Victorian Government Response to the Royal Commission

Current approaches to policing in child sexual abuse matters

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Contents

1 Introduction

On 17 April 2015, the Royal Commission into Institutional Responses to Child Sexual Abuse wrote to the Acting Chief Commissioner of Police, Mr Tim Cartwright APM, requesting a document that sets out:

a) an outline of any significant changes or reforms in law or practice since 1 January 2005 that have improved Victoria Police's response to child sexual abuse;

b) an assessment of the effectiveness of the duties and processes, specialist units and specialist cross agency units of Victoria Police;

c) any impediments that Victoria Police faces in investigating child sexual abuse, particularly in institutional contexts; and

d) any reforms, whether legislative or procedural and whether directed at the police or the broader criminal justice system, that may improve Victoria Police's response to child sexual abuse, particularly in institutional contexts.

This response has been jointly prepared by the Victorian Department of Justice & Regulation (DJR) and Victoria Police.

Victoria Police has made significant reforms to improve its response to sexual assault and child abuse over the last ten years. The key driver of these reforms was the Victorian Law Reform Commission's (VLRC's) 2004 report, Sexual Offences: Law and Procedure Final Report[1], which found that the police response to sexual assault was undermined by a culture of disbelief and a lack of transparency in processes.

The VLRC report also found that victims often had negative experiences with the legal system, that legal professionals' decisions were unduly affected by rape myths and victim blaming attitudes, and that the criminal justice response to victims needed to be more specialised. In relation to Victoria Police, the VLRC recommended the establishment of specialist sexual assault investigative units, the development of specialist training for sexual offence investigators, more transparent brief authorisation processes and better data collection.

These findings and recommendations were critical in driving reforms to implement a specialist approach to sexual offending and child abuse, which were characterised by three key components:

- the development of specialist detectives to investigate sexual offence cases through the establishment of Sexual Offence and Child Abuse Investigation Teams (SOCIT);
- a training program for SOCIT detectives; and
- the development of Multi-Disciplinary Centres (MDC).

Overall, the SOCIT and MDC reforms aim to reduce the high attrition rate of sexual offence cases by providing a more comprehensive and effective response to victims. The reforms have created cultural change within Victoria Police, resulting in an increased understanding about the nature of sexual offending and the impact on victims. Whilst many of the benefits of such shifts in culture and practice could take more time to emerge, there is a clear indication that Victoria Police has made significant improvements to its response to sexual offending and child abuse.

In addition to these changes in Victoria Police practice, DJR regularly reviews criminal justice laws to ensure that its legislative framework is current and effective. Improvements to laws are required to ensure that Victoria Police, and the broader criminal justice system, is able to respond appropriately to child abuse matters. This response outlines some of the key changes in legislation that have improved Victoria's response to child abuse matters.

[1]The VLRC's report is available online at:
http://www.lawreform.vic.gov.au/projects/sexual-offences/sexual-offences-final-report

2 Significant changes or reforms in law or practice since 1 January 2005

2.1 Sexual Offence and Child Abuse Investigation Teams

In 2006, Victoria Police established new Sexual Offence and Child Abuse Investigation Teams (SOCITs) to provide a dedicated response to sexual assault and child abuse allegations. SOCITs are staffed by specialist detectives who are selected and trained to work exclusively on sexual offence and child abuse cases. These detectives undertake all aspects of a criminal investigation, including receipt of the initial allegation, preparing the brief of evidence, and participating in the court proceedings.

The SOCIT model was initially established as a pilot project in Mildura and Frankston. Following the positive findings of an evaluation study into the pilot project by Deakin University[2], Victoria Police committed to implementing the SOCIT model across its organisation. The implementation of the model was completed in 2012, creating 28 SOCITs and 370 specialist detective positions throughout Victoria.

Victoria Police also created a specific charter of investigation to support the SOCITs. This charter establishes that SOCITs:

- investigate incidents of sexual and physical assault on children;
- provide an initial response to victims of sexual assault and physical assault (child abuse) on children;
- work jointly with the Sex Crimes Squad in responding to Category 1 and 2 investigations;
- work jointly with the Department of Health and Human Services (DHHS) in responding to sexual and physical assault incidents;
- provide regional support for Video and Audio Recording of statements (VAREs), which are undertaken with children and people with a cognitive impairments;
- conduct joint investigations with DHHS and other stakeholders in respect to child abuse incidents; and
- Initiate prevention and reduction strategies in partnership with other service providers.

The VLRC's Sexual Offences: Law and Procedure Final Report identified that Victoria Police's brief authorisation process required greater consistency, accountability and transparency to improve the likelihood of sexual assault allegations reaching prosecution. Accordingly, the SOCIT model also introduced transparent processes for brief authorisation that aim to reduce attrition of police responses to sexual offence matters.

The VLRC also found that many sexual assault reports never reach prosecution. In part, this was due to complainants withdrawing their reports, and others were at times rejected as viable cases for prosecution by police. The brief authorisation process now limits who is allowed to authorise sexual offence briefs to those detectives with appropriate qualifications and training, as recommended by the VLRC.

The work of SOCITs in relation to child abuse matters is primarily undertaken in response to notifications given to Victoria Police from DHHS Child Protection services. To support this process, Victoria Police has established a Protecting Children Protocol with DHHS[3]. This protocol ensures that both agencies are able to provide an effective response to victims. It also outlines the statutory and non-statutory responsibilities of Child Protection at DHHS and how the agencies should interact with one another.

2.2 Specialist investigator training

The SOCIT model increased the responsibilities of police members and required a major shift in skills and knowledge to ensure that sexual offences are investigated effectively. To enable this, Victoria Police established a Specialist Development Unit (SDU) to help develop training for specialist investigators. Central to this training is the Whole Story framework for investigating and interviewing sexual offences and child abuse matters.

The Whole Story framework aims to improve police members' knowledge about sexual offending, and ensure positive attitudes towards victims. The framework is underpinned by the following concepts:

[2] A copy of the Deakin University evaluation report has been previously provided to the Royal Commission
[3] A copy of this protocol has been previously provided to the Royal Commission

- sexual offending is a crime of relationship;
- all offending begins in the mind of the offender; and
- offenders are always the initiators, and victims are always the reactors.

The Whole Story framework emerged from research into sexual offending and therapeutic work with offenders and victims. This work identified that evidence gathered by investigators often lacked contextual information about the offending, such as any relationship dynamics between the offender and victim. This information is critical to the evidence base in sexual offence cases and can improve court outcomes for victims when the information is obtained by investigators and presented to the courts by prosecutors.

The Whole Story framework provides guidance to investigators on how to elicit this critical information when interviewing victims and offenders. In addition, the framework also provides a professional knowledge base to guide:

- information gathering from victims;
- investigation of the elements of the alleged crime;
- the subsequent interview with the suspect;
- presentation of evidence at court (including legal argument regarding relevance, probative vs. prejudicial value, tendency, uncharged acts etc.); and
- decision-making by the courts.

The Whole Story framework is guided by three key elements:

- **Grooming** is the process of manipulation and control that enables the offending to take place. The framework distinguishes between non-sexual grooming (labelled Grooming 1) and sexual grooming (labelled Grooming 2). Grooming 1, often overlooked by investigators, explains the context for victims' behaviour, helping to counter many of the misconceptions commonly held by about victims of sexual offences.
- **Unique Signifiers** describe interactions unique to each abusive relationship, some seen and heard by others, some known only to victims and perpetrators. These include words, phrases, gestures, games and non-verbal signals. Unique signifiers enhance both the elicitation and presentation of the evidence upon which decisions are made.
- **Points of Comparison** refer to details across the victim, witness and suspect narratives which allow decision makers more opportunities for comparison.

In addition to developing the framework, the SDU works across the criminal justice system to improve the quality of evidence presented in sexual offence and child abuse cases. The key functions of the Special Development training program are to:

- create and deliver training to develop specialist sexual offences and child abuse investigators;
- influence the ongoing improvements in policy, procedure and legislation to further Victoria Police's aims regarding sexual offences and child abuse;
- help create improvements in brief authorisation and court outcomes through better investigative practice, as well as working to broaden the definition of 'relevant' contextual evidence
- ensure that outcomes are achievable in an operational policing context. This includes developing improvements to:
    - victim statements and VAREs;
    - suspect interview planning and interviews;
    - brief preparation and authorisation; and
    - improved liaison between police and prosecutions.
- develop the SOCIT and VARE training courses and SOCIT Specialist Sexual Offence Investigators transition course. To date, specialist training has been delivered to over 400 investigators.
- present to a wide variety of forums across the field and international conferences, notably to the Major Crime Management forums, the Victorian Judicial College, the County Court Judges Conference, and the Parliamentary Inquiry into child sexual abuse within religious organisations; and

- deliver training for police prosecutors and other national and international police forces.

2.3 Sexual Assault and Child Abuse Multi-Disciplinary Centres

In 2006, the Victorian Government established two multi-disciplinary centres (MDC) in Frankston and Mildura. Since then, additional MDCs have commenced in Geelong and Dandenong, and MDCs in Bendigo and Morwell will commence in September 2015. Victoria Police has coordinated the establishment of each MDC.

MDCs allow an innovative approach in responding to sexual offences and child physical abuse by co-locating three core agencies, including SOCITs, Centre Against Sexual Assault (CASA) counsellors and advocates, and DHHS Child Protection workers. Community health nurses will also be placed in each MDC in the near future.

MDCs have strong links with key partner agencies that deliver services to victims of sexual assault both on and off site. These agencies include the Victorian Institute of Forensic Medicine and the Victorian Forensic Paediatric Medical Service. The collaboration between the service providers results in an effective and coordinated approach to responding to victims of sexual offences.

In summary, the MDCs aim to:

- improve support for victim/survivors and families and support people;
- increase the reporting of sexual offences and reduce attrition of cases from the system;
- improve and integrate the investigation of sexual offences and child abuse;
- improve the quality of evidence in sexual offences and child abuse cases; and
- improve the capability of agencies to respond collaboratively.

2.4 Victoria Police Sex Offender Registry Unit

The Victoria Police Sex Offender Registry Unit was established to support and maintain Victoria's Register of Sex Offenders and monitor registrants. The Sex Offender Registry Unit focuses on:

- increasing administrative resources at the Sex Offender Registry Unit leading to a consistent standard of compliance management and offender monitoring;
- increasing intelligence capability leading to an increase in data analysis and intelligence dissemination;
- developing training resources to create consistent standards of compliance management and offender monitoring; and
- employing clinical psychologists to allow the exchange of information between Corrections Victoria, the Department of Human Services and Victoria Police.

2.5 Taskforce Astraea

In 2012 Victoria Police established Taskforce Astraea as a joint operation with the Australian Federal Police to provide a dedicated response to sexual offences committed against children online. The types of offences investigated by this taskforce include accessing, sending or uploading child exploitation and abuse material. Where appropriate, the taskforce refers matters to local SOCITs for further investigation.

2.6 Taskforce SANO

In 2012, Victoria Police established Taskforce SANO to investigate historical and new allegations of sexual assaults that emanated from the Victorian Parliament's Family and Community Development Committee Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations. This taskforce is the only police operation in Australia that is dedicated to investigating historical child sexual abuse.

The taskforce continues to provide a response to the allegations raised during this inquiry, and a number of current investigations undertaken by Taskforce SANO have resulted from the Royal Commission into Institutional Responses to Child Sexual Abuse.

2.7 Crimes (Sexual Offences) Act 2006

In 2001, the Victorian Government gave the VLRC a reference to review existing laws and procedures governing sexual offences. Broadly, the VLRC found that Victoria's criminal justice response to reports of sexual assault sometimes caused further trauma to victims, especially children. As a result, the VLRC made a number of recommendations to establish a comprehensive response to sexual assault.

The *Crimes (Sexual Offences) Act 2006* implemented the majority of the VLRC's recommendations, including a number of amendments to the rules of evidence applicable to sexual offence proceedings. It also amended some provisions in the *Crimes Act 1958* that set out sexual offences against children and people with a cognitive impairment.

The evidentiary amendments were made to make it easier for children and people with a cognitive impairment to give evidence in the prosecution of sexual offences committed against them. These amendments included:

- creating a right for children and people with a cognitive impairment to give their evidence through closed-circuit television;
- allowing children and people with a cognitive impairment to have their evidence-in-chief pre-recorded at a special hearing and later played to the court;
- changes to the *Magistrates' Court Act 1989* to provide that children and people with a cognitive impairment cannot be required to give evidence at the committal stage of a prosecution of a sexual offence against them;
- providing a right to children and people with cognitive impairments to have a support person of their choosing present when giving evidence;
- allowing evidence to be given remotely; and
- removing the ability of unrepresented defendants to personally cross-examine complainants.

As the VLRC found, the adversarial nature of the criminal justice process makes giving evidence difficult for most witnesses, and the process is particularly difficult for complainants in sexual offence cases. The amendments made by the Crimes (Sexual Offences) Act attempt to strike an appropriate balance between ensuring a fair trial for an accused and supporting complainants through a difficult process.

The Victorian Government also introduced the *Crimes (Sexual Offences)(Further Amendment) Act 2006*. Among other matters, this Act sought to limit the use and modify the content of jury warnings concerning delay between the alleged sexual offending and the time of a complaint.[4]

The Crimes (Sexual Offences) (Further Amendment) Act also made a number of amendments to the *Crimes Act 1958* to provide better protection against sexual abuse for children and people with cognitive impairments. These amendments clarified the types of relationships that are covered in relation to relation to sexual offences against young people committed by their carers of supervisors. The relationships include:

- the child's teacher;
- the child's employer;
- the child's sports coach;
- the child's foster parent; and
- a minister of religion with pastoral responsibility for the child.

These amendments were introduced in recognition of the need to improve the protection of children and people with cognitive impairments from sexual offences. The amendments were also made to assist Victoria Police in determining when it is appropriate to bring a charge relating to the sexual penetration of a 16 or 17 year old child.

2.8 Crimes Amendment (Protection of Children) Act 2014

The *Crimes Amendment (Protection of Children) Act 2014* introduced two new criminal offences to further protect children from abuse. These offences were introduced in response to the Betrayal of

[4] The Victorian Government has since introduced the *Jury Directions Act 2015*, which abolishes the common law regarding jury directions about disadvantage to the accused caused by delay in making a complaint, and prescribes rules about directions on forensic disadvantage – see sections 39 and 40 of the *Jury Directions Act 2015*

Trust report, from the Family and Community Development Committee's Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations.

The first new offence relates to failing to disclose a sexual offence against a child under 16, which commenced on 27 October 2014. This offence requires all Victorian adults to disclose to police, as soon as practicable, information that leads them to form a reasonable belief that another adult has committed a sexual offence against a child under 16 years, unless they have a reasonable excuse not to do so. The offence has a maximum penalty of three years imprisonment.

The Betrayal of Trust report highlighted the importance of reporting child abuse to police, and found that reporting child sexual abuse to police should be a community wide responsibility. Accordingly, this offence imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

This offence is also distinct from the mandatory framework under the *Children, Youth and Families Act 2005*, which requires certain professionals to report concerns about child welfare to DHHS. In contrast, this offence can apply to any adult, and requires reporting to Victoria Police.

The *Crimes Amendment (Protection of Children) Act 2014* also created an offence that relates to failing to protect children from a risk of abuse, which commenced on 1 July 2015. This offence applies where there is a substantial risk that a child under 16 years that is under the care, supervision or authority of an organisation will become the victim of a sexual offence committed by an adult associated with that organisation. A person will be guilty of the offence if they knew of the risk, had the authority or responsibility to reduce or remove the risk, and negligently failed to do so. For example, a person in authority who knows that an adult associated with the organisation poses a substantial risk to children, and moves that adult from one location in the organisation to another location where they still have contact with children, is likely to be committing the offence. The offence has a maximum penalty of five years imprisonment.

The Betrayal of Trust report found that, historically, some organisations maintained a culture of non-disclosure, where the interest of the organisation or perpetrator was of primary concern instead of the protection of children. This new offence will encourage organisations to actively manage the risks of sexual offences being committed against children in their care and the offence will allow for any individual in a position of authority within a relevant organisation to be prosecuted for failing to remove a substantial risk of child abuse.

2.9 Crimes Amendment (Grooming) Act 2014

The *Crimes Amendment (Grooming) Act 2014* was also introduced in response to the Betrayal of Trust report. This Act introduced the offence of grooming for sexual conduct with a child under the age of 16 years, which commenced on 9 April 2014.

The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult. The offence has a maximum penalty of 10 years imprisonment.

The act of grooming does not necessarily involve any sexual activity or even a discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time. Under the offence, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

In addition to the introduction of this offence, the *Victim's Charter Act 2006* was also amended to expressly provide that a child and a family member of that child can be victims of a grooming offence and are entitled to provide a victim impact statement to a court.

2.10 Crimes Amendment (Sexual Offences and Other Matters) Act 2014

The *Crimes Amendment (Sexual Offences and Other Matters) Act 2014* introduced a new 'course of conduct' charge, making it easier to prosecute cases of repeated and systematic sexual abuse against children and adults.

This reform is based on a similar procedure in the United Kingdom. In proving the course of conduct charge, the prosecution will not have to prove distinctive features of particular incidents of offending, but will instead have to prove a course of conduct beyond reasonable doubt.

This will address limitations in the current law that require complainants to provide details about discrete occasions of sexual offending. This is problematic where the ongoing nature of abuse makes it difficult for the victim to distinguish one act of abuse from another.

This Act also introduces six new sexual offences into the *Crimes Act 1958*. These are:

- rape;
- rape by compelling sexual penetration;
- sexual assault;
- sexual assault by compelling sexual touching;
- assault with intent to commit a sexual offence; and
- threat to commit a sexual offence.

These offences will replace existing sexual offences in Subdivision (8A) of Part 1, Division I of the Crimes Act. The new sexual offences are simpler and clearly set out each element that the prosecution must prove, making the law easier to understand and apply.

The offences also contain a new fault element that applies where an accused 'does not reasonably believe' that the complainant consents to the sexual act. The new fault element requires an accused's belief in the other person's consent to have been reasonable. In contrast, under the existing law, if an accused has a *genuine* belief in consent, he or she cannot be found guilty of rape, no matter how unreasonable their belief was.

The Victorian Government is also considering introducing further reforms to sexual offences against children, based on proposals in the DJR Review of Sexual Offences: Consultation Paper[5] and subsequent consultation with stakeholders.

2.11 Family Violence Protection Act 2008

The *Family Violence Protection Act 2008*, which commenced in December 2009, recognises that children who are exposed to family violence are particularly vulnerable, and any exposure to family violence may have a serious impact on children's current and future wellbeing. In recognition of its vast impacts, family violence is given a broad meaning in the Family Violence Protection Act; it is defined as behaviour that:

- is physically, sexually, emotionally, psychologically or economically abusive;
- is threatening or coercive;
- in any other way controls or dominates the family member and causes them to feel fear for their safety or wellbeing or another person; or
- causes a child to hear or witness, or otherwise be exposed to the effects of this behaviour.

The purpose of the Family Violence Protection Act is to:

- maximise safety for children and adults who have experienced family violence;
- prevent and reduce family violence to the greatest extent possible; and
- promote the accountability of perpetrators of family violence for their actions.

The Family Violence Protection Act seeks to achieve its purpose by establishing a system of family violence intervention orders (FVIOs), family violence safety notices (FVSNs), and creating offences for contraventions of these orders and notices.

The FVSN system provides Victoria Police with an additional tool to respond to family violence by allowing for temporary notices to be issued by police to protect a person (including any children) from a family member. A police officer can apply to a senior officer for a FVSN if the affected family member needs immediate protection before a FVIO application can be determined by a court. The notice may contain similar conditions to those included in a FVIO, such as excluding the respondent from the protected person's home.

A FVSN is considered to be an application by police for an FVIO, and a summons for the respondent to attend court must be issued within five working days of the respondent being served with the notice.

[5] A copy of the DJR Review of Sexual Offences consultation paper is available online at: http://www.justice.vic.gov.au/home/justice+system/laws+and+regulation/criminal+law/review+of+sexual+offences+consultation+paper

The FVSN operates during the intervening period and, if the court makes an FVIO, the notice continues until the FVIO is served on the respondent.

Initially, FVSNs could only be issued outside of court hours but, since late 2014, they can be issued at any time of the day, on any day of the week. This ensures that the police are able to obtain immediate intervention orders to protect people from harm.

The maximum penalty for contravening a FVSN or FVIO is two years imprisonment and/or a fine of $35,426. In April 2013, Victoria strengthened these penalties and introduced new indictable contravention offences, which make it an offence to:

- persistently contravene a FVSN or FVIO; and
- contravene a FVSN or FVIO intending to cause serious harm or fear for safety.

These indictable offences have a maximum penalty of five years imprisonment and/or a fine of $88,566.

One of the grounds for a senior police officer issuing a FVSN or a court making an interim FVIO is that issuing the notice or making the order is necessary to protect a child who has been subjected to family violence committed by the respondent to the notice or order.

The court may include a range of conditions in a FVIO, including:

- prohibiting the respondent from committing family violence against the protected person,
- excluding the respondent from the protected person's home, or
- prohibiting the respondent from contacting the protected person.

When deciding the conditions to be included in a FVIO, the court must give paramount consideration to the safety of the affected family member and any children who have been subjected to family violence.

If the court decides to make a FVIO and the protected person or the respondent is a parent, the court must decide whether it will jeopardise the safety of the protected person or child for the child to have contact with the respondent. If having contact with the respondent may jeopardise the protected person’s or child’s safety, the court must include a condition in the FVIO prohibiting the respondent from living with, spending time with or communicating with the child.

Before making a final FVIO, the court is required to consider whether there are any children who have been subjected to family violence committed by the respondent. The court may, on its own initiative, include the child in the order or make a separate final order for the child.

2.12 Personal Safety Intervention Orders Act 2010

The *Personal Safety Intervention Orders Act 2010* complements the FVIO system. It applies to non-family members and aims to protect the safety of victims of assault, sexual assault, harassment, property damage or interference with property, stalking and serious threats.

Victoria Police may apply for a personal safety intervention order (PSIO) on behalf of an affected person. The conditions a court can include in the order are similar to those that can be included in a FVIO, such as excluding the respondent from the protected person's home. The maximum penalty for contravention of a PSIO is two years imprisonment and/or a fine of $35,426.

A PSIO is unlikely to be used in a reported case of sexual assault against a child. However, a PSIO can be made to protect a child who is a victim of stalking or serious threats from any person who is not a family member.

In many ways, the Personal Safety Intervention Orders Act follows the pattern of the family violence intervention order system, although there is no equivalent of the police-made family violence safety notice; or the more serious indictable offences.

In contrast to the Family Violence Protection Act, the Personal Safety Intervention Orders Act encourages mediation between the affected parties, as opposed to a court-made order. Referrals to the Dispute Settlement Centre of Victoria can be made subject to certain guidelines issued by the Attorney-General. These guidelines discourage mediation where there is a power imbalance between the parties that cannot be rectified, or when one party is particularly vulnerable – for example, a child would not be required to mediate a conflict.

2.13 Criminal Procedure Act 2009

The *Criminal Procedure Act 2009* overhauled existing criminal procedure laws and introduced a number of policy improvements. Part 8.2 of the Criminal Procedure Act relates to the giving of evidence

by witnesses in sexual offence and family violence proceedings, and it contains protections that seek to minimise the stress and trauma that complainants (and other vulnerable witnesses) experience giving evidence in court. These include:

- prohibiting the accused from personally cross-examining a protected witness (including a complainant);
- alternative arrangements for giving evidence (e.g. CCTV, screens, and allowing a support person)
- the use of recorded evidence-in-chief of children and cognitively impaired witnesses; and
- a 'special hearing' being the default position for children and cognitively impaired complainants (where the whole of their evidence is audio visually recorded either before or during the trial)

The Criminal Procedure Act also allows recorded evidence of complainants to be used in subsequent proceedings to reduce the stress and trauma involved in giving evidence on multiple occasions. For example, recorded evidence may be admitted in any appeal from the proceeding, or in a civil proceeding arising from the same facts.

In applying these special rules and procedures to sexual offence cases, the Criminal Procedure Act requires courts to have regard to a number of guiding principles, including:

- the significant under reporting of sexual offences;
- the significant number of sexual offences that are committed against women, children and other vulnerable persons; and
- that offenders are commonly known to their victims.

2.14 Jury Directions Act 2015

The *Jury Directions Act 2015* clarifies jury directions on delay and credibility of complainants in sexual offence cases. Prior to the introduction of this Act, trial judges in sexual offence cases may have directed a jury that a complainant's failure to report a sexual offence at the earliest possible opportunity may cast doubt on the complainant's credibility, and that the jury should take this into account when evaluating the credibility of the allegations made by the complainant.

The Jury Directions Act clarifies directions on delay and the credibility of complainants in sexual offence cases. Section 51 of the Jury Directions Act prohibits trial judges from saying or suggesting that because the complainant delayed in complaining, or did not complain, it would be dangerous or unsafe to convict the accused, or that the complainant's evidence should be scrutinised with great care. However, the Act will continue to allow the parties to argue about how delay affects the credibility of the particular complainant in their submissions. In addition, trial judges and parties are prohibited from saying or suggesting certain matters in relation to sexual offence complainants – for example, that complainants are unreliable or that complainants who delay making a complaint are, as a class, less credible than other complainants.

Section 52 of the Jury Directions Act requires, in appropriate cases, trial judges to give a direction based on accepted understandings of how complainants respond to sexual assault. For example, the judge must tell the jury that people react differently to sexual offences and there is no typical, proper, or normal response to a sexual offence. This is to address common misconceptions about delays in complaints. In addition, the Jury Directions Act allows the prosecution to request a direction that there may be good reasons why a person may not complain, or may delay in complaining, about a sexual offence.

The Jury Directions Act also abolishes problematic common law and statutory directions in this area. These provisions apply to a trial that commences on or after 29 June 2015.

2.15 Sex Offenders Registration Amendment Act 2014

The *Sex Offenders Registration Amendment Act 2014* was introduced to improve Victoria's statutory and operational response to the management of registered sex offenders, and to implement some of the recommendations from the VLRC's 2012 report, *Sex Offenders Registration*[6]. In summary, these changes were made to:

- create new indictable offences for registrants who fail to report changes in certain personal details or who provide false or misleading information to police;

[6] A copy of the VLRC's report is available online at:
http://www.lawreform.vic.gov.au/projects/sex-offenders-registration/sex-offenders-registration-final-report-pdf

- increase registrant accountability to police by overhauling the definition of what constitutes having contact with children;
- impose stricter controls on registrants by requiring them to verify their movements when travelling overseas, to help combat sex tourism;
- improve child safety by clarifying that a Victoria Police officer can disclose a registrant's identity to a parent, guardian or other third party where do so protects a child's safety;
- help police investigate child sex offences by allowing law enforcement agencies to retain important information and intelligence on registrants after they have completed their reporting obligations;
- give the Chief Commissioner of Police the power to suspend the reporting obligations of certain registrants if the registrant does not pose a risk to the safety of the community; and
- codify existing arrangements for relevant agencies to exchange thorough and timely information to each other to protect the safety and well-being of any children coming into contact with registered sex offenders.

These amendments have strengthened Victoria's sex offender register and help Victoria Police, DHHS and allied law enforcement agencies to better manage registered sex offenders and the risks they pose to the community.

For example, prior to the introduction of these amendments Victoria Police were required to destroy each registrant's records once their registration period is complete. The amendments allow Victoria Police to retain vital information and intelligence on registrants after they have completed their reporting obligations. Allowing Victoria Police to retain this information will assist police if a previously registered sex offender is convicted and again placed on the register.

The amendments also clarify that police officers can disclose a registrant's identity to a parent, guardian or other third party to protect the safety of a child. Prior to these amendments, there were no express powers that permitted police or child protection practitioners to inform members of the community that a person is a registered sex offender. The amendments also clarify the arrangements for relevant agencies such as Corrections Victoria, DHHS Child Protection and Victoria Police in relation to the exchange of information and data on registered sex offenders to protect the safety and well-being of any children coming into contact with registered sex offenders.

2.16 Justice Legislation Amendment Act 2015

The *Justice Legislation Amendment Act 2015* contained amendments to the *Sex Offenders Registration Act 2004* to allow the Chief Commissioner of Police to arrange for CrimTrac to host the Victoria Police sex offender registry database. The amendments also provide an express power for the Chief Commissioner of Police to share information on the sex offender registry database with CrimTrac for inclusion on the Australian National Child Offender Register (ANCOR).

ANCOR is part of the National Child Offender System which provides police with tools to consistently register and manage child offenders across Australia. These amendments allow Victoria Police to decommission its old database and move all data to a more reliable and functional platform, that provides greater capacity to search and analyse data holdings on registered sex offenders.

Importantly, these changes will give Victoria Police improved capacity to search and analyse data holdings on registered sex offenders to develop better intelligence, and increase registrants' accountability for their activities. By improving Victoria Police's data management arrangements, capacity to identify and manage the risks posed by registered sex offenders to children and the broader community will significantly increase.

3 Effectiveness of the duties and processes, specialist units and specialist cross agency units

3.1 Evaluation of SOCIT and MDC pilots

In 2009, Deakin University completed an independent evaluation of Victoria's MDCs. The evaluation identified that MDCs and SOCITs provide significant benefits to victims in four key areas:

- allowing victims to access key service providers under one roof, with victims identifying accessibility of services as a positive part of their experience;

- removing barriers between key service providers, leading to an increase in referrals between key agencies and more collaborative case management;
- providing a neutral, independent service facility that enhances privacy and anonymity for victims; and
- providing services within close proximity to victims.

The evaluation also identified improvements in police investigations of sexual offence cases following the establishment of SOCITs and MDCs. The improvements identified included a reduction in victim blaming attitudes amongst investigators, and improvements in investigators' understanding of sexual offending and brief authorisation. The evaluation also found that police investigation times improved following the introduction of SOCITs and MDCs.

3.2 Evaluation of the Whole Story investigative approach

The SDU, within Victoria Police, has undertaken a comprehensive evaluation of the Whole Story framework and its impact on the knowledge, attitudes and skills of police members. The outcomes published to date have been included in previous submissions to the Royal Commission.

The SDU are currently undertaking four additional studies, including:

- **Suspect interviewing:** An analysis of members' ability to use appropriate questions and 'relationship' evidence effectively when interviewing sexual offence suspects.
- **Investigator confidence:** An analysis of members' attitudes towards victims, their ability to have briefs authorised and achieve findings of guilt.
- **Investigator qualities:** An analysis of SOCIT members' attitudes towards their work, including the skills and qualities required to be successful investigators.
- **Suspect interview planning:** An analysis of members' ability to utilise evidence, particularly 'relationship' evidence, elicited from victims to effectively plan an interview with the suspect.

3.3 Future assessments

Victoria Police is currently coordinating an external evaluation of MDCs. The evaluation will assess the effectiveness of the MDC model and the extent to which its objectives are being achieved. It will focus particularly on the level of collaboration between agencies, staff knowledge, skills and attitudes. This evaluation will be informed by the 2009 Deakin University evaluation, and the results will help to identify opportunities for improving the services that MDCs deliver to victims.

The evaluation will incorporate the views and experiences of each of the agencies that operate on site at MDCs, including SOCITs, DHHS Child Protection workers, CASA Counsellor-Advocates, Victorian Institute of Forensic Medicine (VIFM) and community health organisations. Other partner agencies that will also be consulted include the Victorian Forensic Paediatric Medical Service (VFPMS) and DJR. The evaluation will examine the service model at each MDC site as there may be differences, particularly between rural and metropolitan locations.

This evaluation will seek to identify challenges, risks and gaps in the current MDC service. The evaluation will address issues related to governance, performance measurement, referral pathways, data and information sharing. The evaluation will incorporate both quantitative and qualitative data and thorough consultation with all partner agencies at both the central and local level.

The evaluation is not assessing the capacity of MDCs to deliver paediatric forensic medical service. However, consideration may be given toward paediatric forensic medical service delivery in future, and how these services could be better integrated in the MDC model. Any proposal to expand the role of MDCs in this area will require consultation with VFPMS, DHHS and the relevant health services such as the Royal Children's Hospital and Monash Health.

The SDU is also undertaking the following:

- A mock jury study in relation to the understanding of child sexual abuse complainant narratives (and their subsequent decision-making). Narratives are conducted in a Whole Story and non-Whole Story format. The study will be completed in 2016.
- A literature review of myths and misconceptions in relation to child sexual abuse with a focus on the impact on trials. The paper will be completed in late 2015.
- A review of Victoria Police member wellbeing in the specialist sexual assault and child abuse area. This study will focus on developing leadership, management and practice changes that

improve member health and wellbeing. There will also be a focus on recruiting, inducting and maintaining members with suitable knowledge, attitudes and skills.

- A review of brief authorisation practice amongst SOCIT managers. This will include a statistical analysis of case outcomes and interviews with police members. Their understanding of decision-making processes and the notion of a "reasonable prospect of conviction" will be a core focus.
- Development of a feedback mechanism for victims who engage the SOCIT service, including children.

4 Any impediments Victoria Police faces in investigating child sexual abuse in institutional contexts

4.1 Knowledge and understanding in the criminal justice system

Sexual offending behaviour is complex and a comprehensive understanding of the elements which contribute to this behaviour is critical to an effective criminal justice system. The VLRC's 2004 report, Sexual Offences: Law and Procedure, found that Victoria Police had "cultures of disbelief" towards victims and that it lacked the specialist knowledge to effectively investigate and prosecute sexual crime[7]. To remedy this, Victoria Police has invested significant time and resources into ensuring that SOCIT investigative practice reflects current knowledge of sexual offending. This includes the knowledge that most behaviour of victims defined as 'counter-intuitive' is, in fact, both logical and typical.

However, this knowledge needs to be spread throughout the criminal justice system to ensure that the overall response to victims of sexual offences is effective. For example, there have been significant advances in understanding about trauma, its effect on a victim's memory of abusive events, and delays in reporting. However, some jurors may incorrectly judge the memories of children as unreliable due to their inability remember specific events in a consistent a linear manner. In addition, common myths and misconceptions about sexual offending are sometimes used in the defence of accused persons, which can sometimes confuse jurors and make them question the credibility of witnesses[8].

Whilst Victoria Police has made significant improvements in the way that it responds to sexual offences, the knowledge and understanding of sexual offences by the broad criminal justice system may impede on police's response to victims. These barriers can sometimes negatively impact on police members' expectations of the prosecutorial process and their view about a "reasonable prospect of conviction". In some instances, these barriers can impact on the likelihood of obtaining a conviction.

4.2 Child interview effectiveness

Child victims face considerable obstacles within the criminal justice system and these obstacles are most prevalent in cases of child sexual abuse where there are usually no third party witnesses and sometimes no definitive physical evidence. The primary (and sometimes only) source of evidence in cases of child sexual abuse is the child's verbal account of what occurred. As a result, the courts must make decisions on the basis of the child's account, and the account of the accused[9].

To maximise the quality of child witness evidence, all Australian jurisdictions provide for the initial investigative interview to be video recorded and played in court as the child's full or partial evidence in chief. All jurisdictions also recognise the need for child interviewers to receive specialised training on how to accommodate the developing memory and language skills of children when eliciting accounts of abuse.

Despite these processes, further improvements could be considered to improve the effectiveness of child interviews. Research in relation to children's abilities as witnesses is quite advanced, with a broad consensus being reached about the need to adopt non-leading open questions that maximise narrative details and create an environment where witnesses feel heard and understood[10]. Despite the consensus among researchers, the findings of research are yet to translate into the operations of

[7] [7]The VLRC's report is available online at: http://www.lawreform.vic.gov.au/projects/sexual-offences/sexual-offences-final-report

[8] Blackwell, 2007 *Child sexual abuse on trial, University of Auckland*, and Hohl and Stanko, 2015 *Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales,* European Journal of Criminology 2015, Vol.12(3) 324-341

[9] Hoyano & Keenan, 2007, *Child Abuse: Law & Policy Across Boundaries,* Oxford University Press

[10] Powell, M.B., Fisher, R.P., & Wright, R, 2005 *Investigative interviewing,* in N. Brewer & K. Williams (Eds.), *Psychology and Law: An empirical perspective* (pp. 11–42). New York: Guilford Press.

policing agencies due to a disconnect between evidence and the extent to which it is supported by professionals across the criminal justice system.

4.3 Legislative barriers to accessing visual and audio recorded evidence

The forensic interviewing of child victims of abuse is a complex skill that requires continuous review and improvement. Interviewers require feedback to determine whether their techniques are improving, however obtaining useful feedback is problematic.

To enable appropriate feedback on interviewer performance, an accurate and complete record of the interview is required. In Victoria, access to visual and audio recorded evidence (VARE) is restricted in such a way that an interviewer's performance cannot be measured, and feedback cannot be provided. This results in Victoria Police being unable to measure its performance in eliciting evidence from child victims

4.4 Proactive engagement with children at risk of exploitation in out-of-home care

Providing an effective response to children and adolescents who are exploited within the context of out-of-home care arrangements requires significant resources and expertise.

Victoria Police recently established Taskforce Ciderhouse to investigate the sexual exploitation of children living in out-of-home care arrangements in specific area in Victoria. The resources required to maintain this taskforce were extensive. From the outset, the alleged victims exhibited a lack of trust in authorities and a lack of understanding about the crimes committed against them. As a result, the taskforce members spent significant amounts of time engaging with victims to establish trusting relationships where they would feel comfortable making disclosures about abuse and exploitation. The increased effort made by taskforce members resulted in victims providing statements on numerous suspects.

5 Reforms that may improve Victoria Police's response to child sexual abuse

5.1 Expansion of MDCs

The MDC model provides an improved response to victims of sexual offending and child abuse, from both an investigative and victim support perspective. MDCs improve accessibility to services for victims, provide increased levels of privacy, and increase opportunities for collaboration between key agencies. These elements have the potential to improve the overall response to victims, and improve outcomes for victims.

By the end of 2015, six MDCs will be in operation throughout Victoria. Due to the benefits offered by the MDC model, further consideration could be given to expanding the MDC model to additional areas to ensure that an effective and consistent approach to responding to sexual offences is available throughout Victoria.

5.2 Increasing the understanding of the whole of story framework

As discussed above, Victoria Police has made significant changes to its practices to improve its responses to sexual offending. One of these key changes is the introduction of the Whole Story framework to help police obtain critical information and gather evidence about sexual offences.

Victoria Police considers that an evaluation of brief authorisation practices and case outcomes is needed to determine the impact of Whole Story framework on case attrition and conviction rates. Whilst the outcomes of such an evaluation would provide an indication about the effectiveness of the Whole Story framework, consideration could also be given to examining whether prosecutors and judicial officers understand the type of evidence that is being collected through the framework and its relevance to sexual offence trials.

Victoria Police considers that by increasing the level of understanding maintained by prosecutors and judicial officers in relation to sexual offences and child abuse, including the specialist evidence being collected through the Whole Story framework, is critical to improving the criminal justice response to these matters, including police investigations and court outcomes for victims.

5.3 Educational processes for juries

A pilot study in New Zealand on educational process for juries found that non-case specific education given to juries before the commencement of a trial often resulted in jurors developing fewer myths and misconceptions about child sexual abuse matters.[11] Victoria Police believes that consideration could be given toward introducing similar trials in Australian jurisdictions to determine whether the knowledge of juries in relation to child abuse matters could be improved prior to the commencement of trials.

In addition, further consideration could be given to the more effective use of expert witnesses in child abuse matters to improve understanding about the nature of sexual offending, as jurors may lack knowledge about the complex nature of child abuse and the impact on victim behaviour and memory. Increasing their understanding about these matters will reduce the likelihood of any myths or misconceptions that may impact on their decision making, which can result in improved court outcomes and experiences for victims.

5.4 Specialist courts and specialist hearing provisions

Victoria police considers that current court procedures, the use of specialist courts and specially trained judges could be examined with a view to improving responses to sexual offending and child abuse. The reasoning behind this recommendation is that courts may not adequately recognise and understand child sexual abuse, and may lack the requisite training and legal tools or procedural rules to deal with the particulars pertaining to child sexual abuse cases.

Consideration could also be given to amending the *Criminal Procedure Act 2009* which contains protections that seek to minimise the stress that complainants (and other vulnerable witnesses) experience giving evidence in court, for example through use of special hearings provisions and the use of recorded evidence.

Under the Criminal Procedure Act, special hearings that allow for pre-recorded evidence are provided for children and people with cognitive impairments in trials for criminal proceedings that relate to a sexual offence. However, the special hearing procedure is not currently available to children or people with cognitive impairments in either the Magistrates' Court or the Children's Court. In addition, recorded evidence can only be used in a new trial or appeal where the special hearing process has been used and the evidence was recorded in an earlier trial.

As a result, when an accused person appeals their conviction to the County Court, children or cognitively impaired complainants are required to repeat difficult evidence, endure additional delays and experience unnecessary trauma. To resolve this, Victoria Police believes that consideration could be given to expanding the existing provisions regarding the use of recorded evidence to the Children's and Magistrates' Courts. This area of law is currently under review.

5.5 Community education strategy

Whilst there has been significant change in how police respond to child sexual abuse, this has not translated into significant increases in reporting. Victoria Police believes that a community education strategy will ensure that people are informed about the changes that have been made to the police response to sexual assault and child abuse, and encourage more victims to come forward. A community education strategy may increase understanding of child sexual abuse and raise awareness, which may translate into increased reporting to police.

5.6 Interview guidelines

The Australian and New Zealand Police Advisory Board is currently undertaking work to develop national education and training guidelines on how to interview vulnerable people. Whilst this work will no doubt be useful, Victoria Police believes that further work could be undertaken to improve interviewing techniques of policing agencies, with a focus on translating the findings of evidence based research into policing practices.

5.7 Effective case management

Victoria Police believes that consideration could be given to establishing a dedicated case tracking system that enables cross-organisation (and potentially cross-jurisdictional) sharing of information in relation to children at risk of harm from the point of first contact with statutory authorities, through to case completion. Victoria Police considers that such a system may improve the response to children across government departments and policing agencies.

[11] Blackwell 2007, *Child sexual abuse on trial in NZ,* University of Auckland

5.8 Proactive engagement with children at risk of exploitation

Responding to children in out-of-home care who are at risk of sexual exploitation is a growing area of demand for Victoria Police. Given the experience of Taskforce Ciderhouse, Victoria Police believes that an effective police response to this issue requires an intensive and proactive engagement strategy with the a risk children.

In April 2015, an independent review of DHHS response to child sexual exploitation was completed by Dr Julie Caldecott and Ms Pam White.[12] This review included completion of a literature review and consultations with 57 experts on child sexual exploitation from within the department, across its key partners and internationally, including with the International Centre: Research child sexual exploitation, violence and trafficking at the University of Bedfordshire in the United Kingdom.

The findings regarding Victoria's practice, policies and legislation are largely positive. The review notes that locally the understanding of child sexual exploitation and development of policy responses have been evolving and highlights Victoria is facing similar challenges to those faced by most jurisdictions nationally and internationally. While acknowledging these challenges are not unique to Victoria, the reviewers recommend an integrated, whole of government response to child sexual exploitation and propose a best practice framework for responding to child sexual exploitation. These recommendations are currently under consideration.

5.9 Reforms to use of VARE

Victoria Police believes that amendments in relation to the use of VARE will improve investigation and prosecution outcomes for matters involving children and people with cognitive impairments. In particular, Victoria Police believes that consideration could be given to:

- Allowing access to VARE recordings for Victoria Police training and quality control purposes, whilst ensuring that access does not affect the use of recordings as evidence in chief.
- Allowing the use of VARE as unsworn evidence in cases where the victim/witness is unable to satisfy the court that they understand the concept of 'truth'. Currently, in these circumstances, victims are required to provide evidence in chief in person.

However, in contemplating any changes that will allow access to VARE, consideration must be given toward the privacy and consent of victims. For example, any proposal to allow VARE recordings for Victoria Police training purposes must require the consent of witness. In addition, the use of VARE should only be permitted once the trial, and any appeals, for which it is being used has been completed.

5.10 Trials involving multiple complainants

In 1997, Victoria introduced legislation to create a statutory presumption against severance in sexual offence cases, so that charges involving multiple complainants are tried at the same time (then section 372 of the Crimes Act, now section 194 of the Criminal Procedure Act). The presumption will apply even where evidence in relation to one charge is inadmissible with respect to the other charge.

Despite the presumption, the laws relating to tendency and coincidence reasoning have developed in Victoria in such a way that where the court determines that evidence is not admissible in relation to both charges, often the charges are severed and heard in separate trails. The main reason for this approach is that it is too difficult for a jury to understand and comply with directions about how the evidence can and cannot be used for each charge.

As a result, the situation in Victoria has in essence returned to the situation it was in prior to 1997, where trials involving multiple complainants are heard separately. In particular, the Court of Appeal's recent decisions in *Rapson v The Queen* [2014] VSCA 216 and *Velkoski v The Queen* [2014] VSCA 121 have resulted in many more trials being severed. This approach has caused increased delays in the courts through separate trials and appears to make more difficult to secure convictions.

Victoria may benefit from legislative reform that looks at the broader application of tendency and coincidence reasoning in sexual offence matters, how to deal with directions where evidence on one change is not admissible on another, and realigns these laws with the presumption in favour of joinder of all charges involving sexual offences. These areas of the law are currently under review. The aim of this reform would be to encourage charges involving sexual offences to be heard together.

In this context, it may also be useful to review current procedures and practices in order to maintain the independence of a complainant's account, prior to any trial. This would be of benefit in cases where

[12] A copy of the "White and Caldecott" report has been previously provided to the Royal Commission

coincidence reasoning could be utilised by the prosecution (in that, it is improbable that two or more people would independently come forward to make similar but false allegations about the same person). In some matters, this becomes an issue where complainants become aware of one another and begin contacting each other. A best practice approach for maintaining this independence may assist the prosecution to better utilise the coincidence rule (rather than the tendency rule) in these cases, where tendency reasoning carries the greater stigma of being highly prejudicial to the accused.

5.11 De novo appeals

Victoria is the only Australian jurisdiction where de novo hearings are allowed for all summary appeals. Where a de novo appeal is ordered, the County Court hears each sentence, conviction, and intervention order appeal afresh. This includes all sexual offence matters tried in the Magistrates' Court, and those in the Children's Court (which includes rape and other serious sexual offending where the accused is a child).

One criticism of the de novo appeal is that it requires victims, witnesses and protected persons to give their evidence twice: first at the summary hearing and then again, on appeal in the County Court. This process has the potential to re-traumatise victims and witness. The process also poses problems for the prosecution, who sometimes encounter difficulties in locating witnesses, convincing them to attend court again, and maintain consistency in evidence.

Practically, the person will be cross-examined twice. For children and cognitively impaired persons who are victims of sexual offending, the de novo appeal is the only criminal process that allows for the cross-examination of this class of witness twice.

For an indictable offence heard in the County Court, these witnesses must not be cross-examined in a committal hearing[13] and at a trial their evidence is recorded in a special hearing[14]. The visual recording is then admissible in any new trial[15].

These reforms were introduced in 2006 to implement recommendations made by the VLRC in its Sexual Offences: Law and Procedure report[16]. The VLRC found that giving evidence by CCTV was insufficient to minimise the stress experienced by child complainants. The VLRC also found that the long delays between the commencement of a proceeding and trial prolonged a child's trauma and stress. However, the protection provisions do not apply to the summary stream (applying only indictable charges proceeding in the committal stream). The means that children and cognitively impaired witnesses may be required to give their evidence on two occasions where there is a de novo appeal.

Victoria may benefit from a legislative review of the summary appeal process and an assessment of whether there should be any limits on appeals from the summary jurisdiction (rather than these being as of right). Most other Australian jurisdictions use a strict appeal process, which utilises the transcript of evidence on appeal rather than requiring victims or witnesses to give oral evidence a second time. Such a review could also include consideration of an expansion of the special hearings process for children and cognitively impaired persons to the summary jurisdiction.

5.12 Prosecution of historical sexual offences

Consideration is being given to a review of Victoria's laws on the prosecution of historical sexual offences, in light of the recent Court of Appeal decision in *Bauer v The Queen* [2015] VSCA 55,

In this case, the Court set aside a number of convictions for child sexual offences on the basis that the delay since the alleged offending rendered the applicant's trial unfair (thereby occasioning a substantial miscarriage of justice).

This decision may make it more difficult for historical sexual offences to be prosecuted in Victoria. DJR is considering whether further legislative guidance is needed to address this issue.

5.13 Improvements to the Sex Offender Register

In consultation with Victoria Police and key stakeholders, the Victorian Government regularly examines empirical research on sex offender registration and management and continuously revises the operation of the *Sex Offenders Registration Act 2004* to ensure that the scheme works effectively.

[13] See Criminal Procedure Act s123
[14] See Criminal Procedure Act s370
[15] See Criminal Procedure Act s374
[16] The VLRC's report is available online at:
http://www.lawreform.vic.gov.au/projects/sexual-offences/sexual-offences-final-report

DJR is currently examining the definition of 'child related employment' under the Sex Offender Registration Act. Under the Act, child-related employment means employment that involves contact with a child. The definition is broad and captures occupations such as coaching or private tuition services for children, school crossing services, and photography and party services specifically for children.

A robust definition of child related employment will further protect children from the risk of abuse, by ensuring that registrants are unable to work in occupations where they will have contact with children.