amber Wilson, '["Deeply religious" LeClerc was moved around – and the education department knew](#)', *The Mercury* (online, 6 May 2020).

8. General functions of Commissioner

(1) *The Commissioner has the following functions:*

- (a) *advocating for all children and young people in the State generally;*
- (b) *acting as advocate for a detainee under the Youth Justice Act 1997;*
- (c) *researching, investigating and influencing policy development into matters relating to children and young people generally;*
- (d) *promoting, monitoring and reviewing the wellbeing of children and young people generally;*
- (e) *promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters, that may affect their lives;*
- (f) *assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally;*
- (g) *encouraging and promoting the establishment by organisations of appropriate and accessible mechanisms for the participation of children and young people in matters that may affect them;*
- (h) *such other functions as are prescribed*

Notably, the Commissioner for Children and Young People has no powers to investigate, unless requested to do so by the Minister as outlined in section 9 of the *CCYP Act*. In a previous submission knowmore made, regarding the Tasmanian *Child Safe Organisation's Bill*,⁴⁵ we addressed our support for the Commissioner for Children and Young People to be adequately funded and resourced to ensure that the office can properly fulfil its functions. We reproduce some of that submission below.

knowmore recommends that the Tasmanian Government establish an independent oversight body responsibility for monitoring and enforcing the Child Safe Standards. In our view, consideration should be given to the Tasmanian Commissioner for Children and Young People performing this role.⁴⁶ Such an approach would be consistent with the Royal Commission's suggestion that state and territory governments enhance the roles of existing

⁴⁵ This submission has not yet been published by the Department of Justice of Tasmania. For a copy of this submission, please contact knowmore.

⁴⁶ We note that the Tasmanian Commissioner for Children and Young People already has oversight responsibilities in relation to the out-of-home care and youth justice systems and has made a considerable contribution to developing a framework for child safe organisations in Tasmania. See for example, Commissioner for Children and Young People, *Strengthening Child Safe Organisations*, 2015, <https://www.childcomm.tas.gov.au/wp-content/uploads/2015/09/SCSO_Report_2015_low-res_20150907.pdf

children's commissioners or guardians to perform this function,⁴⁷ and is also consistent with the regulatory frameworks in various other jurisdictions.

The Commissioner for Children and Young People should be adequately funded and resourced to perform such a role effectively. While we acknowledge the additional cost to government to establish this function, the cost of inadequate monitoring and enforcement must also be acknowledged:

[w]e believe government and institutional investment to prevent institutional child sexual abuse is justified. The impact of institutions' child sexual abuse often has lifelong repercussions and can have significant social and economic consequences on victims and survivors, their family, friends and the community. Significant social and economic costs of institutional child sexual abuse include costs related to healthcare, lost earnings and tax revenue, increased need for welfare and child protection, the criminal justice system, and crime.⁴⁸

We also recommend that the Tasmanian Government strengthen the proposed monitoring and enforcement framework to ensure that the Commissioner for Children and Young People is appropriately empowered to fulfil its monitoring and enforcement responsibilities, as well as to undertake critical education and capacity building work. We note the Royal Commission's comments that:

[w]hen enforcing the Child Safe Standards, regulators should take a responsive approach and focus on building the capacity of institutions that are either unwilling or unable to comply. Regulators should be empowered with mechanisms to fulfil their role, such as the ability to make requests for information on how an institution is implementing the Child Safe Standards. Enforcement tools such as financial penalties or orders to comply should be available to regulators where institutions are consistently and intentionally unwilling to comply.⁴⁹

Recommendations

As outlined above, knowmore is broadly supportive of the Tasmanian Government granting more powers to the Tasmanian Integrity Commission and Commissioner for Children and Young People. In implementing this, knowmore recommends:

1. adequate monitoring and enforcement by an independent oversight body such as the Commissioner for Children and Young People is assessed, with appropriate funding and powers to perform its functions; and

⁴⁷ Royal Commission, *Final Report: Volume 6 - Making institutions child safe*, 2017, p. 16.

⁴⁸ *Ibid* p. 17.

⁴⁹ *Ibid* p. 240.

2. all staff that have a role in dealing with complaints of child sexual abuse made against other Government employees are afforded appropriate supports, protections, and powers.

The intersection between out of home care, youth detention, and child sexual abuse

Question 14: What other laws, policies, practices and systems are needed to better protect children from sexual abuse when they are in out-of-home care or youth detention?

Question 15: What specific measures are needed to protect the following children from sexual abuse in out of home care or youth detention:

- Aboriginal and Torres Strait Islander children
- children with a disability, and
- children from culturally and linguistically diverse backgrounds?

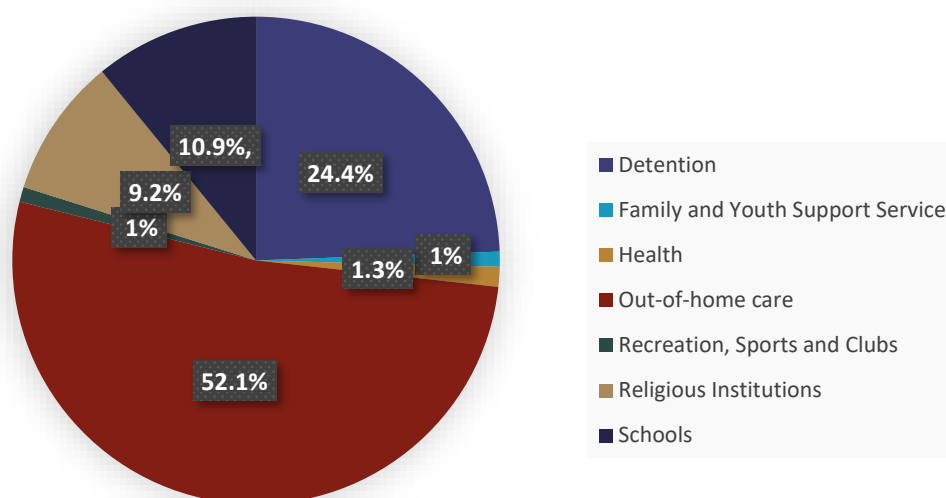
The graph below provides data on survivors who have been assisted by knowmore and who experienced child sexual abuse in Tasmania. The figures produced below are from 1 July 2018 and include data up to August 2021.

The graph provides a breakdown of the type of institutions this group of survivors were in at the time they experienced abuse. The majority of these survivors were in the care of Tasmanian Government institutions. Notably, over half of this group experienced child sexual abuse in out of home care. Almost a quarter of this group experienced child sexual abuse in youth detention. Although not depicted in the below graph, a review of the data demonstrated the majority of youth detention abuse occurred in Ashley Home for Boys, presently known as the Ashley Youth Detention Centre. We welcome the Premier's recent announcement that this Centre will close in approximately three years, to be replaced by a model of care that provides better support to children.⁵⁰

Figure 3 – Institutions named by knowmore clients

⁵⁰Peter Gutwein and Sarah Courtney, 'Ashley Youth Detention Centre to close' (Media Release, 9 September 2021).

knowmore Named Tasmanian Institutions by Type



The link between out of home care, future offending behaviour and subsequent detention has been well established.⁵¹ This link has been continually evidenced in reports establishing that a significant proportion of children in the juvenile justice system grew up in out of home care.⁵² In the 2021 Children First report discussed above, Tasmania Legal Aid reviewed all files between 2007 and 2020. This report showed that the earlier that children are involved in the youth justice system, the more entrenched they become.⁵³ The report also found that the youth justice system has an overrepresentation of crossover children – children involved in both the child safety and the youth justice systems.⁵⁴ A 2019 independent review of Aboriginal Children and young people in out of home care (OOHC) in NSW, the *Family is Culture* report, also found that “it has now been demonstrated that placement in OOHC exacerbates the existing risk that maltreated children will become involved in criminal offending”.⁵⁵

Notably, Aboriginal and/or Torres Strait Islander children are over-represented in both the out of home care system *and* the criminal justice and youth detention systems.⁵⁶

⁵¹ Catia G Malvaso, Paul H Delfabbro and Andrew Day, ‘Risk factors that influence the maltreatment-offending association: A systematic review of prospective and longitudinal studies’ (2016) 31 *Aggression and Violent Behaviour* 1, 6; *Family is Culture*, Independent review of Aboriginal children and young people in OOHC (2019), 236.

⁵² *Family is Culture*, Independent review of Aboriginal children and young people in OOHC (2019), 40.

⁵³ Legal Aid Tasmania, *Children First: Children in the Child Safety and Youth Justice System*, July 2021, p. 3.

⁵⁴ *Ibid* p.4.

⁵⁵ *Family is Culture*, Independent review of Aboriginal children and young people in OOHC (2019), p.236.

⁵⁶ Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia, 8 August 2017, A/HRC/36/46/Add.2, available at <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/46/Add.2>, at para 74.

In knowmore's view, protecting children from sexual abuse in OOHC and youth detention requires changes to the laws, policies, practices and systems that leads children to OOHC and youth detention in the first place. Targets 11 and 12 of the August 2021 Closing the Gap Tasmanian Implementation Plan 2021 – 2023 include actions to reduce this overrepresentation.⁵⁷ In our view, these targets must be supplemented by the following to achieve meaningful change, through:

- Multidisciplinary early intervention to guard children against entering these systems in the first instance. This includes economic support, parent education, social support, cultural support, housing support, legal assistance, and health and developmental support services for both children and families.
- Implementing all five elements of the Aboriginal Child Placement Principle in Tasmania. knowmore notes the commitment in the Tasmanian Government's Third Annual Progress Report and Action Plan on implementing the Royal Commission's recommendations, that in 2021 the Tasmanian government will "work with Aboriginal organisations to identify actions to further improve and embed the Aboriginal and Torres Strait Islander Child Placement Principles across the Child Safety Service System".⁵⁸ However, in addition to this, a mechanism to monitor and evaluate the extent to which full implementation of and compliance with the Aboriginal and Torres Strait Islander Child Placement Principle is currently being achieved is essential. This is particularly important in light of previous findings of significant non-compliance with the Child Placement Principle.⁵⁹
- Reducing the length of time in care and increasing the number of exits. The longer children are in out of home care, the more they lose connection with family, Country, and Culture, compounding the ongoing cycle of intergenerational trauma.⁶⁰ We believe that it is important to not just recognise the importance of reunification and family for Aboriginal and/or Torres Strait Islander children, but to act in line with this understanding. To assist with this, factors that extend the length of time of children in care should be assessed to identify the most effective pathways for families to transition to reunification and allow them to leave care sooner.

⁵⁷ Closing the Gap, Tasmanian Implementation Plan 2021 – 2023, August 2021, <https://www.communities.tas.gov.au/data/assets/pdf_file/0028/180478/Closing-the-Gap-Tasmanian-Implementation-Plan-August-2021.pdf>.

⁵⁸ Department of Justice, Tasmanian Government Third Annual Progress Report and Action Plan: implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, December 2020.

⁵⁹ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 12*, pp. 330–332.

⁶⁰ The Australian Institute of Health and Welfare 2021 identified that in 2018-19, based on data from six states and territories, of the 820 Aboriginal and Torres Strait Islander children aged 0–16 who were reunified with family during 2017–18, 82% did not return to out-of-home care in the following 12 months. See: Australian Institute of Health and Welfare 2021, The Aboriginal and Torres Strait Islander Child Placement Principle Indicators 2018–19 Measuring progress.

- Raising the minimum age of criminal responsibility in Tasmania to 14 years.
Alternatively, introducing a minimum age of detention in Tasmania of 14 years.

Regarding this last point, knowmore has previously made a submission to the Working Group of the Council of Attorneys-General on the importance of keeping children out of detention and raising the minimum age of criminal responsibility to 14 years.⁶¹

We have reproduced parts of this submission below and expanded on the relevance of this issue to Tasmania.

Youth detention environments

As stated above, a review of data on our Tasmanian clients demonstrates that the majority of youth detention abuse occurred in Ashley Home for Boys, presently known as the Ashley Youth Detention Centre ('Ashley'). The abuses at Ashley have been well documented and extend beyond historical abuses.⁶²

At the Stakeholder Engagement session attended by knowmore, and in our work with Tasmanian survivors, we have heard of instances of children being sent to Ashley because there was nowhere else for them to go (particularly while on remand) and for relatively minor offences. This is a completely unacceptable outcome and a failure of the Tasmanian Government's OOHC and criminal justice systems. These practices, and youth detention more generally, expose children to a high-risk setting for child sexual abuse. The Royal Commission identified youth detention as a common setting for institutional child sexual abuse. Of the 6,875 survivors the Royal Commission heard from in private sessions, 551 (8%) had been sexually abused in youth detention.⁶³ Experiencing child sexual abuse in youth detention was particularly common among Aboriginal and/or Torres Strait Islander survivors (15%), and survivors who were in prison at the time of their private sessions (33%).⁶⁴

Although the Royal Commission heard from relatively fewer survivors who had been abused in contemporary youth detention institutions since 1990 (91 in total),⁶⁵ it emphasised that youth detention remains a high-risk setting for institutional child sexual abuse. Key reasons for this include that:

⁶¹ knowmore, *Review of the age of criminal responsibility*, submission to the Working Group of the Council of Attorneys-General, 28 February 2020. <<https://knowmore.org.au/wp-content/uploads/2020/11/submission-review-of-the-age-of-criminal-responsibility-cth.pdf>>.

⁶² Amber Wilson, 'Ashley Youth Detention Centre abuse alleged over decades', *The Mercury* (online, July 29, 2020) <<https://www.themercury.com.au/truecrimeaustralia/police-courts/ashley-youth-detention-centre-abuse-alleged-over-decades/news-story/51525cdb89721476a4b1b4821d2c5f1f>>.

⁶³ Royal Commission, *Final Report: Volume 2 - Nature and Cause*, 2017, Tables 2.12 and A.7.

⁶⁴ Royal Commission, *Final Report: Volume 5 - Private Sessions*, 2017, Tables P.13 and S.14.

⁶⁵ The Royal Commission stated that this was "unsurprising", given that survivors take 23.9 years on average to disclose childhood sexual abuse (*Final Report: Volume 15 - Contemporary Detention Environments*, 2017, p. 26; see also p. 77).

- Youth detention institutions are “closed” environments, isolated from society and public scrutiny.
- Key features of youth detention environments — including the significant power imbalance between staff and detained young people, the lack of privacy, and the separation of young people from their family, friends and community — tend to increase the risk of child sexual abuse.
- Children in youth detention frequently have complex needs and histories of abuse, neglect and other trauma that increase their vulnerability to sexual and other abuse while in detention. In this regard, the Royal Commission stated “[i]t is often the most vulnerable children who are deprived of their liberty in detention environments, including many children with prior trauma and multiple needs, and some with behaviours that may cause harm to themselves or others”.⁶⁶
- Compared to other institutions, there is a heightened risk of young people in youth detention being sexually abused by other children. This reflects the fact that, as the Royal Commission noted, “children who have harmful sexual behaviours or have engaged in criminal or antisocial behaviour are disproportionately clustered in youth detention institutions”.

In light of the ongoing risk of child sexual abuse in youth detention environments, knowmore is supportive of measures that will help to keep young people out of detention wherever possible, including raising the minimum age of criminal responsibility to 14 years, or alternatively, introducing a minimum age of detention of 14 years. We have discussed this further below.

Minimum age of criminal responsibility

The Families Australia Report on the new National Framework for Protecting Australia’s Children identified that an indicator of success for the element of “a continued focus on the needs of children and young people in out of home care” was that State and Territory Governments work together with the Commonwealth in raising the age of criminal responsibility from 10 to 14 years.⁶⁷ knowmore supports this position. This is important not only due to the link between out of home care and future offending behaviour and child sexual abuse, but more generally as a key consideration when it comes to protecting children.

Currently, the minimum age of criminal responsibility in Australia is significantly lower than the global average of 12.1 years, and the average in the majority of European Union

⁶⁶ Ibid p. 34.

⁶⁷ Families Australia, *Beyond 2020: Towards a Successor Plan For The National Framework For Protecting Australia’s Children 2009-2020: Final Report On National Consultations (May 2020)*, 141.

member states of 14 years.⁶⁸ Further, the United Nations Committee on the Rights of the Child has recommended that Australia raise the minimum age of criminal responsibility to 14 years to bring the justice system into line with Australia's obligations under the Convention on the Rights of the Child.⁶⁹ This recommendation is supported by numerous Australian organisations, including the Australian Human Rights Commission.⁷⁰

knowmore strongly supports raising the minimum age of criminal responsibility in all Australian states and territories to 14 years of age, to bring Australia into line with international best practice and international human rights standards. knowmore is supportive of other measures that will help to keep children out of detention wherever possible. If raising the minimum age of criminal responsibility to 14 years is not able to be achieved, in the alternative, knowmore recommends the introduction of a minimum age of detention in Tasmania of 14 years.

knowmore is of the view that these measures are important to:

- Help address the over-representation of Aboriginal and/or Torres Strait Islander children in youth detention environments.
- Reduce the risk, incidence and impacts of child abuse and child sexual abuse in youth detention environments.

Article 37(b) of the Convention on the Rights of the Child provides that the arrest, detention or imprisonment of a child shall be used only "as a measure of last resort and for the shortest appropriate period of time". However, the high rates of incarceration of Aboriginal and/or Torres Strait Islander children demonstrates that Australia is failing to meet this obligation.

According to a report of the United Nations Special Rapporteur on the rights of indigenous peoples following her visit to Australia in 2017, Aboriginal and/or Torres Strait Islander children, including those under 14 years of age, continue to experience routine detention and are up to 24 times more likely to be detained than non-indigenous children.⁷¹ The Special Rapporteur highlighted the discriminatory and disproportionate impact of incarceration on Aboriginal and/or Torres Strait Islander children, stating:

⁶⁸ Joint policy statement by the Law Council of Australia and the Australian Medical Association, *Minimum Age of Criminal Responsibility*, 17 December 2019, available at: <https://www.lawcouncil.asn.au/media/media-releases/lca-and-ama-call-on-australian-governments-to-raise-the-age-of-criminal-responsibility-to-14>.

⁶⁹ United Nations Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, 1 November 2019, CRC/C/AUS/CO/5-6, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en.

⁷⁰ Australian Human Rights Commission, *Raising the Age of Criminal Responsibility*, statement by National Children's Commissioner Megan Mitchell, 20 November 2019, available at: <https://www.humanrights.gov.au/about/news/raising-age-criminal-responsibility>.

⁷¹ Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia, 8 August 2017, A/HRC/36/46/Add.2, available at https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/46/Add.2, at para 74.

Aboriginal and Torres Strait Islander children are essentially being punished for being poor and, in most cases, prison will only perpetuate the cycle of violence, intergenerational trauma, poverty and crime.⁷²

knowmore is of the view that raising the minimum age of criminal responsibility is a necessary and important step in addressing the inequality experienced by Aboriginal and/or Torres Strait Islander children in the criminal justice system. In addition, we are of the view that raising the minimum age of criminal responsibility will help to reduce the risk, incidence and impacts of institutional child sexual abuse for all children who come into contact with the criminal justice system, given the Royal Commission's findings that:

- Youth detention has been, and continues to be, a high-risk setting for child sexual abuse.
- The experience of child sexual abuse in youth detention can have significant, life-long impacts for survivors, particularly in contributing to later criminal behaviour and leading to patterns of recurrent imprisonment.

We therefore submit that the Tasmanian COI consider recommending that the Tasmanian Government raise the minimum age of criminal responsibility in Tasmania to 14 years or, alternatively, the Tasmanian Government should introduce a minimum age of detention in Tasmania of 14 years.

National Redress Scheme - Serious criminal convictions

Question 21: Are there any barriers which make it difficult for victim-survivors to obtain redress under the National Redress Scheme?

knowmore has engaged extensively in relation to proposed reforms to the design and operation of the National Redress Scheme.⁷³ We will not repeat the content of our previous submissions here, other than to note that they addressed many barriers to survivors obtaining justice through the Scheme. The following comments relate to the specific circumstances where we assist clients who have themselves been convicted of serious criminal offences, which may prevent them making application to the Scheme.

Under the National Redress Scheme, survivors of institutional child sexual abuse who have been sentenced to a term of imprisonment of five years or longer for any offence are not

⁷²Ibid at para 76.

⁷³ See for example, knowmore's submissions to the Second Year Review and the Joint Select Committee on the Implementation of the National Redress Scheme – these submissions are all available on our website at <https://knowmore.org.au/leading-change/improving-the-nrs/>

automatically entitled to redress. Rather, the Operator of the Scheme must first make a determination that providing redress to the person would not bring the Scheme into disrepute, or adversely affect public confidence in, or support for, the Scheme. In making this determination, the Operator must provide written notice to specified advisors requesting advice about whether the Operator should make a determination that the person is not prevented from being entitled to redress.⁷⁴ The specified advisors are generally the Attorney-General of the jurisdiction where the abuse occurred and the Attorney-General of the jurisdiction where the person was convicted.⁷⁵

The notice requests the specified advisor to provide advice about whether the Operator should make a determination under subsection 5. The notice must also include sufficient information to enable the specified advisor to provide that advice.

Subsection 5 provides that the Operator may determine that the person is not prevented from being entitled to redress under the scheme if the Operator is satisfied that providing redress to the person under the scheme would not:⁷⁶

- bring the scheme into disrepute; or
- adversely affect public confidence in, or support for, the scheme.

The Operator must consider any advice given by a specified advisor, the nature of the offence, the length of the sentence, the length of time since the person committed the offence, any rehabilitation of the person, and any other matter that the Operator considers is relevant.⁷⁷ The legislation provides that in taking these factors into account, the Operator must give greater weight to any advice that is given by a specified advisor from the jurisdiction in which the abuse of the person occurred than to any other factor.⁷⁸

The NRS can then make a preliminary assessment that proposes to make a determination that is not in favour of the survivor. Survivors then have 60 days to provide additional information before a final decision is made.

knowmore is aware of instances where specified advisors for Tasmania have recommended survivors be prevented from being entitled to redress. In these circumstances, the specified advisors have specifically disregarded the link between survivor experiences of abuse and later offending, by taking a limited view as to the proper construction of the statutory test (above).

⁷⁴ *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) s 63(4).

⁷⁵ *Ibid* s 63(3).

⁷⁶ *Ibid* s 63(5).

⁷⁷ *Ibid* s 63(6).

⁷⁸ *Ibid* s 63(7).

The Royal Commission noted the link between experiences of child sexual abuse and subsequent criminal offending,⁷⁹ citing a study that found that child sexual abuse survivors were almost five times more likely to be charged with an offence than their peers from the general population.⁸⁰ The Second Year Review of the National Redress Scheme referenced this finding by the Royal Commission:

*The Royal Commission documented the higher proportion of prisoners who had been victims of child sexual abuse compared with the general population and acknowledged the growing body of research on the relationship between abuse as a child and criminal offending.*⁸¹

The Second Year Review received submissions from support services that:

*... described how some applicants have additional complex needs, including significant mental health issues, drug and alcohol addictions, homelessness; and are experiencing personal safety concerns. Some are in gaol. These are circumstances that correlate directly with their childhood abuse and subsequent trauma.*⁸²

The Second Year Review went on to make the following recommendation:⁸³

Recommendation 3.2

The Australian Government amend the eligibility criteria to include a single application process for all applicants. This process should also allow for applications to be made by the following survivors:

- a. non-citizens
- b. non-permanent residents
- c. prisoners
- d. those with serious criminal convictions
- e. care leavers if they were abused in care over the age of 18 and under the age of 21 prior to 1 November 1974.

We submit that the approach taken to making preliminary decisions about NRS eligibility for survivors with criminal convictions should be reconsidered, taking into account:

- The findings of the Royal Commission and the recommendation of the Second Year Review (as above).

⁷⁹ Royal Commission Final Report, *Volume 15 - Contemporary detention environments*, p. 100.

⁸⁰ Ibid; MC Cutajar, JR Ogloff & P Mullen, *Child sexual abuse and subsequent offending and victimisation: A 45 year follow-up study*, Criminology Research Council, Australia, 2011; JR Ogloff, MC Cutajar, E Mann, P Mullen, FTY Wei, HAB Hassan & TH Yih, *Child sexual abuse and subsequent offending and victimisation: A 45 year follow-up study*, The Australian Institute of Criminology, Canberra, 2012, pp 36, 48.

⁸¹ Robyn Kruk AO, [Second year review of the National Redress Scheme](#): Final Report (2021) p. 67.

⁸² Ibid p. 208.

⁸³ Ibid p.75.

- That these survivors are otherwise eligible for redress and notwithstanding criminal offending that occurred following their abuse, a finding of eligibility does not necessarily bring the Scheme into disrepute or adversely affect public confidence in the Scheme by providing redress.
- The survivor's experience of child sexual abuse in an institutional setting, and the impact of that experience, should in our submission be a relevant factor to be considered in the decision-making exercise. The connection between the experience of abuse and later criminal offending must be a relevant factor in deciding, in each case, whether providing redress to that person would bring the Scheme into disrepute or adversely affect confidence in the Scheme.
- The overarching beneficial purpose of the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth). The Objects of the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)⁸⁴ are:

(1) The main objects of this Act are:

- (a) to recognise and alleviate the impact of past institutional child sexual abuse and related abuse; and
- (b) to provide justice for the survivors of that abuse.

Additionally, this approach is another example whereby survivors of child sexual abuse are constrained in their ability to make choices about their justice options, and may be forced, for want of an alternative, to pursue an option that is undesirable and/or re-traumatising. In this case, it may mean that the only alternative for a survivor with a serious criminal conviction who is refused access to the National Redress Scheme is a civil claim. Survivors with criminal convictions may generally be unlikely to pursue a civil claim and engage with lawyers, particularly if they are still in gaol.

It is our belief that every survivor of child sexual abuse should have the freedom to choose the most suitable option for them in pursuing justice and healing.

knowmore recommends that the Tasmanian COI inquire with the specified advisors for Tasmania about the current approach and its impact as a barrier for survivors in accessing the Scheme.

⁸⁴ *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)* s 3(1).

The Tasmanian Government's response to the Royal Commission's recommendations

The Commission will be considering the recommendations of the RCIRCSA to inform its inquiry, and will:

- assess what the Tasmanian Government has done to give effect to the RCIRCSA's recommendations, to determine whether recent changes made to implement those recommendations in government institutions are working
- identify any problems which the Tasmanian Government and its institutions may have had in implementing the RCIRCSA's recommendations and assess whether there are any gaps or deficiencies in what has already been done, and
- recommend any further steps which the Tasmanian Government should take to effectively prevent, and respond to, allegations and incidents of child sexual abuse.

knowmore welcomes the Tasmanian Government's Third Annual Progress Report and Action Plan on implementing the Royal Commission's recommendations that was released in December 2020.⁸⁵ In particular, we are pleased to see that the Tasmanian Government has commenced work on many of the remaining recommendations and is continuing work through the Children and Families Secretaries Child Safety Working Group as well as the Inter-Jurisdictional Working Group on Therapeutic Responses for Children with Problematic and Harmful Sexual Behaviours.

However, we note that there are many recommendations of the Royal Commission that were either not specifically addressed in the Third Annual Progress Report, still marked as 'for consideration', or had no progress updates since the Second Annual Progress Report. This includes recommendations 7.5, 7.6, 7.8, 9.1, 9.2, 9.3, 12.4, 12.5, 12.6-12.9, 12.11, 12.12, 12.13, 12.14, 12.16, 12.17, 12.19, and 14.4.

We ask that the Tasmanian COI work towards ensuring the remaining recommendations of the Royal Commission are implemented by the Tasmanian Government as soon as possible, to ensure children are protected from child sexual abuse and that survivors are well supported.

⁸⁵ Department of Justice, Tasmanian Government Third Annual Progress Report and Action Plan: implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, December 2020.

Conclusion

knowmore strongly supports the work of the Tasmanian COI and its commitment to identifying opportunities for change within the Tasmanian Government's responses to institutional child sexual abuse. The Tasmanian COI possesses a unique opportunity to remedy many of the deficiencies that have impacted Tasmanian survivors for years.

knowmore believes that every survivor of child sexual abuse should have the freedom to choose the most suitable option for them in pursuing justice and healing. Survivors should not be constrained by Government systems and processes that compel them to make choices that are undesirable and/or re-traumatising. The current responses by the Tasmanian Government produces barriers to access and subsequently pressures survivors to make choices that may be undesirable and/or re-traumatising. These responses include the lack of trauma-informed and culturally safe support services in Tasmania; the issues with the administration of Tasmania's RTI regime as well as cultural barriers to accessing information; the Tasmanian Government's delays in out of court settlements for survivors, and the rejection of eligibility of survivors to apply to the National Redress Scheme due to serious criminal convictions.

knowmore supports increased multidisciplinary early intervention, improved compliance with the Aboriginal and Torres Strait Islander Child Placement Principle (and monitoring), and increased focus upon reunification and exits from OOHC. In doing so, we acknowledge the link between duration and over-representation of Aboriginal and/or Torres Strait Islander children in OOHC, youth detention, and instances of abuse. knowmore also strongly supports raising the minimum age of criminal responsibility in Tasmania to 14 years of age.

We have also commented on the roles of the Tasmanian Integrity Commission and the Tasmanian Commissioner for Children and Young People. knowmore is of the view that changes to these bodies are necessary to enable them to properly effect systemic change and improve the Tasmanian Government's responses to institutional child sexual abuse.

Brisbane

Level 20, 144 Edward St, Brisbane QLD 4000
PO Box 2151, Brisbane QLD 4001
t 07 3218 4500

Melbourne

Level 15, 607 Bourke St, Melbourne VIC 3000
PO Box 504, Collins St West VIC 8007
t 03 8663 7400

Sydney

Level 7, 26 College St, Sydney NSW 2000
PO Box 267, Darlinghurst NSW 1300
t 02 8267 7400

Perth

Level 5, 5 Mill St, Perth WA 6000
PO Box 7072, Cloisters Sq WA 6850
t 08 6117 7244

knowmore Legal Service Limited | ABN 34 639 490 912 | ACN 639 490 912. knowmore is funded by the Commonwealth Government, represented by the Attorney-General's Department and the Department of Social Services, and receives additional funding from the Financial Counselling Foundation.

Image inspired by original artwork by Dean Bell depicting knowmore's connection to the towns, cities, missions and settlements within Australia.

knowmore acknowledges the Traditional Owners of the lands across Australia upon which we live and work. We pay our deep respects to Elders past, present and emerging.