



**Board of Inquiry** into historical child  
sexual abuse in Beaumaris Primary School  
and certain other government schools

# Report

2024

**Board of Inquiry into historical child sexual abuse in  
Beaumaris Primary School and certain other government schools**

# **Report**

**Kathleen Foley SC  
Chair**

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**Board of Inquiry** into historical child  
sexual abuse in Beaumaris Primary School  
and certain other government schools

Her Excellency Professor the Honourable Margaret Gardner AC  
Governor of Victoria  
Government House  
Melbourne VIC 3004

26 February 2024

Your Excellency

In accordance with the Terms of Reference contained in the Order in Council made on 28 June 2023, it is my honour to present the report of the Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools.

This report serves as an official public record of victim-survivors' experiences of historical child sexual abuse by relevant employees in Beaumaris Primary School during the 1960s and 1970s and any other government schools where these same staff members were employed during the 1960s to the end of the 1990s.

I have detailed my findings and recommendations based on information and evidence provided to the Board of Inquiry. These cover the Department of Education's response at or around the relevant time, appropriate ways to support healing, and the effectiveness of support services for victim-survivors of historical child sexual abuse in government schools.

Yours sincerely

**Kathleen Foley SC**

Chair  
Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and  
certain other government schools

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**Board of Inquiry**  
into Historical Child Sexual Abuse  
in Beaumaris Primary School and  
Certain Other Government Schools

# Official acknowledgments and content warning

## Acknowledgement of First Peoples

The Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools proudly acknowledges Aboriginal and Torres Strait Islander people as the First Peoples and Traditional Owners and custodians of the lands, seas and waters of Australia. We pay our respect to Elders past and present.

We acknowledge the continuing leadership of First Nations communities in striving to develop a shared understanding of the impacts of inequality and disadvantage, as well as the enduring effects of colonisation. We also acknowledge the profound history of healing approaches within First Nations communities that seek to address the impacts of trauma by embracing social, emotional, physical, cultural and spiritual dimensions of health and wellbeing.

## Acknowledgement of victim-survivors of historical child sexual abuse

We recognise and honour the remarkable strength, resilience and courage of all victim-survivors, secondary victims and communities affected by historical child sexual abuse. We extend our gratitude to everyone who has shared their personal experiences and stories with us. Each and every contribution, whether it was private or public, has been integral to our work and the development of our findings and recommendations. We also acknowledge that the establishment of this Board of Inquiry was borne of the advocacy of victim-survivors — people who worked to ensure that others were given the opportunity to share their stories.

## A note on content

The Board of Inquiry acknowledges that this report contains sensitive information and views about allegations of child sexual abuse that may be distressing to read, particularly for those individuals whose experiences are directly or indirectly referenced. Please take care of yourself and read this report with consideration to your own wellbeing.

We also wish to advise First Nations readers that information in this report may have been provided by or may refer to First Nations people who have died.

If you or someone you know needs support, the following services are available:

- 1800 RESPECT, call 1800 737 732  
24-hour sexual assault and domestic violence support
- Sexual Assault Crisis Line Victoria, call 1800 806 292  
24-hour support for people who have experienced sexual assault
- 13 YARN, call 13 92 76  
24-hour Aboriginal and Torres Strait Islander crisis support
- Beyond Blue, call 1300 224 636  
24-hour mental health support
- Lifeline, call 13 11 14  
24-hour crisis support.

If you are in a situation that is harmful or life-threatening, contact emergency services immediately on triple zero (000).

## A note on language

The Board of Inquiry recognises that language is powerful, and that words have various meanings to different people.

There is no one set of definitions to describe people's experiences of child sexual abuse. Every individual may use different words to describe what happened to them, and how it has affected and continues to affect their life.

The Board of Inquiry acknowledges that the sensitive and appropriate use of language when describing child sexual abuse is important in helping people to heal. Language and words can be used to recognise, validate and empower people. If used carelessly, they can stigmatise, diminish, blame, or cause or contribute to trauma.

The Glossary, found in Appendix C, comprises a list of terms as the Board of Inquiry understands them and has intended to use them. The list reflects the definitions in the Terms of Reference, as well as the optimal use of language as informed by research and evidence.

The Board of Inquiry recognises that not everyone will agree with the terminology used within this report. It is also important to note that the Board of Inquiry's choice of language needs to be informed by its procedural fairness obligations. However, we hope that those with whom we interact, and our broader audience, will read or hear these words in the spirit in which they are intended.

In line with a trauma-informed approach, the Board of Inquiry acknowledges that individuals have the right to define their identity. For some individuals, the terms 'victim' and 'survivor' are perceived as existing on a continuum of recovery, while others may not identify with either of these terms.

However, it is the Board of Inquiry's sincere aim to ensure that our words, engagement and actions assist people on their pathway to healing, and cause no harm.

The Board of Inquiry also recognises the diversity of First Nations people throughout Victoria and the whole of Australia.

In line with the *Australian Government Style Manual*, the Board of Inquiry recognises that 'Aboriginal' is a broad term that encompasses nations and custodians of mainland Australia and most of the islands, including Tasmania, K'gari, Palm Island, Mornington Island, Groote Eylandt, Bathurst Island and Melville Island.

The Board of Inquiry has used the term 'Aboriginal people' to refer to people from Victoria's Aboriginal communities.

At times, other terminology such as 'First Nations people' has been used in this report where relevant to the context; for example, when referring to Aboriginal and Torres Strait Islander people, or when describing a specific service or quoting a source where this term is used.

## Foreword

Over the course of several months, our inquiry heard from and listened to many brave individuals — men and women of different ages and from a range of backgrounds. They came forward for a common reason. Each wanted to share with us their experience of child sexual abuse in Beaumaris Primary School and certain other government schools during the 1960s to 1990s. Some were primary victim-survivors. Others were loved ones of those victim-survivors, or community members who had been affected by the experience of child sexual abuse. Each had a story to tell that had long been hidden away but was now being shared in order to contribute to the work of this inquiry. They wanted others to know what had happened, to understand more about the ‘whole picture’, and for the community to learn from the experiences they shared.

I want to extend my gratitude to everyone who came forward to share their stories with us, placing their trust in us and in our work. You are the voices that government heard and responded to when it established this inquiry.

We could not have fulfilled our mandate without people placing their trust in this process and sharing some of their most painful and vulnerable experiences to form part of an important and enduring public record. We remain indebted to all who contributed, whether through private sessions, submissions, public hearings or information conveyed over the phone or email. The breadth of participants and information gathered was significant and came from victim-survivors, secondary victims, affected community members, practitioners, services, community organisations, researchers and academics.

I spent many hours in private sessions with victim-survivors and secondary victims. I will never forget the people I met and the stories shared with me. The entire Board of Inquiry staff and I acknowledge both the privilege and responsibility in receiving such deeply personal accounts. To the victim-survivors unable to participate in this process (or choosing not to do so), we acknowledge your absence and the weight of your unspoken stories.

From the avenues we created for people to engage with us, to how we ran our private sessions and public hearings, we have endeavoured to do things differently — to operate in ways that provide victim-survivors with a safe space in which to share their experiences, rather than inadvertently causing more harm. We took that step because we understood we had been afforded an opportunity, both by the Terms of Reference and the flexible nature of a board of inquiry, to be responsive to victim-survivors in ways that best suited their needs.

The Terms of Reference underscored a crucial distinction — this inquiry was not solely about enabling accountability, but also about giving voice to victim-survivors, allowing them to share their experiences and engage in a process of truth-telling. Our work aimed to provide healing for individuals and families, a dimension often absent in formal court proceedings and practices within the justice system.

I have been humbled by the overwhelming feedback we have received that indicates this process has helped many people in different ways. I know that the contribution of this Board of Inquiry is to be found in the healing experienced by those who participated, not just in the words of this report.

While healing can mean many things, in my time as Chair I have observed some crucial and common themes. I heard repeatedly how challenging it has been for people to heal when they have not received answers to questions about the experiences of child sexual abuse they have disclosed. I want to emphasise the importance of victim-survivors being supported to understand and, wherever possible, access information that may assist them. Information transparency plays a significant role in institutional accountability and in an individual's healing.

I address this and other issues in my recommendations. Chairing this inquiry has reinforced to me the value of creating safe spaces for victim-survivors to share their experiences and be listened to, and the importance of support services being accessible and effective.

Finally, I want to recognise the many individuals who united behind the scenes to establish and deliver this inquiry. The calibre of people contributing to this work — from their expertise to their resilience and deep empathy — was outstanding. I recognise these individuals in my acknowledgements. Thank you.



## Acknowledgements from the Chair

The Chair of the Board of Inquiry would like to acknowledge and thank each and every member of the inquiry team who supported and contributed to the important work undertaken.

Led by CEO Nicola Farray, the whole team brought excellence, commitment and energy to the various aspects of the Board of Inquiry's work.

The Policy, Research and Strategy team (led by Dahni Houseman), the Communications, Engagement and Supports team (led by Monique Blom) and the Operations and Executive Support team (led by Alanna Trembath and Charlotte Vincent) demonstrated every day the ability to work flexibly under tight timeframes and to repeatedly navigate challenges. Each person did so with kindness and a focus on collaboration and compassion. Thank you:

- Monique Blom
- Gemma Burnside
- Grace Dobinson
- Harry Holbrook
- Claire Hopkins
- Dahni Houseman
- Nicola Farray
- Emma Moffatt
- Lily Newbold
- Diane Newham
- Patrick O'Brien
- Ellie Sadrinajafi
- Alanna Trembath
- Charlotte Vincent.

Thank you to the team at Corrs Chambers Westgarth for their tireless dedication to supporting the Board of Inquiry as its Legal team and legal technology solutions provider. The Board of Inquiry appreciates the sensitivity, skills, expertise and professionalism they displayed. The Board of Inquiry particularly acknowledges the dedication of General Counsel, Jared Heath. The Board of Inquiry's Legal team consisted of:

- Betty Choi
- Camryn Cooper
- Natalie Cooper
- Michael Dawson
- Maureen Duffy
- Laura Deschamps Ferrari
- Kristy Eaton
- Jesse Jin
- Jacob Kairouz
- Marin Kraljevic
- Nicholas Laurie
- David Le
- Ren Jay Liew
- Kavin Nenh
- Louis Panozzo
- Fiona Ryan
- Emily Steiner
- Alex Thompson.

Thank you to our highly skilled Counsel Assisting, Fiona Ryan SC, Kate Stowell and Mathew Kenneally. Counsel Assisting combined their formidable intellect with grace and sensitivity in supporting the Board of Inquiry to gather critical information through public hearings and private sessions.

Thank you to South Eastern Centre Against Sexual Assault and Family Violence (SECASA) for acting as the Board of Inquiry's counselling service, and supporting victim-survivors and secondary victim-survivors with great care and commitment. The Counselling team played a pivotal role in the success of the Board of Inquiry's participant care and support model. The Board of Inquiry's Counselling team consisted of:

- Michael Derby
- Amanda Fillingham
- Stephanie Gray
- Fiona Link-Freeman
- Charlene Micallef
- Evan Sillence
- Victoria Walls.

The Board of Inquiry also extends its deepest appreciation to the Commissioners, CEO and staff at the Yoorrook Justice Commission, a formal truth-telling process into historical and ongoing injustices experienced by First Peoples in Victoria. Thank you for allowing us to share your space for hearings and private sessions. Your willingness to open your doors to us facilitated a safe, enriching and meaningful experience for victim-survivors, secondary victims and our staff. Your kindness has left a lasting impression on our work.

Thank you to the contractors that assisted during the establishment phase of our work, including Story Matters Agency Pty Ltd and Article One Pty Ltd, as well as Comme Consulting, which assisted with media relations throughout the inquiry.

A number of providers supported our public hearings, including Law in Order Pty Ltd, St John Ambulance, Wilson Security and Sublime Catering. The Board of Inquiry also thanks Bayside City Council, Cardinia Shire Council and the City of Casey for assisting with community information and drop-in sessions.

Thank you to the contractors, individuals and organisations that assisted in the development and production of this report, including contributing writer Tilda Hum, WOO agency, Information Access Group, Finsbury Green and Doculink connective solutions.

The Board of Inquiry acknowledges the contributions of knowmore, which supported it to achieve a trauma-informed approach to its work through training, tools and resources, and ongoing wellbeing and reflection sessions for Board of Inquiry staff.

The Board of Inquiry also met with a number of Melbourne-based plaintiff law firms at the start of its operations to seek input on the work ahead based on their expertise. Many thanks to those who offered their insights.

The Board of Inquiry acknowledges the Department of Government Services and Department of Premier and Cabinet for their work supporting its establishment and operational functions. Thanks also go to the Department of Education for assisting the Board of Inquiry as the coordinating agency for the Victorian Government.

# Executive summary and recommendations

## Introduction

On 28 June 2023, the then Premier of Victoria, the Hon Daniel Andrews MP, announced that a Board of Inquiry would be established to examine historical child sexual abuse at Beaumaris Primary School and certain other government schools from the 1960s to the 1990s.

This was not before time. For an extended period of time, a group of dedicated individuals had been advocating for an inquiry into allegations that child sexual abuse took place at Beaumaris Primary School and other government schools. Many victim-survivors and their families, loved ones and friends have waited for their experiences to be publicly acknowledged and the past actions of the Victorian Department of Education (Department) to be examined.

The Board of Inquiry has found that the Department woefully failed to protect children from the risk of child sexual abuse at Beaumaris Primary School and certain other government schools between 1960 and 1994. The failings were serious and systemic, and put many children at risk of sexual abuse.

Child sexual abuse is abhorrent. It can have life-long effects for victim-survivors. It can affect people's mental health and wellbeing, relationships, and education and employment outcomes in ways that are profound and enduring. For some people, the weight of trauma can be too heavy to bear, and their loss causes deep grief for those left behind. The impacts are not confined to victim-survivors, but extend to their loved ones, those who witnessed the child sexual abuse and the broader community.

Despite the challenges, healing is possible. The Board of Inquiry heard about many experiences of personal healing from victim-survivors and their families — examples of courage and examples of hope. There were also many experiences shared about difficulties in finding the right help when it was desperately needed. It is important to understand the factors that contribute to healing and recovery, so that healing and recovery are within reach of all who need it.

The Board of Inquiry has examined the past to identify and understand historical wrongs. In addition, examining the past enables the broader community to move forward. By understanding where the education system failed, we can also better understand how to prevent further child sexual abuse occurring in government schools.

## The Board of Inquiry

By the Order in Council establishing it, the Board of Inquiry was to establish an official public record of victim-survivors' experiences of child sexual abuse by employees at Beaumaris Primary School and certain other government schools between 1960 and 1999.<sup>1</sup> In addition to requiring the Board of Inquiry to inquire into these experiences, the Terms of Reference required the inquiry to examine the Department's response at the time.<sup>2</sup> They also specified that the Board of Inquiry was to examine appropriate ways to support healing for victim-survivors, secondary victims and affected communities, as well as to assess the effectiveness of support services for adult victim-survivors of child sexual abuse in government schools.<sup>3</sup> The Board of Inquiry was charged with not only inquiring into and reporting on these matters, but also making any appropriate recommendations.<sup>4</sup>

The Board of Inquiry conducted its work and gathered information through four key streams:

- private sessions with victim-survivors, secondary victims and affected community members
- public hearings focused on truth-telling, accountability, and hope and healing
- submissions that were open to all members of the public and organisations
- research and policy work.

The Board of Inquiry engaged with those who came forward to share their experiences through a 'participant care and support model'. This included a single point of contact and a personalised approach for each individual, counselling support, and robust record-keeping processes.

The Board of Inquiry's report comprises six Parts:

- The preliminary material contains, in addition to this executive summary, the official documents connected to the delivery of the report, and a message from the Chair.
- Part A, The Board of Inquiry, describes the establishment of the Board of Inquiry, explains how it approached its work, and contains important information concerning how it interpreted and applied the Terms of Reference.
- Part B, Experience, places children's safety in context by describing relevant policy settings and social and cultural factors present in communities between 1960 and 1999, particularly during the 1960s and 1970s, before documenting experiences of child sexual abuse and its impacts from the perspective of victim-survivors. This Part also includes 15 narratives from victim-survivors, secondary victims and affected community members in which they recall their experiences, in their own words.
- Part C, Accountability, describes the education system between 1960 and 1999. It includes the narratives of four of the relevant employees who were examined in depth by the Board of Inquiry, explores concepts of grooming and disclosure, and outlines various system failings by the Department at that time. It then describes how child safety settings within government schools have since improved.
- Part D, Healing, support and the future, describes the factors that promote recovery from child sexual abuse and the support services currently available to victim-survivors of historical child sexual abuse in government schools. It then explores barriers to effective support and how they could be addressed as part of an overall approach to healing. This Part includes the Board of Inquiry's recommendations for the Victorian Government and the Department to support healing and address barriers to effective support. While these recommendations are drawn from the entirety of the Board of Inquiry's work, they are particularly directed to the 'healing' and 'support services' aspects of the Terms of Reference.
- Part E, Appendices, contains a range of documents to assist and inform readers.

## The victim-survivors and their supporters

Many victim-survivors have engaged with the Board of Inquiry to share their experiences of child sexual abuse. This has required great strength and courage. At times, victim-survivors have revisited deeply traumatic experiences. For some, it was the first time they had disclosed their experiences of child sexual abuse.

Partners, family members and friends have also spoken to the Board of Inquiry. They have shared how experiences of child sexual abuse affected their loved ones' lives, as well their own. At times, they shared experiences of child sexual abuse on behalf of their loved ones.

The Board of Inquiry is deeply grateful for all those individuals who engaged with it, and does not under-estimate the resolve, effort and bravery this took. The Board of Inquiry also acknowledges those victim-survivors who have chosen not to disclose their experiences of child sexual abuse, and may never do so, including those who are no longer with us.

Most victim-survivors whose experiences were within the scope of the Terms of Reference were aged between nine and 12 years old (in Grades 4 to 6) at the time of the alleged child sexual abuse. The majority of victim-survivors were male, but some female victim-survivors also shared their experiences.

Some victim-survivors recalled that the child sexual abuse they experienced occurred once or several times. For others, the child sexual abuse they recounted was sustained over weeks, months or years.

### Impacts of child sexual abuse, as shared by victim-survivors and secondary victims

The impacts of child sexual abuse are complex, varied and can extend beyond the individual to families, friends and witnesses. Some impacts are immediate, some emerge later in life, some re-emerge, and some are sustained throughout a lifetime.

While some victim-survivors experienced acute effects of child sexual abuse in their childhood, others were more greatly impacted in their adolescence or adulthood. Some experienced profound effects across their life course, while others were not significantly affected at all.

Key stages in a victim-survivor's life can also elicit or compound the effects of child sexual abuse; for example, disclosing the child sexual abuse, completing school, becoming a parent, losing a parent, or learning about the child sexual abuse of other victim-survivors.

#### IMMEDIATE IMPACTS

Victim-survivors described to the Board of Inquiry how their sense of safety had been destroyed by the child sexual abuse they experienced at the hands of school employees. Victim-survivors spoke of their immediate responses to the child sexual abuse, recalling feelings of shock, shame, guilt and confusion.

For example, one victim-survivor described his feelings of shame after being sexually abused by a teacher at school:

*I remember being frozen by these actions and being barely able to breathe. Most of all I remember leaving his office and walking back to my seat thinking everyone was staring at me, knowing what had happened, me being bright red. In later years I started calling that walk the 'walk of shame'.<sup>5</sup>*

Another victim-survivor recalled the confusion he and other children felt when they were sexually abused during and after showering at the holiday home of a school employee, who would dry them after showering:

I don't think we could verbalise, apart from 'We're having a lot of showers. Why are we doing that? Don't you dry yourself?' I don't think we were emotionally mature enough, or maybe we were exactly how we should've been at 12, but we didn't know how to say 'This is wrong, what do we do about it? This isn't right'.<sup>6</sup>

Some victim-survivors gave evidence to the Board of Inquiry about changes in their behaviour at or around the time of the sexual abuse they experienced as children. This included loss of interest in school or sport, declining performance at school, and problematic behaviour such as aggression or 'acting out'.

### ENDURING IMPACTS

Victim-survivors told the Board of Inquiry about the enduring effects of the sexual abuse they experienced as children, including impacts on their mental health, education and employment outcomes, and relationships.

Many victim-survivors spoke of experiencing poor mental health, including mental illnesses such as depression, anxiety, post-traumatic stress disorder and schizophrenia. Some said they experienced self-harm and suicidal thoughts.

One victim-survivor told the Board of Inquiry:

I have a lifelong history of anxiety and depression, which started around the time that I was at Beaumaris Primary School. Most of my adult life I have taken medication. I cannot say to what extent my experiences at Beaumaris Primary School contributed to this. However, I have always felt that my time at Beaumaris Primary School was a turning point for the worse in my life.<sup>7</sup>

Some victim-survivors also spoke of the difficulties they experienced living with complex trauma. Research shows that victim-survivors can turn to different methods to try to manage trauma, including using drugs and alcohol, gambling and engaging in criminal behaviour. Some victim-survivors develop eating disorders.

Tragically, the Board of Inquiry also heard of premature deaths considered to be related to experiences of child sexual abuse.

Victim-survivors shared that their experiences of child sexual abuse had compromised their education and employment outcomes. In some cases, this flowed on from their disengagement with school after their experience of child sexual abuse. Some victim-survivors said they were ashamed and frustrated that they were prevented from reaching their full potential.

One victim-survivor shared:

I completely lost the capacity to concentrate in class ... I really struggled for the next five or 10 years ... schooling wasn't for me all of a sudden. There was always flashbacks to what had happened to me in primary school ...<sup>8</sup>

The Board of Inquiry heard how experiences of child sexual abuse adversely affected victim-survivors' relationships. This included relationships with partners, children, siblings, other family members and friends. Some victim-survivors struggled with forming and sustaining relationships, others struggled with intimate relationships, and several felt discomfort around children.

## STRENGTH AND HOPE

While the Board of Inquiry received extensive information about the negative effects of child sexual abuse, it also heard of victim-survivors demonstrating immense strength, hope and resilience. The damaging outcomes associated with child sexual abuse are not inevitable.

Some victim-survivors shared that the child sexual abuse they experienced did not have a profound impact on their lives; and while others experienced adverse and complex impacts, these did not define them. Many victim-survivors have experienced happiness and success throughout their lives. Several pursued careers enabling them to help other people and children.

One victim-survivor shared:

I ... started to understand my journey was not a lone journey ... At that time I didn't know that, that other people have had sort of similar journeys to me and it's affected them in probably even worse ways ... I think looking back now, I wanted to protect others because I wasn't protected.<sup>9</sup>

## SECONDARY VICTIMS

The Board of Inquiry also heard from a number of secondary victims — partners, parents, siblings, children, friends and witnesses — about how the victim-survivor's experience of child sexual abuse had affected their own lives. Secondary victims spoke of the breakdown of relationships, poor mental health, and the responsibility of caring for a loved one.

Several secondary victims shared that the impact of child sexual abuse had affected the quality of their relationships and sense of connection with the victim-survivor. For example, one secondary victim reflected that they had, at times, had to distance themselves from their partner.<sup>10</sup>

Some secondary victims spoke of the poor mental health and wellbeing they endured as a result of their loved ones' experience of child sexual abuse. For example, one secondary victim shared:

Living in an environment where the scars of this abuse are ever present, I too experience panic and anxiety due to the constant tension and emotional turmoil within our relationship of living with the effects of this abuse.<sup>11</sup>

It is clear that the impacts of child sexual abuse extend beyond the individual and touch families, friends and witnesses. Communities can also be affected.

## The alleged perpetrators

Six individuals were identified as 'relevant employees' by the Board of Inquiry in accordance with its Terms of Reference. The Board of Inquiry has focused on four of these individuals in this report. This does not diminish the experiences of those who were allegedly sexually abused by the other two relevant employees, but reflects the extent of the information available to the Board of Inquiry in relation to these individuals.

The four relevant employees referred to in this report are Graham Steele, Darrell Ray, David MacGregor and Wyatt. 'Wyatt' is a pseudonym — he cannot be named for legal reasons.<sup>12</sup>

While three of these men have been convicted of child sexual abuse offences, for various reasons, most of the experiences of child sexual abuse shared with the Board of Inquiry did not result (or have not yet resulted) in a conviction. Accordingly, the relevant employees are referred to as 'alleged perpetrators' in this report.

These four alleged perpetrators were employed at Beaumaris Primary School for two years in 1971 and 1972; although for one of those years Mr MacGregor had taken leave. The Department's records show that Mr MacGregor was on leave in 1971; however, Mr MacGregor told the Board of Inquiry that he took leave in 1972.<sup>13</sup> What is clear is that in 1971 and 1972 the alleged perpetrators were all employed at Beaumaris Primary School, and for one of those years Mr MacGregor took leave. Mr Ray and Mr MacGregor also both attended Toorak Teachers' College between 1960 and 1962. Collectively, the alleged perpetrators worked at a further 23 government primary schools.

In relation to each alleged perpetrator, the Board of Inquiry has heard about experiences of child sexual abuse from multiple victim-survivors. Victim-survivors recalled being sexually abused as children in a school library, office, sick bay or classroom. Some recalled being sexually abused in front of other students. Others recounted experiences of being sexually abused on school camps or trips away. Some victim-survivors spoke of being sexually abused on the way from school to sporting events, and at these events.

Victim-survivors spoke of how the alleged perpetrators made them feel 'special'. Some recalled how the alleged perpetrator used their interest in a hobby, such as reading or sport, to manipulate them and isolate them from peers and other adults.

These accounts are difficult to read. They are infinitely more difficult to live through and recount.

As well as outlining information the Board of Inquiry received about four of the alleged perpetrators, Part B includes victim-survivors' accounts of child sexual abuse by these alleged perpetrators.

## The Department's response

The Board of Inquiry found that the Department's response at or around the relevant time was wholly inadequate. Critically, it failed to adequately protect the safety of children in the government schools within the inquiry's scope between 1960 and 1994. The Department acknowledged that its past responses to child sexual abuse disclosures were 'woefully inadequate or inappropriate'.<sup>14</sup> The Board of Inquiry concluded that there were six systemic failures that contributed to the Department's wholly inadequate response, as outlined below. Five of these failures relate to the period from 1960 to 1994. The year 1994 is significant because mandatory reporting was introduced for teachers in Victorian government schools that year. This gave rise to a range of policies and processes relating to child sexual abuse that have become more comprehensive over time. One of the six failures is not limited to that time period.

### Finding one: an absence of policies and procedures

Between 1960 and 1994, there were no policies or procedures concerning child sexual abuse, including how to respond to allegations. This is despite the fact that the Department knew of the risk of child sexual abuse by teachers, and despite there being a legislative and regulatory framework in place during this period that gave the education system power to discipline staff.

Jenny Atta PSM, Secretary, Department of Education, gave evidence to the Board of Inquiry that:

Even with regard to ... any reasonable standards of public administration that would have applied at the time, we would have expected to see the articulation of some level of policy and guidance.<sup>15</sup>

This meant that staff of the Department were left to respond to allegations of child sexual abuse in an inconsistent and ad hoc way — if they responded at all.



### **Finding two: an absence of guidance to staff**

Between 1960 and 1994, there was not only a lack of policies or procedures, but also no other guidance to staff instructing them on how to identify, report, manage, respond to and prevent child sexual abuse. What little guidance existed (for example, in the form of formal instructions to teachers) focused on the physical safety of children or, disturbingly, existed only to avoid reputational damage to teachers.

The result of this was that staff did not know how to adequately respond to allegations of child sexual abuse and implement measures to protect children's safety.

An illustrative example of this relates to Mr Ray. Multiple parents and teachers, an assistant principal, a principal and a district inspector<sup>16</sup> were aware of Mr Ray's alleged offending by at least 1974 and raised concerns with the Department. Yet despite increasing uneasiness about Mr Ray's conduct, there is no record that an investigation of any substance took place. Mr Ray continued to teach in government primary schools until 1979, when he was convicted of offences related to child sexual abuse in government schools.

In regard to Mr Ray and concerns about his behaviour at that time, Dr David Howes PSM, Deputy Secretary, Schools and Regional Services, Department of Education, gave evidence that:

there would have been a ... reluctance to report because there was no ... supportive environment to report, let alone a direction to report, as there should have been.<sup>17</sup>

### **Finding three: a culture that prioritised the reputation of the education system over the safety of children**

Between 1960 and 1994, the Department prioritised the reputation of the education system, including the schools and teachers within it, above the safety of children.

A primary example of this was the Department's use of transfers to move teachers between schools or to non-teaching positions as a way of 'managing' allegations of child sexual abuse.

For example, when parents notified the Department that they had made a complaint concerning child sexual abuse to Victoria Police about Mr MacGregor, the Department's initial response was to ask Mr MacGregor if he wished to move from Kunyung Primary School 'to another position should tensions within the school community become untenable'.<sup>18</sup>

Even after Mr MacGregor was convicted and sentenced on charges of child sexual abuse, and found guilty of misconduct through a departmental investigation, he was able to remain an employee of the Department. He was transferred to an administrative role within the Department and was only banned from teaching for three years, to 1988.

Ms Atta gave evidence to the Board of Inquiry that while the Department had mechanisms in place at that time to remove teachers who had committed child sexual abuse, they were 'rarely, if ever, used', and that this meant '[t]eachers were able to remain in their role or transfer to other schools and continue the abuse'.<sup>19</sup>

### **Finding four: a lack of staff training**

Between 1960 and 1994, there was a lack of training to assist staff to identify risks of child sexual abuse, or to recognise, raise concerns about and appropriately respond to child sexual abuse.

The Board of Inquiry heard that on several occasions, teachers and senior staff were aware of, or at the very least were suspicious about, of the behaviour of some of the alleged perpetrators. However, the Department provided evidence that there was no training to help teachers to identify this type of behaviour as sexual abuse or to understand its seriousness, let alone to know what to do with their suspicions.<sup>20</sup>

### **Finding five: poor record-keeping and information-sharing practices**

Between 1960 and 1994, the Department had poor record-keeping and information-sharing practices concerning child sexual abuse.

With regard to record-keeping, the Department did not have any policies in place to inform staff of the need to document disclosures of child sexual abuse from adults or children; to guide them in documenting such disclosures; or the need to document any actions taken in response to such disclosures. Despite some records being kept, this meant that disciplinary processes and outcomes, and investigations into child sexual abuse, were not consistently or comprehensively recorded.

For example, the Department provided evidence that a district inspector was called in to investigate complaints about Mr Ray in 1975, but that there was ‘no record of a written investigation’.<sup>21</sup> The Board of Inquiry also received evidence that the reasons for transferring teachers between schools and jobs were not always recorded or shared.

With regard to information-sharing, the Department did not have any policies instructing staff when they should share allegations of child sexual abuse with Victoria Police.

There was, however, an obligation on Victoria Police to share crime reports with the Department regarding information that a student had been sexually abused while in the care of a government school.<sup>22</sup> Notwithstanding, the Department did not have a consistent approach regarding how it responded to these crime reports. In 1990, an official of the Department stated that ‘[t]he continued employment of teachers found guilty of indictable offences is assessed individually and a decision regarding future employment is made accordingly in each case’.<sup>23</sup> Dr Howes gave evidence that, during the relevant period, ‘there were no standard procedures for saying if someone is guilty of an indictable offence, here is what’s going to happen’.<sup>24</sup>

As a result, a teacher convicted of child sexual abuse offences could remain an employee of the Department and might not be removed from the classroom. For example, in the case of Mr MacGregor, although the Department knew he had been convicted of child sexual abuse offences, it did not seek to have his teaching registration revoked by the relevant body, and he remained working in the Department in an administrative role.

### **Finding six: no systemic reviews**

Finally, and putting aside the work done by the Department in response to this inquiry, the Board of Inquiry found that the Department has never undertaken a review of allegations of historical child sexual abuse. There has been:

- no review of allegations of child sexual abuse at Beaumaris Primary School and other government schools within the scope of this inquiry at or around the time of the alleged abuse (once the Department became aware of concerns or allegations of child sexual abuse by a teacher)

- no review of allegations of child sexual abuse at Beaumaris Primary School and other government schools within the scope of this inquiry when more concerns and allegations began emerging in 2000 and 2001
- no broader systemic review of allegations of historical child sexual abuse in all government schools to understand the scale of child sexual abuse across government schools on a statewide basis.

When concerns were first raised about conduct on the part of teachers at Beaumaris Primary School or other government schools within the scope of this inquiry, an adequate investigation would have sought to establish whether other concerns had been raised, or allegations made, in relation to the alleged perpetrators and what action, if any, was taken in response to those concerns or allegations. This would have enabled the Department to understand the scale of the problem, ensure its response was appropriate, and support those who may have been affected. Yet this did not occur. Nor did it occur at the time the Department became aware of criminal charges in relation to either Mr Ray, Wyatt or Mr MacGregor.

Decades later, in 2000 and 2001, there again appears to have been no attempt by the Department to undertake a review. At this time, the Department collected information from at least 14 people — former staff of the Department, students, parents and other family members — about allegations of child sexual abuse related to Mr Ray, Wyatt and Mr Steele. A failure to undertake a review meant that connections between the alleged perpetrators at Beaumaris Primary School and other government schools within the scope of this inquiry remained unexamined.

Further, while the Department has undertaken a range of work in response to this Board of Inquiry, it has not undertaken a systemic review to understand the scale of allegations of child sexual abuse across all government schools. As a result, in contrast to victim-survivors whose experiences came within the scope of this inquiry, victim-survivors from other government schools have not been afforded an opportunity to gain an understanding of the extent of child sexual abuse at their school, or of whether they were alone in their experience.

This failure has also meant that some children were put at risk of further child sexual abuse. In addition, it has limited the Department's ability to understand, acknowledge and learn from past failures, and compromised its ability to extend support and acknowledgement to former students who have been harmed.

### **A systemic failure**

Based on these findings, the Board of Inquiry has concluded that the Department's response to allegations of child sexual abuse between 1960 and 1994 was an appalling and systemic failure.

The Department failed in both its action and inaction. There was a culture of covering up child sexual abuse to prioritise the reputation of the education system, including schools and teachers.

Because of a dearth of policies and procedures, there were no measures in place in the education system to identify, manage, respond to and prevent child sexual abuse.

As noted earlier, three of the four alleged perpetrators, discussed in Part C, have been convicted of child sexual abuse offences. Many victim-survivors have come forward and shared with the Board of Inquiry their experiences of being sexually abused as children by the alleged perpetrators. Some victim-survivors have shared their experiences of child sexual abuse by alleged perpetrators occurring after the Department had an opportunity to intervene. Many more were put at risk because of the Department's failures.

## Healing, support and a way forward

As well as sharing their experiences of child sexual abuse, victim-survivors and secondary victims engaged with the Board of Inquiry on their thoughts, ideas and hopes in relation to healing and also in relation to support services. Experts — such as academics and government officials — and organisations also provided information and opinions on these matters.

Healing and support services are interrelated. Support services can play a key role in assisting people to heal, such as through trauma-informed therapeutic supports or facilitating connections with peers. However, healing can take many forms, and support services are not the only means by which people can recover from trauma. For example, sharing experiences and receiving acknowledgements and apologies can also support healing.

### Healing

#### CONCEPTS OF HEALING

As explored in this report, healing is a holistic concept that includes internal, interpersonal, behavioural and external healing. That is, healing extends beyond the individual to include support networks and communities. A participant at the Board of Inquiry's Healing Roundtable explained the importance of community involvement in healing:

[T]here's a whole bunch of people you're having an impact on just by validating their experiences, just by making sure they're heard, just by connecting them to a whole community of people who want to restore what was lost in their experience.<sup>25</sup>

Inquiries themselves can also play an important role in an individual's healing. They provide a space for truth-telling, acknowledgement and learning. One victim-survivor told the Board of Inquiry that through its process he had finally been listened to, and that other victim-survivors would benefit from hearing about people's experiences.<sup>26</sup>

Institutions, such as schools, can also play an important part in the process of healing — by being accountable for the harms they have enabled. Ways that institutions can show accountability include acknowledgements, apologies and actions to prevent further child sexual abuse.

#### WAYS OF HEALING

Individuals' experiences of, and pathways towards, healing can be varied. This reflects the unique needs of victim-survivors and secondary victims, as well as the diverse impacts of child sexual abuse.

Victim-survivors spoke of different elements that had been important to their healing. For some, disclosing their experience of child sexual abuse and talking about it openly was an initial step towards healing. Others said that therapeutic supports had helped them to heal, such as engaging with a psychologist, taking a short-term residential retreat or engaging with peer support.

A number of victim-survivors shared that they need to feel a sense of justice to heal. For example, some victim-survivors perceived apologies as meaningless, while others felt that bringing the person who sexually abused them to justice was important.

Secondary victims can also play a key role in the healing of their loved one, and, in turn, may need to experience their own healing journey. Some secondary victims told the Board of Inquiry that this inquiry had contributed to their own healing process — as an opportunity to both understand their loved ones' experiences and share their own challenges.

## Support services

The Board of Inquiry defines a ‘support service’ as a service ‘that provides advocacy, support or therapeutic treatment’ to victim-survivors of historical child sexual abuse in government schools.

Victim-survivors often engage with multiple support services, rather than a single service, over their life course. This reflects the varied impacts of child sexual abuse experienced by victim-survivors.

The service landscape is complex, with no single ‘service system’ that responds to the needs of victim-survivors. Rather, victim-survivors interact with mainstream service systems (for example, healthcare); the community-based sector (for example, through helplines); the justice system (for example, through legal services); specialist sexual assault services; and family violence services.

Victim-survivors spoke of engaging with a range of supports, including GPs, psychologists, psychiatrists, lawyers, specialist sexual assault support services, counsellors, alcohol and drug services, community-based organisations, and residential trauma and healing retreats.

The Department does not provide direct services to victim-survivors, but does have a scheme to provide reimbursement for counselling and psychology services. It also participates in the National Redress Scheme.

### CHALLENGES ACCESSING SUPPORT SERVICES

Despite there being a range of support services that victim-survivors can use, the Board of Inquiry heard that many victim-survivors experience challenges in accessing services and having their needs met. The Board of Inquiry learned about these challenges through the perspectives of victim-survivors of historical child sexual abuse in government schools, but many of them reflect broader, systemic issues.

The Board of Inquiry acknowledges that there are many dedicated and compassionate people working in the support service sector, but notes that there are systemic issues that can compromise how victim-survivors access and experience these services. Overall, the Board of Inquiry found that existing support services are not always adequate to meet the needs of victim-survivors. In summary, this relates to the following:

- Lack of support to understand and navigate complex systems — This means that accessing services can be confusing for victim-survivors and can serve as a barrier to identifying the services victim-survivors need.
- Poor coordination and collaboration between services — This can result in services that are not well connected for victim-survivors.
- Limited service capacity — This means that some victim-survivors are unable to access the services they need, or unable to access them for the duration of time they require. There is also a risk that if victim-survivors do not receive a timely response to begin with, they may disengage altogether.
- Inequities in access across the system — This means that some victim-survivors are pushed into the private system when the public system is at capacity. The financial costs of obtaining support in the private system can be unaffordable.
- Need for greater inclusivity — There is some evidence that male victim-survivors have difficulties engaging with specialist sexual assault services. An individual’s identity can shape the way the child sexual abuse is perpetrated and how they experience the abuse, and thus the supports they require.

- Gaps in peer support services — These services are highly valued by victim-survivors, and build connections and hope. Gaps in these services mean that victim-survivors may miss out on peer support.
- Limited social and relational support for secondary victims — This means that victim-survivors' main support networks may miss out on their own support.
- Inadequate number of professionals with capability in responding to trauma — This means that services do not always offer the right trauma-informed support to victim-survivors.

## A way forward

The Board of Inquiry was required to examine and make any recommendations regarding appropriate ways to support healing for affected victim-survivors, secondary victims and communities. Appended to this executive summary is a list of the Board of Inquiry's recommendations; these are also discussed in detail in Chapter 18, Looking to the future. These recommendations relate to:

- recognition of, reflection on and acknowledgement of historical child sexual abuse in government schools through a statewide public apology, a memorial related to child sexual abuse at Beaumaris Primary School, and processes to guide future decisions around memorials related to historical child sexual abuse in government schools
- a statewide truth-telling and accountability process for victim-survivors of historical child sexual abuse in all government schools, and relevant non-government schools, and a public record of victim-survivors' experiences and the Department's response
- a restorative justice engagement program that enables all adult victim-survivors of child sexual abuse in government schools to access personal responses from the Department
- improved access to information, based on trauma-informed practices, to support victim-survivors of historical child sexual abuse in government schools in understanding their experiences, alongside improved record management processes in the Department that are more accessible and transparent
- improvements to better meet the support needs of adult victim-survivors of child sexual abuse in government schools, including an online hub and telephone line, and improved coordination, navigation and advocacy support
- enhanced protection of personal information shared with Victorian boards of inquiry.

## Looking ahead

Society cannot hope for a better future without first looking back, and acknowledging and learning from past failures. The Board of Inquiry has undertaken its work with this collective responsibility in mind.

The Board of Inquiry acknowledges the inquiries that have come before it and the evolving research dedicated to preventing and responding to child sexual abuse. These include, but are certainly not limited to, the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse and the Victorian Parliamentary 'Betrayal of Trust' Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations.

Many failures regarding the Department's response to historical child sexual abuse between the 1960s and the 1990s at Beaumaris Primary School and certain other government schools have been uncovered by the Board of Inquiry. The Board of Inquiry's findings validate many of the long-held suspicions and frustrations of victim-survivors and their supporters.

While it was not in the Board of Inquiry's purview to examine the Department's current approach to managing the risk of child sexual abuse in government schools, one of the inquiry's objectives was to '[r]eiterate the State's commitment that such abuse must not happen again'.<sup>27</sup>

A significant step towards preventing child sexual abuse occurred in 1994, with the legislated introduction of mandatory reporting obligations of child abuse for teachers in Victoria. Further, the Board of Inquiry has heard that the Department now has various policies and procedures in place directed to preventing and responding to child sexual abuse in government schools. Ms Atta gave evidence to the Board of inquiry that:

as we moved through from the Parliamentary Inquiry — the Betrayal of Trust Inquiry — and then the Royal Commission, both of those inquiries really have driven very significant reform to the range of measures in place at a whole-of-government level and certainly within the Department that go to prevention and response to child sexual abuse.<sup>28</sup>

The Department has also introduced a range of safeguards to protect children at school, including employee screening, guidance on how to identify and report child sexual abuse, and policies for sharing information with other government agencies.

While the Board of Inquiry was not directed to examine the effectiveness of these changes, there has undoubtedly been a sea change since the 1960s in the way the Department seeks to prevent and manage child sexual abuse in government schools. These changes are designed to address many of the problems that the Board of Inquiry has uncovered.

Yet child sexual abuse continues to occur today. While it is important to unite behind a shared objective of eliminating child sexual abuse, this can only be achieved by institutions remaining vigilant and continually reviewing and reflecting on child-safe practices. It requires consistently placing the safety and best interests of children first, and taking appropriate responsibility for harm when it does occur.

Children and young people have a right to be safe at school. The Board of Inquiry hopes its work and findings will strengthen collective resolve to further reduce the risk of child sexual abuse in schools, and help ensure that appropriate steps are taken when allegations of child sexual abuse are made.

## Recommendations

In accordance with its Terms of Reference, the Board of Inquiry has made the following nine recommendations to the Victorian Government. These recommendations are built upon the Board of Inquiry's work in relation to each aspect of its Terms of Reference, but have particular relevance to two of these: appropriate ways to support healing, and the effectiveness of support services for victim-survivors of historical child sexual abuse.

### Recommendation 1: A statewide public apology

The Board of Inquiry recommends the Victorian Government formally apologise to all victim-survivors, secondary victims and communities affected by historical child sexual abuse in government schools. The apology should:

- be made in Parliament, with victim-survivors and secondary victims invited to be present
- specifically address the sexual abuse that occurred at Beaumaris Primary School and other government schools within the scope of the Board of Inquiry
- be accompanied by commitments to action from government.

### Recommendation 2: A new memorial and a consistent process

The Board of Inquiry recommends the Department of Education:

- work with victim-survivors, secondary victims and affected community members to co-design the location and form of a memorial acknowledging historical child sexual abuse at Beaumaris Primary School
- consider, facilitate and fund requests for other memorials to acknowledge historical child sexual abuse in government schools in accordance with new policy guidance for memorials. This policy guidance should be trauma-informed and:
  - be developed in consultation with victim-survivors and secondary victims of historical child sexual abuse in government schools
  - provide for consistent assessment of requests for memorials, and
  - describe decision-making processes, types of memorialisation to consider and requirements for facilitating engagement with victim-survivors, secondary victims, local communities and other stakeholders.



### Recommendation 3: A statewide truth-telling and accountability process

The Board of Inquiry recommends the Victorian Government establish a statewide truth-telling and accountability process for victim-survivors of historical child sexual abuse in all Victorian government schools that:

- is independent and time-limited
- is available to:
  - victim-survivors of historical child sexual abuse in any Victorian government school
  - victim-survivors of historical child sexual abuse in a non-government school where the alleged perpetrator previously worked at a government school and allegedly committed child sexual abuse at that government school
- results in an independent public record of victim-survivors' experiences shared through the truth-telling process, that includes recognition of past failings of the Department of Education.

### Recommendation 4: A restorative engagement program

The Board of Inquiry recommends the Department of Education establish a restorative engagement program for adult victim-survivors of child sexual abuse in government schools who:

- cannot or do not wish to make a civil claim or National Redress Scheme application, or
- have finalised a civil claim against the Department of Education, without the need to make a separate application through the National Redress Scheme, or
- finalised a civil claim before Direct Personal Responses were available.

This program would allow these victim-survivors to safely share their experience of child sexual abuse and the harm caused, and receive a personal response from the Department of Education.

## Recommendation 5: Improving information access

The Board of Inquiry recommends the Department of Education implement:

- trauma-informed practices for responding to requests for information and records that are related to historical child sexual abuse in government schools (including requests identified as such while being processed), including through:
  - delivery of trauma-informed training for archivists and staff in Freedom of Information units
  - development of information materials that provide transparency to people seeking records about what records may or may not be available and why
  - provision of individualised information and support to people seeking records
- a program of work to improve its records management processes, including digitising and cataloguing records to support ease of access, and publishing school records that are able to be released publicly.

## Recommendation 6: A new online hub and telephone line providing information and assistance for adult victim-survivors

The Board of Inquiry recommends the Department of Education establish an online hub and telephone line for adults who are victim-survivors of child sexual abuse in government schools to seek information and initial assistance.

## Recommendation 7: Improved coordination, navigation and advocacy support

The Board of Inquiry recommends the Victorian Government, in consultation with victim-survivors, develop and trial a coordination, navigation and advocacy function for adult victim-survivors of child sexual abuse in schools.

## Recommendation 8: A targeted program of work to improve service responses

The Board of Inquiry recommends the Victorian Government design and implement a targeted program of work to improve service responses to adult victim-survivors of child sexual abuse. This includes:

- in consultation with victim-survivors, designing, developing and implementing a formal peer support program for adult victim-survivors of child sexual abuse
- in consultation with sexual assault support services and Sexual Assault Services Victoria, develop a consistent approach to how adult victim-survivors of child sexual abuse may access sexual assault support services in a timely way
- reviewing and updating public-facing information of sexual assault support services to grow awareness that services are available for and responsive to people of all genders.

## Recommendation 9: Legislative reform to ensure the enduring protection of personal information provided to boards of inquiry

The Board of Inquiry recommends the Victorian Government amend the *Inquiries Act 2014* (Vic) to ensure that personal information identified by the relevant board of inquiry as confidential, anonymous or sensitive:

- is kept confidential for a minimum of 99 years following the end of a board of inquiry
- be exempted from the application of the *Freedom of Information Act 1982* (Vic) for a minimum of 99 years following the end of a board of inquiry.

These changes should apply retrospectively to this Board of Inquiry.

## Executive summary and recommendations Endnotes

1. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 2(a).
2. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3(c).
3. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3(d) and (e).
4. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.
5. Submission 38, 1.
6. Private session 14.
7. Submission 26, 1.
8. Private session 23.
9. Private session 14.
10. Private session 19.
11. Submission 21, 1.
12. Order of the Board of Inquiry, Restricted Publication Order, 15 November 2023.
13. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.8.5]; Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
14. Transcript of Jenny Atta, 17 November 2023, P-210 [28].
15. Transcript of Jenny Atta, 17 November 2023, P-212 [31]–[34].
16. The role of district inspector was established in 1851 and existed until 1983. Their functions included assessing the performance of schools and teachers.
17. Transcript of David Howes, 15 November 2023, P-147 [45] – P-148 [2].
18. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
19. Transcript of Jenny Atta, 17 November 2023, P-210 [35]–[38].
20. Transcript of David Howes, 15 November 2023, P-147 [1]–[10].
21. Transcript of David Howes, 15 November 2023, P-141 [24]–[25].
22. Police officers completed 'crime reports' when a crime of any type was reported to Victoria Police. The reports recorded information about crimes, victims of crime and perpetrators of crime.
23. Letter from Victoria Police to the Chisholm Institute of Technology, 19 March 1990.
24. Transcript of David Howes, 16 November 2023, P-180 [21]–[22].
25. Healing Roundtable, Record of Proceedings, 29 November 2023.
26. Private session 14.
27. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, 2, cl 2(d).
28. Transcript of Jenny Atta, 17 November 2023, P-212 [31]–[34].

# Contents

Letter of transmission	i
Official acknowledgements and content warning	ii
Note on language	iii
Foreword	iv
Acknowledgements from the Chair	vi
Executive summary and recommendations	viii
Contents	xxvi

## PART A

<b>The Board of Inquiry</b>	<b>1</b>
<b>1 Establishment and approach</b>	<b>5</b>
Introduction	6
Establishment	6
A trauma-informed approach	8
Engagement and awareness-raising	17
Information that guided and informed the Board of Inquiry	19
Procedural fairness	26
Lessons learned	27
<b>2 Operations</b>	<b>30</b>
Introduction	31
Organisational structure and functions	31
Governance and decision-making	32
Protocols and procedures	33
Finance and procurement	34
IT and records management	35
People and culture	36
Premises	37
Steps to decommission the Board of Inquiry	38
<b>3 Scope and interpretation</b>	<b>40</b>
Introduction	41
Terms of Reference	41
Assessing whether information relating to experiences of child sexual abuse was within scope	42
How the Board of Inquiry interpreted its Terms of Reference	43
Concerns expressed about the Terms of Reference	52

<b>4</b>	<b>About the report</b>	<b>55</b>
	Introduction	56
	Structure of the report	56
	A note on language	57
	How this report should be read and understood	57
	The report as a public record	58
	Conclusion	58
<b>PART B</b>		
	<b>Experience</b>	<b>60</b>
<b>5</b>	<b>Children's rights and safety in context</b>	<b>65</b>
	Introduction	66
	Legislation and government policies relating to children's rights and safety in the 1960s and 1970s	66
	Legislation and government policies relating to children's rights and safety from the 1980s	70
<b>6</b>	<b>Time and place</b>	<b>77</b>
	Introduction	78
	Global trends during the 1960s and 1970s: a period of tension and change	78
	Life in Australia: tradition meets resistance	79
	Life in Beaumaris during the 1960s and 1970s	80
	Social norms affecting children's rights and safety	81
	Some key moments in the 1980s and 1990s	85
<b>7</b>	<b>Experiences of sexual abuse and its impact in childhood</b>	<b>92</b>
	Introduction	93
	Before the experience of sexual abuse	93
	Initial impressions and interactions with alleged perpetrators	96
	Recollections of sexual abuse	98
	Immediate reactions	98
	Impacts during childhood	100

<b>8</b>	<b>Enduring impacts of child sexual abuse</b>	<b>105</b>
	Introduction	106
	Victim-survivors: effects over time	106
	Secondary victims	114
	Affected communities and wider society	116
<b>9</b>	<b>Personal stories</b>	<b>124</b>
	Introduction	125
	‘Hank’	126
	‘Christie’	128
	Tim Courtney	129
	‘Bernard’	132
	‘Paula’	135
	‘Casey’ and ‘Dennis’	136
	Grant Holland	138
	‘Samuel’	141
	‘Tobias’	143
	‘Wilbur’	145
	‘Riley’	147
	‘Earl’	148
	‘Linus’	150
	‘Cecil’	152
<b>PART C</b>		
	<b>Accountability</b>	<b>154</b>
<b>10</b>	<b>The education system</b>	<b>159</b>
	Introduction	160
	Education system structure and responsibilities	160
	Structural changes across the 1980s and 1990s	167
	Historical child safety policies, procedures and practices in the education system	169
	Informal practices and culture	172
<b>11</b>	<b>The alleged perpetrators</b>	<b>180</b>
	Introduction	181
	The victim-survivors	181
	The alleged perpetrators	182
	Alleged perpetrator narrative: Darrell Ray	184
	Alleged perpetrator narrative: Wyatt	191
	Alleged perpetrator narrative: David MacGregor	194
	Alleged perpetrator narrative: Graham Steele	201
	The Department’s knowledge of the alleged perpetrators	205

<b>12</b>	<b>Grooming and disclosure</b>	<b>214</b>
	Introduction	215
	Grooming behaviour	215
	Alleged perpetrator behaviour	216
	Barriers to disclosing child sexual abuse	220
<b>13</b>	<b>System failings</b>	<b>230</b>
	Introduction	231
	A catastrophic failing	232
	A wholly inadequate response	243
	The Department's apology	244
<b>14</b>	<b>Learning and improving</b>	<b>248</b>
	Introduction	249
	Major changes across the years	249
	Departmental areas with responsibility for responding to child sexual abuse	251
	Current policies, procedures and practices in response to inquiries	252
	Current policies, procedures and practices: preventing child sexual abuse in government schools	254
	Current policies, procedures and practices: responding to child sexual abuse in government schools	255
	Further improvements	264
<b>PART D</b>		
	<b>Healing, support and the future</b>	<b>272</b>
<b>15</b>	<b>Perspectives on healing</b>	<b>276</b>
	Introduction	277
	Healing from historical child sexual abuse	277
	Ways of healing from historical child sexual abuse	281
	Finding a way forward	285
<b>16</b>	<b>Where people can go for support</b>	<b>289</b>
	Introduction	290
	Support services accessed by victim-survivors	290
	Types of services	291
	Redress and financial assistance schemes	299
	The Department	301



<b>17</b>	<b>Support needs and challenges</b>	<b>308</b>
	Introduction	309
	Prevalence of child sexual abuse in institutional settings	309
	Impacts of historical institutional child sexual abuse	310
	Insufficiently adequate support services	312
	Lack of support to understand and navigate complex systems	314
	Poor service coordination and collaboration	318
	Limited service capacity	320
	Inequity in accessing therapeutic services	324
	Need for greater inclusivity and support for men	325
	Peer support service gaps	327
	Lack of social and relational support, and support for secondary victims	329
	Limited number of professionals skilled in trauma-informed responses	331
	On the way to healing	334
<b>18</b>	<b>Looking to the future</b>	<b>346</b>
	Introduction	347
	Recognising and acknowledging harm	347
	Reckoning with past failings	359
	Information access to aid healing	372
	Meeting the support needs of victim-survivors	376
	Targeted supports	380
	Ensuring a joined-up and strategic approach to implementation	391
	Protection of personal information	392
	Conclusion	395
<b>PART E</b>		
	<b>Appendices</b>	<b>405</b>
<b>A</b>	<b>Order in Council</b>	<b>406</b>
<b>B</b>	<b>Amended Terms of Reference</b>	<b>411</b>
<b>C</b>	<b>Glossary</b>	<b>412</b>
<b>D</b>	<b>Acronyms</b>	<b>415</b>
<b>E</b>	<b>Private sessions</b>	<b>416</b>
<b>F</b>	<b>Submissions</b>	<b>419</b>
<b>G</b>	<b>Information about public hearings</b>	<b>421</b>
<b>H</b>	<b>Roundtables</b>	<b>427</b>
<b>I</b>	<b>Consultations</b>	<b>429</b>
<b>J</b>	<b>Department of Education apology</b>	<b>431</b>

PART A

# The Board of Inquiry



The Order in Council that established the Board of Inquiry under section 53(1) of the *Inquiries Act 2014* (Vic) recognised:

- ‘All forms of child sexual abuse are a gross violation’ of a child’s right to protection under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).<sup>1</sup>
- ‘All government school staff have a duty of care to take reasonable steps to protect children in their care from harm’.<sup>2</sup>
- ‘[S]ome government schools have failed to protect children attending government schools from child sexual abuse’.<sup>3</sup>

Relevantly to the work of this Board of Inquiry, the Order in Council acknowledged the existence of allegations that multiple employees had sexually abused multiple victim-survivors at Beaumaris Primary School in the 1960s and 1970s, and allegations that the same employees had sexually abused students at other government schools.

It was the egregious nature of these allegations that, as described in the Order in Council, led the Victorian Government to establish the Board of Inquiry. The Board of Inquiry’s work, pursuant to the Terms of Reference, was to have four main strands: the experiences of victim-survivors of historical child sexual abuse by relevant employees at Beaumaris Primary School and certain other government schools; the response of the Department of Education at the time; appropriate ways to support healing for victim-survivors, secondary victims and affected community members; and whether there are effective support services for victim-survivors of historical child sexual abuse in government schools.

Following its establishment on 28 June 2023, the Board of Inquiry operated at pace and with intensity for over seven months. The Board of Inquiry’s report spans six Parts and offers nine recommendations.

This Part of the report is an introduction to the Board of Inquiry’s work and operations. It describes the background and context that led to the formation of the Board of Inquiry, and outlines the considerations and choices that shaped its approach.

This Part has four chapters:

- Chapter 1, Establishment and approach, provides an overview of how the Board of Inquiry came to be and how it chose to conduct its work. It affirms that the Board of Inquiry considered the needs, preferences and voices of victim-survivors to be central to its approach, while at the same time complying with its procedural fairness obligations.
- Chapter 2, Operations, outlines how the Board of Inquiry established its organisational structure, governance and operating processes so that it could run effectively and with integrity.
- Chapter 3, Scope and interpretation, describes how the Board of Inquiry interpreted its Terms of Reference and what decisions it made to determine whether information was within scope. It also sets out some of the challenges and complexities involved in working within the Terms of Reference.
- Chapter 4, About the report, explains how to navigate this report. It also outlines how the Board of Inquiry intends its findings and recommendations to be interpreted and applied.

The Board of Inquiry listened to the voices and perspectives of over 300 members of the community who came forward to share their views, experiences and perspectives of historical child sexual abuse.

In addition to telling their deeply personal stories of child sexual abuse, victim-survivors generously shared their thoughts and points of view about their personal healing journey, including in relation to support services available to them. The Board of Inquiry also heard from secondary victims, service providers and advocacy organisations, experts and academics, legal firms and affected community members who shared their own stories, insights and expertise.

The Board of Inquiry's operating procedures and structures all supported this comprehensive program of engagement, and the Board of Inquiry took enormous care to ensure it was sensitive to participants' needs. The Board of Inquiry's processes, described in Chapter 1 and associated appendices, may assist future inquiries and royal commissions that engage with people who have experienced trauma.

At the same time, the Board of Inquiry was conscious of the need to conduct its work in accordance with its obligations of procedural fairness. What this involved, and how concerns raised through procedural fairness processes were addressed, are set out in Chapter 1.

This Part also includes a dedicated chapter, Chapter 3, which explains the scope of the Board of Inquiry and the decisions made in relation to its Terms of Reference. The Board of Inquiry's interpretation of the Terms of Reference played an important role in driving how it approached its work. The same Chapter also discusses how the Board of Inquiry navigated certain challenging issues in relation to its scope.

The Part concludes with a detailed overview of how this report should be read and understood.

The Board of Inquiry has carefully chosen the language used in this report to ensure that it conveys its views and arguments meaningfully, and that policy makers are able to interpret them easily for implementation and other purposes.

The Board of Inquiry has created a public record that is intended to endure — offering ongoing meaning to those who contributed and extending the possibility of closure for some. In doing so, the Board of Inquiry has sought to adopt the highest standards of transparency, integrity and independence. The Board of Inquiry hopes it has proven that smaller, time-limited inquiries — such as this one — can achieve ambitious goals. The Board of Inquiry took seriously its obligation to educate the community, support healing through its processes and contribute to a robust reform agenda.

This Board of Inquiry acknowledges its privilege in being trusted to examine a dark chapter in the history of government schools in Victoria. Witnessing the strength and resolve of victim-survivors and secondary victims profoundly moved and inspired every staff member. The experiences shared with the Board of Inquiry under-score their resilience and unwavering hope for a better future. Their motivation — being to protect other children from child sexual abuse — was palpable and humbling.

## Introduction Endnotes

1. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 1(a).
2. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 1(d).
3. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 1(d).

CHAPTER 1

# Establishment and approach

01

## Introduction

Following persistent advocacy from victim-survivors, on 28 June 2023 the Victorian Government announced a Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools. This Chapter describes the process of establishing the Board of Inquiry and how it approached its work.

From the start, the Board of Inquiry was firmly committed to ensuring it worked in ways that were inclusive, welcoming and sensitive to the trauma and distress associated with child sexual abuse. This Chapter describes the approach the Board of Inquiry adopted in designing and delivering its functions. This included a participant care and support model that was personalised to victim-survivors, secondary victims and affected community members. This personalised model was important to ensure the inquiry not only avoided re-traumatising participants but actively contributed to their healing and recovery.

The Chapter concludes by describing the steps taken to raise awareness of the Board of Inquiry's work and the various ways information was gathered and presented to inform this report and recommendations.

## Establishment

For some time, a group of individuals steadfastly advocated for closer examination of historical child sexual abuse allegedly perpetrated in Victorian government schools. A number of these advocates shared experiences of sexual abuse that occurred while they were students at Beaumaris Primary School during the 1960s and 1970s. They wanted an inquiry that could support victim-survivors of historical child sexual abuse in government schools to obtain answers about how such abuses could have happened and remained undetected or tolerated for so long. They also wanted their pain and suffering acknowledged as a step towards recovery and healing.

### Inquiry announced

On 28 June 2023, the then Premier of Victoria, the Hon Daniel Andrews, announced the establishment of a Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools. The inquiry was designed to 'focus on a significant cluster of known abuse at Beaumaris Primary School, as well as other government schools where the same former employees worked, in the 1960s and 1970s'.<sup>1</sup> The Board of Inquiry was required to report back to the Government by 28 February 2024.

One victim-survivor present at Mr Andrews's announcement reflected:

There's been a lot of people involved in this, to get it to this stage. It's about all of those people — people who have lost their voices, people who haven't found theirs yet. I know of three people who aren't with us anymore, so I sort of really feel that we need to just speak for them. They've got nothing left and their families are missing loved ones because of events that took place in their childhood, and it's just not right.<sup>2</sup>

Mr Andrews acknowledged: 'This inquiry won't undo their pain, but we hope it gives victim-survivors the recognition and support they deserve'.<sup>3</sup>

## Chair appointed

On 28 June 2023, the Lieutenant-Governor, on the recommendation of the then Premier, appointed Victorian barrister, Kathleen Foley SC, to lead the Board of Inquiry under section 53(1) of the *Inquiries Act 2014* (Vic) (Inquiries Act).

Ms Foley was called to the Victorian Bar in 2009 and was appointed Senior Counsel in 2021. She was appointed to the Victorian Law Reform Commission in November 2020 as a part-time commissioner, a position she holds while continuing her work as a barrister. During her time at the Victorian Bar, Ms Foley has served as a member of the Victorian Bar Council and as a member of the executive of both the Commercial Bar Association and the Women Barristers Association. Ms Foley's practice at the Bar is diverse and has included work involving institutional child sexual abuse.

Prior to her admission to the Victorian Bar, Ms Foley worked as an attorney in New York and as a solicitor in Western Australia. She was also an Associate to Justice Hayne AC of the High Court of Australia. In 2016, Ms Foley was awarded the Victorian Bar's Susan Crennan AC KC award for her pro bono work. She holds a Master of Laws from Harvard Law School, and a Bachelor of Laws (Honours) and Bachelor of Arts from the University of Western Australia.

## CEO and Board of Inquiry staff appointed

Nicola Farray was appointed as CEO of the Board of Inquiry in July 2023. As CEO, she employed a multidisciplinary team from a range of sectors and professional backgrounds. Ms Farray was committed to bringing a collaborative and innovative approach to the Board of Inquiry's work, building upon her prior experience in inquiries and royal commissions, as well as her experience in the fields of public administration and social work.

Thirteen staff worked across three teams: Operations and Executive Support Team; Policy, Research and Strategy Team; and Communications, Engagement and Supports Team. The Board of Inquiry established a Legal team with lawyers from Corrs Chambers Westgarth who supported Counsel Assisting and acted as the Board of Inquiry's solicitors.

Team members brought varied and diverse expertise to their work with the Board of Inquiry. In addition to their formal experience, staff and members of the Legal team were recruited with particular attention to their values and ability to interact with others with care, sensitivity and compassion.

More information about the structure and operations of the Board of Inquiry, including the operational structure of the team and the role the various teams played is in Chapter 2, Operations.

## Counsel Assisting appointed

Fiona Ryan SC, Kate Stowell and Mathew Kenneally are Victorian barristers and acted as Counsel Assisting for the Board of Inquiry. Counsel Assisting performed many critical functions for the Board of Inquiry and performed leading roles in private sessions and public hearings. During public hearings, Ms Ryan SC and Ms Stowell made opening and closing statements, led evidence and questioned witnesses. Ms Stowell and Mr Kenneally each conducted private sessions as part of the Board of Inquiry's work, as did the Chair. This involved trauma-informed information-gathering.



## Information from the public invited

As the Board of Inquiry team was appointed, its initial focus was on establishing policies and processes needed to perform its work. In August 2023, the Board of Inquiry's website went live, with information about its purpose and scope, along with contact details for media enquiries. The Board of Inquiry established a dedicated phone line and a public email address to receive information from the public. From the outset, the Board of Inquiry made it clear that it was open to receive questions, comments and information from the community.

On 7 September 2023, the Chair held a media conference to open the Board of Inquiry's public consultation period, inviting submissions and registrations for private sessions. At a later date, as part of the Board of Inquiry's call for information from the community, the Board of Inquiry publicly named three alleged perpetrators who were understood to have worked at 18 government schools.

On 4 October 2023, having completed preliminary analysis of information received from victim-survivors, the Department of Education and Victoria Police, the Board of Inquiry identified an additional alleged perpetrator and a further six government schools that were within scope. Details of these alleged perpetrators and schools are given in Chapter 3, Scope and interpretation.

## Other establishment tasks

The Board of Inquiry also took steps to secure office space and identify appropriate facilities for private sessions and public hearings. A range of other processes and policies were established to facilitate the running of the Board of Inquiry, including those relating to governance; project planning; budget management; financial and employment delegations; confidentiality and conflict of interest declarations; and onboarding of and provision of induction manuals to staff. Where suitable, the Board of Inquiry replicated government policies and process related to staffing and operational matters, implementing controls where needed to preserve the Board of Inquiry's independence.

The Board of Inquiry also established a secure, protected IT environment and ran procurement processes for key support services, including document management and counselling and staff support services. More information about how the Board of Inquiry ran is found in Chapter 2.

## A trauma-informed approach

Part of the Board of Inquiry's task was akin to enabling truth-telling. This responsibility was made clear by the first objective of the Board of Inquiry, as described in the Order in Council, to '[e]stablish an official public record of victim-survivors' experiences of historical child sexual abuse by relevant employees ...'.<sup>4</sup>

In Australia, truth-telling processes have been led by and for First Nations peoples to formally record evidence about the historic and ongoing impacts of colonisation.<sup>5</sup> More broadly, truth-telling can help people move forward in their healing journeys by acknowledging and validating past harms and injustices. As one victim-survivor shared:

I'm grateful that we're being heard. I'm grateful that people are listening ... I hope this sort of sets a precedent to be able to do this in a better way where people can step forward and go 'This is what happened' and will be believed.<sup>6</sup>

The Board of Inquiry adopted an approach that provided victim-survivors with recognition. It did so on the understanding that many had suffered social stigmatisation and been met with scepticism for a long time. To recognise this suffering, the Board of Inquiry heard victim-survivors, gave them the opportunity to share their stories in the way they wished to share them and upheld the dignity of all those who came forward.<sup>7</sup>

In carrying out this truth-telling aspect of its work, the Board of Inquiry conducted itself in a trauma-informed way, centred on the needs of victim-survivors and on caring for its staff. This approach was underpinned by internationally recognised best practice, including focusing on safety, voice and choice, and trustworthiness and transparency.<sup>8</sup> The Board of Inquiry adopted these principles as consistent with its values. The principles are also consistent with the Board of Inquiry's Terms of Reference, which specifically required the Board of Inquiry to:

- a. [p]rovide a safe, accessible, supportive, and culturally safe forum for victims-survivors and secondary victims to participate in the inquiry, including accommodating their choices in how they wish to participate in the inquiry, while recognising that some people may not wish to share their experiences;
- b. [p]rovide sensitive, culturally safe and appropriate trauma informed outreach, mental health and counselling supports for victim-survivors and secondary victims. For any person who approaches the inquiry and wishes to be heard but whose story is not within the scope ... direct the person to an appropriate external mental health, counselling, or support service ...<sup>9</sup>

Following its establishment, the Board of Inquiry engaged with victim-survivor advocates and listened and learned about the factors they felt were important to ensure the Board of Inquiry's work was accessible, supportive and healing. The Board of Inquiry also considered approaches adopted by similar past inquiries that examined child sexual abuse or other traumatic events, to learn what had worked well or where past processes could be improved. The Board of Inquiry also relied on literature that defined best practice approaches to promoting psychological safety in interactions with traumatised people and communities.

The Board of Inquiry was told that an important part of being trauma-informed is ensuring people feel psychologically, culturally and physically safe. The Board of Inquiry was cognisant that sharing memories of child sexual abuse was highly likely to be traumatic. Such experiences can activate threat responses that are not always conscious nor easily articulated, but can have lasting effects. Therefore, all the Board of Inquiry's practices focused on creating safety — both actual and felt — in all its conduct and interactions.<sup>10</sup>

Being trauma-informed was central to all of the Board of Inquiry's information gathering, including how it engaged with stakeholders, invited and received submissions, managed private sessions, conducted public hearings and approached roundtables and community engagement. The Board of Inquiry also sought to address the needs of individuals from diverse backgrounds and communities, including culturally and linguistically diverse groups, First Nations people, people with a disability, people from various faith backgrounds, and members of LGBTIQ+ communities.

In this section, when we refer to the participant care and support model, the term 'participant' is used to refer specifically to victim-survivors, secondary victims and affected community members.

## The participant care and support model

An inquiry is far more than its final report — it is a unique opportunity for a respected authority to hear and acknowledge pain, to validate experiences, to promote accountability and to support closure and healing. For some individuals, it is the compassionate human interactions they have with the people working on an inquiry that are most significant and meaningful to them. For these reasons, the Board of Inquiry wanted to build on the experiences of past inquiries that engaged with people experiencing trauma.

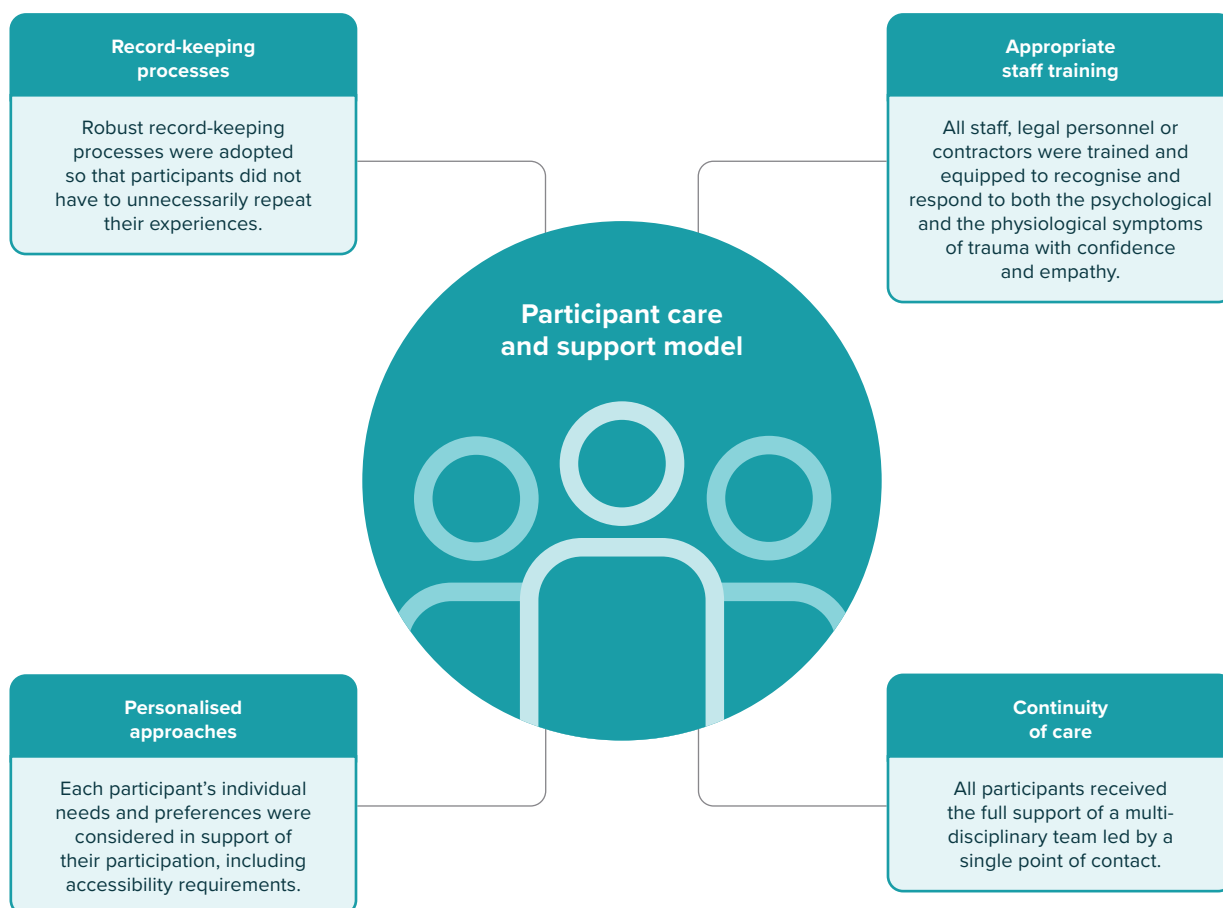
For some, the Board of Inquiry provided an opportunity to speak about their experiences of child sexual abuse for the first time. For others, participation meant revisiting previously shared experiences, which sometimes had not been well-received or properly heard. The Board of Inquiry knew it was crucial to ensure that victim-survivors felt safe to share their experiences of child sexual abuse and their reactions to it, without judgement. Developing or re-building trust — and maintaining this trust throughout the life of the inquiry — was critical to the Board of Inquiry's effectiveness.

When announcing the Board of Inquiry, Mr Andrews stated that the Board of Inquiry would provide 'trauma-informed support for people who participate in the Inquiry'<sup>11</sup> through a 'comprehensive support system'.<sup>12</sup> As discussed, the Order in Council establishing the Board of Inquiry emphasised the need for the inquiry to provide a supportive and trauma-informed space for victim-survivors. Accordingly, the Board of Inquiry employed a number of staff with professional skills and clinical experience to design and deliver its trauma-informed participant care and support model.

The objectives of the participant care and support model were not only to minimise the potential for re-traumatisation or distress for participants, but to promote choice, control, healing and empowerment at each point in their journey. The model, shown in Diagram 1, has four pillars:

- **Continuity of care** — The model ensured continuity of care for participants, provided by a multidisciplinary team led by a single point of contact. To enable trust to be established and maintained, the Board of Inquiry drew on methods traditionally applied in a client–therapist model<sup>13</sup> to create a model that supported participants through tailored engagement, communication and care and support interventions, all provided by a consistent team.
- **Personalised approaches** — The Board of Inquiry developed personalised approaches based on each individual's trauma presentation, needs and preferences. This included considering any accessibility requirements each individual had, to maximise their participation. These personalised approaches were adopted by all staff, members of the Legal team, and counselling providers to create a seamless and cohesive experience for the individual.
- **Robust record-keeping** — The model included record-keeping processes that minimised the possibility for error or misunderstanding among Board of Inquiry staff, and that avoided the risk of a participant having to unnecessarily repeat sensitive information.
- **Appropriate staff training** — The Board of Inquiry ensured all staff, legal personnel and contractors were trained and equipped to recognise and respond to both the psychological and physiological symptoms of trauma with confidence and empathy.

DIAGRAM 1 THE BOARD OF INQUIRY'S PARTICIPANT CARE AND SUPPORT MODEL



The next section provides an example of how the participant care and support model operated for participants in private sessions.

### How the model worked for private session participants

A range of victim-survivors chose to participate in a private session with the Chair or Counsel Assisting. They could also opt to provide a written submission in addition to a private session or instead of one. Individuals were also encouraged to consider which parts of their personal experiences they felt most comfortable and safe to share. Victim-survivors could also elect to provide their information more informally, through conversations with Board of Inquiry staff. Sometimes initial conversations helped build individuals' trust and confidence, and they later elected to participate in more formal processes.

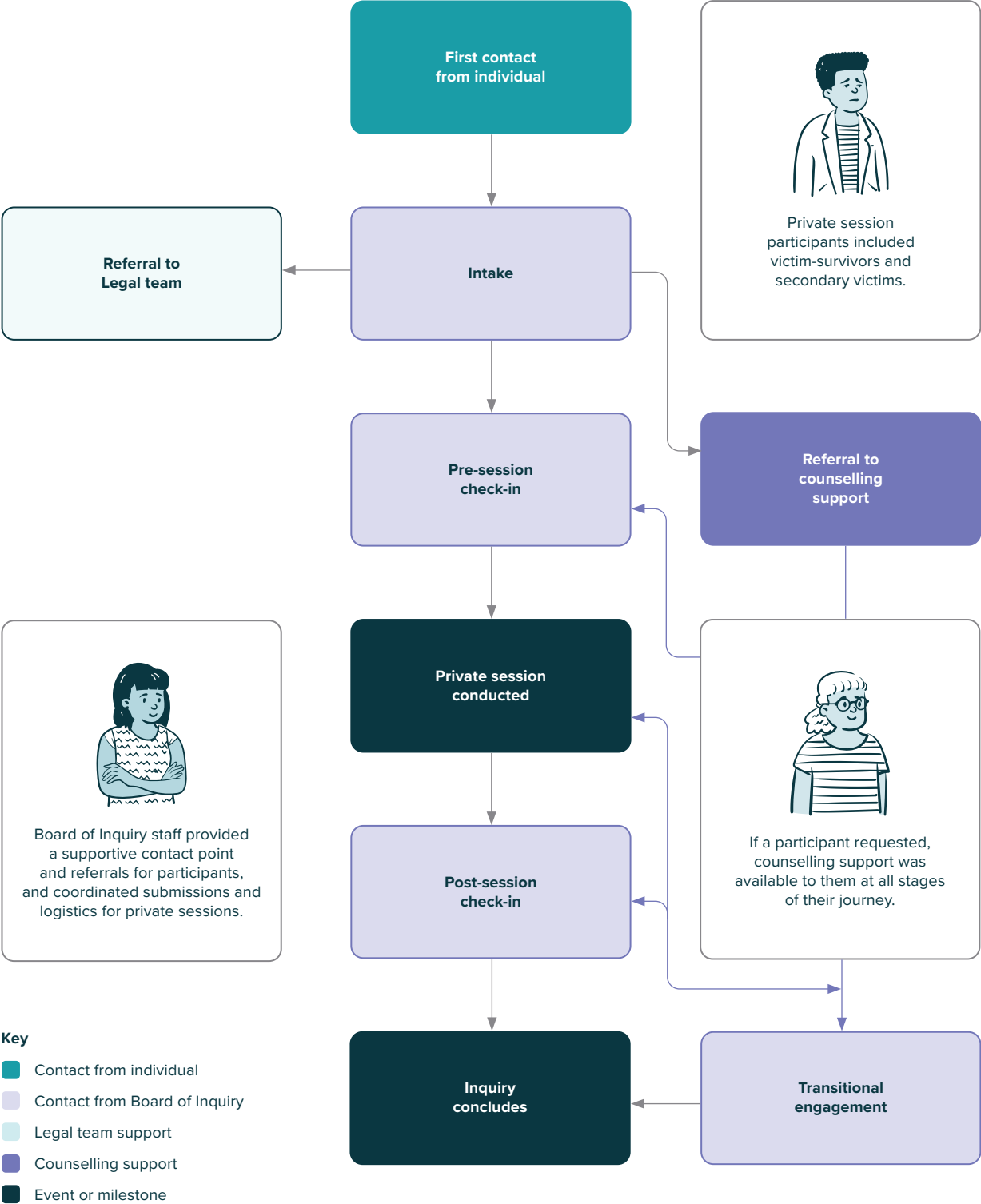
Individuals who wished to participate in a private session were supported by a dedicated team member to complete an intake assessment. This process helped identify each individual, their desired level of engagement with the Board of Inquiry, and the support they may need during the inquiry.

The intake process also helped ensure that the Chair or Counsel Assisting attending the private session could prepare, and avoided the participant having to repeat any information or details they provided at intake, if they did not wish to do so.

If someone booked a private session, Board of Inquiry staff would ensure the individual was clear about the details of the appointment (including providing them with written confirmation) and that they received appropriate support in the days leading up to and following the session. This check-in process helped ensure participant wellbeing. It also helped Board of Inquiry staff facilitate appropriate referrals to the Counselling Support team or Legal team, where needed.

Diagram 2 outlines a typical participant experience pathway for private sessions.

**DIAGRAM 2 TYPICAL PARTICIPANT PATHWAY FOR PRIVATE SESSIONS**



To prioritise the rights, autonomy and preferences of participants in private sessions, Board of Inquiry staff clearly explained to participants the options available to them regarding how the Board of Inquiry used the experiences they shared. For example, the Board of Inquiry could make information public, keep it anonymous (that is, use the information in this report or in hearings, but ensure it was de-identified) or keep it confidential (that is, use the information only for building the Board of Inquiry's knowledge and not share it publicly, even in a de-identified way). Participants indicated their chosen option as part of the intake process; then, during the private sessions themselves, participants discussed and confirmed their choice with the Chair or Counsel Assisting.

Participants were not locked into a decision about how their information would be used. If a participant changed their mind at any time, from intake to after a private session — for example, if they decided they no longer wanted their experience to be kept confidential — the Board of Inquiry would accommodate that change.

During private sessions, the participants and the Chair or Counsel Assisting discussed how records of the private session would be protected, both during and after the inquiry. For victim-survivors involved in court proceedings in relation to their experiences of child sexual abuse, protection of records was often an important issue to discuss.

The Board of Inquiry also promoted access and inclusion in its processes. When participants had needs that fell outside the Board of Inquiry's participant care and support model, it referred participants to additional services and supports, such as family violence support services and community mental health services. This helped ensure that the diverse needs of participants were addressed; namely, that they received specialised, integrated and trauma-informed care, how and when they needed it.

### **Counselling support**

As part of its participant care and support model, the Board of Inquiry ensured all participants had access to a range of supports. Tailored, therapeutic counselling was one of these.

Counselling support was provided by a team of dedicated and experienced counsellors from the South Eastern Centre Against Sexual Assault and Family Violence (SECASA).

Counselling support was one-on-one, and focused on supporting participants to manage the effects of revisiting their experiences of child sexual abuse during the inquiry. The service was not designed to address the childhood trauma itself, nor was it intended to act as a crisis support service. Engagement with counsellors was entirely optional.

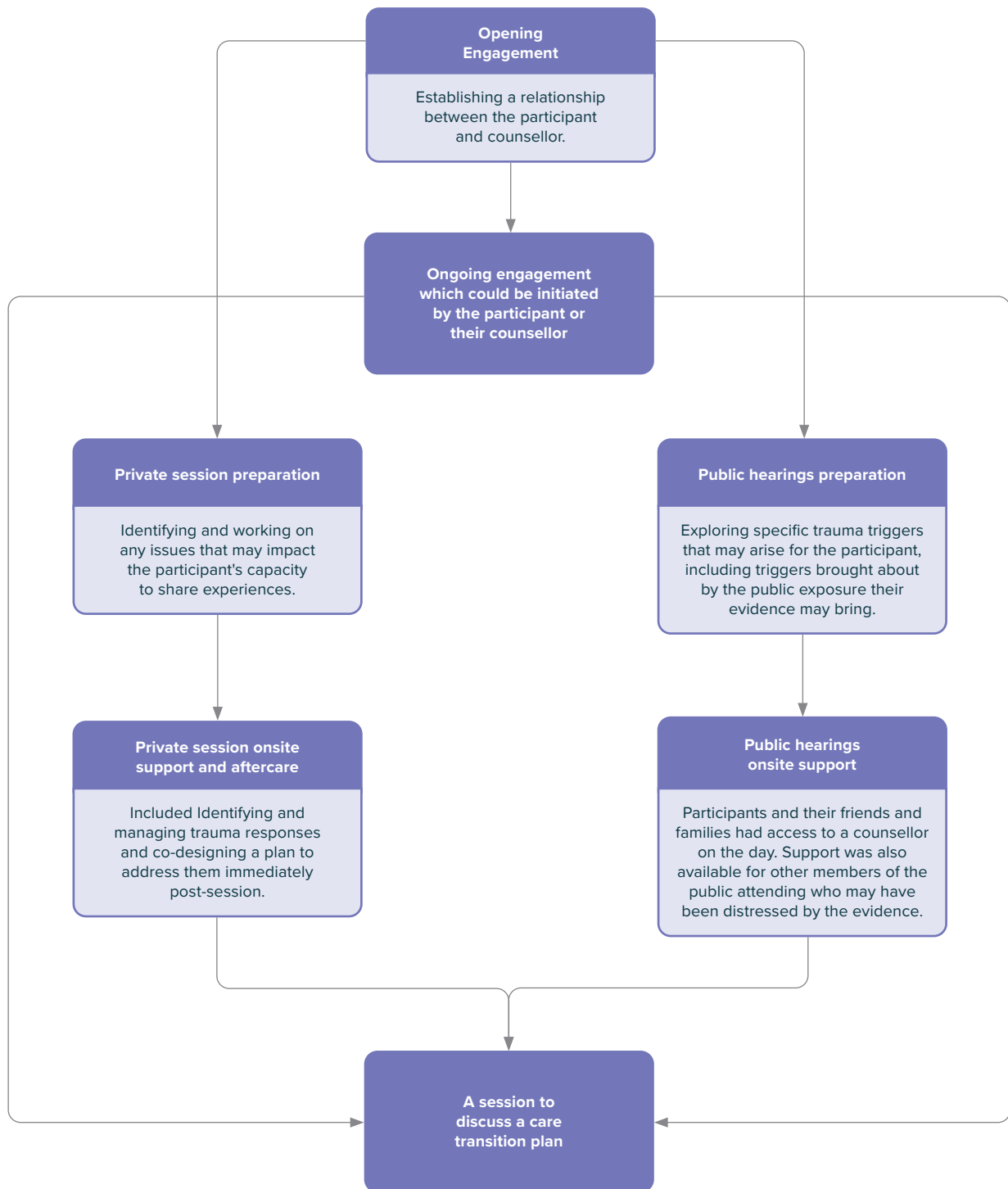
Counselling could be delivered face-to-face or through video or phone calls, based on participants' needs and circumstances. It generally involved:

- An opening engagement, to establish a relationship between the participant and counsellor. The counsellor would also gently reinforce the objective and scope of the service and explain the Board of Inquiry's approach to choice and control in information sharing. This opening engagement was also intended to create a shared understanding of difficulties that may arise through participating in the inquiry, including triggers, anxieties or medical conditions, and to explore some possible strategies to pre-empt or manage these difficulties.

- Support for private session participation, which involved the counsellor working with the participant to identify any issues or barriers that may impact their capacity to share their experience at a private session, as well as ways they could navigate through these issues and barriers. Counselling sessions could also include the counsellor and participant discussing how to identify and manage trauma responses and co-designing a plan for addressing them immediately post-session. 'A guide to private sessions for victim-survivor participants', which was developed and shared with participants prior to private sessions, can be found in Appendix E, Private sessions.
- Support for public hearing appearances, which involved the participant and counsellor exploring some of the specific trauma triggers that may arise. This counselling involved encouraging the participant to anticipate and plan for any impacts they may experience and implement strategies for self-care in preparation for the day. 'A guide to public hearings for victim-survivor participants' was developed by the Board of Inquiry to help individuals prepare. This is discussed below and found in Appendix E.
- Onsite support at public hearings and private sessions, which ensured participants had access to a counsellor on the day. In addition to supporting participants (and their friends and families) during public hearings, counsellors were available to support other members of the public attending who may have been distressed by the content of the hearings.
- Ongoing engagement, which could be initiated by a participant or their counsellor. Counsellors offered ongoing support that covered self-care skills, emotional regulation and anxiety management. Counsellors also actively monitored how participants seemed to be coping to identify whether they required more immediate treatment, care and support. Other events (for example, media coverage) were actively monitored to anticipate triggers that may result in the need for additional support.
- A session to discuss a care transition plan. The purpose of the care transition plan was to manage the conclusion of the counselling support provided by the Board of Inquiry and arrange any referrals for external or ongoing support that the participant may need. This session was designed to support closure and debriefing and to help the participant and counsellor end the counselling relationship on good terms. The session also provided the counsellor with an important opportunity to review existing supports for the participant and their family and to discuss any need for ongoing supports.

Diagram 3 outlines a typical participant counselling support pathway.

DIAGRAM 3 TYPICAL PARTICIPANT COUNSELLING SUPPORT PATHWAY



As the Board of Inquiry neared its conclusion, it commissioned three webinar presentations to provide participants and other engaged victim-survivors with an enduring resource to support their respective healing journeys. The presentation topics included recognising trauma triggers and utilising techniques to manage these; the role and practical application of self-care; and strategies for managing shame.



## Other supports and referrals

A range of other supports were available for people who engaged with or were affected by the Board of Inquiry.

Board of Inquiry staff connected people to information sources, services and advocacy bodies so that they could access relevant support, make a report regarding child sexual abuse or seek other assistance.

Individuals were primarily directed to:

- sexual assault support services, including the Centre Against Sexual Assault, Sexual Assault Services Victoria and Bravehearts
- legal advisory services, including Victoria Legal Aid and the Federation of Community Legal Centres
- reporting bodies and authorities, including the Victoria Police Sexual Offences and Child Abuse Investigation Team and the Department of Education Sexual Harm Response Unit
- the National Redress Scheme
- mental health and trauma support, including Blue Knot Foundation, Lifeline and Beyond Blue.

Board of Inquiry staff adhered to a range of relevant protocols when handling information or responding to requests, including referral protocols with the contracted counselling service and Victoria Police, in addition to meeting other legislative obligations relating to privacy and confidentiality.

## Healing spaces

The Board of Inquiry recognised the importance of conducting its work with victim-survivors, secondary victims and affected community members during private sessions, public hearings and roundtables in spaces that promoted healing and that were physically and culturally safe.

When choosing a suitable space in which to conduct this work, the Board of Inquiry considered the following accessibility and safety features,<sup>14</sup> among others:

- clear and wide pathways to entrances and exits
- welcoming language used on signage
- wheelchair access via lift
- an abundance of natural light
- adjustable lighting and sound, to create a calmer sensory experience
- the ability to move chairs in the public gallery, to allow people to sit where they felt most comfortable during hearings
- rooms with the ability to webstream, for people who wished to watch the public hearings outside of the hearing room

- breakout spaces and private rooms, so that victim-survivors, secondary victims and affected community members could have their own comfortable space to meet with support people or a counsellor
- the ability to change the physical hearing space for public hearings, including to ensure the hearing space felt less intimidating for victim-survivors.

Staff were available to welcome participants and other attendees into the space and provide assistance or guidance where appropriate. Staff also monitored the behaviour of others who may be perceived as intrusive or harassing.

The Yoorrook Justice Commission in Collingwood, Victoria is a dedicated space that has been purpose-built to be trauma-informed and culturally safe. The Board of Inquiry was permitted to use the space for private sessions, public hearings and some roundtables. One victim-survivor who spoke to the Board of Inquiry described the Yoorrook facilities as a ‘perfect choice’ of venue.<sup>15</sup>

The Board of Inquiry extends its thanks to the Yoorrook Justice Commission for its generosity in sharing this beautiful space, which promotes truth-telling and healing.

## Engagement and awareness-raising

It was important to raise awareness of the Board of Inquiry’s work to ensure that people with relevant information who wished to participate in the inquiry could do so. Being open, accessible and engaging closely with affected people and communities was a priority for the Board of Inquiry. This section describes the strategies the Board of Inquiry used to maximise engagement with its work.

### Engagement with the community

The Board of Inquiry invested in community engagement processes and leveraged key stakeholder networks and traditional media to raise awareness of its work, inform the community of its progress and gather as much information as possible within a short period.

To enable this engagement, the Board of Inquiry developed a comprehensive engagement strategy. During the establishment phase of the inquiry, key stakeholder groups were identified and mapped, and engagement practices were adopted that facilitated two-way information sharing and communication, wherever appropriate.

The strategy was refined over time, allowing the Board of Inquiry to respond to new information it received in a timely, transparent and accessible way. Aspects of the strategy were tested with victim-survivor advocates at various points of the inquiry to ensure they were trauma-sensitive and would meet community needs and expectations.

Part of the engagement strategy was reaching out to communities. The primary objective of community engagement was to raise awareness of the Board of Inquiry’s work, including helping the community understand its purpose, scope and proposed ways of working. The engagement was designed to maximise opportunities for the Board of Inquiry to hear directly from community members about any concerns or suggestions that might inform and improve its approach as it progressed, and to answer any questions. In developing its community engagement, the Board of Inquiry also considered how to reach particular groups it wanted to hear from, by ensuring people felt encouraged and supported to participate. The Board of Inquiry considered community engagement particularly important because it was aware some victim-survivors were not able to contact it by email or telephone, or did not feel comfortable doing so.

## Community drop-in sessions

The Board of Inquiry learned that many victim-survivors and secondary victims still live in Beaumaris and the surrounding areas in which they attended school. As a result, community drop-in sessions were planned in locations that would be convenient, namely:

- Sandringham Library, City of Bayside (8 October 2023)
- Hills Hub, Cardinia Shire (12 October 2023)
- Bunjil Place, City of Casey (19 October 2023).

The Chair of the Board of Inquiry was present at all three sessions. Appropriately trained Board of Inquiry support staff were also on hand to support anyone who may have been feeling anxious or distressed and to facilitate referrals to external support services.

A range of people attended the session at the Sandringham Library, with many curious about the Board of Inquiry's work. Most discussions were exploratory, with people taking information away to reflect on. Several registrations for private sessions were made as a result of these drop-in sessions. Consistent with the relative informality of these sessions and to maintain confidentiality, attendance records for these sessions were not kept. No-one attended the Hills Hub or Bunjil Place sessions.

## Telephone line and dedicated email

Members of the public were encouraged to call or email the Board of Inquiry with any questions, concerns or information they may have. The Board of Inquiry established a dedicated email address to receive information and had a telephone line operating during standard business hours throughout the inquiry. These channels were managed by skilled and highly trained staff who were equipped to respond in a timely, professional and empathetic way. More detail on information received through these channels is provided in the next section.

## Communications about the Board of Inquiry's work

The Board of Inquiry website was designed to be accessible and easy to use and was regularly updated. It was an important channel through which the Board of Inquiry could share information and members of the public could engage with the inquiry's work in a way that suited them. For example, victim-survivors who could not attend the public hearings or did not feel comfortable doing so could watch a video stream of the public hearings on the website. People could also subscribe to an email newsletter that intermittently shared information on the Board of Inquiry's progress.

Social media also played an important role in disseminating information about the inquiry. Stakeholders and engaged community members regularly shared information about the Board of Inquiry on social media, which helped make the inquiry more visible to a wider group of victim-survivors, secondary victims and affected community members. City of Bayside was supportive of the Board of Inquiry's objectives and shared information about it with local community health services, sporting clubs, Men's Sheds, faith-based and other organisations, and these organisations in turn shared information on their own social media platforms.

## Engagement with the media

There was strong media interest in the experiences of victim-survivors and in the Board of Inquiry's work. While media reporting is an important way to increase awareness and understanding of child sexual abuse, it is important that such reporting is grounded in an understanding of the nature and dynamics of child sexual abuse, and that reporting is done with sensitivity and care.

The Board of Inquiry developed media guidelines, which were issued under section 63(1) of the Inquiries Act and launched at the Board of Inquiry's initial media conference. These guidelines were available on the Board of Inquiry's website and provided media organisations with direction on how to uphold the integrity of the Board of Inquiry's proceedings; in particular, the guidelines provided direction in complying with Restricted Publication Orders made by the Chair. Media organisations were also encouraged to adhere to the national guidance for reporting on child sexual abuse, which is designed to support the media to raise community awareness of child sexual abuse, reduce the stigma experienced by victim-survivors and empower victim-survivors when they share their personal experiences.<sup>16</sup>

The Board of Inquiry developed a productive working relationship with media organisations throughout the inquiry. Adopting a proactive approach with the media was an important way for the Board of Inquiry to reflect its values of openness and transparency. It also helped ensure that media reporting was accurate and mindful of potential legal and other risks to victim-survivors' interests.

## Information that guided and informed the Board of Inquiry

The Board of Inquiry relied on a range of processes to gather information it needed to do its work. This included seeking documents from state government agencies and other bodies; encouraging members of the public to provide information; inviting submissions from individuals and organisations; conducting private sessions, public hearings, roundtables, targeted consultations and research. This section describes the level and types of information received from these sources.

### Notices to Produce and requests for information

The Board of Inquiry issued a total of 15 Notices to Produce to the Victorian Department of Education, Victorian Department of Justice and Community Safety, Victorian Department of Families, Fairness and Housing, and Victoria Police. Notices to Produce are issued under the Inquiries Act and impose legal requirements on government agencies to provide requested information.<sup>17</sup> The Board of Inquiry received more than 600 documents in response to Notices to Produce, which informed its public hearings, its ongoing work outside of hearings and, ultimately, the content of this report.

Information was also requested from the Director of Public Prosecutions and Victorian courts, which was shared with the Board of Inquiry on a voluntary basis.

The Board of Inquiry extends its gratitude to all of these organisations for their assistance and cooperation.

## Information received from the community

Around 120 victim-survivors, secondary victims, affected community members and other stakeholders shared their experiences with the Board of Inquiry, with approximately 40 making contact specifically to provide information and intelligence.

Of the approximately 120 contacts:

- 68 were victim-survivors
- 11 were secondary victims
- 25 were affected community members. This included current and former teachers at Beaumaris Primary School and other Victorian government schools, former neighbours and acquaintances of alleged perpetrators, local residents of the Beaumaris community, the surrounding areas and former students at other Victorian government schools.

Information provided by people was vital to informing lines of investigation and requests for documents. These contacts also gave Board of Inquiry staff opportunities to invite individuals to participate further or to connect them with support they may need.

Board of Inquiry staff carefully considered all information provided, including information that was ultimately found to be outside the inquiry's scope.

## Submissions

On 7 September 2023, the Board of Inquiry invited submissions from individuals or organisations who had relevant information or expertise to share. The call for submissions was published on the Board of Inquiry's website and people were encouraged to contact Board of Inquiry staff if they needed any assistance. The Board of Inquiry welcomed submissions in any format, including online, via mail, or in audio or audio-visual formats, and of any length. All people making a submission were prompted to elect how they wished to have their information treated, with the assurance that they could change their preference at any time. The Board of Inquiry specifically sought submissions from victim-survivors, secondary victims and affected community members.

The submission process was initially open from 7 September 2023 to 31 October 2023, but the Board of Inquiry continued to accept submissions from victim-survivors and secondary victims until 15 December 2023, the same date the private sessions concluded. The Board of Inquiry extended the deadline in acknowledgement that, for some individuals, taking part within the original timeframe may have been difficult and may have caused distress.

As described above, the Board of Inquiry did not dictate the format a submission could take and was open to receiving submissions in writing, audio, image or video formats. People could ask Board of Inquiry staff for help in preparing a submission and would be supported to do so. Many organisations also provided submissions to the Board of Inquiry.

The Board of Inquiry published a guide for individuals making a submission relating to experiences of child sexual abuse. This included some suggested questions for people to consider responding to — the list of questions is included in Appendix F, Submissions. Participants were also invited to share their thoughts on ways to support healing and their experiences with support services. Organisations were encouraged to outline best-practice, evidence-based approaches to providing

effective support services for victim-survivors of child sexual abuse. Further information about submissions can be found in Appendix F. As with information provided in private sessions, people or organisations making submissions could elect for their information to be public, anonymous or confidential and change their mind at any time.

All submissions, including those not directly referred to in this report, were closely read and considered by the Board of Inquiry. Where appropriate, counsellors reviewed the material to ensure there were no immediate concerns for an author's wellbeing. If any concerns were identified, Board of Inquiry staff contacted the author offering them an opportunity to speak confidentially with a counsellor.

The Board of Inquiry made careful decisions about which submissions to publish on its website. Some submissions were not published, whether in whole or in part, for legal reasons (including to comply with a non-publication order), for privacy reasons or because the author requested that the submission not be published.

The Board of Inquiry received 52 submissions from victim-survivors, secondary victims, affected community members, service providers, researchers and experts, non-government organisations and law firms. Of these, 41 submissions were determined to be in scope, including 34 from individuals and seven from organisations.

The Board of Inquiry is grateful for the time and effort put into all the submissions it received.

## Private sessions

Private sessions provided a way for victim-survivors, secondary victims and affected community members to speak directly with the Board of Inquiry and share deeply personal experiences in a safe, private and trauma-informed environment. The purpose of a private session was not to receive evidence on oath or affirmation, or test a victim-survivor's account of their experiences. All private sessions were conducted at the Yoorrook Justice Commission, with the Chair or Counsel Assisting hosting in person or via video conference. Private sessions generally ran for one hour.

Before a private session, participants were provided with an information sheet titled 'A guide to your private session', which outlined what the person could expect on the day, answered frequently asked questions and provided practical information on transport and parking. This guide is in Appendix E.

Participants could choose how to use the time in their private session and opt to bring a support person or lawyer with them if they wished. In private sessions, people described experiences of child sexual abuse, responses to previous disclosures, the impacts of their experience of child sexual abuse or experiences engaging with services or the justice system. Some also brought documents to their private session, such as police statements, letters, school reports or photographs.

A counsellor was present to support participants before, during and after their private session, with most participants choosing to debrief after their session concluded (how the participant support and care model applied to participants in private sessions is described earlier in this Chapter). Where appropriate, a second private session was conducted.

Participants were asked to consent to have the audio of their private session recorded for the Board of Inquiry's reference, but could opt out of the recording if they preferred. A Board of Inquiry staff member was also present during private sessions to take written notes of the discussion. As previously discussed, individuals could indicate whether they would like the information they provided through their private session to be treated as public, anonymous or confidential. Where permitted to do so, the Board of Inquiry has included quotes from private sessions in this report, relying on a combination of the notes and audio recordings.

Over the course of the inquiry, 36 people shared their experiences through private sessions. The following 14 individuals, including victim-survivors, secondary victims and affected community members, wished to share their names publicly:

- Ingrid Carlsen
- Tim Courtney
- Glen Fearnett
- Bryce Gardiner
- Michelle Gilbey
- Grant Holland
- James Macbeth
- Ross McGarvie
- Lindy McManus
- Cheryl Myles
- Rod Owen
- Michael Stretton
- Neil Turton-Lane
- Karen Walker.

It should be noted that it was not always possible or appropriate (including for legal reasons) to link a particular piece of information or attribute a quote to a named individual.

A further 18 individuals sought to share their experiences anonymously. This meant that the person's information could be used in public hearings or this report, but without any identifying information.

Four individuals sought to share their experiences on a confidential basis, meaning that the information they shared would inform the Board of Inquiry's work, but it would not be referenced in any way in the inquiry's work.

The Board of Inquiry felt privileged to receive the trust of private session participants, who showed enormous strength and openness in sharing some deeply painful and traumatic experiences.

## Public hearings

The Board of Inquiry held public hearings over seven days between late October 2023 and late November 2023. Hearings were conducted across three phases exploring the following topics:

- Phase One: Experience (23–24 October 2023)
- Phase Two: Accountability (15–17 November 2023)
- Phase Three: Support services and healing (23–24 November 2023).

The complete hearing schedule and list of witness statements can be found in Appendix G, Information about public hearings.

A range of people were invited to participate in the public hearings in various ways. Some people provided witness statements without giving oral evidence. Some people gave oral evidence, whether they had provided a witness statement or not. For others, an account of their experiences (described as a ‘narrative’) was read out in the hearing by Counsel Assisting or formed part of Counsel Assisting’s address to the Chair. Participants included victim-survivors and secondary victims, relevant experts and representatives from advocacy organisations. Representatives from relevant government agencies, including the Department of Education, prepared witness statements and in some cases were also called to give evidence.

Evidence contained in witness statements has been quoted and relied upon in this report. A list of all individuals who provided witness statements and narratives is in Appendix G.

As part of fulfilling its objective to create a public record of victim-survivors’ experiences, it was essential that the Board of Inquiry and the wider community heard publicly from victim-survivors about their lived experiences. However, it was equally important that the process for doing so respected victim-survivors’ wellbeing, safety and privacy.

Accordingly, the Board of Inquiry carefully considered how the experiences of victim-survivors and secondary victims could form part of the public hearings. Various methods were chosen. One victim-survivor shared their lived experience and testimony publicly, while another witness chose to give evidence using a pseudonym in a closed hearing, meaning only those in the hearing room could see them give their evidence. In addition, victim-survivors and secondary victims were able to have their stories shared through Counsel Assisting. This enabled experiences to be shared without the victim-survivor needing to formally participate in the hearings as a witness. Where anonymity was sought or required for legal reasons, pseudonyms were used.

In line with the Inquiries Act, the Chair of the Board of Inquiry presided over the hearings. The role of the Chair was to listen and assess evidence. Counsel Assisting held primary responsibility for presenting evidence and questioning witnesses, although at times the Chair would also ask witnesses questions. Counsel Assisting adopted a trauma-informed approach when eliciting information from victim-survivors, who were prepared and guided by counsellors and Board of Inquiry staff about what to expect when giving evidence in the lead up to hearings. Questions were respectful of boundaries defined by witnesses who were sharing personal experiences and witnesses always had the option to take breaks during proceedings, if needed. A trauma-informed approach was also adopted for those victim-survivors, secondary victims and affected community members whose narratives Counsel Assisting read out as part of the public hearings.

Throughout the public hearings, the Board of Inquiry remained committed to transparency and sharing as much information as possible with the public. However, the Board of Inquiry issued 10 Restricted Publication Orders under section 73(2) of the Inquiries Act that limited the public sharing of information that could identify victim-survivors and alleged perpetrators. These were issued for one of the following reasons:

- To protect the identity of victim-survivors, secondary victims, and community members who gave evidence (or had their experience read out by Counsel Assisting), who did not want to be publicly identified (or could not be for legal reasons).
- Where relevant and appropriate, to create a pseudonym for alleged perpetrators so as to not interfere with current or future civil or criminal proceedings that may be pursued or underway.



Where needed in order to comply with these orders, transcripts and witness statements were redacted, and to avoid any inadvertent breaches of these orders being broadcast, a 10-minute delay was placed on the webstream.

Members of the public and media were invited to attend hearings in person or watch the webstream online, which was available each hearing day. Daily hearing lists, transcripts, some witness statements, video recordings of the hearings and Restricted Publication Orders were published on the Board of Inquiry's website. The Board of Inquiry has quoted evidence from publicly released transcripts of public hearings throughout this report.

The Board of Inquiry also developed 'A guide to public hearings for victim-survivor participants', which was designed to prepare victim-survivors, secondary victims and affected community members attending a public hearing. This guide was designed to reduce stress on the day by clearly describing what to expect during and after hearings, as well as providing important information on the location of the hearings, and on transport and parking. The guide to public hearings is in Appendix G. A range of counselling support services were provided to witnesses and other attendees who may have been affected by the public hearings. A First Aider and First Responder from St John Ambulance Australia and a security professional were onsite for every public hearing to assist with safety and wellbeing.

There was significant media interest in the Board of Inquiry's public hearings. The Board of Inquiry supported victim-survivors who wished to share their experiences with the media by ensuring they felt safe and comfortable to do so.



Image 1: Chair, Kathleen Foley SC at public hearings at the Yoorrook Justice Commission in Collingwood, 23 October 2023

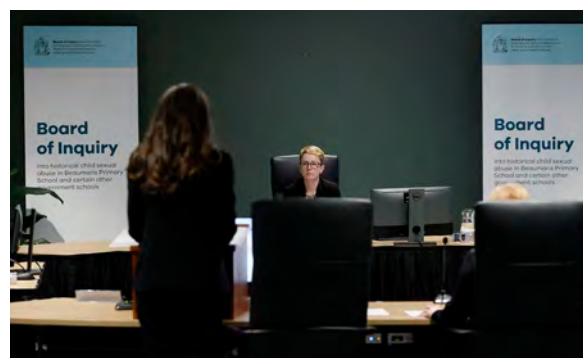


Image 2: Counsel Assisting, Fiona Ryan SC presenting her Opening Address to the Chair at public hearings, 23 October 2023

## Roundtables

Between 29 November 2023 and 14 December 2023, the Chair of the Board of Inquiry hosted five roundtables to gather further information. These were:

- Roundtable 1 (29 November 2023): Support Services
- Roundtable 2 (29 November 2023): Healing
- Roundtable 3 (1 December 2023): Lived Experience
- Roundtable 4 (1 December 2023): Support Services
- Roundtable 5 (14 December 2023): Government's role in provision of services and supporting healing.

The composition of the roundtables varied depending on the subject to be discussed. Overall, participants included victim-survivors and secondary victims, representatives from support and advocacy services, community members with relevant experience, researchers and academics, and government representatives. A full list of roundtable participants can be found in Appendix H, Roundtables.

The purpose of the roundtables was to provide an opportunity for structured discussions on questions and issues arising from the hearings about the effectiveness of support services and appropriate ways to support healing. Each roundtable was supported by a discussion guide setting out expectations, roundtable etiquette and questions to guide the conversation.

For the roundtables on support services and healing, the Board of Inquiry invited organisations and individuals with expertise and experience in delivering support services and developing healing responses. The Board of Inquiry invited several victim-survivors and secondary victims who had already participated in private sessions to attend the Lived Experience Roundtable to obtain further input from them. A final roundtable was held with representatives from across Victorian government agencies to respond to specific themes and issues that had arisen during the hearings and previous roundtables.

Each roundtable was scheduled for two hours and hosted by either the Board of Inquiry Chair or Chief Executive Officer. Roundtables were held online, in person or through a combination of the two. Consent was sought for roundtable discussions to be audio recorded and in some cases visually recorded to enable records of proceedings to be prepared for the Board of Inquiry's reference. In order to facilitate open discussion, the Chair or CEO advised participants that while this report may refer to themes or issues discussed at roundtables, it would generally do so without attributing particular statements to individuals. The Chair or CEO also advised participants of the Support Services and Healing Roundtables that the report would only attribute a quote to an individual if that person gave their consent. Participants at the Lived Experience Roundtable were advised that all information in the report would be anonymised, even where quotes were used (which would only be done with permission).

Roundtables built on the evidence heard at public hearings and were a valuable mechanism enabling people with a range of expertise and perspectives to contribute to the Board of Inquiry's work. They also offered another opportunity for victim-survivors and secondary victims to participate in this work.

## Targeted consultations and research

The Board of Inquiry also engaged directly with several individuals and organisations through a series of targeted consultation meetings. There were a range of reasons for these consultations — for example, to help identify potential witnesses, to seek specific information on areas of expertise or to test ideas. Further information about people and organisations consulted is in Appendix I, Consultations. Concurrently, the Board of Inquiry undertook independent research and literature reviews to help inform its work.

## Procedural fairness

In accordance with the Inquiries Act and with its other legal obligations, the Board of Inquiry designed and conducted its inquiry in such a way that it afforded procedural fairness to those entitled to it.

From the outset, the Board of Inquiry recognised it would likely hear allegations or receive information about persons that would require it to consider its procedural fairness obligations in relation to those persons. The Board of Inquiry developed principles for deciding how it would manage any such allegations or information. This involved deciding whether and how the Board of Inquiry might seek to explore allegations or information, as well as when and why it might publicly identify any person as a relevant employee.

The Board of Inquiry sought to engage with the three alleged perpetrators who were still alive, including through any lawyers who were retained to assist them. The Board of Inquiry explained its approach to the public hearings, including the use of Restricted Publication Orders, pseudonyms and de-identification, and advised how the alleged perpetrators and their legal representatives could access information about the hearings. In each case, the Board of Inquiry foreshadowed that it would provide draft content of this report that was adverse to them and provide them with an opportunity to provide a response to it. The Board of Inquiry also provided an open invitation for the individual to engage with the Board of Inquiry at an earlier stage if they wished to do so (that is, prior to receiving the draft report content). Only one alleged perpetrator did so, by writing to the Board of Inquiry about allegations and information in relation to them that was covered during the public hearings. Subsequently, one of these three alleged perpetrators died.

Consistent with its earlier communication, the Board of Inquiry re-engaged with the two alleged perpetrators who were still alive in relation to draft content of the report that was adverse to them, including the victim-survivor and secondary victim narratives and other specific allegations or commentary in relation to them. These individuals provided responses to the Board of Inquiry, which have been carefully considered and are addressed later in this report. More detail about the procedural fairness process in relation to each alleged perpetrator is set out in Chapter 11, *The alleged perpetrators*.

The Board of Inquiry's procedural fairness process also involved engaging with the State of Victoria, including the Department of Education, Department of Families, Fairness and Housing, Department of Justice and Community Safety and Victoria Police, in relation to any adverse material in relation to these agencies. As a consequence, the Board of Inquiry provided the State with certain draft chapters that contained specific findings or adverse comments for the State to review. The State provided submissions in relation to these draft chapters and the Board of Inquiry took these into account before it finalised the report. The State was not provided with any other draft chapters or content prior to finalising the report.

In terms of procedural fairness responses, one relevant employee disagreed with the Board of Inquiry using the phrase 'victim-survivor' in the report, on the basis it could be understood as assuming the victim-survivor experiences shared with the Board of Inquiry and included in the report are true. He requested that the term 'alleged victim-survivor' be adopted in all instances where there has been no conviction. Despite this suggestion, the Board of Inquiry has used the term 'victim-survivor'. The Order in Council establishing the Board of Inquiry uses this language

in the inquiry's Terms of Reference. Further, 'victim-survivor' is widely accepted terminology and was the way many people identified themselves to the Board of Inquiry. The use of this term does not, and is not intended to, indicate that the Board of Inquiry has made any findings of fact in relation to the experiences of victim-survivors, secondary victims and affected community members.

The Board of Inquiry was also conscious of the risks involved in publicly identifying relevant employees. If the Board of Inquiry decided, having regard to all the circumstances, that it was not appropriate to publicly identify a relevant employee, the Board of Inquiry made Restricted Publication Orders, used pseudonyms and otherwise de-identified and protected information in relation to the relevant employee.

## Lessons learned

Each inquiry aims to build on previous inquiries, and in doing so, benefits greatly from what these inquiries learned about what worked well and what could be improved. The Board of Inquiry is proud of many elements of its work, particularly its participant care and support model, which aimed to offer personalised support to participants with an experience of trauma. However, the Board of Inquiry also recognises the importance of reflecting on areas of potential improvement. It is in this spirit that some key reflections from the Board of Inquiry are presented here.

While time and resources did not allow for the Board of Inquiry to conduct a full evaluation of the participant care and support model, participants and stakeholders were encouraged to provide feedback at any point about the Board of Inquiry's work. Some of the feedback received and insights gained about the model are summarised below, along with some informal reflections on the operation of the inquiry itself.

### Reflections on the participant care and support model

As noted throughout this Chapter, the Board of Inquiry deliberately embraced a trauma-informed approach when fulfilling its objectives and addressing its Terms of Reference. In doing so, it built on the lessons learned from some previous inquiries. Some of the approaches to communication, care and support adopted were new in the context of Victorian inquiries and the Board of Inquiry wanted to understand how participants experienced them. In some part due to having a small team, the Board of Inquiry could foster a supportive culture and continuously learn and improve processes and practices in order to meet the needs and wishes of participants.

Feedback from participants, provided both formally and informally, reinforces the value of inquiries such as the Board of Inquiry engaging with the community openly and designing and implementing a comprehensive model of care and support to encourage participation. These initiatives, in and of themselves, played a crucial role in victim-survivors' healing journeys. Victim-survivors who engaged with the Board of Inquiry frequently provided feedback about their experiences, with many noting the importance and value of a participant care and support model that met their diverse needs, was emotionally validating and recognised that support methods can be delivered through formal and informal approaches. The majority of feedback received was informal but was overwhelmingly positive, with people reporting that they were met with compassion, empathy and careful consideration of their needs.

Some victim-survivors reflected that it was rewarding to be part of a person-centred care model that was effective for both the individual and the family unit. For many, the care and support they were provided contributed to greater emotional self-control, increased interpersonal trust and feelings

of empowerment, reduced self-blame, and improved attachment to their loved ones. The Board of Inquiry also acknowledges how emotionally difficult it was for many victim-survivors to engage with the inquiry's work, given the subject matter. The Board of Inquiry hopes that its approach made that difficult journey a supported one.

## Reflections on how the inquiry operated

Areas of improvement identified primarily related to the short, 12-week timeframe for participation in a private session. Some people, particularly those disclosing their experiences for the first time, felt this did not provide them sufficient time to prepare psychologically. Given the short duration of the Board of Inquiry, it was inevitable that some participants would feel that processes were rushed. For future inquiries dealing with similarly sensitive subject matter (where some participants will need a good deal of time to decide whether to even engage with the inquiry), longer overall timeframes for the inquiry should be considered.

A key feature of the participant care and support model was that victim-survivors could choose whether to engage with counsellors. For many victim-survivors, their initial response was to not engage. However, they often changed their mind after participating in a private session. Many people reported their experience participating in a private session as one that, while difficult, contributed positively to their healing, and that this prompted them to continue on a therapeutic journey. For some, participating in a private session caused quite significant emotional distress and they recognised that they needed counselling support. The flexibility of the model enabled victim-survivors to safely request counselling, and decide how it was delivered.

Some people requested counselling support for immediate family members who were not formally participating in the inquiry, such as partners, siblings and children. The Board of Inquiry understood the impact that an individual's participation was likely to have on their families, friends, loved ones and supporters and made suitable accommodations to ensure that anyone affected by the inquiry could access counselling support. Participants valued the personalisation of care and support, with many noting informally that it increased closeness in their relationships.

The Board of Inquiry is proud of the model of support it developed and hopes that it informs future inquiries involving participants who have experienced trauma, recognising the inherent power of an inquiry process to offer acknowledgement and validation of experiences and contribute to recovery.

## Chapter 1 Endnotes

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13. George Tate, 'Therapeutic Process: Definitions and Theory', in *Strategy of Therapy* (Springer, 1967) 40 <[https://doi.org/10.1007/978-3-662-40411-9\\_3](https://doi.org/10.1007/978-3-662-40411-9_3)>.
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16. Commonwealth Government (National Office for Child Safety) and University of Canberra, 'Reporting on Child Sexual Abuse: Guidance for Media' (2003) <<https://www.childsafety.gov.au/system/files/2023-07/reporting-on-child-sexual-abuse-guidance-for-media.pdf>>.
17. *Inquiries Act 2014* (Vic) pt 3 div 4.

CHAPTER 2

# Operations

02

## Introduction

This Chapter outlines the operations of the Board of Inquiry. While the previous Chapter — Chapter 1, Establishment and approach — details many of the public-facing functions of the Board of Inquiry, this Chapter describes the wide range of work occurring behind the scenes to ensure the Board of Inquiry ran smoothly from an operational perspective.

This includes the Board of Inquiry's staffing and organisational structure, approach to governance and decision-making, and important functions relating to IT, security, facilities and records management. The Chapter also outlines the key procedural guidelines developed to assist the Board of Inquiry's work, called practice directions.

## Organisational structure and functions

The design of the Board of Inquiry as an organisation required the clear allocation of functions, responsibilities and expertise to deliver on its objectives.

In their leadership role, the CEO was supported by the Chief Adviser who assisted in the establishment and functioning of the organisation. The CEO and Chief Adviser ensured that the Chair was appropriately briefed, that significant matters were fully deliberated, and that the Board of Inquiry objectives were being achieved.

The Policy, Research and Strategy team comprised experienced policy and research officers and managers. This team conducted the Board of Inquiry's research, informed the scope of work and lines of investigation, and supported the conduct of public hearings and roundtables. It also consulted broadly with different experts to inform the Board of Inquiry's work. This team held primary responsibility for the drafting of this report, working closely with the Legal team.

The Communications, Engagement and Supports team was responsible for external communications, public and media engagement, and supporting victim-survivors, secondary victims and affected community members. Its members supported all engagement with stakeholders, including managing the Board of Inquiry's website, phone line and contact email addresses. This team's work also involved embedding trauma-informed practices and policies across the organisation, and working closely with the Counselling Support team. In supporting victim-survivor and other stakeholder participation in the Board of Inquiry, the team conducted intake assessments, managed the submissions process and coordinated all private sessions with participants. Together with Comme Consulting, the Board of Inquiry's Media Adviser, the team liaised with the media to ensure that awareness of the Board of Inquiry's activities was amplified in the community.

The Operations and Executive Support team provided logistical and corporate support for all the Board of Inquiry's operations. This team managed the practicalities of private sessions, public hearings, roundtables and stakeholder engagement, and was also responsible for managing people and culture (HR), finances and contracts, information and records management, and the decommissioning of the Board of Inquiry.

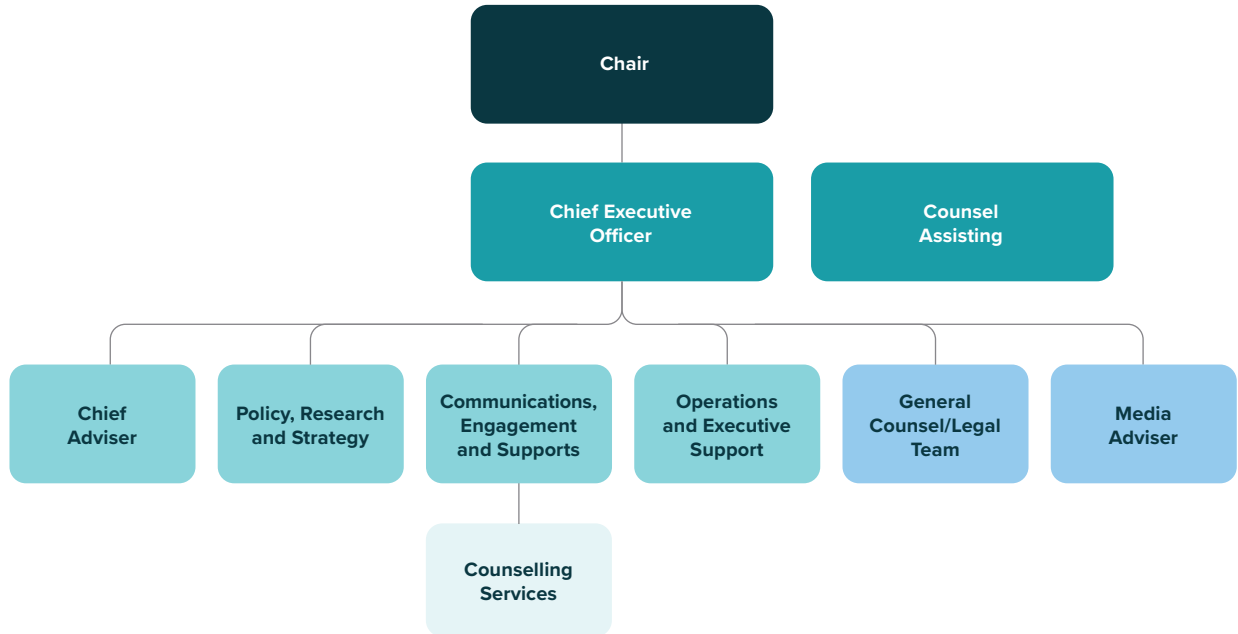
The Legal team, comprised of solicitors from Corrs Chambers Westgarth, fulfilled the role of Solicitors Assisting. In that role, the Legal team provided support for public hearings and was involved in all forms of information collection and analysis (including the development of this report). The Legal team also advised the Board of Inquiry on matters relating to risk, compliance, contracts, information management, and legal issues connected to media and communications. The Head of the Legal team was also General Counsel for the Board of Inquiry.



As described in Chapter 1, the Board of Inquiry also appointed Counsel Assisting to perform multiple critical functions.

Diagram 4 shows the structure and teams of the Board of Inquiry.

**DIAGRAM 4 ORGANISATIONAL STRUCTURE OF THE BOARD OF INQUIRY**



## Governance and decision-making

### Governance

The Board of Inquiry had a governance framework with supporting processes and practices to ensure the efficient functioning of the organisation and an appropriate authorising environment for decisions. Regular meetings provided opportunities for feedback and group discussion. The formal decision-making structure provided rigour, but did not stifle opportunities for sharing ideas and creative thinking. Decisions were recorded and teams debriefed in a timely manner, as appropriate, to assist with ongoing work and connection to the Board of Inquiry’s overarching strategy and direction. Decision-making was enabled through the following:

- Chair meetings — Formal weekly meetings with the Chair were attended by the CEO, executives and other relevant staff. Additional meetings were scheduled as required, particularly to deliberate on findings and recommendations. Some papers and briefings were provided to the Chair out of session.
- Executive meetings — Formal weekly meetings of the executive group discussed important issues and risks associated with the Board of Inquiry’s work program, legal matters, operations and staff wellbeing. The Chair attended these meetings during the establishment phase of work.

## Risk management, business continuity and security

It was important for the Board of Inquiry to identify and mitigate any risks that may have compromised its ability to do its work successfully. Risks were identified by the Chair, the CEO and other Board of Inquiry staff over the life of the inquiry. Risk management was a standing item on the weekly executive meeting agenda and a key feature in the Board of Inquiry's planning documents, processes and protocols.

One key risk that needed to be managed related to business continuity — ensuring the Board of Inquiry was able to maintain all the staff it needed to deliver its functions throughout the inquiry. As the Board of Inquiry was a small team operating to an ambitious deadline, the loss of one or two members of staff would have been significant. To prepare for this, people with multiple and transferrable skills were prioritised in recruitment to enable flexibility if short-term staffing gaps needed to be addressed.

Information security was another a key consideration for the Board of Inquiry. Access to the Board of Inquiry office space was highly restricted and only accessible to staff and essential contractors, with on-site attendance tracked. All visitors were checked by building security and only allowed into the building if accompanied by a Board of Inquiry staff member. There was a strict 'clean desk' policy and processes for managing hard-copy materials to reduce the possibility of unintended confidentiality breaches. Careful attention was given to the protection of electronic materials and resources (as discussed further below).

The Board of Inquiry also engaged a security firm to be present at its public hearings and ensure the safety of all attendees present. A carefully briefed senior security professional attended all hearings and made a valuable contribution to the sense of safety that was achieved.

## Protocols and procedures

### Protocol with the State

The Board of Inquiry entered into a protocol with the State of Victoria, which was finalised in September 2023. This protocol set out commitments by both the Board of Inquiry and the State to support the Board of Inquiry having timely access to documents and data, and agreed ways of working, including expectations around communication, consultation and cooperation. It also established mechanisms to efficiently manage and process documents where the State considered it had good reason to not comply with a Notice to Produce or where documents contained sensitive information that affected the extent to which they could be published (for example, in the Board of Inquiry's report or on its website). This protocol was put into operation in conjunction with the practice directions issued by the Board of Inquiry.

### Practice directions

The Board of Inquiry was empowered to issue practice directions under the *Inquiries Act 2014* (Vic). These were guidelines that explained processes and procedures the Board of Inquiry would adopt in conducting its work. The Board of Inquiry made six practice directions, which were all published on its website:

1. *Practice Direction No 1: General Information* (12 September 2023) — which gave a general preliminary overview of how the Board of Inquiry would work, including how it would receive and treat information, issue and enforce compliance with Notices to Produce or Notices to Attend, and conduct closed hearings and private sessions. Some of these matters became the subject of specific practice directions.
2. *Practice Direction No 2: Leave to Appear* (12 September 2023) — which explained how the Board of Inquiry would decide whether people (other than witnesses) could appear before the Board of Inquiry in its public hearings (that is, whether it would give ‘leave to appear’). Leave to appear is sometimes sought by lawyers of interested parties who wish to ask questions of witnesses, or make arguments or submissions to an inquiry. Only the State of Victoria sought leave to appear before the Board of Inquiry. The State of Victoria did not seek to question lived experience witnesses.
3. *Practice Direction No 3: Production of Documents and Document Management Protocol* (26 September 2023) — which explained the format and processes for providing documents to the Board of Inquiry in compliance with a Notice to Produce. It also provided the basis upon which people could argue they had a reasonable excuse not to comply with a Notice to Produce, and included considerations relating to documents subject to secrecy or confidentiality requirements.
4. *Practice Direction No 4: Private Sessions* (12 September 2023) — which covered the Board of Inquiry’s processes for private sessions, including practical issues relating to information management, expenses, and the legal rights and responsibilities of participants.
5. *Practice Direction No 5: Public Hearings* (12 September 2023) — which described procedural matters in relation to public hearings, including how proceedings would be conducted, and provided information regarding restricted publication orders and closed hearings.
6. *Practice Direction No 6: Witness Expenses Policy* (revised) (8 November 2023) — which described the circumstances in which the Board of Inquiry would compensate or reimburse someone in connection with their participation in the inquiry.

## Guides and guidelines

The Board of Inquiry developed a range of guides and guidelines relevant to particular functions. These included media guidelines, as well as guides for participants in private sessions and public hearings. They are discussed further in Chapter 1, and the latter guides may be found in Appendices E, Private sessions and G, Information about public hearings.

## Finance and procurement

Under the establishing Order in Council, the Board of Inquiry was authorised to incur expenses and financial obligations up to \$4.5 million.<sup>1</sup> In the early stages of the Board of Inquiry’s work, it was identified that the allocated budget may require review to ensure that its objectives could be fully met, and that all people who wished to participate in the inquiry could be afforded the appropriate time and support to do so. Following a request from the Board of Inquiry, the Victorian Government amended the total budget to \$5.4 million.<sup>2</sup>

## Financial management and internal controls

The Board of Inquiry developed a budget strategy during the early part of the establishment phase. The budget was aligned to key functions, but managed via a single cost centre and a central approval process. The Board of Inquiry appropriately and regularly reviewed the budget strategy, and adjusted it to meet the evolving requirements of the work and to manage risk.

The Board of Inquiry also implemented internal control measures from the outset as part of a robust financial management approach. It utilised the accounts payable system offered by the Department of Government Services, which had embedded controls for authorisations. Expenditure and projected expenditure were modelled frequently and closely monitored.

## Procurement

The Board of Inquiry elected to adopt procurement processes consistent with relevant Victorian public sector guidelines. The most important considerations were to ensure that all procurement was robust, transparent and efficient, and achieved maximum value for public money. The Board of Inquiry either utilised relevant Victorian Government state purchase contracts for efficiency and value, or conducted competitive market processes. With the assistance of the Legal team, the Board of Inquiry developed contracts for service (and associated terms and conditions) and confidentiality deeds, and all contracts were approved by the CEO in consultation with the Chair.

## IT and records management

Given its short operation, the Board of Inquiry chose to engage the Department of Government Services to provide suitable IT, security and data management. The Board of Inquiry's IT system was segmented and established under a dedicated domain, with restricted access to uphold its independence and confidentiality. IT support and a helpdesk service were provided by Cenitex, an IT shared services provider. Given the sensitive nature of the Board of Inquiry's work, data security was of the utmost importance.

The Board of Inquiry utilised the Microsoft SharePoint platform as its core electronic document records management system. This platform enabled multiple users to collaborate in documents simultaneously, and also provided an organisational intranet site. The intranet covered areas such as staff resources and administration, and included useful documents such as news articles and operational processes and guides. The Board of Inquiry used other Microsoft tools, including Outlook and Teams, for most internal and external communication and engagement.

The Board of Inquiry provided staff and relevant contractors with portable devices and the ability to work via the Office 365 online portal. Staff were also given policy and guidance materials regarding IT software and information security.

For the work conducted at the Yoorrook Justice Commission, including private sessions and public hearings, a restricted secure network was set up, as well as installation of a dedicated multifunctional device for secure printing, scanning and copying.

The Board of Inquiry also engaged third parties to provide and manage certain specific IT functions:

- A document management system — This was provided by Corrs Chambers Westgarth as part of its work as the Legal team, and was used to host source documentation and reference materials. It became the main repository for research materials, submissions, hearings materials such as transcripts and exhibits, correspondence, responses to Notices to Produce, and formal records of engagement activities.
- File sharing — This was also provided by Corrs Chambers Westgarth as part of its work as the Legal team. It offered a secure mechanism for the transfer and shared access of documents between different teams working for the Board of Inquiry.
- Submissions via the Board of Inquiry’s website — Plug-in software was procured to facilitate the secure input and retention of information and submissions from the public.
- Online hearing book — This system was provided by Law In Order Pty Ltd. It securely received documents from the document management system (referred to above) to enable them to be shared with parties for each public hearing.

These arrangements ensured the Board of Inquiry could meet the objectives associated with ease of access and usability, risk and business continuity, privacy and confidentiality, and retention and disposal of records and information.

## People and culture

The Operations and Executive Support team coordinated and oversaw HR matters, with advice sought as needed from the Department of Government Services. The Board of Inquiry utilised the Department of Government Services’ HR Shared Services payroll function.

With the assistance of the Department of Government Services’ recruitment team, the Board of Inquiry advertised roles in July 2023 on internal and external Victorian public service careers sites and Seek. Successful candidates were hired on a mixture of secondments and fixed-term contracts. No staff members were sourced or appointed through labour-hire firms.

The Board of Inquiry sought to be a high-performing, hardworking and compassionate organisation, prioritising the wellbeing of all those who participated in the Inquiry, as well as those undertaking the Inquiry’s work. Staff came from the Victorian public service, other state public services, the Australian public service and the not-for-profit sector. They came with a range of experience in royal commissions, independent reviews, childhood trauma, legal services and public policy. Their expertise included research, legislation, communications, engagement, social work and public administration. The task of building the Board of Inquiry team involved deliberately bringing together the diverse range of skills and experience of those appointed, as well as ensuring that staff embodied the values and attributes that were crucial to the Board of Inquiry’s success.

Despite the rapid assembly of the Board of Inquiry team, staggered start dates and pressure to commence the inquiry without delay, it came together quickly. The culture of the organisation was set formally and informally at the outset, and was made clear to staff and contractors alike. People supported each other, shared ideas and genuinely worked as a team.

A trauma-informed approach would not have been possible without an appropriately trained and educated workforce driving it. While some Board of Inquiry staff had extensive expertise in trauma and social work, others required training to strengthen their skills in this area. The Board of Inquiry offered training developed by a specialist organisation, knowmore, to all staff members. This training ensured that everyone was equipped with, and understood how to apply, the core principles of trauma-aware practice in their engagement with victim-survivors. In turn, this enabled staff members to ensure victim-survivors had safe, empathic, trauma-sensitive and shame-reducing interactions whenever they engaged with the Board of Inquiry.

This training was also designed to ensure that staff were supported to protect their personal and professional wellbeing. By necessity, the Board of Inquiry exposed staff to information that was challenging to process and could elicit strong emotions. Accordingly, in addition to trauma-informed practice, training covered mental health in the workplace, vicarious trauma, fatigue and burnout, and self-care plans. A range of specific support resources were developed and made available to all members of staff. The Board of Inquiry also provided staff with unlimited 24/7 access to an independent firm of registered, experienced psychologists, with whom they could have confidential discussions about any matters that concerned them. Staff wellbeing remained a standing item on the executive meeting agenda, and a priority for all executives and managers throughout the life of the inquiry.

## Premises

The Board of Inquiry needed a range of premises from which to conduct its work — not only its main office but also facilities for private sessions, public hearings and roundtables. Other than the main office (which was principally only for staff), these premises needed to be accessible and convenient for the community, and also had to promote a feeling of safety and inclusion, particularly for victim-survivors.

The Department of Government Services assisted the Board of Inquiry by identifying a self-contained, private, secure floor in the Treasury precinct which the Board of Inquiry was able to use as its main office.

The Board of Inquiry considered numerous locations for private sessions and public hearings. By arrangement, the Yoorrook Justice Commission permitted the Board of Inquiry to use its space for public hearings, private sessions and some roundtables, and also generously shared its experiences of holding public truth-telling hearings. Reflections on this space are included in Chapter 1.

## Steps to decommission the Board of Inquiry

Given its short life, the Board of Inquiry had to commence planning for decommissioning not long after its establishment. Consideration was given to all elements that were relevant to winding up the Board of Inquiry, including how to appropriately conclude its support for participants, communicate to the public and stakeholders, preserve relevant records, move out of facilities and farewell staff.

An important part of concluding the Board of Inquiry's work was records management, specifically preparation for the transfer of records and their ongoing management. Following consultation with the Department of Government Services, Department of Premier and Cabinet and the Public Record Office Victoria, the Board of Inquiry ensured records were classified and categorised to facilitate retention and access according to legislative requirements. The Board of Inquiry took particular care to engage with the Department of Government Services, the Department of Premier and Cabinet and the Public Record Office Victoria regarding the treatment of records containing sensitive content.

The Board of Inquiry worked with the Department of Government Services to ensure the IT environment was correctly and securely decommissioned. Checks were also conducted to confirm all third-party systems were closed. The Operations and Executive Support team ensured that a full budget reconciliation was complete and that all contracts were closed out.

## Chapter 2 Endnotes

1. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.5.
2. Order in Council (Vic), 'Amended Terms of References for the Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No G 5, 1 February 2024.



CHAPTER 3

# Scope and interpretation

03

## Introduction

Governments initiate inquiries for various reasons, including to investigate and explain complex events or intractable problems. At the time of establishment of an inquiry, it can be difficult to predict the nature and type of information that the inquiry may need to carry out its work, and to anticipate what other information might be uncovered during its course. It is important for terms of reference to be specific enough to give the inquiry a clear purpose and mandate that it can follow, without constraining it from considering all sources of information that may turn out to be relevant to the issues it has been asked to investigate. The Board of Inquiry acknowledges that it is difficult to strike this balance.

As foreshadowed above, all inquiries must confront the limits imposed by their terms of reference, and the present inquiry is no exception. In some instances, legal requirements will dictate hard limits. However, even the most specific terms of reference generally require a degree of interpretation, and this invites difficult decisions. Such decisions are informed by a range of factors, including both public interest and practical considerations (for example, time and available resources). They require a balancing of the ambition to do as much as possible within the scope of the terms of reference with the need to deliver public benefit within the timeframe chosen by government.

This Chapter describes how the Board of Inquiry interpreted its Terms of Reference and the decisions it made in the course of determining whether information was within scope. It also details some of the challenges the Board of Inquiry faced in respect of its Terms of Reference, particularly with regard to the identification and gathering of information, and then the setting of thresholds for investigating matters that it considered relevant.

## Terms of Reference

Clause 3 of the Order in Council sets out the Terms of Reference for the Board of Inquiry.<sup>1</sup> These were ‘to inquire into, report on and make any recommendations considered appropriate in relation to’ the following:

- a. The experiences of victim-survivors of historical child sexual abuse who were abused by a relevant employee at Beaumaris Primary School during the 1960s and/or 1970s;
- b. The experiences of victim-survivors of historical child sexual abuse who were abused by a relevant employee in any other government school;
- c. The response of the Department of Education in relation to the historical child sexual abuse described in clauses (3)(a) and (b) above, including the Department of Education and its officers’ state of knowledge and any actions it took or failed to take at or around the time of the abuse;
- d. Appropriate ways to support healing for affected victim-survivors, secondary victims and affected communities including, for example, the form of a formal apology, memorialisation or other activities;
- e. Having regard to other inquiries and reforms that have taken place since the historical child sexual abuse occurred, whether there are effective support services for victim-survivors of historical child sexual abuse in government schools;
- f. Any other matters related to these Terms of Reference necessary to satisfactorily inquire into or address the Terms of Reference.<sup>2</sup>

The Terms of Reference directed the Board of Inquiry not to inquire into:

- a. The response of the State (including the Department of Education and its staff) to any complaints, legal proceedings or legal claims in relation to incidents of historical child sexual abuse in a government school, except insofar as the inquiry may establish a factual record of the state of knowledge of the Department of Education and its staff and the actions taken or not taken by the Department and its staff at or around the time of the historical child sexual abuse ...
- b. Compensation and/or redress arrangements, including settlement of any civil claims, for victim-survivors of historical child sexual abuse.<sup>3</sup>

A copy of the Order in Council is in Appendix A.

## Assessing whether information relating to experiences of child sexual abuse was within scope

The Board of Inquiry received a range of information describing experiences of child sexual abuse that fell outside the scope of the Terms of Reference. While the Board of Inquiry was not able to inquire into any information that was outside the scope of the Terms of Reference, it did carefully consider whether such information was within scope. Sometimes, further enquiries were required to assist the Board of Inquiry to understand whether the information received was within the scope of the Terms or Reference or not. If the Board of Inquiry determined the information was within scope, it then considered whether any follow-up action was required. Furthermore, as noted in Chapter 1, Establishment and approach, the Board of Inquiry offered appropriate support and private sessions to people who provided information about their experiences of child sexual abuse, regardless of whether their experiences came within the Board of Inquiry's Terms of Reference.

Sometimes it was very clear that information fell outside the Terms of Reference. Examples include information that:

- did not involve child sexual abuse (for example, information about physical abuse only)
- related to child sexual abuse in settings that had no connection to a school or a school employee (for example, child sexual abuse perpetrated by a stranger at the beach or by a family member)
- related to child sexual abuse that occurred outside the relevant period identified in the Terms of Reference, being 1 January 1960 to 31 December 1999 (the relevant period is discussed further in the next section)
- related to child sexual abuse that occurred at a non-government school, such as a private or religious school
- related to child sexual abuse that occurred outside Victoria.

Sometimes it was more difficult to determine whether information fell outside the Terms of Reference. In such cases, the Board of Inquiry attempted to gather further information. This generally occurred where:

- it was difficult to determine the identity of an alleged perpetrator or confirm the school (or schools) where they worked and when
- there was information that suggested the possibility that an alleged perpetrator may be a relevant employee, but further information was needed to confirm this (for example, to confirm they had worked, and were alleged to have perpetrated child sexual abuse, at Beaumaris Primary School in the 1960s or 1970s)
- the child sexual abuse was alleged to have occurred at a government school, but it was unclear whether it was alleged to have been perpetrated by a relevant employee and therefore whether that school was within scope
- the child sexual abuse occurred outside a government school premises, but it was necessary to consider if a government school, or its activities, had ‘created, facilitated, increased, or in any way contributed to ... the risk of child sexual abuse’.<sup>4</sup>

These issues, and how the Board of Inquiry ultimately interpreted key terms in its Terms of Reference, are explained further in the next section.

The Board of Inquiry continued to seek and receive information throughout the life of the inquiry. Whenever it received new information, the Board of Inquiry actively considered whether this new information required a revisiting of other information and initial decisions it might have made about whether such other information was out of scope.

## How the Board of Inquiry interpreted its Terms of Reference

This section describes the key decisions the Board of Inquiry made about the scope of its work under the Terms of Reference. Interpreting and applying the Terms of Reference was complex, but it is important to understand how the Board of Inquiry approached this task, as it determined what information and issues are considered in this report.

In addition, this section describes the practical effect of the Terms of Reference, including decisions made by the Board of Inquiry where it was required to interpret the Terms of Reference or apply them to information received. A key challenge was the narrow definition of ‘relevant employee’ and the flow-on effects this definition had on the ability of the Board of Inquiry to consider information about other schools or alleged perpetrators. Despite the wide-ranging information received, the Board of Inquiry determined that, on the information available to it, only six people satisfied the definition of relevant employee. This in turn determined the schools and other settings in which the Board of Inquiry could consider allegations of child sexual abuse, and excluded other schools or alleged perpetrators who might otherwise have been seen as relevant.

This section also outlines how the Board of Inquiry treated certain other information, including information received about the disappearance of Eloise Worledge, a student at Beaumaris Primary School in the 1970s.

## Defining the relevant period

The relevant time period, for the purposes of the Board of Inquiry's work, was between 1 January 1960 and 31 December 1999. However, as will be explained, a question arose as to whether a narrower time period (the 1960s and the 1970s) was applicable to Beaumaris Primary School, as opposed to other government schools.

This question reflects two aspects of the Terms of Reference. The Terms of Reference defined a 'relevant employee' as 'a teacher or other government school employee or contractor who sexually abused a student at Beaumaris Primary School during the 1960s or 1970s'.<sup>5</sup> This meant that 1 January 1960 was the starting point of the relevant period. By clause 3(b), the Terms of Reference also contemplated consideration of 'historical child sexual abuse' perpetrated by these relevant employees at other government schools, defining 'historical child sexual abuse' as 'sexual abuse of a child in a government school by a staff member employed by the Department of Education in a government school, where that abuse occurred on or prior to 31 December 1999'.<sup>6</sup> This meant that 31 December 1999 was the end point of the relevant period.

However, the Terms of Reference drew a distinction (in clauses 3(a) and (b)) between child sexual abuse by a relevant employee at Beaumaris Primary School 'during the 1960s and/or 1970s' (on the one hand), and child sexual abuse by a relevant employee at any other government school (on the other hand). Because the narrower timeframe (the 1960s and/or 1970s) was only used in respect of child sexual abuse alleged to have occurred at Beaumaris Primary School, the broader timeframe (from 1 January 1960 to 31 December 1999) only applied to child sexual abuse alleged to have occurred at other government schools.

Accordingly, on a strict reading of the Terms of Reference, an allegation of child sexual abuse by a relevant employee at Beaumaris Primary School between 1980 and 1999 would fall outside the Terms of Reference. Given, however, that clause 3(f) of the Terms of Reference contemplated the Board of Inquiry considering '[a]ny other matters related to these Terms of Reference necessary to satisfactorily inquire into or address the Terms of Reference', the Board of Inquiry considered it was within scope to consider any allegation of child sexual abuse by a relevant employee at Beaumaris Primary School between 1 January 1960 and 31 December 1999. It is difficult to see how the objectives of the Board of Inquiry (as set out in the Order in Council) could be met if an allegation against a relevant employee in (say) 1980 could not be inquired into as part of the Board of Inquiry's work. This was particularly so in light of the fact, as set out in Part C of this report, that a relevant employee was employed at Beaumaris Primary School after 31 December 1979.

## Determining who was a 'relevant employee'

The concept of a 'relevant employee' was central to the Terms of Reference and shaped the scope of the inquiry. It was defined as follows:

a teacher or other government school employee or contractor who sexually abused a student at Beaumaris Primary School during the 1960s or 1970s.<sup>7</sup>

A question arose as to the meaning of the language 'who sexually abused a student' in the definition. On one view, this could be interpreted to require (to meet the definition) a formal finding that a person had committed sexual abuse against a student; for example, a criminal conviction, a finding in a civil case or a formal disciplinary finding. However, the Board of Inquiry did not adopt this narrow interpretation for the following reasons:

- Such a narrow interpretation would be inconsistent with clause 1(e) of the Order in Council, which refers to relevant employees as ‘allegedly’ harming multiple victim-survivors and ‘allegedly’ perpetrating sexual abuse towards students. Clause 1(e) makes clear that these allegations of child sexual abuse were to be the subject of the Board of Inquiry. Clause 1(e) was not limited to formal findings of child sexual abuse.
- Such a narrow interpretation would also be inconsistent with the language of clause 2(a) of the Order in Council, which refers to establishing a ‘public record of victim-survivors’ experiences’. The language of ‘experiences’ (which is repeated in clauses 3(a) and (b)) is consistent with a focus on what victim-survivors recall and are able to share with the Board of Inquiry, rather than a focus on what has or has not been formally established in a court or disciplinary setting.
- The Board of Inquiry recognises the very real and understandable barriers to disclosure that many victim-survivors confront, and did not want to contribute to the sense of shame or self-blame that some victim-survivors carry for not reporting their child sexual abuse.
- Failures to conduct robust disciplinary investigations or police investigations into allegations of child sexual abuse were likely to have been a feature of institutional responses at that time, and requiring a formal finding of child sexual abuse would limit the ability of the Board of Inquiry to understand the extent of historical child sexual abuse and hold relevant agencies accountable for failures to act.
- Such an interpretation would have likely discouraged people from providing important information on the basis that there was no formal finding against an alleged perpetrator (or they were unsure if there was such a finding).
- Historic record-keeping practices by schools and the Department of Education (Department) may have limited the ability of the Board of Inquiry to confirm the existence of disciplinary findings.

Ultimately, the Board of Inquiry determined that six people satisfied the definition of ‘relevant employee’. The following three relevant employees are named in this report:

- Darrell Vivienne Ray (also known as Darrell Vivian Ray and Ray Cosgriff) born 14 May 1941; died 21 November 2023
- Graham Harold Steele (also known as Grahame Steele) born 3 May 1932; died 2013
- David MacGregor born 8 January 1943.<sup>8</sup>

A fourth person determined to be a relevant employee cannot be named in order to avoid causing prejudice to current or future criminal or civil proceedings, or otherwise giving rise to other legal issues. Instead, this person is referred to using the pseudonym ‘Wyatt’ in this report.<sup>9</sup>

The Board of Inquiry also heard allegations from one victim-survivor in relation to two further relevant employees, who are not named in this report. As with the other four relevant employees, the Board of Inquiry sought to investigate these two individuals, including through issuing Notices to Produce to the Department in each case seeking their employment record, information in relation to any allegations of child sexual abuse and any response to or investigation of such allegations, and information in relation to any relevant criminal or civil proceedings.<sup>10</sup> The Department responded in each case stating that it had not found records documenting such allegations or any relevant criminal or civil proceedings.<sup>11</sup> The Department advised that the personnel files for these two relevant employees did not contain any record of disciplinary action and the Department was

unable to locate any disciplinary files.<sup>12</sup> The Board of Inquiry's review of the employment record for each individual did not identify any further relevant information. In the absence of any further allegations or information in relation to these two relevant employees, and taking into account the implications for them if they were named, the Board of Inquiry determined it was not appropriate to publicly identify them. The Board of Inquiry determined that the focus of its investigation would remain on the other four relevant employees in relation to whom it received a considerable amount of information. It is for this reason that these other two relevant employees are not the subject of any further detailed discussion in this report.

More broadly, the Board of Inquiry has been careful not to prejudice any criminal or civil legal proceedings or otherwise create legal issues that may adversely affect those participating in or impacted by the Board of Inquiry's work. Importantly, it was not the role of the Board of Inquiry to make findings that child sexual abuse did or did not occur. Establishing a public record of victim-survivors' experiences is not equivalent to (and should not be understood as) making findings of fact about particular events. Accordingly, the Board of Inquiry has not directly investigated allegations of child sexual abuse, beyond confirming basic information relevant to the Terms of Reference. As a result, the Board of Inquiry uses the term 'alleged perpetrator' throughout this report, including to describe relevant employees. This is not intended to be interpreted as the Board of Inquiry casting doubt on the recollections of victim-survivors and others; rather, it is intended to make clear the scope of the Board of Inquiry's role and to safeguard the integrity of legal processes that are underway or may be initiated in the future.

### **Challenges with the narrow definition of 'relevant employee'**

The definition of 'relevant employee' was the gateway for experiences of historical child sexual abuse to be within the scope of the Board of Inquiry. If an alleged perpetrator of child sexual abuse did not meet this specific definition, then information in relation to them could not be considered for the purposes of clauses 3 (a), (b) and (c) of the Terms of Reference. The Terms of Reference were focused on persons (relevant employees) and the government schools where they worked, rather than just on the schools themselves. Accordingly, an allegation of child sexual abuse by a teacher at Mount View Primary School (for example) would only come within the scope of the Terms of Reference if the alleged sexual abuse was perpetrated by a relevant employee.

The practical effect of the definition of 'relevant employee' was that the Board of Inquiry could only consider experiences of child sexual abuse if it could first establish with a reasonable level of confidence that the alleged perpetrator had worked at Beaumaris Primary School between 1960 and 1979, and that the alleged perpetrator was the subject of an allegation of child sexual abuse said to have occurred at that school during that period. Once these two limbs were confirmed, experiences of child sexual abuse allegedly perpetrated by that relevant employee at Beaumaris Primary School and other government schools between 1960 and 1999 came within scope.

Because each of the relevant employees worked at government schools other than Beaumaris Primary School between 1960 and 1999, this meant that sometimes critical information received from a source that confirmed an alleged perpetrator was a relevant employee could bring a range of other schools or settings within the scope of the Terms of Reference.

However, this also meant that any allegations about child sexual abuse against a person who was teaching in a government school in the Beaumaris area but was not a relevant employee (because, for example, there was no allegation of child sexual abuse by that person of a student at Beaumaris Primary School) could not be included in this report. While clause 1(e) of the Order in Council makes

clear that the Victorian Government's decision to constitute the Board of Inquiry was made against the background of allegations concerning a cluster of teachers who were allegedly perpetrating child sexual abuse at Beaumaris Primary School (and in relation to allegations of sexual abuse by those same teachers at other government schools), this limitation was a source of frustration for people who approached the inquiry with a genuine belief they would be able to have their experiences form part of the public record.

Due to the definition of 'relevant employee', the Board of Inquiry was unable to examine allegations of child sexual abuse in relation to one government school close to Beaumaris Primary School. It was also unable to examine allegations of child sexual abuse in relation to teachers who worked at Beaumaris Primary School and other government schools, but were not the subject of any allegations of child sexual abuse while at Beaumaris Primary School. Further it was unable to examine allegations of child sexual abuse in relation to teachers who worked at a nearby school, but did not work at Beaumaris Primary School. These include allegations relating to one teacher with links to relevant employees, which is illustrated below.

#### 'KYLE'

The Board of Inquiry received information about allegations of child sexual abuse against a teacher, 'Kyle' (a pseudonym), who worked at Beaumaris Primary School in the early 1960s before going on to work at a range of other schools in the area.<sup>13</sup>

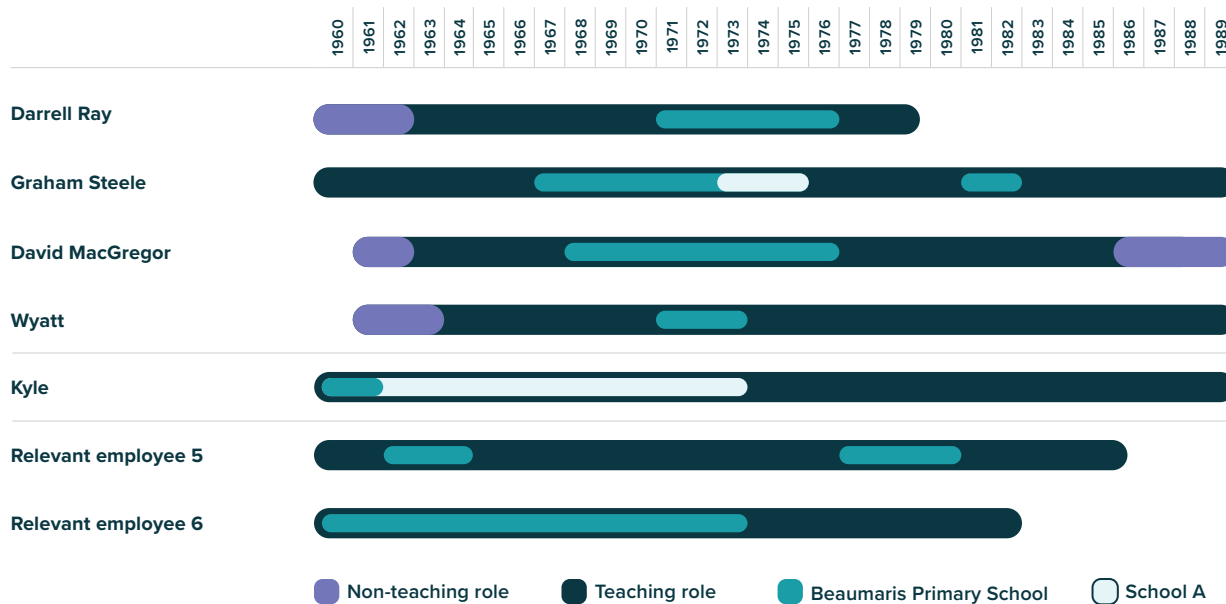
Critically, the Board of Inquiry did not receive any allegations of child sexual abuse against Kyle in relation to his time at Beaumaris Primary School. The Board of Inquiry did, however, receive extensive information alleging that Kyle perpetrated child sexual abuse in a government school context during the relevant period. This included information alleging child sexual abuse by Kyle against nine separate victim-survivors. Eight of these victim-survivors attended the same government school, which was close to Beaumaris Primary School, and the ninth victim-survivor attended a nearby government school. Kyle briefly worked alongside a relevant employee at one of these local government schools for a year (referred to in Diagram 5 as School A). That relevant employee is alleged to have perpetrated child sexual abuse at that school the following year.

As the Board of Inquiry did not receive any allegations of child sexual abuse against Kyle in relation to his time at Beaumaris Primary School, Kyle did not meet the definition of a 'relevant employee' and, as a result, the experiences of victim-survivors who reported sexual abuse by Kyle, and the Department's actions in relation to Kyle, were not within the scope of the Board of Inquiry's work (except in relation to clause 3(e) of the Terms of Reference, as discussed further below). This is despite the fact that he was alleged to have sexually abused students at other government schools in close geographical proximity to Beaumaris Primary School and had at least one professional connection with a relevant employee the Board of Inquiry was examining.

Kyle was not the only teacher at a government school close to Beaumaris Primary School who was the subject of allegations by persons who came forward to the Board of Inquiry, and yet was determined not to be a relevant employee.



DIAGRAM 5 RELEVANT EMPLOYEES AND ANOTHER ALLEGED PERPETRATOR TIMELINES



## Determining which other government schools were within scope

For a school other than Beaumaris Primary School to be within the scope of the Terms of Reference, it needed to meet the following requirements:

- It must have been a Victorian government school at the relevant time.
- A person meeting the definition of ‘relevant employee’ must have worked there (as part of this definition, they must have worked there as teacher, employee or contractor of the Department).
- The allegations against the relevant employee must be of child sexual abuse occurring on or prior to 31 December 1999 (thereby meeting the definition of ‘historical child sexual abuse’ in the Terms of Reference).

In practice, the effect of these requirements is that the teaching history of Mr Ray, Mr Steele, Mr MacGregor and Wyatt dictated which other government schools came within scope. Essentially, it obliged the Board of Inquiry to follow the careers of these four relevant employees through to 1999. The Board of Inquiry relied on the Department to confirm information about the government schools where each relevant employee worked (including their role and length of service).

The Board of Inquiry is aware that one relevant employee went on to teach at an independent school after ceasing their employment in government schools. Due to the focus of the Terms of Reference on child sexual abuse that took place ‘in a government school’, this independent school was not within the scope of this inquiry.

In October 2023, the Board of Inquiry publicly identified the 24 schools that met all these requirements:

- Aspendale Primary School
- Beaconsfield Upper Primary School
- Beaumaris Primary School
- Belvedere Park Primary School
- Bundalong South Primary School (now closed)
- Bunyip Primary School
- Chelsea Heights Primary School
- Cowes Primary School
- Cranbourne Primary School
- Dandenong North Primary School
- Dandenong West Primary School
- Drouin South Primary School
- Emerald Primary School
- Hampton Primary School
- Kunyung Primary School
- Mirboo Primary School, now Mirboo North Primary School
- Moorabbin (Tucker Road) Primary School, now Tucker Road Bentleigh Primary School
- Moorabbin West Primary School (now closed)
- Mount View Primary School
- Ormond East Primary School, now McKinnon Primary School
- Tarraville Primary School (now closed)
- Tarwin Lower Primary School
- Warragul Primary School
- Warragul Technical School, now Warragul Regional College.<sup>14</sup>

If a relevant employee is alleged to have perpetrated child sexual abuse at one school, it invites the question of what might have occurred at other schools where they worked. It also invites the question of whether child sexual abuse might have occurred ‘in a government school context’ (discussed in the next section). The Terms of Reference permitted the Board of Inquiry to examine child sexual abuse that allegedly took place at ‘other government schools’ and in a ‘government school context’, but in each case there needed to be a connection to a relevant employee (and, therefore, Beaumaris Primary School).

Accordingly, despite a wide-ranging communications and engagement strategy, most of the information the Board of Inquiry received related to the Beaumaris community and, to a lesser extent, the surrounding areas. In this way, the Board of Inquiry’s work, pursuant to the Terms of Reference, focused on a particular community within a specific period. Even in relation to that community (Beaumaris and the surrounding areas), the Board of Inquiry’s focus was limited to schools where relevant employees taught.

## Determining what other settings were within scope

The Terms of Reference define ‘in a government school’ broadly to mean ‘in a government school context’. The definition includes child sexual abuse that:

- a. happened on the premises of a government school, where activities of that school took place, or in connection with the activities of that school; or
- b. was engaged in by a relevant employee in circumstances (including circumstances involving settings not directly controlled by the government school) where you consider that the government school had, or its activities had, created, facilitated, increased, or in any way contributed to (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk.<sup>15</sup>

This wide definition of ‘in a government school’ enabled the Board of Inquiry to consider child sexual abuse by relevant employees in settings that went beyond government school facilities or premises. For example, the Board of Inquiry considered the following settings to be within scope on the basis that they were settings where activities of the school took place or were in connection with activities of the school:

- school camps (including Somers School Camp and Berry Creek Camp)
- school sporting excursions.

The Board of Inquiry also considered that other settings came within scope where the fact that the relevant employee was in a position of trust by virtue of their status as a teacher in a government school during the relevant period, and likely held in high regard by the relevant community, would have given rise to a perception that activities involving that person were appropriate and safe for children, at school and beyond. In this context, the relationship between the government school and the relevant employee had contributed to the risk of child sexual abuse. On this basis, the Board of Inquiry considered the following settings connected to relevant employees to be within scope:

- community sporting settings (discussed in more detail below)
- a relevant employee’s home or holiday home, where the victim-survivor was a student of a government school falling within the scope of the Terms of Reference
- private settings (such as a private home or vehicle) after the victim-survivor finished primary school, where the victim-survivor was a former student of a government school falling within the scope of the Terms of Reference.

### **Community sporting settings**

The Board of Inquiry received information about allegations of child sexual abuse in relation to several community sporting organisations in Beaumaris and the surrounding areas. The Board of Inquiry also received information about the connection of relevant employees to local sporting organisations about which the Board of Inquiry has not received any allegations of child sexual abuse.

In addition, the Board of Inquiry received information about allegations of child sexual abuse by relevant employees against children from government schools that were within scope in relation to community sporting organisation activities (for example, training for sporting events).

The Board of Inquiry carefully considered this information, which in each case suggested that it was the relevant employee’s status as a teacher during the relevant period that facilitated them introducing these children to, or otherwise being able to access these children during, such community sporting organisation activities. As set out above, given the Board of Inquiry considered the relationship between the government school and the relevant employee had contributed to the risk of child sexual abuse, this meant allegations of child sexual abuse by relevant employees in relation to community sporting organisation activities came within the scope of the Board of Inquiry’s work.

Importantly, this did not mean that the activities of the relevant community sporting organisation itself were within scope. Instead, the Board of Inquiry’s focus was on the accountability of the Department for the conduct of the relevant employees only, including (for example) any sharing of information or other actions by the Department that reflected its knowledge or management of any risks presented by the relevant employees to government school students in that context.

## Other information considered relevant to Departmental accountability

The Board of Inquiry received some information about certain relevant employees that fell outside the Terms of Reference. This included information about these relevant employees' level of (often unfettered) contact with children that continued beyond the relevant period or in settings that fell out of scope (for example, in circumstances where a teacher went on to teach in an independent school).

While the Board of Inquiry could not inquire into these matters, some of this information has been included in parts of this report. The Board of Inquiry considered such information relevant to highlighting the practical consequences of the Department's failure to act in response to allegations of historical child sexual abuse within government schools. In practice, while some relevant employees may have left their roles as teachers in government schools, they were nonetheless able to continue to leverage their status as a teacher (or former teacher) into roles and opportunities that placed them in trusted positions with children, such as at sporting clubs. Including this information is an important component of clause 3(c) of the Board of Inquiry's Terms of Reference, concerning the Department's response at the time of the historical child sexual abuse.

## The case of Eloise Worledge

A number of people raised the disappearance of Eloise Worledge with the Board of Inquiry.<sup>16</sup> Eloise was eight years old when she went missing from her family home in Beaumaris in 1976.<sup>17</sup> Victoria Police conducted an investigation and considered a range of scenarios as part of this investigation, which included the possibility that one or more sex offenders were involved in her disappearance. In 2003, a coroner found that Eloise's disappearance 'remains suspicious' and presumed her to have died, but could not determine exactly where, when or how she did.<sup>18</sup>

Some victim-survivors and media outlets urged the Board of Inquiry to consider Eloise's disappearance because:

- Eloise attended Beaumaris Primary School in the 1970s and was known to many victim-survivors. Her disappearance greatly affected the community, and those who spoke with the Board of Inquiry about Eloise clearly recalled her disappearance and how they felt about it as children.
- Eloise went missing in 1976, while two relevant employees were employed at Beaumaris Primary School.
- Media reports suggest police were not aware at the time that employees at Beaumaris Primary School were allegedly sexually abusing children and question whether this information would have altered the course of the police investigation.<sup>19</sup>

The Board of Inquiry has closely considered all information it received relating to Eloise, including information received in response to Notices to Produce and through private sessions. The information available to the Board of Inquiry did not reveal any connection between Eloise's disappearance and the matters within the scope of the Terms of Reference.

As at the date of this report, Eloise's disappearance remains an open investigation by Victoria Police. The Board of Inquiry encourages anyone with information connected to her disappearance to report this to Victoria Police.

## Scope relating to support services

The Terms of Reference were specific in clauses 3(a) and (b) about which experiences of child sexual abuse the Board of Inquiry could inquire into and report on. However, clause 3(e) was more broadly framed. It asked the Board of Inquiry to inquire into, report on and make recommendations in relation to the following:

Having regard to other inquiries and reforms that have taken place since the historical child sexual abuse occurred, whether there are effective support services for victim-survivors of historical child sexual abuse in government schools.<sup>20</sup>

Given clause 3(e) was not confined to experiences of historical child sexual abuse described in clauses 3(a) and (b), the Board of Inquiry was able to receive and consider information relevant to the effectiveness of support services for victim-survivors of historical child sexual abuse in government schools more generally (that is, not limited to those who shared experiences of child sexual abuse by relevant employees). Such information is set out in Part D of this report.

## Concerns expressed about the Terms of Reference

The Board of Inquiry is aware of concerns raised directly with it, and more broadly in the media, about the limits imposed by the Terms of Reference.<sup>21</sup> Such concerns were raised after the announcement of the Board of Inquiry and arose from time to time during the course of the inquiry.

The Board of Inquiry understands that some victim-survivor advocates with experiences of child sexual abuse at Beaumaris Primary School and their supporters had hoped for an inquiry that examined experiences of historical child sexual abuse in all Victorian government schools. They considered that although there had been a number of inquiries relating to institutional child sexual abuse over the past decade, historical child sexual abuse in Victorian government schools remained poorly understood. This was because it was considered that those inquiries often focused on abuses in private or religious schools, or related to more recent child sexual abuse.

Other advocates raised the value of the Board of Inquiry in contributing to healing, and expressed the view that this objective, as stated in clause 2(c) of the Order in Council, should not be limited to only some victim-survivors of historical child sexual abuse in Victorian government schools. The Board of Inquiry heard from stakeholders that members of the victim-survivor community had experienced distress as a result of the limits on which experiences of historical child sexual abuse could be considered by the Board of Inquiry.

These concerns were expressed in a publicly released statement on 28 November 2023.<sup>22</sup> The Chair of the Board of Inquiry wrote to the Premier about them on 30 November 2023.

The Board of Inquiry understands the concerns about its scope. However, while the Terms of Reference are narrow, it is hoped that the work of the Board of Inquiry will nonetheless have broad benefits for victim-survivors of historical child sexual abuse in government schools. The approach taken by the Board of Inquiry may also prove useful for any other inquiries or processes that may be established in the future in relation to the wider cohort of victim-survivors.

## Chapter 3 Endnotes

1. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.
2. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3(a)–(f).
3. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.2.
4. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.3 (definition of 'in a government school').
5. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.3 (definition of 'relevant employee').
6. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.3 (definition of 'historical child sexual abuse').
7. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.3 (definition of 'relevant employee').
8. See Chapter 11, The alleged perpetrators, for further identifying details about these relevant employees.
9. The name 'Wyatt' is a pseudonym; Order of the Board of Inquiry, Restricted Publication Order, 15 November 2023.
10. Notice to Produce served on the Department of Education, 24 October 2023, 4 [6] – 5 [11].
11. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'Allegations, Complaints, Notifications or Reports in relation to Historical Child Sexual Abuse by Two Relevant Employees', 31 October 2023, 2 [4]; Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'Past or Current Criminal or Civil Proceedings in relation to Historical Child Sexual Abuse by Two Relevant Employees', 31 October 2023, 2 [4].
12. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'Employment Record', 31 October 2023, 3 [14]–[15]; Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'Employment Record', 31 October 2023, 3 [11]–[12].
13. The name 'Kyle' is a pseudonym; Order of the Board of Inquiry, Restricted Publication Order, 31 January 2024.
14. 'Inquiry into Historical Child Sexual Abuse in Government Schools Begins Public Hearings', *Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools* (Media Release, 18 October 2023) <<https://www.beaumarisinquiry.vic.gov.au/inquiry-historical-child-sexual-abuse-government-schools-begins-public-hearings>>.
15. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.3 (definition of 'in a government school').
16. See e.g.: Private session 1; Private session 3.
17. John Silvester, 'Who Stole Eloise?', *The Age* (online, 5 June 2003) <<https://www.theage.com.au/national/who-stole-eloise-20030705-gdvzpt.html>>; Francis William Hender, State Coroner Victoria, 'Record of Investigation into Suspected Death' (Case No 2159/01, 7 July 2003) 2.
18. Francis William Hender, State Coroner Victoria, 'Record of Investigation into Suspected Death' (Case No 2159/01, 7 July 2003) 3.
19. John Silvester, 'Could the Beaumaris Inquiry Shed Light on This Famous Abduction?', *The Age* (online, 27 October 2023) <<https://www.theage.com.au/national/victoria/could-the-beaumaris-inquiry-shed-light-on-this-infamous-child-abduction-20231026-p5ef49.html>>.
20. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3(e).

21. See e.g.: Russell Jackson, 'Daniel Andrews Announces Inquiry in Response to "Vile, Evil and Incredibly Damaging Abuse" at Beaumaris Primary School', *ABC News* (online, 28 June 2023); Mitch Clarke, 'Board of Inquiry to Investigate Allegations of Historic Child Abuse at Beaumaris Primary School', *Herald Sun* (online, 28 June 2023); Brad Rowswell MP, 'Statement on Board of Inquiry Investigation into Allegations of Historic Child Sexual Abuse at Beaumaris Primary School' (Media Release, 28 June 2023) <<https://www.bradrowswell.com.au/press-coverage/statement-on-board-of-inquiry-investigation-into-allegations-of-historic-child-abuse-at-beaumaris-primary-school>>; Gerard Henderson, 'Historic Abuse in Public Schools Ignored Too Long', *The Australian* (online, 29 July 2023); Angela Sdrinis Legal, 'Board of Inquiry Announced into Abuse Scandal at Beaumaris Primary School' (Web Page, 6 June 2023) <<https://www.angelasdrinislegal.com.au/2023.06.29-board-of-inquiry-announced-into-abuse-scandal-at-beaumaris-primary-school.html#:~:text=2023.06.,28%20Board%20of%20Inquiry%20Announced%20into%20Abuse%20Scandal%20at%20Beaumaris,and%20sexually%20abused%20multiple%20students>>.
22. National Advisory Committee, 'Call for the Victorian Government to Expand the Terms of Reference of the Beaumaris Inquiry', *Star Mail* (online, 28 November 2023) <[https://ferntreegully.mailcommunity.com.au/opinion/2023-11-28/call-for-the-victorian-government-to-expand-the-terms-of-reference-of-the-beaumaris-inquiry/#:~:text=National%20Survivors'%20Day%20\(NSD\),of%20Education%20is%20ultimately%20responsible](https://ferntreegully.mailcommunity.com.au/opinion/2023-11-28/call-for-the-victorian-government-to-expand-the-terms-of-reference-of-the-beaumaris-inquiry/#:~:text=National%20Survivors'%20Day%20(NSD),of%20Education%20is%20ultimately%20responsible)>; 'Survivors Call for Beaumaris Abuse Inquiry to Widen', *The Daily Mail* (online, 28 November 2023) <<https://www.dailymail.co.uk/wires/aap/article-12797593/Survivors-call-Beaumaris-abuse-inquiry-widen.html>>.

CHAPTER 4

# About the report

04



## Introduction

This report details the Board of Inquiry's analysis, findings and recommendations in relation to its Terms of Reference. As outlined in the 'Background' section of the Order in Council establishing the Board of Inquiry, the Victorian Government set up the Board of Inquiry because of the egregious nature of allegations that multiple relevant employees sexually abused multiple students at Beaumaris Primary School in the 1960s and 1970s, and subsequently at certain other government schools.

The report details the experiences of victim-survivors who chose to share their stories with the Board of Inquiry, as well as the response by the Department of Education (Department) at or around the time of the alleged child sexual abuse.

It is difficult to comprehend the experiences shared by victim-survivors in this report, and to understand the Department's response (or lack of response) at the time. Why were there no systems and policies in place to protect children from sexual abuse by teachers or other school employees? Why did so many people look the other way or (in some cases) take active steps to 'move the problem on' to another school? These are challenging but important lines of investigation that the Board of Inquiry has explored and addresses in this report.

The report also examines the impacts of child sexual abuse on victim-survivors, secondary victims and affected community members, as well as the effectiveness of existing support services for victim-survivors of historical child sexual abuse in government schools. It describes a variety of ways to support healing for victim-survivors, secondary victims and affected community members, including through a formal apology, memorialisation or other activities.<sup>1</sup>

## Structure of the report

The report has six parts:

- Preliminary material, contains the official documents connected to the delivery of the report, a message from the Chair and a high-level summary of the overall report.
- Part A, The Board of Inquiry (this Part), describes the establishment of the Board of Inquiry, how it approached its work, and important information on how it interpreted and applied the Terms of Reference.
- Part B, Experience, places children's safety in context by describing relevant policy settings and social and cultural factors present in communities between 1960 and 1999, particularly during the 1960s and 1970s, before documenting experiences of child sexual abuse and its impacts from the perspective of victim-survivors. This Part also includes 15 narratives from victim-survivors, secondary victims and affected community members recalling their experiences, in their own words.
- Part C, Accountability, describes the education system between 1960 and 1999, includes the narratives of four of the relevant employees examined in detail by the Board of Inquiry, and outlines various system failings by the Department at that time. It then explores grooming and barriers to disclosure experienced by victim-survivors, before describing how child safety settings have since improved within government schools.

- Part D, Healing, support and the future, describes the factors that promote recovery from child sexual abuse and the support services currently available to victim-survivors of historical child sexual abuse in government schools. It then explores barriers to effective support and how they could be addressed as part of an overall approach to healing. This Part includes the Board of Inquiry's recommendations for the Victorian Government and the Department to support healing and address barriers to effective support. While these recommendations are drawn from the entirety of the Board of Inquiry's work, they are particularly directed to the 'healing' and 'support services' aspects of the Terms of Reference.
- Part E, Appendices, contains a range of documents to assist and inform readers.

## A note on language

The Board of Inquiry recognised from the outset the importance of being thoughtful and sensitive in its use of language. Different words carry different meanings or significance for victim-survivors of child sexual abuse, and careless or insensitive language can be damaging and hurtful.

The Board of Inquiry has included 'A note on language' in the Preliminary material of this report, which recognises this and outlines the preferred language that the Board of Inquiry has adopted, informed by victim-survivors and by research and evidence on best practice. This note recognises that not all affected people would agree with the terms and definitions chosen, but invites understanding that they have been chosen with consideration and care.

As outlined in Chapter 1, Establishment and approach, sometimes the Board of Inquiry has used particular language (for example, 'alleged perpetrator'). The use of this language, as explained in relevant sections throughout the report, is not intended to question or diminish the recollections of victim-survivors, but is to protect the integrity of any civil or criminal proceedings and is in recognition of the fact that the Board of Inquiry's role has not been to make findings of fact about whether abuse occurred or not.

## How this report should be read and understood

The Board of Inquiry's objectives included establishing an official public record of victim-survivors' experiences. It has approached this task by empowering and supporting victim-survivors to share their experiences and have them recorded, publicly acknowledged in hearings and published in this report. At the same time, in undertaking its work the Board of Inquiry has been mindful of its procedural fairness obligations.

Furthermore, the analysis, findings and recommendations presented in this report aim to reflect the shared responsibility of governments, institutions and the wider Victorian community in keeping children safe. The Board of Inquiry hopes to build understanding of the significant and complex impacts that child sexual abuse can have on victim-survivors, secondary victims and affected community members. The Board of Inquiry expects this report will reinforce a collective commitment to better protect children from harm and sexual abuse into the future.

Readers should consider the Board of Inquiry's findings and recommendations in the context of other inquiries — including the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse and the 2013 Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations — and the reforms that followed them. These inquiries made a range of recommendations relevant to improving responses to child sexual abuse in

institutional settings, many of which have since been implemented or are underway. In undertaking its work, the Board of Inquiry has sought to build upon these earlier inquiries. It has been careful to avoid duplication, and has sought to make recommendations only where it has identified clear gaps that it is uniquely placed to address.

## The report as a public record

The objectives of the Board of Inquiry included the establishment of an official public record of victim-survivors' experiences of historical child sexual abuse by relevant employees in Beaumaris Primary School and certain other government schools.<sup>2</sup>

The Board of Inquiry considered the significance of establishing a public record and what footprint it wanted to leave behind when it ceased to exist. In relation to this aspect of its work, the Board of Inquiry prioritised the hopes and wishes of victim-survivors and secondary victims, and the feedback it had received along the way.

The Board of Inquiry contemplated the role and intent of this report in developing its content, and how the report would integrate with other materials to form part of the enduring public record. Other materials include the Board of Inquiry's website.

The Board of Inquiry acknowledges that much of the narrative surrounding its work has been shaped by the media, parliamentary debate, and public and private commentary from various community and advocacy groups. The Board of Inquiry recognises these contributions and the influence they will have on how this report is evaluated in the future.

Adopting a trauma-informed approach, the Board of Inquiry endeavoured to ensure that participation in this inquiry would not re-traumatise victim-survivors, and that all engagement supported their personal healing journeys. As part of this process, and consistently with the Board of Inquiry's objectives and Terms of Reference, the Board of Inquiry did not approach the task of establishing an official public record as requiring it to make findings of fact about those experiences, or to forensically examine or test them. The public record reflects what the Board of Inquiry heard.

## Conclusion

By committing this report to the public record, the Board of Inquiry hopes to leave a meaningful legacy on behalf of every victim-survivor, secondary victim and affected community member impacted by the events the subject of this report. This legacy must include acknowledgement and validation of the past; and, to meet the expectations of the brave individuals the Board of Inquiry has encountered, it must contribute to the prevention of child sexual abuse in the future.

## Chapter 4 Endnotes

1. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools' (Victorian Government Gazette No. S 339) 28 June 2023, cl 3(d).
2. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339 28 June 2023, cl 2(a).

PART B

# Experience

# B

The Terms of Reference for the Board of Inquiry required examination of experiences of child sexual abuse reported to have occurred at Beaumaris Primary School in the 1960s and 1970s, and at certain other government schools in Victoria from the 1960s to the end of 1999.<sup>1</sup>

While the work of the Board of Inquiry was not limited to Beaumaris Primary School in the 1960s and 1970s, and extended to certain other government schools through to the end of 1999, most of the victim-survivors who came forward reported child sexual abuse at Beaumaris Primary School in the 1960s and 1970s. Accordingly, much of the Board of Inquiry's work focused on this period.

It was, in many ways, a very different time. Laws and policies designed to safeguard children's rights and safety were far less sophisticated than they are today. Significant trust was placed in institutions and people in authority to keep children safe and act in their best interests. Despite child sexual abuse being acknowledged as legally and morally wrong, it was under-estimated and neglected by governments, which saw it as a policy problem. This, in turn, affected the quality of laws concerning child sexual abuse, and compromised protection of children and support for victim-survivors. Its prevalence was largely concealed by denial, a lack of understanding and shame.

Children were far less empowered than they are today. They were expected to be obedient and deferential to adults around them, to stay out of trouble and to avoid creating problems for their families. Child sexual abuse was a taboo subject. Children were not taught about their right to bodily autonomy and what to do if they were harmed or felt unsafe. Social norms that promoted rigid gender roles, tolerated homophobia and discrimination, and reflected misconceptions about children's reliability also worked to enforce their silence or to downplay or dismiss disclosures when they were made. By contrast, perpetrators who were liked and respected in the community, particularly if they occupied trusted positions, often carried great power and influence, which further discouraged victims from speaking up.

This Part begins by outlining important historical context needed to understand how laws, policies, social norms and community attitudes shaped how child sexual abuse was understood and addressed, primarily in the 1960s and 1970s. It begins by outlining relevant laws and government policies, and describes the child protection and criminal justice systems at the time. It then explores broader social and political forces that dominated this period — flowing from global trends through to the local level. Importantly, it describes some particular norms and attitudes that contributed to how child sexual abuse was viewed and addressed.

This context is offered not to excuse child sexual abuse or poor responses to it. It is included to help illustrate the very real barriers children faced at the time of their sexual abuse. It reminds us of the many factors that would have affected their ability to recognise and report their sexual abuse in a society that largely denied them a voice, was sceptical of the reliability of their disclosures, and wrongly attributed blame and shame to them rather than to perpetrators.

There have been significant shifts in awareness of and action in response to child sexual abuse since the 1960s and 1970s, but many challenges associated with preventing and responding to child sexual abuse are enduring. While some of the attitudes and practices described in this Part are difficult to comprehend by today's standards, the insidious nature of child sexual abuse and its devastating impacts remain the same. It is a reminder that although much has improved, there is still more work to be done.

This Part then goes on to share the recollections of victim-survivors who came forward, not only in relation to their experience of sexual abuse as a child, but also as to how their experience affected them at different stages of their lives. Relevant literature and expert evidence are included to

demonstrate how these recollections are consistent with what is now known and understood about child sexual abuse, and to explain how the effects of sexual abuse can be more broadly felt — by other individuals, communities and society.

The Part has five chapters:

- Chapter 5, Children’s rights and safety in context, provides a brief overview of the key laws and policies concerning children’s rights and safety and the protection of children against sexual abuse, and outlines relevant features of the child protection and criminal justice systems during the 1960s and 1970s. It also addresses the extent to which the education system recognised and guarded against the risk of sexual abuse of students by teachers.
- Chapter 6, Time and place, considers how the broader social context in this period influenced attitudes towards children and understandings of child sexual abuse, explaining the dominant norms and attitudes that shaped how child sexual abuse was understood and responded to.
- Chapter 7, Experiences of sexual abuse and its impact on their childhood, details the experiences of victim-survivors of child sexual abuse at Beaumaris Primary School and certain other government schools, drawing on their recollections of the sexual abuse, their immediate reactions to it and how it affected them during their childhood and adolescence.
- Chapter 8, Enduring impacts of child sexual abuse, explains the longer-term impacts of the child sexual abuse. It also explains the secondary impacts felt over time by families and friends of victim-survivors (described as ‘secondary victims’ in this report), affected communities and society.
- Chapter 9, Personal stories, details, in their own words, victim-survivors’ and secondary victims’ personal experiences of child sexual abuse, as shared directly with the Board of Inquiry.

## Notes to readers

### Experiences of victim-survivors, secondary victims and affected community members

Throughout this report, the Board of Inquiry shares information that reflects some of the experiences that victim-survivors, secondary victims and affected community members shared with the Board of Inquiry.

The Board of Inquiry is deeply grateful to the victim-survivors, secondary victims and affected community members who so courageously shared their experiences of child sexual abuse. The Board of Inquiry also acknowledges those victim-survivors who have chosen not to disclose their experiences of child sexual abuse, and may never do so, including those who are no longer with us.

The Board of Inquiry asked people who engaged with it how they wanted their information to be managed. Some wished to share their experiences publicly. Some wished to do so anonymously and others wished to do so confidentially. Where people shared their experiences anonymously, the Board of Inquiry has not included any identifying information in this report. Where people shared their experiences confidentially, the Board of Inquiry used this information to inform its work, but has not included it in this report.

In relation to those who wished to share their experiences publicly, in some cases the Board of Inquiry determined that it should anonymise the information they shared. This decision was made for legal or related reasons, including in order to avoid causing prejudice to any current or future criminal or civil proceedings.

The Board of Inquiry shares the experiences of victim-survivors, secondary victims and affected community members to create an important public record of their recollections. However, the Board of Inquiry has not examined or tested these accounts for accuracy or weighed whether there is enough evidence to support criminal or civil proceedings. The approach the Board of Inquiry has taken in this regard is consistent with its objectives and its Terms of Reference.<sup>2</sup>

The Board of Inquiry expresses its immense gratitude to all who contributed, in any way, to its work. Those who shared their experiences have shaped the Board of Inquiry's general findings and recommendations, and contributed to a shared understanding, among all Victorians, of the impact of child sexual abuse. The Board of Inquiry expects this report will reinforce the community's commitment to better protect children from harm and sexual abuse into the future.

## Relevant employees

In the Terms of Reference, 'relevant employee' is defined to mean 'a teacher or other government school employee or contractor who sexually abused a student at Beaumaris Primary School during the 1960s or 1970s'.<sup>3</sup> The Board of Inquiry's work has confirmed that several of these relevant employees have been convicted of multiple offences, including indecent assault and other offences against children. However, for various reasons, most of the experiences of child sexual abuse shared with the Board of Inquiry did not result (or have not yet resulted) in a criminal conviction. Accordingly, this Part refers to 'alleged perpetrators'.

While the Board of Inquiry recognises that some of these alleged perpetrators have been convicted of offences and their child sexual abuse in relation to these offences is no longer 'alleged', in order to treat all experiences shared with the Board of Inquiry in the same way, and to avoid causing prejudice to any current or future criminal or civil proceedings, this Part still refers to them as 'alleged perpetrators'. In doing so, the Board of Inquiry does not intend to devalue or minimise any of the experiences shared by victim-survivors, secondary victims or affected community members.



## Introduction Endnotes

1. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.
2. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 2(a).
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CHAPTER 5

# Children's rights and safety in context

05

## Introduction

This Chapter provides a brief overview of the extent to which children's rights were recognised and their safety was protected in Australia during the 1960s and 1970s, and from the 1980s. It describes the status of children's human rights under international law and the extent to which this influenced Australian domestic law and policy. It outlines the extent to which the child protection and criminal justice systems recognised and understood child abuse, including child sexual abuse. Finally, it considers the extent to which the education system recognised and guarded against the risk of sexual abuse of students by teachers.

## Legislation and government policies relating to children's rights and safety in the 1960s and 1970s

### Children's rights: in theory rather than practice

Despite the emergence of the global children's rights movement in the early twentieth century, the Board of Inquiry heard expert evidence that there was little public discussion about children's human rights in Australia in the 1960s.<sup>1</sup>

In 1959, the United Nations General Assembly adopted the Declaration of the Rights of the Child (1959 Declaration).<sup>2</sup> The 1959 Declaration established 10 principles for the protection of children, which expanded on the rights relating to the protection of children against neglect and harm outlined in an earlier Declaration of the Rights of the Child, developed by the League of Nations in 1924.<sup>3</sup>

However, the 1959 Declaration did not immediately influence the public consciousness in Australia. The evidence to the Board of Inquiry of Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University, was that although attitudes were changing at this time, it 'was not until later that children were widely viewed as rights bearers'.<sup>4</sup>

The limited understanding of children's rights in the 1960s and 1970s is highlighted by the notion, dominant at the time, that children should be 'seen, not heard'.<sup>5</sup> The failure to recognise children as having rights also contributed, as Dr Wright explained in her evidence, to a culture where 'children's views and concerns were often dismissed'.<sup>6</sup>

By the late 1970s, awareness of children's rights was building, prompted in part by the United Nations Educational, Scientific and Cultural Organization (UNESCO) proclaiming the International Year of the Child in 1979.<sup>7</sup>

However, as discussed later in this Chapter, the Board of Inquiry heard expert evidence that it was not until 1990, with Australia's ratification of the United Nations Convention on the Rights of the Child (1989), that children's rights 'came to the fore'.<sup>8</sup>

### Limited awareness of child sexual abuse within the child protection system

While understandings of children's rights in Australia were increasing by the late 1970s, child sexual abuse had not been a predominant focus of child protection or child welfare in the 1960s and 1970s.<sup>9</sup> This reflected the community's limited awareness of child sexual abuse during this time, as discussed in Chapter 6, Time and place.

Various forms of 'protection' for children have existed in Australia since the early periods of colonisation. Initially, however, these focused more on 'protecting' the state from the 'danger' that neglected children were considered to pose to public order.<sup>10</sup>

From the early twentieth century, the concept of 'protection' shifted to protecting children from a failed duty of care by caregivers.<sup>11</sup> Despite this shift, his Honour John Fogarty AM (writing extra-judicially) said that 'even then, in reality, society was concerned with saving itself from the public actions of abused and deserted children, and especially the protection of property'.<sup>12</sup>

State-sanctioned 'child protection' laws and policies enabled governments, churches and other welfare bodies to forcibly remove First Nations children from their families, creating Australia's Stolen Generations.<sup>13</sup> These laws and policies, which began as early as the mid-1800s and continued into the 1970s, inflicted 'profound grief, loss and suffering' on First Nations children and families, and the broader Australian community.<sup>14</sup> The legacy of these practices endures today.<sup>15</sup>

With regard to child sexual abuse, Professor Leah Bromfield, Director of the Australian Centre for Child Protection and Chair of Child Protection, University of South Australia, explained that early conceptualisations of child welfare and child protection did not encompass child sexual abuse.<sup>16</sup> The child protection system primarily focused on child neglect and physical abuse.<sup>17</sup>

During the mid-1960s, there was emerging public attention regarding child abuse.<sup>18</sup> This was partly due to a study in the United States of America on child maltreatment by C Henry Kempe and others, published in 1962, which significantly influenced understandings of physical child abuse.<sup>19</sup> The study identified 'battered child syndrome', which characterises a condition in children who have received serious physical abuse, 'generally from a parent or foster parent'.<sup>20</sup> It led to a heightened focus on familial physical child abuse, and influenced both professional and community understandings of physical child abuse.<sup>21</sup>

In Victoria, it appears that it was only from the mid-1970s that child sexual abuse was considered in child protection practices. In 1971, the Victorian Society for the Prevention of Cruelty to Children, which was founded in 1896, was renamed to their Children's Protection Society.<sup>22</sup> The Society, then a non-government organisation, was responsible for receiving reports about child abuse and neglect.<sup>23</sup> It started recording data related to child sexual abuse in 1975.<sup>24</sup> Professor Bromfield provided evidence to the Board of Inquiry stating that this demonstrated that 'public discourse was beginning to acknowledge child sexual abuse as an area of concern'.<sup>25</sup>

The Victorian Government took over the functions of the Society in 1985.<sup>26</sup>

## Inadequate responses to child sexual abuse in the criminal justice system

Since Australia's early colonial period, beginning in the late 1700s, the legal system has criminalised the sexual assault of children in some form.<sup>27</sup> This criminalisation included laws that prohibited 'forced sodomy' of boys and 'forcible rape' of girls aged under 10,<sup>28</sup> and the updating of colonial laws regarding the legal age of consent in the 1880s and 1890s to reflect amendments in England and the United States of America.<sup>29</sup>

Professor Lisa Featherstone, Head of School, School of Historical and Philosophical Inquiry, University of Queensland, provided evidence that although child sexual abuse was not widely discussed in the 1960s and 1970s, it was generally understood to be morally and criminally wrong.<sup>30</sup> Similarly, the Board of Inquiry received evidence from Professor Michael Salter,

Professor of Criminology, School of Social Sciences, University of New South Wales, that society was not necessarily ignorant about child sexual abuse at the time; rather, society and institutions upheld systems and structures that prevented people from understanding and discussing child sexual abuse.<sup>31</sup>

Victoria's criminal law relating to child sexual abuse was highly gendered until the 1980s.<sup>32</sup> Professor Daryl Higgins, Director, Institute of Child Protection Studies, Australian Catholic University, provided evidence that up until 1981, the *Crimes Act 1958 (Vic)* (Crimes Act) gendered sexual abuse in several ways,<sup>33</sup> including by incorporating:

- a crime of sexual abuse of a girl under the age of 10, with no corresponding crime relating to boys of the same age.<sup>34</sup> The maximum penalty for this crime was 20 years imprisonment<sup>35</sup>
- a crime of sexual abuse of a girl between the age of 10 and 16 (noting that the age of consent was 16), with no corresponding crime relating to boys of the same age.<sup>36</sup> The maximum penalty for this crime was 10 years imprisonment.<sup>37</sup>

Professor Higgins also provided evidence that it was not until 1964 that the Crimes Act included 'offences for sexual conduct between boys and male adults'.<sup>38</sup>

The Crimes Act also criminalised homosexuality, which was referred to at the time as 'buggery'.<sup>39</sup> The term 'buggery' was derived from the *Buggery Act 1533* in England, which criminalised all forms of sexual intercourse between men.<sup>40</sup> As a result of this derivation, anti-homosexual laws tended to stay silent regarding women.<sup>41</sup> Under the Crimes Act, homosexuality carried a maximum penalty of 20 years imprisonment if the victim was under 14 years of age, or if the incident involved the use of violence and was non-consensual.<sup>42</sup> Society's prevailing homophobia in the 1960s and 1970s complicated the shame many boys felt after being sexually abused by male perpetrators.<sup>43</sup> In Professor Salter's statement, he described how 'homophobia ... was a bar to boys disclosing child sexual abuse' as they may be 'blamed' and placed 'under suspicion for homosexuality'.<sup>44</sup>

Successfully prosecuting a case of child sexual abuse was very difficult. The criminal justice system at the time largely perceived children as 'unreliable witnesses'.<sup>45</sup> Juries were asked to consider a child's age and reliability throughout the court process.<sup>46</sup> The common law required judges to advise the jury about the dangers of relying on a child's evidence.<sup>47</sup>

The difficulties associated with prosecuting child sexual abuse cases were probably reflective of misconceptions about sexual abuse that remained prevalent in the broader community. For example, the Board of Inquiry heard expert evidence that it was commonly believed in the 1960s and 1970s that children had 'imagined' or 'fantasised' experiences of child sexual abuse.<sup>48</sup> Social attitudes often saw children as highly impressionable and prone to incorrectly recalling information.<sup>49</sup> Complaints about child sexual abuse were met by a mindset that framed children as 'manipulative'.<sup>50</sup> In the criminal justice system, prosecution of child sexual abuse offences in Australia sometimes cast children 'in the role of tempter or temptress'.<sup>51</sup> Adults were far more likely to be believed by the general public over a child, particularly if those adults were respected by the community.<sup>52</sup>

The criminal justice system gave greater weight to evidence from other witnesses that validated or corroborated a victim-survivor's account.<sup>53</sup> Yet, even in cases where several children made similar allegations, the criminal justice system restricted the inclusion of evidence that might suggest a pattern of behaviour from an alleged perpetrator, often referred to as 'tendency' and 'coincidence' evidence.<sup>54</sup> This made it difficult for lawyers to rely on multiple charges or allegations to strengthen their case against an alleged offender.<sup>55</sup>

Professor Bromfield explained that ‘the cards were stacked against children every step of the way’.<sup>56</sup> In her opinion, the criminal justice system at the time overwhelmingly advantaged perpetrators over victim-survivors,<sup>57</sup> which may have influenced perpetrators to believe that ‘they could abuse children without fear of consequence’.<sup>58</sup>

It is likely that many allegations of child sexual abuse were never even reported to the police. Professor Featherstone explained that from the 1960s to the 1980s, ‘the most common response to a disclosure of child sexual abuse was to attempt to remove the child from immediate danger, but not report [the allegation] through the criminal justice system’.<sup>59</sup> Professor Featherstone gave evidence that it was ‘very rare for institutions to involve the criminal justice system’.<sup>60</sup>

## Lack of adequate regulation and oversight of teachers with respect to child sexual abuse

The evidence received by the Board of Inquiry made it clear that there was a lack of adequate regulation and oversight of teachers in Australian schools with respect to child sexual abuse, particularly in the 1960s and 1970s. As Professor Featherstone explained in her witness statement:

There was a basic view that schools should be a safe place for children, however people did not actively think about the ways in which children in schools could be protected. There was little emphasis at all on child protection, especially beyond physical abuse.<sup>61</sup>

Professor Salter’s evidence to the Board of Inquiry was that Australian schools in the 1960s and 1970s were not ‘alive to the risk of child sexual abuse’.<sup>62</sup> Professor Higgins’s evidence was that, in school settings during that time, there were no policies to ‘deal with allegations of child sexual abuse’ and there was ‘no prevention culture’.<sup>63</sup> Professor Higgins noted that there was a ‘complete silencing of the possibility’ that child sexual abuse could be perpetrated within schools.<sup>64</sup>

In Victoria, child sexual abuse was largely absent from the education system’s policy settings and school curriculums during the 1960s and 1970s. However, there were some reviews highlighting (among other things) failings in the education system’s protection of children.<sup>65</sup>

In 1971, for example, a Victorian Board of Inquiry into Certain Aspects of the State Teaching Service considered matters relating to teacher qualifications and mechanisms to resolve complaints about teacher conduct.<sup>66</sup> The 1971 Board of Inquiry made recommendations related to the responsibilities of the Department of Education’s Director-General in dealing with teacher misconduct, and considered the circumstances in which teachers would be provided with legal representation.<sup>67</sup> However, the report did not make any references to the needs of children affected by teacher misconduct or the support that may be necessary for them. There was no discussion at all of the risk of child sexual abuse by teachers.

The lack of regulation and oversight in the 1960s and 1970s in respect of child sexual abuse by teachers in Victorian government schools is discussed in further detail in Chapter 10, The education system.

The risk to children created by this regulatory failure was heightened by social attitudes towards schools and teachers. Schools were highly trusted institutions in the 1960s and 1970s. Further, families were generally deferential to principals and teachers. Teachers held ‘institutional authority’, and schools were often built around hierarchical structures that upheld that institutional authority.<sup>68</sup>

The power dynamics between teachers or other school staff and their students made children 'particularly vulnerable' to institutional child sexual abuse.<sup>69</sup> Dr Wright provided evidence that as a result of these power imbalances, children were deferential to teachers who 'could exert considerable power over children'.<sup>70</sup>

## Legislation and government policies relating to children's rights and safety from the 1980s

### Children's rights moving from passive protection to empowerment

Internationally, awareness of children's rights continued to evolve throughout the 1980s.<sup>71</sup> In late 1989, the United Nations adopted the Convention on the Rights of the Child (Convention).<sup>72</sup> The Convention became the 'first binding instrument in international law concerning the rights of children, and the most universally ratified human rights treaty in history'.<sup>73</sup> It marked a global shift from seeing children as passive and in need of protection to a view of childhood in which children are 'empowered and independent'.<sup>74</sup>

The Convention explicitly required governments to implement measures to protect children from sexual abuse.<sup>75</sup> A shift in the concept of children's rights was demonstrated in the underlying principle in the Convention that the 'best interests of the child' should be a 'primary consideration' in all actions concerning children.<sup>76</sup> This principle was codified in Victoria in the *Children and Young Persons Act 1989* (Vic).<sup>77</sup>

Australia ratified the Convention on 17 December 1990.<sup>78</sup> The Board of Inquiry heard evidence that after Australia became a signatory, children's rights were more widely accepted and discussed across Australian society.<sup>79</sup>

Embedding the Convention and its principles into Australian law has been a long and complex process that continues today.<sup>80</sup> The Commonwealth Government is often criticised for how it has translated the Convention into domestic law, policy and practice.<sup>81</sup> In 2018, the Australian Child Rights Taskforce's report to the United Nations Committee on the Rights of the Child described Australia's approach to protecting and promoting the rights of the child as established in the Convention as 'fragmented, ad hoc and reactive'.<sup>82</sup>

### Increased government intervention to respond to child sexual abuse

In 1969, South Australia became the first jurisdiction in Australia to introduce mandatory reporting laws, and most other states and territories had introduced similar laws by the mid-1980s. These laws require certain persons to report suspected cases of child abuse or neglect to the authorities and were a significant step in the protection of children against abuse.

In the 1980s, Australian police saw an increase in reports of child sexual abuse. This was probably a result of heightened societal awareness arising from revelations of sexual abuse within the Catholic Church.<sup>83</sup> Australian policing organisations started establishing the first child abuse investigation teams around this time; however, police responses to allegations of child sexual abuse in institutions made by children 'did not universally improve'.<sup>84</sup>

In Victoria, child protection only became a government responsibility in 1985, when the Victorian Government took over the functions of the Children's Protection Society.<sup>85</sup>

Further, Victoria did not introduce mandatory reporting laws until 1993.<sup>86</sup> In 1993, mandatory reporters in Victoria included medical practitioners, nurses and police officers.<sup>87</sup> Teachers were subsequently included as mandatory reporters from 1994.<sup>88</sup>

## Growing understanding of the scale and impact of child sexual abuse

During the 1980s and 1990s, an increasing 'wave of public inquiries' across the world began examining experiences of institutional child sexual abuse.<sup>89</sup> Professor Featherstone described these as impacting the 'domestic view', and referred to the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) as a 'turning point', where 'survivors were asked and heard'.<sup>90</sup>

There was a significant rise in public awareness of the systemic nature of institutional child sexual abuse that had remained hidden for decades, particularly in relation to child sexual abuse within the Catholic Church.<sup>91</sup>

Professor Salter, in his statement to the Board of Inquiry, explained that public inquiries in the late twentieth century perceived child sexual abuse through an 'individualised, psychological' lens and overlooked the social determinants of sexual abuse.<sup>92</sup> During the 1990s, for example, the courts and the media often continued to position victim-survivors as having experienced 'false memories' of child sexual abuse.<sup>93</sup> More recent inquiries in the twenty-first century, such as the Royal Commission, were considered ground-breaking in reframing the systemic and structural drivers of institutional child sexual abuse.

Victim-survivor activism and targeted media exposure drove widespread recognition of the abuses many children experienced within institutions.<sup>94</sup> Revelations of institutional abuse can result in a loss of public trust in institutions.<sup>95</sup> However, the Board of Inquiry heard evidence that parents did not necessarily start questioning whether their children were unsafe at school.<sup>96</sup> It was not until relatively recently that public inquiries increasingly examined experiences of child sexual abuse in educational settings. For example:

- In 2013, the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations detailed experiences of child abuse within non-government schools and early education centres.<sup>97</sup>
- In 2013, the South Australian Independent Education Inquiry 2012–2013 examined the failure of the South Australian Department of Education to inform the Largs Bay Primary School community about an employee of an out-of-school care service, who was convicted of sexually abusing a child in his care in 2010.<sup>98</sup>
- In 2017, the Royal Commission demonstrated how schools, among other institutions, had failed to protect children against child sexual abuse.<sup>99</sup>
- In 2021, the Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse found that from the 1970s to the 1990s, the Tasmanian Department of Education protected itself from the legal, financial and reputational risks it associated with complaints about child sexual abuse.<sup>100</sup>



- In 2023, the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings heard that for some victim-survivors, the Tasmanian Department of Education's response to disclosures of child sexual abuse worsened and prolonged the effects of the abuse they had experienced in government schools.<sup>101</sup>

These inquiries add to the groundswell of victim-survivor testimony detailing horrific experiences of child sexual abuse within Australian schools and systemic failures in responding to such abuse. They illustrate the stark reality that the experiences of victim-survivors of child sexual abuse at Beaumaris Primary School and other government schools, which are the subject of this inquiry, are not isolated events.

## Chapter 5 Endnotes

1. Statement of Katie Wright, 23 October 2023, 4 [15]; Transcript of Katie Wright, 24 October 2023, P-40 [10].
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4. Statement of Katie Wright, 23 October 2023, 4 [15].
5. Statement of Leah Bromfield, 23 October 2023, 4 [15].
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7. Statement of Katie Wright, 23 October 2023, 5 [19]; Transcript of Katie Wright, 24 October 2023, P-40 [16]–[21].
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9. Statement of Leah Bromfield, 23 October 2023, 6 [25].
10. Shurlee Swain, *History of Child Protection Legislation* (Report, October 2014) 6.
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17. Statement of Leah Bromfield, 23 October 2023, 4 [19]; Transcript of Leah Bromfield, 24 October 2023, P-55 [30]–[32].
18. Henry Kempe et al, 'The Battered-Child Syndrome' (1962) 181(1) *Journal of the American Medical Association* 17; Transcript of Katie Wright, 24 October 2023, P-38 [38]–[39].
19. Transcript of Katie Wright, 24 October 2023, P-38 [33]–[38]; Statement of Katie Wright, 23 October 2023, 5 [22].
20. Henry Kempe et al, 'The Battered-Child Syndrome' (1962) 181(1) *Journal of the American Medical Association* 17, 17; Transcript of Katie Wright, 24 October 2023, P-38 [34]–[36].
21. Transcript of Katie Wright, 24 October 2023, P-38 [36]–[37]; Kim Oates and Anne Donnelly, 'Influential Papers in Child Abuse' (1997) 21(3) *Child Abuse & Neglect* 319, 319; Antonia Quadara, *Framework for Historical Influences on Institutional Child Sexual Abuse: 1950–2014* (Report, December 2017) 19.
22. Statement of Leah Bromfield, 23 October 2023, 5 [24]; Transcript of Leah Bromfield, 24 October 2023, P-55 [33]–[34]; 'Children's Protection Society (1971–2018)', *Find and Connect* (Web Page) [1] <<https://www.findandconnect.gov.au/guide/vic/E000115>>.
23. Statement of Leah Bromfield, 23 October 2023, 5 [24]; Transcript of Leah Bromfield, 24 October 2023, P-55 [33]–[35], P-56 [19]–[22].
24. Statement of Leah Bromfield, 23 October 2023, 5–6 [24]; Transcript of Leah Bromfield, 24 October 2023, P-56 [24]–[30]; *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, December 2017) vol 2, 245; Antonia Quadara, *Framework for Historical Influences on Institutional Child Sexual Abuse: 1950–2014* (Report, December 2017) 22.
25. Statement of Leah Bromfield, 23 October 2023, 6 [24].
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27. Statement of Katie Wright, 23 October 2023, 5 [20]; Hayley Boxall, Adam M Tomison and Shann Hulme, *Historical Review of Sexual Offence and Child Sexual Abuse Legislation in Australia: 1788–2013* (Report, 1 September 2014) 3–4.
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31. Statement of Michael Salter, 27 November 2023, 5 [19].
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CHAPTER 6

# Time and place

06

## Introduction

To understand the experiences of victim-survivors who shared their stories with the Board of Inquiry, it is important to appreciate the multiple and intersecting factors that affected their lives when they were children. Children are shaped by their immediate relationships with family, friends and teachers.<sup>1</sup> They are also influenced by the interactions between people in their networks, such as their family's relationships with teachers and others.<sup>2</sup> In addition, indirect factors, such as the school curriculum or the media, can shape children's lives.<sup>3</sup> Finally, broader factors related to 'fundamental beliefs, values, cultures and ideologies' also affect children and their upbringing.<sup>4</sup>

This Chapter aims to provide some context for the experiences of victim-survivors by describing the relevant social, cultural and political forces that may have influenced their lives at the time of the child sexual abuse. It builds on the discussion of the legislative and governmental policy framework that was evolving between the 1960s and 1980s, described earlier in this Part.

The 1960s and 1970s are often remembered as heralding major social and political changes, demonstrated by movements around the world that pushed for greater equality, respect for diversity, peace, and protection of the environment. While this period was undoubtedly a time of significant societal change, it is important to recognise that liberation and equality movements had their own limitations and were contested and resisted, with progress often hard fought and non-linear. Furthermore, social changes during this period occurred against a backdrop of largely conservative values, which still dominated many of the social norms and attitudes held by the community at the time.

In addition to discussing how global trends influenced life in Australia, this Chapter considers the community of Beaumaris specifically. Most victim-survivors who shared their experiences with the Board of Inquiry attended Beaumaris Primary School. While the Beaumaris community was influenced by broader global trends, it is also clear that it maintained its own identity. Understanding the unique characteristics of the Beaumaris community assists in understanding the experiences of victim-survivors, in various ways.

While this Chapter endeavours to explain the norms, values and practices that shaped Australian society from the 1960s to the 1990s, the Board of Inquiry recognises that it does not reflect the full diversity of people's experiences,<sup>5</sup> which are inevitably more complex and nuanced than a description of societal trends can accommodate.

## Global trends during the 1960s and 1970s: a period of tension and change

The 1960s and 1970s have been described by historians as a time when the world became more youthful, inclusive and just, as a range of predominantly youth-led movements pushed boundaries and agitated against the status quo.<sup>6</sup>

During this time, the Civil Rights Movement in the United States of America fought for racial justice by espousing the dismantling of racial segregation and an end to racial discrimination.<sup>7</sup> Second-wave feminists pushed for equal pay, the ending of gender-based discrimination and the improvement of educational outcomes for women.<sup>8</sup> LGBTIQ+ activists campaigned to end discrimination and stigma directed at the queer community.<sup>9</sup> Disability activists fought for recognition of rights and inclusion for people with disability.<sup>10</sup> Environmentalist movements also

grew as society started paying closer attention to the threats of pollution.<sup>11</sup> Earth Day, founded in 1970, involved 20 million Americans engaging in demonstrations and gatherings to raise awareness about environmentally sustainable practices and the conservation of natural resources.<sup>12</sup>

In addition, electronic forms of communication emerged. These new forms of communication contributed to the first collective, global consciousness.<sup>13</sup> Televisions could rapidly broadcast culture and knowledge far and wide.<sup>14</sup> During the Cold War period, the horrors of the Vietnam War were broadcast, triggering a domino effect of anti-war protests across the world.<sup>15</sup>

However, historians also caution against glorifying this period.<sup>16</sup> Inflation, unemployment and recession created a challenging economic climate.<sup>17</sup> The waves of protests and reforms were often met with a rise in conservative ways of thinking.<sup>18</sup> In reality, much of what is now viewed as inevitable progress was contested and resisted, with governments and sections of the community fighting to uphold traditional power structures that privileged some people over others based on race, class, gender, sexual orientation and gender identity, age and ability.<sup>19</sup>

## Life in Australia: tradition meets resistance

Australia entered the 1960s under the leadership of conservative Prime Minister Sir Robert Menzies. Menzies became Australia's longest-serving prime minister over the course of two terms in office — from 1939 to 1941 and again from 1949 to 1966.<sup>20</sup> He was 'often characterised as an extreme monarchist', and personally described himself as 'British to the bootstraps'.<sup>21</sup> Commentators have suggested that the early 1960s in Australia were marked by a pervasive sense of nationalism on the part of Anglo-Australians that was mostly rooted in the notion of British race patriotism.<sup>22</sup>

The Menzies Government introduced selective conscription for overseas military service in 1964, during the Vietnam War.<sup>23</sup> While this was initially met with support, over time more people — largely led by university students — began opposing Australia's involvement in the Vietnam War and the conscription of Australian soldiers.<sup>24</sup>

Feminists, trade unionists, First Nations rights activists, sexual libertarians and gay liberationists led other social movements in 1960s Australia.<sup>25</sup> Young Australians campaigned for equal pay and workplace rights, free education and First Nations land rights.<sup>26</sup> In 1967, Australia held a referendum that led to constitutional reforms. These reforms saw First Nations peoples finally counted as part of Australia's population.<sup>27</sup>

Despite the increasing calls for various other reforms across Australian society, people who valued established ways of life in Australia and internationally worked hard to preserve traditional social structures.<sup>28</sup> In Victoria, Liberal Premier Sir Henry Bolte led the government across the 1960s and early 1970s.<sup>29</sup> Bolte's election in 1955 had introduced a conservative, coalition government in Victoria that governed for almost three decades.<sup>30</sup> During this period, many immigrants from across Europe and other parts of the world increasingly settled in Melbourne, strongly influencing the city's culture. The population of teenagers and young adults in Melbourne also grew rapidly as a result of the post-war baby boom.<sup>31</sup>

During the 1970s, protestors sought to decriminalise abortion and homosexuality.<sup>32</sup> Feminist and LGBTIQ+ activists also started creating services that responded to their distinct needs, such as women's refuges, rape crisis centres and telephone counselling services.<sup>33</sup> In Melbourne, the first Centre Against Sexual Assault was established in 1979 at the Queen Victoria Medical Centre.<sup>34</sup> First Nations rights activists pushed back against the policy of assimilation and fought tirelessly



for land rights, setting up the Aboriginal Tent Embassy in 1972 outside of the Provisional Parliament House in Canberra in protest against government policies towards First Nations peoples.<sup>35</sup>

In 1972, Labor Prime Minister Gough Whitlam's election brought significant social and political changes to Australia.<sup>36</sup> Whitlam called for greater independence for Australia, introducing a new form of nationalism that prioritised Australia's local and national identity over its colonial ties to Britain.<sup>37</sup>

Although many young people in Melbourne were not necessarily protesting for reforms, their everyday habits did start to change.<sup>38</sup> It became more acceptable for young people to have multiple romantic relationships before settling into a long-term relationship.<sup>39</sup> Young people also sought out new forms of fun — staying out late at pubs and dancing in nightclubs across the city.<sup>40</sup>

By the early 1970s, many of the social and cultural changes that emerged in the 1960s had become increasingly mainstream across Melbourne.<sup>41</sup>

## Life in Beaumaris during the 1960s and 1970s

Beaumaris is a quiet suburban area situated within a bushy landscape on Melbourne's coastline in, what is now referred to as, the City of Bayside.<sup>42</sup> Its natural environment is characterised by 'the beaches, the picturesque rocky cliffs, [and] the wild freedom of the tea-trees interspersed with manna gums'.<sup>43</sup> As the suburb was not yet accessible by train in the 1960s and 1970s, it was relatively isolated from Melbourne's central business district and from neighbouring suburbs.

After the Second World War, Victoria's population in Beaumaris and its surrounding areas experienced a 'dramatic increase'.<sup>44</sup> A 1958 article in *The Age* newspaper described Beaumaris as a "'Cinderella" area' and 'one of Melbourne's most popular and attractive suburbs'.<sup>45</sup> A 1967 article in the same newspaper's real estate section described how Beaumaris had become a 'status area' and a 'glamor suburb in the affluent era of the 'fifties and 'sixties'.<sup>46</sup> In a book on Beaumaris's modernist homes, Professor Phillip Goad, Chair of Architecture at the University of Melbourne, described his childhood in Beaumaris as 'an ideal post-war upbringing', and highlighted the variety of ways in which children could spend their time in the area's natural environment.<sup>47</sup>

Partly influenced by this, the population in Beaumaris expanded and changed as 'young couples looking for a more progressive lifestyle' were attracted to the area's natural environment and relative isolation.<sup>48</sup> As one victim-survivor explained, this was the 'baby boomer era', and in Beaumaris and its surrounding areas there were lots of children around who lived a 'free' life.<sup>49</sup> As young couples settled in the area and started families in the period following the Second World War, enrolments at Beaumaris Primary School rose sharply.<sup>50</sup> The historical record of the school kept by the Department of Education (Department) states that '[b]y the 1950s, the school was bursting at the seams'.<sup>51</sup> In the 1960s and 1970s, the vast majority of residents in the local government area identified as Christian, were born in Australia, the United Kingdom or Ireland, and were described by the Australian Bureau of Statistics at the time as of 'British nationality'.<sup>52</sup>

Many participants in the Board of Inquiry said that they enjoyed growing up in Beaumaris in the 1960s and 1970s. Victim-survivors described the area during this period as a 'beautiful cul-de-sac',<sup>53</sup> and said that Beaumaris was 'gorgeous' and 'idyllic'.<sup>54</sup> One resident told the Board of Inquiry that Beaumaris was a relaxed community where everybody knew each other and looked out for each other.<sup>55</sup> They recalled Beaumaris as being like a 'happy, country, hippy town'.<sup>56</sup> Some people fondly recalled that, as children, they happily spent time together after school and on weekends.<sup>57</sup> They remembered how children rode their bikes around and played in the street until the sun set.<sup>58</sup>

Schools in Beaumaris and its surrounding areas were described as ‘sporty’, and many children in the area built their lives around sport.<sup>59</sup> They participated in a range of sports, including football, athletics, tennis, netball and cricket, and recalled that their teams experienced great success in local competitions.<sup>60</sup> Children were involved in sports both through their schools, and in connection with other clubs and organisations, such as the St Kilda Little League.<sup>61</sup>

Reflections on the Beaumaris area in this period paint a vivid picture of a life enjoyed outdoors, with strong bonds forged through the school and local sporting clubs. For a number of victim-survivors who shared their stories with the Board of Inquiry, this was the backdrop against which their experience of child sexual abuse occurred. The grief associated with their experiences remains strongly felt by many current and former residents. Some of these experiences are described in Chapter 7, Experiences of sexual abuse and its impact in childhood.

## Social norms affecting children’s rights and safety

Communities are not only defined by the laws that govern them — they are also shaped by common social norms, values and practices that emerge from day-to-day life. The Board of Inquiry has considered how these influences affected understanding and awareness of child sexual abuse in Australia, especially during the 1960s and 1970s. This particularly relates to how historical child sexual abuse was:

- influenced by dominant family structures, gender roles and attitudes towards sexuality
- considered in the context of attitudes and expectations around children and how they should be disciplined
- viewed and understood, namely through the lenses of cultural taboos and secrecy.<sup>62</sup>

As explained by Professor Leah Bromfield, Director of the Australian Centre for Child Protection and Chair of Child Protection, University of South Australia, social and cultural factors in the 1960s and 1970s underpinned child sexual abuse being ‘invisible’, children not being heard or believed, and perpetrators being able to ‘act with impunity’.<sup>63</sup> Appreciating these broader norms, values and practices assists in understanding the experiences of victim-survivors and the perpetuation of child sexual abuse at that time.

### Gender norms and traditional ‘family values’

Despite the progressive movements that emerged globally in the 1960s and 1970s, traditional norms and values persisted in Australia during this period — particularly when it came to family life.

Australian society, heavily influenced by Christianity, idealised the nuclear family.<sup>64</sup> Gender roles were traditionally defined, with men typically regarded as the ‘breadwinners’ and women as the ‘homemakers’.<sup>65</sup> Men held a higher status in society than women and children, and were viewed as the ‘head of the household’.<sup>66</sup>

In this context, children’s social standing was at the bottom of the hierarchy — behind women. A child’s role was to be obedient and their needs were secondary to those of the family.<sup>67</sup> This created a power imbalance, which contributed to children being fearful of speaking up about sexual abuse.<sup>68</sup> If a child did disclose sexual abuse, they were often not believed.<sup>69</sup>

This power imbalance also reinforced children's deference to adults. Professor Daryl Higgins, Director, Institute of Child Protection Studies, Australian Catholic University, gave evidence to the Board of Inquiry that such an imbalance related to a patriarchal family structure, where:

- children were 'to be seen but not heard'
- fathers were the 'head of the household'
- a child's role was to be an obedient agent for the adults surrounding them
- children's needs were secondary to the broader functioning of the family.<sup>70</sup>

In the 1960s, social and cultural movements started questioning traditional notions of family, sexuality and gender roles.<sup>71</sup> The traditional 'home and family values' of the 1950s began to be challenged, and this continued into the 1970s.<sup>72</sup> The feminist and sexual liberation movements of the 1960s and 1970s also sought to challenge traditional societal distinctions between public and private spheres of life. Feminists called for a fundamental refiguration of social relations between both women and men, and adults and children.<sup>73</sup> Second-wave feminists demanded that their calls for autonomy and liberation be extended to children.<sup>74</sup> Feminist groups pushed governments to take action on matters related to sexual violence, which had flow-on effects for how society responded to child sexual abuse.<sup>75</sup>

It was in the 1970s that child sexual abuse became more widely acknowledged in mainstream public discussions.<sup>76</sup> Society started to view sexual abuse as a public health problem that could cause trauma and harm to children.<sup>77</sup> Understandings of sexual abuse in this period often focused on women's 'experiences of violence as children, as well as the experiences of children at the time'.<sup>78</sup> Feminists and child protection advocates tried to understand the sexual abuse of girls and to establish why it was absent from public discourse.<sup>79</sup> As part of this process, the movement identified the sexual abuse of (most often female) children as a way in which men exerted social control in the private sphere.<sup>80</sup> Consequently, while unintended, limited attention was given to the sexual abuse of boys.<sup>81</sup>

Society was also very homophobic in the 1960s and 1970s,<sup>82</sup> and homosexuality was highly stigmatised.<sup>83</sup> It was not until the mid-1970s that Australian states and territories started decriminalising private homosexual acts between two consenting males.<sup>84</sup> In Victoria, homosexual acts between males of all ages — regardless of whether such acts were consensual — remained an offence until the early 1980s.<sup>85</sup> Prior to this point, in the *Crimes Act 1958* (Vic), the offence was known as 'buggery'.<sup>86</sup> Given the cultural silences surrounding child sexual abuse coupled with the homophobic attitudes of the time, Australian society was hesitant to address the implications of child sexual abuse perpetrated on boys.<sup>87</sup>

Professor Higgins, in his expert witness statement as part of the Board of Inquiry's work, explained that the shame and stigma surrounding homosexuality made it particularly challenging for victim-survivors of child sexual abuse to speak up or be believed if they were sexually abused by a person of the same gender.<sup>88</sup> Professor Bromfield gave evidence to the Board of Inquiry that because of attitudes towards homosexuality, boys may have understood that 'what had been done to them was considered to be abhorrent', which significantly affected the sense of identity, shame and silencing that many male victim-survivors have and continue to experience.<sup>89</sup>

Societal stigmas towards homosexuality and child sexual abuse meant that some men had a 'reasonable fear' that if they were sexually abused by a male they would be viewed as homosexual or as 'less of a man for letting that happen to them'.<sup>90</sup> Many boys feared 'the perception that they

would be tainted by what had been done to them' if they disclosed their experiences of sexual abuse.<sup>91</sup> A victim-survivor told the Board of Inquiry that being viewed as 'gay' by your peers, or admitting to any form of male-to-male sexual activity, would have been 'absolute ruination' for a boy at the time.<sup>92</sup> Another victim-survivor, who identifies as LGBTIQ+, recalled being called 'gay boy' by their peers at school.<sup>93</sup>

It was not until subsequent decades in the twentieth century that the values, ideas and counterculture of second-wave feminism had a greater social and cultural influence.<sup>94</sup> In the 1960s and 1970s, Australians principally adhered to traditional 'family values'. Professor Bromfield explained:

Now when we look back on the '70s, we tend to look back on that as though that [counterculture] was a big feature, but throughout the 1970s, the dominant feature of society was still that ideal around traditional family life and gender roles.<sup>95</sup>

## Reticence to discuss sex, sexuality and sexual abuse

Throughout the 1960s and 1970s, families did not usually have open conversations about sex, let alone conversations related to sexual violence.<sup>96</sup> Professor Bromfield gave evidence to the Board of Inquiry that child sexual abuse was not 'something that was talked about at all in Australian families'.<sup>97</sup>

We've been reticent to talk about sex in this country. We've been ... reticent to talk about child sexual abuse. That has impacted the safety of our children.<sup>98</sup>

Professor Higgins noted that it was widely felt in the community in the 1960s and 1970s that sex and sexuality should not be openly discussed.<sup>99</sup> Adults were hesitant to talk about sex and sexuality, and used vague terms such as 'immorality' and 'interference' to talk about sexual abuse.<sup>100</sup> Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University, suggested that it was likely that children would have picked up on adults' hesitancy to discuss sex and recognised that there was a 'taboo around sexuality in general'.<sup>101</sup>

Adults rarely taught children about concepts of consent, bodily autonomy and safety.<sup>102</sup> One victim-survivor explained that '[i]n those days you never spoke to your parents about these things'.<sup>103</sup> Another victim-survivor commented that his parents were 'pretty hopeless' at discussing sex at home.<sup>104</sup>

## Normalisation of violence against children

In the 1960s and 1970s in Australia, physical disciplining of children was commonly accepted as 'normal'.<sup>105</sup> Social attitudes that positioned children as in need of direction and control often underpinned the use of corporal punishment.<sup>106</sup> It was generally understood in society that leaders of institutions had absolute authority, which children were expected to respect.<sup>107</sup> Teachers often used corporal punishment to discipline and control children in schools.<sup>108</sup>

Teachers were allowed to physically discipline children in ways that would now be recognised as physical abuse.<sup>109</sup> This is important, as recent evidence suggests that harsh treatment of children that may amount to physical and psychological abuse can increase the risks of sexual abuse, and often co-occur.<sup>110</sup> Professor Bromfield gave evidence that the use of physical discipline was an example of 'the absolute authority of adults over children', noting that some children accepted it as 'normal' and did not complain to their parents about teachers' use of corporal punishment because 'they expected it'.<sup>111</sup>

Some victim-survivors explained how teachers used corporal punishment to discipline students in government schools during this period. One victim-survivor told the Board of Inquiry that teachers regularly caned students across their wrists and hands.<sup>112</sup> Teachers expected children to do as they were told, and if students were 'out of line', they would get 'belted', caned, strapped or given detention.<sup>113</sup>

The Board of Inquiry was told that some teachers were physically violent towards students at Beaumaris Primary School. In particular, the Board of Inquiry was told that Wyatt would often shove and kick students.<sup>114</sup> A victim-survivor from another government school within the scope of the inquiry described being regularly strapped by their teachers.<sup>115</sup>

## Limited awareness of child safety risks posed by institutions and people in authority

Professor Patrick O'Leary, Co-Lead, Disrupting Violence Beacon and Director of the Violence Research and Prevention Program, Griffith University, gave evidence that the position of adults within children's lives was 'much less questioned' by Australian society in the 1960s and 1970s than it is today.<sup>116</sup> People placed a great deal of trust in both institutions and individuals in positions of authority,<sup>117</sup> and children were expected to 'respect their elders'.<sup>118</sup>

Evidence before the Board of Inquiry demonstrates that in the 1960s and 1970s in Australia, there was a lack of awareness of the risk of children being sexually abused.<sup>119</sup> For example, there was limited public discussion of child sexual abuse and limited understandings of what is now known as grooming (refer to Chapter 12, Grooming and disclosure).<sup>120</sup>

In particular, schools were not viewed as places where students faced a risk of child sexual abuse.<sup>121</sup> As explored in Chapter 5, Children's rights and safety in context, schools were 'not alive' to the risk of child sexual abuse and there were no policies in place to manage allegations.<sup>122</sup>

One victim-survivor explained that their family did not know much about child protection or safety.<sup>123</sup> Another individual told the Board of Inquiry that there weren't 'sufficient guardrails to ensure [children's] safety and the prevention of exploitation and abuse'.<sup>124</sup> People generally did not raise any objection when adults spent time alone with children, and 'no one questioned or considered any risk of a teacher being alone with a child one-on-one'.<sup>125</sup> If a teacher asked a student to stay behind after school hours, no one queried the authority of the institution or the teacher's right to make that request.<sup>126</sup>

At a structural level, government policy settings applicable to schools rarely commented on child safety. Dr David Howes PSM, Deputy Secretary, Schools and Regional Services, Department of Education, gave evidence to the Board of Inquiry that even in the mid-1980s the Department had no policies or procedures in place to prevent an authority figure in a school, such as a principal, from spending unsupervised time alone with children.<sup>127</sup> Analysis of the Department's child safety policies and procedures, and the effectiveness of its response to historical child sexual abuse, is in Part C.

## Victim-blaming attitudes

Expert evidence given to the Board of Inquiry demonstrated that when child sexual abuse was discussed, social attitudes often vilified victims. Broader cultural beliefs positioned children as having been complicit in their own sexual abuse.<sup>128</sup> They were frequently blamed for having made up stories that unfairly targeted the perpetrator.<sup>129</sup>

Cultural attitudes often characterised victim-survivors as ‘seductive’.<sup>130</sup> By focusing on the behaviours of children, society deflected responsibility for the sexual abuse away from the perpetrator and denied the harm that children had experienced from the sexual abuse.<sup>131</sup> Professor Lisa Featherstone, Head of School, School of Historical and Philosophical Inquiry, University of Queensland, provided evidence to the Board of Inquiry that at the time, some health professionals, such as doctors, psychologists and psychiatrists, described children as having encouraged the abuse in some way.<sup>132</sup>

It was not until the 1990s that the idea of children being complicit in their experiences of child sexual abuse slowly started unravelling.<sup>133</sup>

## Some key moments in the 1980s and 1990s

Under the Terms of Reference, the Board of Inquiry was directed to inquire into historical child sexual abuse that took place between 1960 and 1999. While most of the individuals who engaged with the Board of Inquiry shared experiences of child sexual abuse in the 1960s and 1970s, the inquiry did receive information related to the 1980s and 1990s. This section provides a brief overview of several key moments in society during this time.

The 1980s have been described by some academics as a transformative decade.<sup>134</sup> Technology altered everyday life, the AIDS epidemic affected communities, and new social movements sought to address concerns about the environment and the threat of nuclear war.<sup>135</sup> The return to a conservative government in the United States of America was considered by some historians as a backlash to the reforms of the 1960s and 1970s.<sup>136</sup>

In Australia, from 1983 to 1991, Bob Hawke was the Prime Minister and leader of the Australian Labor Party. In 1991, Paul Keating, former Treasurer in the Hawke Government, won a leadership challenge and became Prime Minister. This was the first time a leadership challenge within a party resulted in a change in prime minister. From 1996 to 2007, the Coalition Government was in power, with John Howard as the Prime Minister.

In 1984, the *Sex Discrimination Act 1984* (Cth) was introduced in Australia — making it unlawful to discriminate against a person on the grounds of sex, marital status or pregnancy; to eliminate sexual harassment; and to promote ‘the equality of men and women’.<sup>137</sup>

In 1987, Prime Minister Hawke committed that ‘by 1990 no Australian child will be living in poverty’.<sup>138</sup> This statement was a clear signal that child poverty was not acceptable and that government considered it a priority to end child poverty.

In 1989, the Cold War ended with the fall of communism in Eastern Europe and the collapse of the Berlin Wall.<sup>139</sup> In the post-Cold War period during the 1990s, capitalism spread and globalisation accelerated — better connecting people across the globe and deconstructing formerly rigid national boundaries.<sup>140</sup>

In 1992, in the case of *Mabo v Queensland [No 2]*, the High Court of Australia upheld the claim that lands of this continent were not 'terra nullius' (that is, land belonging to no-one) when European colonisation occurred.<sup>141</sup> In 1993, the *Native Title Act 1993* (Cth) was passed.<sup>142</sup> It sought to achieve recognition and protection of native title for First Nations peoples and to establish mechanisms to determine future claims of native title.<sup>143</sup>

As described in Chapter 5, this period also saw a change in the way society understood children's rights and safety. The Victorian Government took over responsibility for the Children's Protection Society, Australia ratified the United Nations Convention on the Rights of the Child, and homosexual acts were decriminalised in Victoria.<sup>144</sup> These factors began to slowly reshape the attitudes and norms that affected how child sexual abuse was understood during the 1980s and 1990s.

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CHAPTER 7

# Experiences of sexual abuse and its impact in childhood

07

## Introduction

Victim-survivors shared with the Board of Inquiry their experiences of sexual abuse when they were children at primary school in the 1960s, 1970s and 1980s, as well as recollections of their childhood before and after their experiences of sexual abuse. Secondary victims and affected community members also shared their experiences and perspectives relevant to the work of the Board of Inquiry.

This Chapter brings together these accounts, consistent with the Board of Inquiry's objective to establish an official public record of victim-survivors' experiences of historical child sexual abuse. It explores how the sense of normality, safety and community many victim-survivors felt was shattered by the sexual abuse they recall experiencing at the hands of adults entrusted with their care. It describes some of the stories of sexual abuse shared by victim-survivors, their immediate reactions at the time and how these traumatic events affected their childhood. Longer-term impacts are described in Chapter 8, Enduring impacts of child sexual abuse.

The Board of Inquiry is not able to share all the experiences that were shared with it — sometimes because the relevant person shared the information confidentially, and at other times because the information was shared anonymously but could not be safely de-identified. In some cases, the information cannot be included in this report for legal or wellbeing reasons.

The Board of Inquiry has greatly valued all the experiences that were shared with it. Every story told to the Board of Inquiry has informed its work.

The Board of Inquiry shares the voices of victim-survivors, secondary victims and affected community members as part of the public record of experiences, but does not make any findings of fact in relation to these experiences. The Board of Inquiry has not examined or tested these experiences in order to make any findings; for example, it has not applied any legal tests that might be relevant to making findings in legal proceedings. These might include proof beyond reasonable doubt or proof on the balance of probabilities, the tests for criminal responsibility and civil liability, respectively.

## Before the experience of sexual abuse

Many victim-survivors told the Board of Inquiry they had safe, happy and ordinary childhoods prior to their experiences of sexual abuse. This was reflected in their experiences at school, through their engagement with sport, and in the family setting. Other victim-survivors recalled some difficulties at school or in their home lives.

### School

Many victim-survivors shared fond memories of their time at primary school and of their teachers.<sup>1</sup> Some remembered being enthusiastic about going to school prior to their experience of sexual abuse.<sup>2</sup>

One victim-survivor recalled:

I remember being excited about the prospect of school. I enjoyed it at first — I remember the Monday morning assemblies and once being invited to stand up on the platform and proudly exhibit to the whole school a maths poster I had created.<sup>3</sup>

Similarly, another victim-survivor shared that when he was at Beaumaris Primary School, 'I was excited about going to school, I was a good student and I was reasonably bright'.<sup>4</sup> The sibling of another victim-survivor shared that '[m]y brother ... was a bright and energetic boy who was excited about going to school and learning and playing with his friends'.<sup>5</sup> The Board of Inquiry heard from another victim-survivor that prior to his experience of sexual abuse he was 'a normal student, very happy', who 'used to love going to school, used to love playing the sports at the school and really enjoyed most of the teachers there'.<sup>6</sup>

Another victim-survivor recounted:

I remember playing in the school ground, digging holes, doing just the normal stuff that kids did in the playground ... learning to write and read and art class particularly, I remember ... my art teacher ... [They were] quite supportive. I enjoyed art class.<sup>7</sup>

Other people also fondly remembered particular teachers whom they liked and felt were caring and trustworthy.<sup>8</sup> One victim-survivor recalled that his Year 5 and 6 teacher 'was a great teacher ... very dedicated ... I got on really well with her'.<sup>9</sup> Another reflected that his Year 4 teacher 'was an amazing teacher' who showed care for him because she knew about his difficult family situation.<sup>10</sup>

One victim-survivor told the Board of Inquiry that his Prep teacher gave all her students a tin of paint at the end of year, which he thought was 'amazing'.<sup>11</sup> He felt that his other teachers were 'good all the way through' his education.<sup>12</sup>

Some victim-survivors and individuals also reflected on aspects of school that they did not enjoy, separate to experiences of child sexual abuse. For example, some recollected teachers they did not like, whom they felt were not capable teachers or who mistreated students.<sup>13</sup> Others commented on corporal punishment and different forms of discipline teachers used.

Other recalled observing inappropriate behaviour by teachers and felt that other children, teachers and parents must have known about the sexual abuse they experienced.

One individual told the Board of Inquiry that a fellow student had told him that he had been sexually abused by Wyatt.<sup>14</sup> Another individual recalled 'vivid memories' of Wyatt sexually abusing another student.<sup>15</sup> Similarly, another individual told the Board of Inquiry that he had noticed Darrell Ray 'acting inappropriately toward other boys' by sitting them on his knee and 'rubbing their tummies under their shirts' in front of others.<sup>16</sup> Yet another individual recounted an incident where David MacGregor allegedly deliberately showed his penis, through his loose shorts, to a group of students.<sup>17</sup>

A number of victim-survivors changed schools during their primary school years, and this was often accompanied by a period of adjustment; for example, when they did not have friends at school and experienced feelings of loneliness.<sup>18</sup> Other victim-survivors experienced different forms of isolation or bullying at school before the sexual abuse.<sup>19</sup>

Victim-survivors also told the Board of Inquiry about the gender dynamics among the staff at Beaumaris Primary School. One victim-survivor commented that there was a 'gender divide' between the teachers and that there were some male teachers you stayed away from.<sup>20</sup> Another victim-survivor reflected that, although the teachers were predominantly women, some of the male teachers were 'inseparable',<sup>21</sup> whilst another said it was like there was a 'cabal of these blokes'.<sup>22</sup>

Among these recollections of what school was like at the time, some individuals reflected on the disappearance of eight-year-old Eloise Worledge in 1976, from her home in Beaumaris. One victim-survivor said there was a 'heightened police presence'; another recalled that Eloise's disappearance 'impacted all of us'.<sup>23</sup>

## Sports

Participating in sports was an important feature of some victim-survivors' childhoods. It is a relevant feature of the experiences shared with the Board of Inquiry because for many victim-survivors, their story of sexual abuse is connected to sport in some way.

Victim-survivors told the Board of Inquiry that they had played a range of sports at school. One victim-survivor explained that he had played '[c]ricket, for the school football team, volleyball. Pretty much anything that was available'.<sup>24</sup>

The friend of a victim-survivor recalled that he and his friend would spend a lot of time together playing sport.<sup>25</sup> Many children played sports for a number of different clubs, including the St Kilda Little League.

The Board of Inquiry heard that playing sports helped many children to make friends and fit in with other children.<sup>26</sup> One individual explained that their school 'was a really sporty school and [they] fitted in with that'.<sup>27</sup> Another person told the Board of Inquiry that there was status associated with being a talented athlete or being in the top grades of a sport.<sup>28</sup> Others recalled that they had been good at different sports as children. The sibling of a deceased victim-survivor recalled that their brother had been an 'elite junior athlete' who succeeded in multiple sports.<sup>29</sup>

For other victim-survivors, sport was not a prominent feature of their childhood. A victim-survivor told the Board of Inquiry that he had disliked sport growing up.<sup>30</sup> He reflected that it was uncommon 'as a young boy growing up in Melbourne in the 1970s' to not be interested in cricket or football.<sup>31</sup> Similarly, one victim-survivor recalled that he had made a 'failed attempt at being a "normal" kid' by going to football practice with other children.<sup>32</sup>

## Family

Many victim-survivors reflected on their families and community. Some victim-survivors told the Board of Inquiry that their families were generally tight-knit, secure and loving.<sup>33</sup> One victim-survivor recollected that they had positive childhood memories.<sup>34</sup> Because it was the 'baby boomer' era, there were 'lots of kids around'.<sup>35</sup> Other victim-survivors had more difficult family lives; for example, due to illness within the family.<sup>36</sup> Some victim-survivors with challenges at home felt they had been singled out for sexual abuse because they were vulnerable due to their family situation.<sup>37</sup>

Some people sharing their experiences with the Board of Inquiry clearly remembered the dominant social and cultural values of the time, as discussed earlier in this Part, in Chapter 6, Time and place. Some recalled that their parents adopted 'very stereotypical gender roles',<sup>38</sup> and that their fathers typically worked while their mothers raised them and their siblings. One victim-survivor shared that her family had 'really high' morals,<sup>39</sup> while others recalled that their parents had a limited view of children's rights. As one victim-survivor explained:

My parents were pretty much of that view — kids don't have rights ... [I]n some senses I was pretty rebellious. I think that parenting style forced me to be very independent as a kid ...<sup>40</sup>

This sentiment was echoed by another victim-survivor, who explained that society 'had a standard back then — a child should be seen but not heard'.<sup>41</sup>



## Initial impressions and interactions with alleged perpetrators

The Board of Inquiry heard from many people about their interactions with and observations of alleged perpetrators during the 1960s and 1970s. This includes their memories of how they came to know the alleged perpetrator and their impressions of them.

Some victim-survivors remembered initially admiring the alleged perpetrator, seeking their approval and enjoying the special attention they were afforded before their experience of sexual abuse.<sup>42</sup> For some of these victim-survivors, the violation of trust by a person they believed to be a safe and caring adult was particularly disorienting and confusing.<sup>43</sup>

Not all victim-survivors formed positive impressions of alleged perpetrators. Some recalled being wary of alleged perpetrators and feeling uncomfortable and unsafe in their presence.<sup>44</sup> This was particularly the case when alleged perpetrators adopted an authoritarian approach and instilled fear in children through punishment, threats and violence.<sup>45</sup>

### Alleged perpetrators building trust and connections with children and their families

Some victim-survivors recalled how alleged perpetrators ingratiated themselves with students and disarmed their families. Alleged perpetrators often achieved this by offering victim-survivors special privileges, such as trips away, or by facilitating coveted opportunities in sport or other extracurricular activities. This favourable treatment frequently created opportunities for alleged perpetrators to be alone with children.

Victim-survivors told the Board of Inquiry that alleged perpetrators often singled them out in a way that made them feel special. One individual shared that ‘often during lunchtime Graham Steele would have a group of the “sporty” boys in his classroom with whom he would chat and joke’.<sup>46</sup> Some students noticed how differently Mr Steele treated these boys and one observed that ‘ironically [they] wanted to be a part of this’.<sup>47</sup>

One victim-survivor recalled that ‘[Mr Steele] would take some of us out to St Kilda football ground — we regarded ourselves as a bit special because of that’.<sup>48</sup> Multiple victim-survivors detailed times that Mr Steele took groups of boys on trips away to his family holiday house, a setting where victim-survivors remember sexual abuse occurring.<sup>49</sup>

Teachers were often the gateway to opportunities that were desired by students. One victim-survivor told the Board of Inquiry that he was happy to be in Mr Steele’s class as ‘he was the sport teacher and it seemed like the best opportunity to get access to coaching and the school sports teams’.<sup>50</sup>

Some alleged perpetrators appeared to structure their personal and professional lives around activities with children and went beyond what some in the school community expected from a teacher at the time, by spending additional time with students outside of school, often in the context of sport or other extracurricular activities.<sup>51</sup>

This was evident in recollections of Wyatt's interactions with children. One victim-survivor recalled that Wyatt had coached children in a local sports club and appeared to pass a lot of time with children in the community.<sup>52</sup> Others recalled that Wyatt had played sport with a student on the weekends, taken boys to sport after school and tutored students outside of school.<sup>53</sup>

Others similarly recalled that Mr Ray had also coached children in local sports clubs and transported them to and from games.<sup>54</sup> One victim-survivor told the Board of Inquiry that '[i]t was every kid's dream to be in those teams'.<sup>55</sup>

While this dedication to students was often viewed positively, a number of students and their parents found some of the alleged perpetrators' behaviour unusual, and recalled breaches of professional boundaries that struck them as strange at the time. For example, several people recalled that Mr MacGregor spent time with children at his house. One remembered that Mr MacGregor 'took the whole class to his family house ... for the end of school party'.<sup>56</sup> They told the Board of Inquiry that they 'felt it was very strange that he took some [students] inside to show [them] his bedroom'.<sup>57</sup>

### Alleged perpetrators instilling fear and discomfort in children

While some victim-survivors recalled alleged perpetrators using charm and incentives to disarm students and their families, others remembered their use of threats and violence to achieve control and compliance. As a result, some victim-survivors recalled feeling fearful in the presence of certain alleged perpetrators. Others quickly developed a 'bad feeling' about alleged perpetrators who made them feel uncomfortable.

Some people described Mr MacGregor as a 'weirdo', 'creepy' or 'inappropriate'.<sup>58</sup> Other alleged perpetrators were described as 'imposing', 'authoritarian', 'volatile', 'explosive' and 'cruel'.<sup>59</sup> One individual felt that Wyatt 'perhaps [took] some pleasure in the fear he could generate by threatening to use his strap' on children.<sup>60</sup> A victim-survivor told the Board of Inquiry that Wyatt 'had a reputation for corporal punishment' and 'would kick boys hard, like a horse would', in a 'very striking, very violent' manner.<sup>61</sup>

Another victim-survivor recalled that Mr Steele struck him and other students with a large ruler. He felt that Mr Steele's use of corporal punishment was how the sexual abuse started. He also detailed how Mr Steele repeatedly reminded him that his mother was unwell, which he understood to be intimidation designed to make him feel isolated.<sup>62</sup>

One victim-survivor described being taken by Mr Steele to an abattoir and forced to watch the slaughter of animals with three other students. The victim-survivor characterised the experience as 'terrifying and traumatic', and felt it was an implied threat of what would happen to the students if they disobeyed him.<sup>63</sup>

When a perpetrator of sexual abuse instils fear in a child, it makes them afraid to report the sexual abuse to other adults.

## Recollections of sexual abuse

Most of the victim-survivors who shared their stories with the Board of Inquiry were, at the time of their experience of sexual abuse, aged between nine and 12 and were in Years 4 to 6. While the majority of victim-survivors who shared their experiences were men, a small number were women. In making this observation, the Board of Inquiry recognises that there are likely to be experiences of sexual abuse falling within its Terms of Reference that were not shared. Further, some victim-survivors who provided information to the Board of Inquiry chose not to describe the details of the child sexual abuse they experienced. For this reason, the experiences described in this section should not be understood as comprehensive or representative.

The Board of Inquiry heard that sexual abuse often occurred when children were isolated from other students and adults.<sup>64</sup>

Some of the sexual abuse described to the Board of Inquiry occurred on school premises — in the classroom or in other places at school.<sup>65</sup> One victim-survivor recalled being sexually abused at lunchtime while visiting the library to borrow a book he was interested in. He told the Board of Inquiry that the alleged perpetrator had guided him into his office in the library where he was not visible to others, pushed him against the desk and begun rubbing his shoulders, chest and genitals.<sup>66</sup>

Sexual abuse also occurred in school settings beyond the premises, including on school camps and excursions.<sup>67</sup> A victim-survivor told the Board of Inquiry that he had been made to sit next to an alleged perpetrator on a bus journey to a school camp.<sup>68</sup> He remembered that the alleged perpetrator had ‘put a blanket over me and him’ and ‘just fondled me the whole trip’.<sup>69</sup>

Other victim-survivors had experienced sexual abuse outside of the school environment in locations such as alleged perpetrators’ private residences or residences of their families, at music lessons and at sporting activities.<sup>70</sup>

One victim-survivor shared that the ‘worst issues were in the football environment’, describing the incidents as ‘horrendous’ and ‘terrible’. He told the Board of Inquiry that boys had avoided showering after the games because, if they did, they would be ‘ogled or touched’.<sup>71</sup>

For some victim-survivors, the sexual abuse occurred once or a handful of times. For others, the sexual abuse was sustained over a lengthy period. One victim-survivor told the Board of Inquiry that the sexual abuse ‘wasn’t a one off, it was going on for years and years’.<sup>72</sup> Another victim-survivor told the Board of Inquiry that the sexual abuse occurred for nearly two years and became worse over time.<sup>73</sup> For some victim-survivors, the sexual abuse involved more than one adult and sometimes other children.<sup>74</sup>

## Immediate reactions

Victim-survivors described their immediate feelings of shock, shame, guilt and confusion during and immediately after the sexual abuse.

One victim-survivor told the Board of Inquiry that he had been ‘stunned’ and quickly experienced ‘shame and confusion’.<sup>75</sup> He remembered that that the sexual abuse had ‘felt like [it lasted] hours, but was no doubt 20 to 30 seconds, maybe a minute or two’.<sup>76</sup> He recalled ‘wandering around feeling very weird, strange within [himself] in the days and weeks afterwards’.<sup>77</sup> Another victim-

survivor described feeling scared, confused, ‘upset and hurting physically’ after he had been sexually abused.<sup>78</sup> Yet another victim-survivor recounted being ‘very scared and always running home from school then staying in my room, but never talking about it’.<sup>79</sup>

A victim-survivor said he had felt anxious and fearful, and that he ‘didn’t know how to cope’ at the time of the sexual abuse.<sup>80</sup> He recalled dissociating after being sexually abused, which felt ‘like a dark cloud’.<sup>81</sup> The sibling of a deceased victim-survivor told the Board of Inquiry that their brother had experienced terrible nightmares and difficulty sleeping around the time of the sexual abuse.<sup>82</sup>

Another victim-survivor recalled immediate feelings of shame, blame and humiliation for the sexual abuse he experienced:

I remember clearly [thinking] ... ‘don’t say anything to anyone, you’ll be humiliated, you’ll be embarrassed, they’ll laugh at you. Why didn’t you fight back? Why did you just sit there? Why didn’t you do anything?’.<sup>83</sup>

These feelings of shame were shared by others. For example, one victim-survivor recounted:

I remember being frozen by these actions and being barely able to breathe. Most of all I remember leaving his office and walking back to my seat thinking everyone was staring at me, knowing what had happened, me being bright red. In later years I started calling that walk the ‘walk of shame’.<sup>84</sup>

Another recalled that ‘[d]uring the incident, I was embarrassed. Immediately afterwards, I felt relieved it was over’.<sup>85</sup>

Some victim-survivors felt confused and did not clearly recognise that what had happened to them was sexual abuse.<sup>86</sup> Undoubtedly, for many victim-survivors, this reaction was the product of not having been taught about sexual matters, let alone sexual abuse. Dr Rob Gordon OAM, Clinical Psychologist and trauma expert, reflected to the Board of Inquiry that children who do not have a clear understanding of sexuality ‘can feel incredibly confused about what is happening to them’ when they are sexually abused, and that this can result in feelings of guilt.<sup>87</sup>

One victim-survivor, recounting how Mr Steele sexually abused him and other boys while drying them off after they took showers at Mr Steele’s family holiday house, recalled his feelings of confusion at the time. He explained: ‘we didn’t know how to say “This is wrong, what do we do about it? This isn’t right”’.<sup>88</sup>

Another victim-survivor told the Board of Inquiry that he had felt that Mr Steele’s drying off of him and other boys after showers was strange.<sup>89</sup> He thought that it was unusual at the time, but he ‘didn’t see it as sexual abuse ... I was probably 10 or something, so I didn’t know what sex was’.<sup>90</sup>

Another victim-survivor had felt ‘quite uncomfortable’ after he was sexually abused, ‘but told [himself that the alleged perpetrator] was just being over friendly’.<sup>91</sup> Yet another victim-survivor remembered that she had felt ‘uncomfortable’ and thought the alleged perpetrator was ‘creepy’.<sup>92</sup> She commented that the sexual abuse had ‘changed my feelings about him as a teacher’.<sup>93</sup>

Dr Gordon gave evidence to the Board of Inquiry that child sexual abuse that happens in the context of otherwise seemingly positive relationships with perpetrators can contribute to conflicting feelings for victim-survivors.<sup>94</sup>

One victim-survivor shared that, alongside strong feelings of fear and anxiety, ‘being touched created feelings of excitement as well that are very hard to process’.<sup>95</sup> Dr Gordon described this as a ‘particularly destructive element of child sexual abuse’, in which ordinarily pleasurable sensations are experienced in ‘unpleasurable circumstances’.<sup>96</sup>

Feelings of shame and guilt can act as a barrier to disclosure. Many victim-survivors who engaged with the Board of Inquiry did not disclose their experience of child sexual abuse until well into adulthood. Some victim-survivors told the Board of Inquiry that they had been fearful of disclosing at the time because they did not want to be embarrassed or receive attention, because they were unsure how adults would respond or if they would be believed, or because they felt like they had done something wrong.<sup>97</sup> Barriers to disclosure are explored in Chapter 12, Grooming and disclosure.

## Impacts during childhood

The Board of Inquiry heard that, for some victim-survivors, their experience of sexual abuse has a significant impact on their primary school years. The effects included changes in their behaviour and engagement with schooling and sport, and strains on their relationships.<sup>98</sup> A number of victim-survivors reported impacts that continued into — or emerged in — adolescence and adulthood; these impacts are described in Chapter 8.

### Behavioural changes, including reduced engagement with education and sport

The Board of Inquiry heard that many victim-survivors showed significant changes in their behaviour, including losing interest in school or sport, after the sexual abuse occurred. The Board of Inquiry heard evidence from Dr Gordon that sexual abuse can cause children to have difficulty focusing on school, disrupt their engagement with activities, and contribute to their distrust of teachers and other authority figures.<sup>99</sup>

One victim-survivor spoke of going ‘off the rails’ after the sexual abuse.<sup>100</sup> Another victim-survivor told the Board of Inquiry that his behaviour at home and school had suddenly declined:

*I became something of a problem child. I was aggressive at home and disassociated at school. I found it hard to get up and go to school and I no longer trusted authority figures.*<sup>101</sup>

Another victim-survivor recalled that his behaviour had changed in that he became distrustful of other people and began ‘acting out’ by stealing from his father.<sup>102</sup> Yet another victim-survivor recalled that due to the sexual abuse she told her parents that she no longer wished to participate in music lessons.<sup>103</sup>

The Board of Inquiry heard that victim-survivors lost interest in or otherwise struggled with their education as a result of their experiences of sexual abuse. One victim-survivor told the Board of Inquiry that he had struggled academically in late primary school and that he had felt he was not very good in any of his subjects because of the sexual abuse.<sup>104</sup>

Another victim-survivor told the Board of Inquiry that his school performance ‘fell off a cliff’, adding that his learning had slowed or effectively stopped after the sexual abuse.<sup>105</sup> Similarly, another victim-survivor recalled a psychologist recommending that he be held back a grade.<sup>106</sup> Yet another victim-survivor recalled that, despite being an ‘avid reader’ prior to his experience of sexual abuse, he did not return to the library to borrow books for the rest of his primary school years because he considered it unsafe.<sup>107</sup>

## Strains on relationships

Victim-survivors told the Board of Inquiry how their experience of sexual abuse affected their relationships with friends and family during their childhood.

For one victim-survivor, the impacts on his relationships at school were significant. He recalled that the alleged perpetrator suggested that he become friends with other boys who had either witnessed or experienced similar sexual abuse.<sup>108</sup> He did not understand why he was made to be friends with these boys, and recalled that, at the time, he had told his mum: ‘it is something I’ve been told to do’.<sup>109</sup> The victim-survivor also told the Board of Inquiry that, as a result of the sexual abuse, he had isolated himself from his existing school friends to protect them from being sexually abused.<sup>110</sup>

Another victim-survivor told the Board of Inquiry that the sexual abuse had ‘dealt my confidence a mortal blow’ and that ‘I was always looking for ways to retreat into the background’.<sup>111</sup>

One secondary victim told the Board of Inquiry that their brother had begun displaying sexualised behaviours at a young age, including inappropriate touching of other boys’ genitals.<sup>112</sup>

Other victim-survivors spoke about the effect of the sexual abuse on their relationship with their parents. One victim-survivor told the Board of Inquiry that on a number of occasions, he had left the school grounds during the day to avoid interacting with the alleged perpetrator and to protect himself from further sexual abuse. He described how his parents, who did not know that he had been sexually abused, were ‘shocked’ at how he was acting.<sup>113</sup> Another described the ‘devastating impact’ on his trust for adults and recollected how he had begun stealing from his parents.<sup>114</sup>

## Chapter 7 Endnotes

1. See e.g.: Private session 13; Private session 22; Private session 23.
2. Submission 38, 1.
3. Submission 38, 1.
4. Statement of Tim Courtney, 18 October 2023, 1 [6].
5. Submission 35, 1.
6. Private session 23.
7. Private session 22.
8. See e.g.: Private session 14; Private session 22; Private session 26.
9. Private session 26.
10. Private session 16.
11. Private session 14.
12. Private session 14.
13. Private session 26; Submission 50, 2.
14. Submission 26, 1.
15. Submission 9, 1.
16. Submission 6, 1.
17. Submission 34, 1.
18. Private session 10; Private session 15; Private session 20; Private session 33.
19. See e.g.: Private session 7; Private session 26.
20. Private session 15.
21. Private session 1.
22. Private session 15.
23. Private session 1; Private session 3. The disappearance of Eloise Worledge is discussed in Chapter 3, Scope and interpretation.
24. Private session 23.
25. Private session 6.
26. Private session 4.
27. Private session 11.
28. Private session 21.
29. Private session 12.
30. Private session 26.
31. Private session 26.
32. Submission 50, 4.
33. See e.g.: Private session 14; Private session 21; Private session 23.
34. Private session 17.
35. Private session 17.
36. See e.g.: Private session 16; Private session 36.
37. See e.g.: Private session 16; Private session 36.
38. Private session 15.
39. Private session 17.
40. Private session 26.
41. Private session 9.
42. See e.g.: Private session 14; Private session 22; Statement of 'Bernard', 19 October 2023, 1 [7].
43. Private session 22.
44. Private session 17.

45. Private session 15; Private session 16.
46. Submission 39, 1.
47. Submission 39, 1.
48. Private session 14.
49. Statement of 'Bernard', 19 October 2023, 2 [10]; Private session 14.
50. Statement of 'Bernard', 19 October 2023, 1 [7].
51. Private session 35.
52. Private session 7.
53. Submission 50, 4; Private session 9.
54. Private session 2; Private session 23.
55. Private session 23.
56. Submission 35, 1.
57. Submission 35, 1.
58. Private session 7; Private session 17; Submission 43, 1.
59. Private session 14; Private session 15; Submission 26, 1.
60. Submission 26, 1.
61. Private session 15.
62. Private session 16.
63. Private session 14.
64. See e.g.: Private session 7; Private session 15; Private session 16; Private session 23; Submission 2, 1; Submission 15, 1; Submission 38, 1; Submission 49, 1.
65. See e.g.: Private session 15; Private session 16; Private session 33; Private session 38; Private session 39; Private session 40; Private session 41; Submission 2, 1; Submission 3, 1; Submission 11, 1; Submission 15, 1; Submission 38, 1; Submission 49, 1.
66. Private session 15.
67. See e.g.: Private session 16; Private session 20; Private session 26; Private session 32; Submission 43, 1.
68. Private session 16.
69. Private session 16.
70. See e.g.: Private session 2; Private session 3; Private session 14; Private session 23; Private session 36.
71. Private session 23.
72. Private session 16.
73. Private session 10.
74. See e.g.: Private session 16; Private session 36; Private session 41.
75. Private session 15.
76. Private session 15.
77. Private session 15.
78. Private session 16.
79. Submission 49, 1.
80. Private session 24.
81. Private session 24.
82. Private session 12.
83. Private session 20.
84. Submission 38, 1.
85. Submission 16, 1.
86. See e.g.: Private session 10; Private session 26; Submission 49, 1.
87. Statement of Rob Gordon, 22 November 2023, 3 [15].
88. Private session 14.
89. Private session 26.



90. Private session 26.
91. Submission 26, 1.
92. Submission 43, 1.
93. Private session 17.
94. Statement of Rob Gordon, 22 November 2023, 3 [15].
95. Private session 24.
96. Statement of Rob Gordon. 22 November 2023, 3 [16].
97. See e.g.: Private session 20; Private session 38; Submission 38, 1.
98. See e.g.: Private session 4; Private session 14; Private session 22; Private session 7; Private session 16.
99. Transcript of Rob Gordon, 23 November 2023, P-280 [30] – P-281 [5], P-282 [34] – P-283 [3].
100. Private session 14.
101. Statement of Tim Courtney, 18 October 2023, 2 [14].
102. Private session 24.
103. Private session 3.
104. Private session 16.
105. Transcript of Tim Courtney, 23 October 2023, 18 [10].
106. Submission 15, 1.
107. Private session 15.
108. Private session 16.
109. Private session 16.
110. Private session 16.
111. Submission 38, 1.
112. Private session 12.
113. Private session 23.
114. Private session 29.

CHAPTER 8

# Enduring impacts of child sexual abuse



## Introduction

The impacts of historical child sexual abuse in institutional settings are complex, varied and, in many cases, enduring. These impacts are not limited to the individual — they extend across families, friends and loved ones, and to the broader community.

Victim-survivors reported significant effects from their experience of child sexual abuse throughout their life course. These effects were often interconnected. Further, they were commonly triggered or heightened by certain life events, such as forming relationships, having children or sharing their story with another person for the first time.

The impacts were not limited to the victim-survivor, but were also felt by those who love and support them. The Board of Inquiry heard many examples of victim-survivors feeling guilt and anguish over how their experience of child sexual abuse affected their relationships with their parents, their partners and their own children.

The secondary impacts experienced by partners, family members and friends were also varied, and were frequently connected to the impacts the victim-survivor felt at a particular time. Secondary victims often described their grief in witnessing the day-to-day suffering of victim-survivors, and their desperation to help them get the support and care they needed to heal.

The experiences reported by victim-survivors from Beaumaris Primary School also profoundly affected the local community more broadly. Within close-knit communities, revelations about child sexual abuse can constitute a collective trauma, and diminish trust between its members and respect for its leaders and institutions.

This Chapter primarily focuses on the experiences of victim-survivors and secondary victims as shared directly with the Board of Inquiry, in their own words. It also includes literature and expert evidence on the broader impacts of historical child sexual abuse on communities and society.

## Victim-survivors: effects over time

The effects of child sexual abuse can be experienced by victim-survivors throughout their life course<sup>1</sup> These effects can vary, and may be heightened at different stages of their life.<sup>2</sup>

Victim-survivors who spoke with the Board of Inquiry experienced effects in connection with:

- mental health and wellbeing<sup>3</sup>
- living with complex trauma<sup>4</sup>
- educational and employment opportunities<sup>5</sup>
- relationships<sup>6</sup>
- parenting and children<sup>7</sup>
- premature death of other victim-survivors of child sexual abuse.<sup>8</sup>

The Board of Inquiry heard that, while some victim-survivors experienced more acute effects in their childhood and adolescence,<sup>9</sup> others were more greatly affected later in their adulthood.<sup>10</sup> Some victim-survivors experienced profound effects in both childhood and adulthood.<sup>11</sup> Other victim-survivors did not consider the child sexual abuse to have affected them significantly.<sup>12</sup> This diversity

of experience is consistent with literature on the effects of institutional child sexual abuse, which shows that individuals and groups experience different impacts, and that these can change throughout their life course.<sup>13</sup>

The diversity of victim-survivor experiences as related to the Board of Inquiry was consistent with the expert evidence heard by the inquiry. For example, Professor Leah Bromfield, Director of the Australian Centre for Child Protection and Chair of Child Protection, University of South Australia, told the Board of Inquiry that '[t]here is no one pathway, no right or wrong way for impacts' experienced by victims-survivors to manifest, either in time or place.<sup>14</sup>

Experts also told the Board of Inquiry that it is common for the onset of different effects to occur at key moments of a victim-survivor's life.<sup>15</sup> These key moments — which can include completing school, becoming a parent, raising children, the passing of parents or learning about the child sexual abuse of other victim-survivors — may also contribute to changes in the nature and intensity of the effects of the child sexual abuse the victim-survivor experienced.

Tragically, as discussed below, the Board of Inquiry heard from secondary victims of victim-survivors who died prematurely, in circumstances that were considered to be connected to their experience of child sexual abuse.

The point at which a victim-survivor discloses child sexual abuse can also shape the impacts they experience. Many victim-survivors who engaged with the Board of Inquiry did not disclose until adulthood. This means that victim-survivors may have been burdened by carrying a secret, with their initial feelings of shame and guilt compounding over time. Some victim-survivors explained that they had repressed their memories of child sexual abuse.<sup>16</sup> One victim-survivor recalled that when he disclosed, 'it was like a bomb'.<sup>17</sup> Disclosure is discussed in Chapter 12, Grooming and disclosure.

For many, the effects of their experience of child sexual abuse have reverberated, with earlier impacts contributing to or causing other effects or changes later in life. For example, disengagement from school as a result of child sexual abuse can affect a person's career trajectory, which in turn can affect their level of financial security.

Victim-survivors and secondary victims who shared their stories with the Board of Inquiry also displayed enormous hope, strength and resilience in the face of adversity. It is not inevitable that a victim-survivor will experience exclusively negative outcomes throughout their life course.<sup>18</sup> With the right support and care, many victim-survivors can recover from their traumatic experiences and live satisfying and happy lives that are not defined by their child sexual abuse.<sup>19</sup> As the Board of Inquiry saw, many victim-survivors become motivated to contribute to safer outcomes for children in their professional and personal lives. These experiences are also reflected in this Chapter.

## Poor mental health and wellbeing

The Board of Inquiry heard that many victim-survivors experienced poor mental health and wellbeing in connection with their experience of child sexual abuse. Mental health challenges varied in their form and severity throughout their life course. For some victim-survivors, challenges included diagnosed mental illnesses such as depression,<sup>20</sup> anxiety,<sup>21</sup> post-traumatic stress disorder<sup>22</sup> and schizophrenia.<sup>23</sup>

One victim-survivor told the Board of Inquiry:

I have a lifelong history of anxiety and depression, which started around the time that I was at Beaumaris Primary School. Most of my adult life I have taken medication. I cannot say to what extent my experiences at Beaumaris Primary School contributed to this. However, I have always felt that my time at Beaumaris Primary School was a turning point for the worse in my life.<sup>24</sup>

Another victim-survivor described how his mental health suffered as a teenager, and that these problems continued into adulthood:

As a teenager and young adult I engaged in risky behaviour, had trouble with authority and went through bouts of heavy drinking and depression. I also had and continue to have difficulty with stress, anxiety and depression.<sup>25</sup>

The Board of Inquiry heard that some victim-survivors had developed poor mental health early on in their adulthood, shortly after finishing secondary school.<sup>26</sup> Dr Rob Gordon OAM, Clinical Psychologist and trauma expert, gave evidence to the Board of Inquiry that '[t]here is no hard or fast rule with respect to when symptoms resulting from child sexual abuse will manifest'.<sup>27</sup> While some children will experience 'immediate onset', for others, symptom onset may not occur until later in life.<sup>28</sup> Dr Gordon explained in his evidence that '[s]ymptom onset for a particular victim-survivor is generally related to the meaning the child gives to the actions of the [sexual] abuse'.<sup>29</sup>

One victim-survivor told the Board of Inquiry that he had developed 'major depression' after finishing school.<sup>30</sup> Although he acknowledged a family history of depression, he felt that it had 'come out quicker, harder and more nasty than it could have' because of the child sexual abuse, and that 'the onset and degree of severity were added to by the sex[ua]l abuse'.<sup>31</sup>

A secondary victim shared that, after the victim-survivor they knew attempted suicide, the victim-survivor was diagnosed with 'depression, having an inadequate personality or having schizophrenia'.<sup>32</sup> Another secondary victim told the Board of Inquiry that a victim-survivor they knew had had suicidal thoughts and spent a period in a mental healthcare facility.<sup>33</sup> For another victim-survivor, their mental illness resulted in them being hospitalised.<sup>34</sup>

For many victim-survivors sharing their experiences, the challenges with mental health have been enduring — changing in intensity or re-emerging at different points throughout their life course. One victim-survivor explained:

I've suffered depression for at least 20 years ... I don't know how long I've even had depression ...

[W]hen the black dog bites and when I'm at my worst, I come back to these things and I go over them and over them and over them ...

It's just a rut that I don't have the tools to get out of sometimes. So here I am, a 60-year-old human, still shaken up, still stirred, still enraged, still disgusted and just churned up.<sup>35</sup>

One victim-survivor told the Board of Inquiry that trauma as a result of child sexual abuse had been in his life for 50 years, and that he had depression, anxiety and post-traumatic stress disorder.<sup>36</sup> Another victim-survivor described himself as a 'lifer', in reference to his sustained experience of poor mental health.<sup>37</sup>

Other victim-survivors shared that their mental health challenges had worsened at different times in their lives, particularly where they had needed to engage with traumatic memories of their experience. For example, one victim-survivor shared that his anxiety, depression and post-traumatic stress disorder were ‘through the roof’ while he was engaged in civil litigation in relation to the child sexual abuse he had experienced.<sup>38</sup> Another victim-survivor explained that ‘all of a sudden, a little trigger sets [the trauma] off’.<sup>39</sup>

A secondary victim, whose relative had been sexually abused as a child, told the Board of Inquiry that their relative had lived with anxiety for years, but the effects had worsened more recently:

[He has] particularly gone downhill in the last 10 years, and certainly since our parents passed away ... [He is] really lost. He puts it down to the impact of [the child sexual abuse] ... [and] he sort of said this is why he couldn’t form relationships and struggled ...<sup>40</sup>

Some victim-survivors shared that they had self-harmed or contemplated self-harm in connection with their mental illness and trauma.<sup>41</sup> Other victim-survivors had contemplated or attempted suicide in adulthood.<sup>42</sup> Professor Patrick O’Leary, Co-Lead, Disrupting Violence Beacon and Director of the Violence Research and Prevention Program, Griffith University, told the Board of Inquiry that constantly having to live with suicidal thoughts has a significant impact on victim-survivors.<sup>43</sup>

One victim-survivor shared:

I have suffered two nervous breakdowns, with depression and suicidal thoughts. The first when I was in my early 40’s and became overwhelmed with life. The second was in [the 2010s] and I was put into [a mental healthcare facility] for five weeks and attended an eight week out-patient clinic followed by years of group therapy.<sup>44</sup>

Some victim-survivors felt that they had repressed or contained the trauma from the child sexual abuse.<sup>45</sup> One victim-survivor told the Board of Inquiry: ‘I just sort of locked it off. I put that aside’ and ‘it stayed in a box for 27 years’.<sup>46</sup> Another victim-survivor similarly shared:

I was able to shut that down and put it aside ... [A]s long as I didn’t say anything and no one found out, I was safe ... The lid stays on it, and I don’t open it.<sup>47</sup>

Some victim-survivors described feeling enormous guilt about not reporting their experiences earlier, particularly when they later learned the alleged perpetrator of the child sexual abuse they experienced also harmed other children:

The difficulty is, way back in that time, I saw myself to be secretive and I didn’t speak up ... No matter how logical I can be that I was 10 ... no one can tell me that if I hadn’t spoken, that it wouldn’t have made a difference.<sup>48</sup>

## Difficulties associated with living with complex trauma

The Board of Inquiry heard about the significant and complex trauma that victim-survivors lived with after the child sexual abuse. This manifested in victim-survivors turning to different means of managing their trauma and the pervasive effects it had had on their lives. Some victim-survivors told the Board of Inquiry of drug and alcohol use and addiction,<sup>49</sup> eating disorders,<sup>50</sup> gambling and engaging in criminal behaviour as responses to the trauma.<sup>51</sup>

One victim-survivor told the Board of Inquiry that he had used alcohol and drugs ‘to try to forget’ and that doing so had ‘allowed [him] to hide’.<sup>52</sup> He commented that he knew five or six other victim-survivors who were sexually abused as children by alleged perpetrators and were too affected by

drugs to tell their stories.<sup>53</sup> Other victim-survivors also spoke about using drugs, including alcohol, marijuana and methamphetamines, in the years since their experiences of child sexual abuse.<sup>54</sup> Some individuals told the Board of Inquiry that they had observed victim-survivors using these coping strategies.<sup>55</sup> Dr Gordon explained that victim-survivors can develop habits such as gambling and substance abuse to shift their focus away from their experience of child sexual abuse.<sup>56</sup>

## Education and employment challenges

Some victim-survivors shared that they felt the child sexual abuse they experienced had resulted in missed educational and employment opportunities in adulthood, and described their grief about not having the opportunity to fulfil their potential. For some victim-survivors, these missed opportunities flowed from their loss of interest in school.

One victim-survivor recalled how the effects of child sexual abuse flowed through into his secondary education. He told the Board of Inquiry: 'I found myself miles behind [in high school] ... I kind of felt like [learning] was taken away from me'.<sup>57</sup>

Another victim-survivor shared that he had had 'trouble holding jobs down', had quit many of the jobs that he had held, and was working only part-time because of how he had struggled with the effects of the child sexual abuse.<sup>58</sup> Others reported feeling like they had fallen short of their potential in their career,<sup>59</sup> or had found it hard to maintain employment.<sup>60</sup>

Yet another victim-survivor told the Board of Inquiry about the effect of the child sexual abuse on his career:

The last 20 years have been tough. Financially it was incredibly difficult. And I was dealing with emotions I did not understand ... I was focused on keeping my family well and earning money. But my expectations and career dreams were gone ... I recognised that I could not work at the same level, sadly.<sup>61</sup>

Professor Bromfield explained in her evidence that victim-survivors commonly reflect on their lost career and other opportunities throughout their life course.<sup>62</sup> She described how victim-survivors feel that these educational and employment opportunities are lost because of their disengagement from school or other activities, such as sport or music.<sup>63</sup> One victim-survivor recalled how his experience of child sexual abuse had caused him to lose interest in playing sports that he had previously enjoyed.<sup>64</sup> He told the Board of Inquiry: 'I stopped playing sport in high school. I took a step back'.<sup>65</sup> In his evidence, Dr Gordon explained that child sexual abuse can damage a victim-survivor's sense of identity, contribute to self-criticism and lead to difficulties in relationships with others.<sup>66</sup> These effects can cause negative educational and employment outcomes.<sup>67</sup>

The Board of Inquiry is aware of another victim-survivor, who has passed away, whom secondary victims said had the potential for a successful sporting career had it not been cut short by his experience of child sexual abuse.<sup>68</sup> The victim-survivor turned down a sports scholarship that would have allowed him to study overseas, and chose not to pursue a professional sporting career.<sup>69</sup> The sibling of this victim-survivor believes these decisions to be connected to the victim-survivor not feeling safe after his experience of child sexual abuse.<sup>70</sup>

Another victim-survivor told the Board of Inquiry that participating in a civil claim affected his employment.<sup>71</sup> He had taken long periods of personal leave since lodging the claim and ultimately felt that he was unable to return to work.<sup>72</sup> He described his difficulty in working, knowing what had happened to him and other students.<sup>73</sup>

Victim-survivors have expressed to the Board of Inquiry their feelings of shame, disappointment and frustration about not having achieved their potential.<sup>74</sup> These missed opportunities have contributed to financial difficulties and a lack of financial security for some victim-survivors and their families.<sup>75</sup>

While other victim-survivors did not explicitly discuss career or educational challenges, there may have been a relationship between other impacts, such as poor mental health, and their academic or employment outcomes.<sup>76</sup>

## Relationship difficulties

The Board of Inquiry heard from victim-survivors and secondary victims about how the experience of child sexual abuse had affected relationships between victim-survivors and their loved ones throughout their life course. This includes relationships with partners, children, siblings, friends and other family members.

Victim-survivors recalled becoming distant and isolated from their friends later in their schooling as a result of the child sexual abuse they experienced. One victim-survivor reflected:

I became a little bit withdrawn and at lunchtimes I would just wander round school aimlessly and started to lose connections with people — with the friends I first made when I went to high school.<sup>77</sup>

Some victim-survivors told the Board of Inquiry that they had struggled with forming and maintaining relationships.<sup>78</sup> One victim-survivor explained: ‘I developed a strong life-long pattern of withholding communication, having great difficulties to engage in those big and important discussions that matter in relationships’.<sup>79</sup> Dr Gordon’s professional experience was that ‘victim-survivors ... may be reluctant to have intimate relationships’, preferring feeling lonely over the risk of others finding out about the child sexual abuse.<sup>80</sup>

The Board of Inquiry also heard that the child sexual abuse affected victim-survivors’ sexual development and intimate relationships. One victim-survivor shared that she used to cry during sexual intercourse,<sup>81</sup> while another told the Board of Inquiry: ‘as I grew older and into adolescence, [the child sexual abuse] really confused me sexually around sex and that being a safe place’.<sup>82</sup> Dr Gordon gave evidence that victim-survivors of child sexual abuse may develop a ‘deep aversion to sexuality’, which can lead to difficulty forming and maintaining relationships.<sup>83</sup>

Victim-survivors’ relationships with their partners and children have also been affected. One victim-survivor felt that the impact of his experience of child sexual abuse on his family ‘has been enormous’.<sup>84</sup> He told the Board of Inquiry that, because of his difficulty with maintaining a career that would allow him to support his family, his spouse had carried the responsibility alone.<sup>85</sup> While another victim-survivor shared that, while he was using alcohol to manage his trauma, he did not spend much time with his partner and family.<sup>86</sup> Other victim-survivors spoke of the difficulty of talking about their experience of child sexual abuse with their partners.<sup>87</sup>

The Board of Inquiry also heard about the strained relationships that some victim-survivors had with their parents, which continued into adulthood. One victim-survivor described being dismissed by his parents when, years later, he told them his story of child sexual abuse.<sup>88</sup> Many victim-survivors explained that they had never been able to tell their parents what happened and felt this had impacted the relationship. One victim-survivor, for example, told the Board of Inquiry that he wished he had been able to disclose to his parents and explain why his behaviour had changed at school, but could not do so as they had since passed away.<sup>89</sup> Another victim-survivor told the Board of



Inquiry that his father had been hard on him about his school results, but he felt he could not talk to his parents about his experience of child sexual abuse and its effects.<sup>90</sup> Yet another shared that he had not discussed his experience of child sexual abuse with his parents and that ‘it took a long time for [my mother] to trust me because of all the mental health challenges I had. It wasn’t until I was in my late 40s, 50s that we built that relationship where I could talk to her about things.’<sup>91</sup>

Some victim-survivors’ shared that their lives had been improved by close relationships with loved ones after they disclosed their experiences of child sexual abuse. One victim-survivor told the Board of Inquiry that he had been fortunate to have a partner and friends who had helped him navigate and access different services and processes.<sup>92</sup> Another victim-survivor told the Board of Inquiry: ‘I couldn’t have done it without [my family and friends], but I had to be able to talk about it. When I told my older brother he cried’.<sup>93</sup>

One victim-survivor expressed to the Board of Inquiry that marrying and having children had been a strength and a focus for him.<sup>94</sup> The Board of Inquiry heard many similar stories of loved ones supporting victim-survivors in the years since the experience of child sexual abuse.<sup>95</sup>

## Conflicting feelings about parenting and children

Some victim-survivors told the Board of Inquiry about how the child sexual abuse they experienced affected their relationships with children. This included interactions with children generally and their decision regarding whether to become a parent. For those who did have children, some described how the child sexual abuse they experienced influenced the way they parented.

Professor Bromfield gave evidence that, from her engagement with victim-survivors and their experiences, victim-survivors may feel that the ‘opportunities they might have had to be the parent that they want to be or to be a parent at all’ were lost because of the child sexual abuse.<sup>96</sup>

Some victim-survivors told the Board of Inquiry that they had not had children because of their experience of child sexual abuse.<sup>97</sup> For one victim-survivor, the child sexual abuse caused him to decide at a young age to not have children.<sup>98</sup> He shared that the experience of watching his friends raise their children ‘destroys’ him.<sup>99</sup>

Another victim-survivor similarly recalled that he had been reluctant to have children.<sup>100</sup> Yet another felt uncomfortable about the possibility that the child sexual abuse he experienced ‘might make [him] more predisposed to harming kids’.<sup>101</sup> He later realised ‘that wasn’t who [he] was’ and he eventually pursued a career working with children.<sup>102</sup> The partner of a victim-survivor told the Board of Inquiry that she did not think that her partner had ever hugged her children.<sup>103</sup>

Other victim-survivors spoke of discomfort with their children and grandchildren. One told the Board of Inquiry that he had initially felt uncomfortable changing his baby’s nappy.<sup>104</sup> These feelings of discomfort re-emerged when his grandchild was born.<sup>105</sup> Similarly, another recalled that he had found it difficult to pick up his children when they were young.<sup>106</sup>

Professor Bromfield gave evidence to the Board of Inquiry about the impact of ‘the pervasive belief in the victim-to-offender theory’, which hypothesises that ‘men who are the victims of child sexual abuse are at risk of becoming perpetrators of child sexual abuse’.<sup>107</sup> In her evidence, Professor Bromfield said that she considered this theory to be unhelpful, as most male victim-survivors do not become perpetrators of child sexual abuse.<sup>108</sup> One victim-survivor acknowledged that this theory had affected them, despite considering it a ‘myth’.<sup>109</sup>

Other victim-survivors have been very protective of their children — sometimes overly protective. One victim-survivor recalled that he was ‘like a wolf, very protective of [his] kids’.<sup>110</sup> He explained that he had always been present with his children, ‘[m]aking sure they were safe and okay’.<sup>111</sup> Another told the Board of Inquiry that, when his child started primary school, he intentionally spent more time with his child in the school environment to ensure that it was safe for them.<sup>112</sup> Others told the Board of Inquiry that they had been ‘strict’ or ‘hypervigilant’ about their children’s safety.<sup>113</sup>

## Premature death

The Board of Inquiry heard about the premature deaths of victim-survivors that were considered to be connected to their experience of child sexual abuse.<sup>114</sup> Some individuals commented on victim-survivors dying in connection with substance use and mental health issues.<sup>115</sup>

These accounts are consistent with research that has found that people who were sexually abused as children have higher mortality rates than the general population.<sup>116</sup> Child abuse and neglect more broadly contribute to healthy years of life lost due to premature death and illness, including anxiety disorders, depressive disorders, suicide and self-inflicted injuries.<sup>117</sup>

## Not defining victim-survivors by their experiences of child sexual abuse

While the Board of Inquiry received detailed information about the negative effects of child sexual abuse on victim-survivors throughout their life course, it is important to reflect on the diversity of experience among victim-survivors, as well as the resilience many have shown in living with and overcoming these effects.

The effects of child sexual abuse differ for all individuals and change over time. As described above, some victim-survivors sharing their experiences with the Board of Inquiry did not consider the child sexual abuse they experienced to have had a significant impact on their lives. Further, while child sexual abuse can have serious and complex impacts, the experience of child sexual abuse does not have to define the lives of victim-survivors. Access to appropriate support and care to manage the effects of trauma is important for this to occur.<sup>118</sup> The Board of Inquiry heard from victim-survivors who have experienced happiness and success in their personal and professional lives, notwithstanding their private struggles.

Several victim-survivors told the Board of Inquiry that they chose to pursue careers that would help other people, including children. Some victim-survivors have had careers as teachers in schools.<sup>119</sup> One victim-survivor shared that he had coached boys in sports to show them that, in contrast to his experience as a child, ‘sport is a great thing’.<sup>120</sup>

Another victim-survivor told the Board of Inquiry that he has worked in his chosen profession in a range of environments, including with young boys affected by child sexual abuse and other trauma:

*I ... started to understand my journey was not a lone journey ... At that time I didn’t know that, that other people have had sort of similar journeys to me and it’s affected them in probably even worse ways ... I think looking back now, I wanted to protect others because I wasn’t protected.*<sup>121</sup>

Many victim-survivors have focused on pursuing justice or providing support to other victim-survivors.<sup>122</sup> One victim-survivor shared that throughout his life, despite other challenges he has faced, he has continued to fight for justice.<sup>123</sup>

## Secondary victims

The Board of Inquiry heard directly from a number of secondary victims about the significant flow-on effects of their loved one's experience of child sexual abuse. The Board of Inquiry heard about effects on victim-survivors' partners, parents, children and other family members. Secondary victims who spoke to the Board of Inquiry had experienced the breakdown of relationships and mental health impacts such as vicarious trauma. They had also felt the responsibility of caring for their loved one.

Victim-survivors also spoke with the Board of Inquiry about the impact on secondary victims. One victim-survivor told the Board of Inquiry:

[T]here is an opportunity to intervene as quickly as possible, but equally to prohibit [the trauma] from being intergenerational ... because ... it will have certain effects on different people in different ways.<sup>124</sup>

### Common experiences of secondary victims

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) recognised that, although the experiences of secondary victims are different to those of victim-survivors, the effects on secondary victims of child sexual abuse and institutional responses to it can also be significant.<sup>125</sup> In a research paper commissioned by the Royal Commission, the Australian Institute of Family Studies found that the families of victim-survivors experienced various impacts, including on:

- their mental and physical health
- the levels of tension, anxiety and conflict in their family
- their long-term relationships with family members, including with extended family, such as in-laws and cousins
- their marriages and partnerships
- their feelings of social connectedness.<sup>126</sup>

### Relationship difficulties

The Board of Inquiry heard that some relationships between victim-survivors and secondary victims had been negatively affected by the impacts of child sexual abuse. In some cases, relationships had broken down altogether. One victim-survivor described being affected by the fact that disclosing child sexual abuse to family and friends can 'generate anxiety and resentment towards the person that has been abused because of the impact you are having on family and friends'.<sup>127</sup>

For some partners of victim-survivors, the impact of the experience of child sexual abuse has affected the quality of their relationship and their sense of connection with the victim-survivor. The partner of one victim-survivor told the Board of Inquiry that, while they have a committed and supportive relationship with their partner, they have felt at times that their needs have been unmet as their partner lives with the trauma of child sexual abuse.<sup>128</sup> They described having, at times, to distance themselves from their partner.<sup>129</sup>

One secondary victim shared that she and the victim-survivor no longer sleep together and that the impacts of his experience of child sexual abuse have changed the dynamics of their relationship.<sup>130</sup> She also felt that their children's relationships with the victim-survivor have been affected by the impacts of the experience of child sexual abuse.<sup>131</sup>

Another secondary victim opened up about the extent to which the child sexual abuse her husband experienced and his attempts to manage it have affected her and her family, practically and emotionally. She told the Board of Inquiry that, although she has supported her partner throughout their marriage and provided stability — such as by working, managing the household and caring for their children — her husband has continued to struggle with the impacts of child sexual abuse.<sup>132</sup>

Yet another secondary victim told the Board of Inquiry about the way relationships between their family members had been affected. They told the Board of Inquiry that their parents had distanced themselves emotionally, socially and physically from the victim-survivor (who was their brother), and that they had 'judged [his] mental illness' and 'believe[d] it reflected badly on them as parents'.<sup>133</sup> They added that, after the victim-survivor's death, their mother had 'struggled to acknowledge [he] was her child and could not tell people that he had died'.<sup>134</sup>

This secondary victim also told the Board of Inquiry that their own relationship with their parents had been affected, with their parents distancing themselves from them in order to protect themselves from reminders of their loss or grief.<sup>135</sup> They did, however, describe their brother's relationships with them and their other sibling as 'safe and normal and ongoing and ... non-judgemental'.<sup>136</sup> This secondary victim felt that their brother had 'loved the normality' of the relationship and that it was unaffected by the child sexual abuse he experienced.<sup>137</sup>

## Poor mental health and wellbeing

The Board of Inquiry heard about the poor mental health and wellbeing that secondary victims experienced after learning about a victim-survivor's experience of child sexual abuse or upon witnessing the effects of the child sexual abuse on the victim-survivor's life.

One secondary victim told the Board of Inquiry that the effects of the child sexual abuse her husband experienced had affected her own mental health:

Living in an environment where the scars of this abuse are ever present, I too experience panic and anxiety due to the constant tension and emotional turmoil within our relationship of living with the effects of this abuse.<sup>138</sup>

Another secondary victim shared that her and her family's lives had been 'traumatically affected' by the child sexual abuse her husband experienced, and shared that she had been diagnosed with post-traumatic stress disorder.<sup>139</sup> Yet another described finding out that their sibling had been sexually abused as a child as 'unimaginable'.<sup>140</sup>

For some secondary victims, the mental health effects were closely connected to feelings of shame, guilt or responsibility for the victim-survivor's experience of child sexual abuse.<sup>141</sup> One victim-survivor expressed that he thought his parents had 'both felt a great deal of guilt' about the child sexual abuse he experienced.<sup>142</sup> He described his parents as being 'very crestfallen [and] gutted' when he disclosed the child sexual abuse to them for the first time.<sup>143</sup> He went on to say that one of his parents, who was a teacher at Beaumaris Primary School, was 'devastated' — not only because of what he told them about his experience of child sexual abuse, but also because this parent had been professionally close to the alleged perpetrator.<sup>144</sup>

While the Board of Inquiry did not hear from any parents of victim-survivors (which is not surprising, given the time that has passed since the child sexual abuse occurred), these individuals' accounts of the impact on victim-survivors' parents are consistent with academic literature. A study on the effects of child sexual abuse on non-offending parents concluded that feelings of failure and guilt were the primary long-term response.<sup>145</sup>

## Responsibility for effects on secondary victims

Victim-survivors spoke openly and honestly about the effects their experience of child sexual abuse have had on their loved ones. Some shared that they felt responsible for these effects. For example, one victim-survivor told the Board of Inquiry:

I've always felt a lot of guilt since 2000 [when I disclosed], because I should have said something when I was 10, and yeah okay, I shouldn't judge myself too harshly as a 10-year-old ... [T]hose impacts on my parents ... have had a very strong and continuing effect on me. They added to, in a very significant way, what was already an enduring sense of shame that I've carried since 1973.<sup>146</sup>

Another victim-survivor shared with the Board of Inquiry: 'I gamble a lot, it's my escapism. [My poor partner] puts up with it'.<sup>147</sup> Other victim-survivors have not disclosed the full details of the child sexual abuse they experienced to loved ones, fearing the effect it may have on them. For example, one victim-survivor told the Board of Inquiry: 'I haven't told my wife the full story of what happened to me ... It just hurts and I don't want to hurt her'.<sup>148</sup>

Feelings of shame and guilt can perpetuate silence and are barriers to disclosure. As Professor Bromfield explained in her evidence to the Board of Inquiry:

Fear of the impacts of child sexual abuse on their loved ones can be used by perpetrators to help maintain the silence of victim-survivors. Wanting to avoid adversely impacting their loved ones can also be a factor considered by victim-survivors in deciding whether to disclose their abuse or seek help, including into adulthood.<sup>149</sup>

## Affected communities and wider society

The aftermath of child sexual abuse can extend throughout entire communities and society more widely.

### Local communities

The reverberating effects of child sexual abuse throughout communities and across generations often amount to a sense of shared trauma. This is because trauma, such as the trauma associated with child sexual abuse, is 'not only an individual psychological phenomenon but also a collective one'.<sup>150</sup> Entire communities can be affected by the dynamics of trauma.<sup>151</sup> In particular, institutional child sexual abuse is 'associated with vicarious trauma' for individuals and families and across communities.<sup>152</sup>

In reference to clerical child sexual abuse, Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University, gave evidence that 'it became apparent that the traumatic effects extended beyond victim-survivors to also encompass wider communities'.<sup>153</sup> Similarly,

Professor Bromfield gave evidence to the Board of Inquiry that '[t]here are ... examples where the impacts on the local community have created a sense of collective trauma, comparable to that which might occur in the context of a human caused or natural disaster'.<sup>154</sup>

Although the shared experience of trauma associated with natural disasters or conflicts is often felt immediately, the collective trauma associated with child sexual abuse may not emerge until later.<sup>155</sup> This is because child sexual abuse is often perpetrated in private and knowledge of it emerges to different sections of the community at different times, meaning a sense of shared trauma often does not occur at the time the child sexual abuse occurs.<sup>156</sup>

In the context of child sexual abuse, Dr Wright explained in her evidence that experiences of collective trauma unfold throughout communities as they grapple with the understanding that 'something terrible has happened within their community'.<sup>157</sup> The level of collective trauma experienced could be influenced by the extent to which the community remains intact and how the institution where the child sexual abuse occurred responds to it.<sup>158</sup>

The Board of Inquiry heard from some victim-survivors and secondary victims about how the experiences of victim-survivors of child sexual abuse at Beaumaris Primary School affected the Beaumaris community and are still discussed today. The impact on the community in Beaumaris is heightened by the fact that many victim-survivors, their families and other community members with knowledge of the experience of victim-survivors still live in the area. In describing the impact, one victim-survivor said that there was a feeling within the community that it was not safe.<sup>159</sup> She went on to say that 'we're all still talking about it'.<sup>160</sup> Similarly, another victim-survivor said that victim-survivors discussed their experiences 'down at the local pub',<sup>161</sup> while yet another commented that there was 'still a considerable amount of anger' about the child sexual abuse and how it had been responded to.<sup>162</sup> A secondary victim recalled that 'now there is a bit of momentum' regarding people disclosing, there were more people saying: 'it was me too'.<sup>163</sup> Another individual described the impact on the local community as 'profound', and reflected on the feelings of grief for victim-survivors and the lives 'they should have had'.<sup>164</sup>

Using information gathered by the Royal Commission, Professor Bromfield researched the impacts of institutional child sexual abuse. She found that the reactions of communities affiliated with the institutions at which child sexual abuse occurred could vary.<sup>165</sup> Some affected communities responded with 'disbelief and hostility', while others grappled with 'their own grief and guilt from their association with the offender'.<sup>166</sup> One affected community member told the Board of Inquiry that she remained concerned that her son had been sexually abused by an alleged perpetrator, but that she 'will never know definitively'.<sup>167</sup>

Professor O'Leary gave evidence to the Board of Inquiry that communities may express disbelief after learning about incidents of child sexual abuse, because the perpetrator was 'so good' and 'served the community'.<sup>168</sup> The Royal Commission recognised that 'community connectedness can be shattered by the revelation of child sexual abuse, especially when the perpetrator is well-liked or the institution is respected or trusted'.<sup>169</sup>

The impacts of the experience of child sexual abuse on victim-survivors also meant that, in many cases, the community suffered from the missed opportunities in victim-survivors' lives. The ongoing trauma of child sexual abuse hindered the ability of some victim-survivors to engage fully in community life. One victim-survivor commented that they had left Victoria partly because of the trauma associated with the child sexual abuse.<sup>170</sup> Furthermore, communities have been devastated by the lives lost to child sexual abuse.

## Wider society

There is evidence that child sexual abuse, particularly institutional child sexual abuse, causes broader public harm.<sup>171</sup> As the Royal Commission identified, the societal impacts of child sexual abuse are ‘difficult to quantify’, yet are ‘broad and pervasive’.<sup>172</sup> The Royal Commission recognised that the effects of institutional child sexual abuse have likely ‘directly and indirectly affected the lives of countless people in Australia today’.<sup>173</sup>

The public harms of child sexual abuse include detrimental social impacts, such as a loss of trust in institutions responsible for keeping children safe. Researchers have pointed to the ‘profound sense of alienation that results from institutional betrayal’.<sup>174</sup> Professor Bromfield gave evidence to the Board of Inquiry that:

Where a large number of children are discovered to have been affected by child sexual abuse in important public institutions this can also impact the broader community. For example, it can erode public trust in institutions and affect parents’ sense of safety in entrusting their children to the care of institutions.<sup>175</sup>

Society is also affected by the impacts of child sexual abuse experienced by victim-survivors and secondary victims. As Dr Joseph Tucci, CEO, Australian Childhood Foundation, told the Board of Inquiry: ‘The societal and community cost of the pain and suffering caused by child sexual abuse is enormous. There is also a huge economic cost of child sexual abuse’.<sup>176</sup> The Royal Commission noted that while the economic costs of child sexual abuse are difficult to quantify, it is ‘likely to be in the billions of dollars each year’.<sup>177</sup> One study also recognised the significant economic productivity losses arising from child sexual abuse related to poorer educational and employment outcomes for victim-survivors compared with the general population, and ‘costs’ to other service systems, such as child protection and the criminal justice systems.<sup>178</sup> Although this study focused on the United States of America, its conclusions are likely applicable in the Victorian context.

Despite these significant impacts on the wider community, there is evidence that child sexual abuse remains largely invisible and ignored by the public, and that there is limited understanding of the seriousness, scale and cost of child sexual abuse.<sup>179</sup>

## Chapter 8 Endnotes

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33. Private session 30.
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CHAPTER 9

# Personal stories

09

## Introduction

Around 120 victim-survivors, secondary victims, affected community members and other stakeholders shared their experiences and hopes for the future with the Board of Inquiry. These contributions were integral to the Board of Inquiry's understanding of the experience of child sexual abuse, as well as how people and communities experienced its impacts, what they considered to be failings of the system, the impact of those failures on their lives, and their insights into what is needed to promote healing.

Many gave consent for their accounts to be published as short, de-identified narratives that capture their experiences in their own words. This Chapter contains a selection of these narratives. The purpose of these narratives is to share the experiences of victim-survivors, secondary victims and affected community members, and to help the broader community develop a better understanding of the life-long impacts of child sexual abuse. By promoting the acknowledgement of harm and outlining available supports, the Board of Inquiry hopes to make a positive contribution to the journey of hope and healing for victim-survivors of sexual abuse, their loved ones and communities. Through further increasing awareness of the prevalence and impact of child sexual abuse, the Board of Inquiry seeks to contribute to a future that is safer for every child.

The narratives are derived from the recollections of victim-survivors, secondary victims and affected community members, and are told in their own words with their own language choices.

People were encouraged to share their experiences with the Board of Inquiry in a range of ways, and their sharing was enabled by three critical factors: choice, control and the option of confidentiality. Victim-survivors, secondary victims and affected community members had choice and control over whether to engage with the Board of Inquiry and about the nature and extent of their participation, and they could withdraw their consent to participate at any time. In some cases though, legal or other considerations meant that there were limits on the degree of choice available to a person — for example, as discussed further below, where legal considerations meant a victim-survivor's experience could not be shared publicly even if they wished for this to happen.

The Board of Inquiry shares the experiences of victim-survivors, secondary victims and affected community members to create an important public record of their recollections. The Board of Inquiry has not examined or tested the accuracy of these accounts and has not assessed whether there is enough evidence to support criminal or civil proceedings. The Board of Inquiry makes no findings of fact in relation to any of them.

To avoid the risk of prejudice to any current or future legal proceedings, and to meet other legal obligations relating to privacy, the Board of Inquiry determined that it would keep the information and personal experiences participants have shared anonymous and has used pseudonyms (made-up names) for some people. In addition, the Board of Inquiry is not able to share all experiences, because the relevant person shared the information confidentially, because anonymous information is unable to be safely de-identified, or for other legal or wellbeing reasons.

The Board of Inquiry greatly values the experiences participants shared with it, all of which have informed its work. The Board of Inquiry recognises that these were extremely personal and painful experiences and recognises how difficult and distressing it was for some people to share them. Many did so because they recognised the Board of Inquiry was seeking to create a public record of child sexual abuse experiences. Others participated as a way to contribute to their own process of healing. Overwhelmingly, participants wanted to contribute to positive changes that will make children safer in the future. The Board of Inquiry thanks each person who shared their experience and acknowledges their courage and strength.

## ‘Hank’<sup>1</sup>

I had what I think was a normal early childhood. My family was pretty normal. I played quite a bit of sport — cricket, football and lifesaving for the local clubs in Beaumaris.

During my time at Beaumaris Primary School I was abused by a teacher, ‘Tony’, and everything changed forever for me. In the mid-1970s I was in Grade 4. I was nine years old.

At a Beaumaris Primary School photo day, Tony abused me. This wasn’t the first time Tony abused me, but it was the first time it was in a public setting. I was in the cricket, football and swimming teams so I had a few photos I had to be in that day. After the cricket team photo was taken, I was getting changed into my uniform for the football team photo. When I was getting changed, Tony came up behind me and sexually abused me. After that I didn’t want to get in the football team photo. I felt sick.

Being abused by Tony had a huge impact on my life. During primary school, I began to despise teachers and other authority figures like him. From when I was really young I knew that I was a gifted athlete and was told I’d have a real future at the highest level of elite sport if I wanted it. Tony’s involvement in sport at both the school and in the community really ruined my experience of childhood. I went from being a happy-go-lucky kid, to a kid and an adult who was angry, anxious and socially withdrawn. Tony abusing me became linked to the very things I loved.

I loved playing football but my memories of that time now are dominated by avoiding Tony and the threat of being sexually abused.

So many kids over the years have been abused by teachers at Beaumaris Primary School, including Tony. I know now that he and others were moved to different schools. I think a lot of people in the community knew.

I remember a teacher who I will refer to as ‘Avery’ being around when Tony abused me on photo day. Avery didn’t ask me what had happened. In hindsight, I think Avery knew what happened. Avery just told me to get my pants back on, shut up and get in the photos.

I didn’t tell anyone at the time, except my mother, about the abuse I suffered. She told me not to be silly and ignored it. We weren’t allowed to talk about that sort of thing — there was a culture of keeping quiet.

Later my dad found out about allegations against Tony and I remember my dad going to confront him. I remember another parent telling Tony not to touch their kids as well.

As a result of the abuse I suffered at Beaumaris Primary School and other organisations, I’ve had a difficult life, struggling with addiction and mental ill-health. I know people who were abused that have died by suicide. I know other victim-survivors who just use drugs or alcohol and wait to die.

I’ve practised transcendental meditation, which has been incredibly useful for helping me to understand and live with my trauma. It goes deeper than just ‘mindfulness’ — it is a specific practice that I have studied and aim to implement in my life every day. My ice therapy has helped me with anxiety and depression and PTSD. I would really like the inquiry to look into these types of healing methods because I believe they could help others.

I have also had very positive experiences with a 12-step program. I really think meditation and that 12-step program have saved my life in a way. They have been tools for me to turn to when I have been in my darkest times. I really think more should be done to help survivors access these types

of supports. I had to go on a long and hard road before I found meditation and that 12-step program and I think the reason it took so long was because there is not a good understanding of trauma in government, in the legal profession and in the community. It felt like lots of places that I went to for help couldn't properly understand the impacts of trauma.

Over the years I've thought that I want to set up my own trauma healing centre for survivors of child sexual abuse. I think there needs to be a specific type of service available for people just with this type of trauma, as well as for addiction. Conventional approaches don't work with this type of trauma — we need dedicated services.

When I think about the response from the government and Department of Education I look at it like this — if nothing changes, nothing changes. I don't want an empty apology, the damage has been done. It needs to be followed by change. I think Victoria should introduce tougher sentencing for perpetrators of child sexual abuse. They're the ones who allowed this to happen and turned a blind eye to what was going on. I reckon teachers knew what was going on. My mind can't take me back to exactly what life was like back then, but you weren't allowed a voice. It was just do as you were told or if you were out of line you'd get belted or caned or the strap or detention.

My trauma is why I needed to tell my story — for so long I hid behind a mask of fear. Drugs and alcohol allowed me to hide. There isn't a day since recovery started that I can forget what took place, let alone forgive perpetrators. Thanks to the 12-step program, I am now five years clean. I don't do self-pity anymore.

I just want this Inquiry to understand that if nothing changes, nothing changes. We need action to improve understanding of trauma now. The truth needs to come out and there needs to be better support to help people who have suffered this type of horrendous abuse.



## 'Christie'<sup>2</sup>

While at primary school in the 1970s, my parents arranged with Beaumaris Primary School for me to take extra-curricular lessons after school with one of the teachers, 'Cody'.

At the first few after-school lessons, Cody was okay. But then, Cody started acting differently in these after-school lessons. He started coming up behind me and pressing himself against my back. Eventually, this progressed to Cody leaning over me and putting his hand down my top. I still recall the feeling of Cody's hands touching me. Even at the time, this made me feel uncomfortable. But I was frozen; I felt helpless. I don't recall how many times Cody abused me.

I told my mum that I didn't want to have the after-school lessons anymore, but I never told my parents when I was a child about the abuse. I recall hiding under my bed and in my wardrobe to feel safer especially when Cody would visit our home.

For many years, I suppressed the memories of my abuse. I did not remember details until I was an adult. In recent years, after an article about the abuse suffered by another child at my school was published, I have been able to recall and describe more details of the abuse I suffered.

The impact of the abuse on me has been life-long. I remember my time at Beaumaris Primary School as traumatic; that there was a sense that no-one felt safe. I feel ashamed that I didn't try to stop Cody's abuse. As an adult, I have had relationship issues which I link to that abuse. When I eventually told my father about my experiences, he was horrified and full of guilt.

I thought I might be the only female from Beaumaris Primary School to come forward about the abuse I have suffered. However, I don't think it would make sense that I was the only one. I have made it my mission to get in contact with other people who may have been abused by Cody. Even though talking about my abuse makes me anxious and panicky, I came forward to the Board of Inquiry because the abuse that I suffered cannot happen to another child.

There is a need for specialised mental health support for victim-survivors, delivered by people who understand what happens in the brains of victim-survivors and understand why their pain doesn't just go away. Many of my classmates who disclosed similar abuse are still in the process of recovering their own memories.

I cannot bear to lose another primary school friend based on their horrific childhood sexual abuse experiences which should have been stopped by the teachers who knew what was going on and by an Education Department that just moved the problem onto other schools and other children.

## Tim Courtney<sup>3</sup>

I was born in Melbourne and grew up in the suburb of Beaumaris where my parents had built our family home. I grew up with a twin sister and an older brother. I attended Beaumaris Primary School between 1969 and 1976, from Grade Prep through to Grade 6.

I enjoyed my time at Beaumaris Primary School when I started. I was excited about going to school, I was a good student and I was reasonably bright. I was young for my grade, so I was small in stature for many years at school.

I was first abused by a teacher who I will refer to as 'Wayne'. Wayne abused me many times. In or around 1972, my Grade 3 teacher at Beaumaris Primary School was 'Reuben'.

That year, Wayne abused me in front of Reuben, as if Wayne was showing Reuben how he would abuse me. I remember this happening several more times around that time. Soon after, Reuben started sexually abusing me himself. Reuben would put his hands down my pants and fondle my genitals. Many times, this occurred at lunchtime or after school and often Wayne would watch on while Reuben abused me. Reuben abused me regularly for three to six months of that year. I couldn't keep count of how many times Reuben abused me.

The sexual abuse I suffered as a child had serious and profound impacts on my life.

Once the abuse started, my behaviour declined at home and at school suddenly. I became something of a problem child. I was aggressive at home and dissociated at school. I found it hard to get up and go to school, and I no longer trusted authority figures. While I was a good student when I started school, my academic side materially declined following the abuse. I managed to finish school, but I was limited in what I could retain and learn.

I did not tell my parents about the abuse at the time because one of my abusers threatened that he would harm me if I told anyone. I can't remember the exact words he used but I remember feeling threatened. My parents did not know what to do about my change in behaviour; my mother went to the school to seek answers as to why my behaviour had declined so suddenly. My parents had no idea why I had changed.

I have had life-long concerns about doing things in public. I do not like people touching me or standing behind me. When my son started primary school, I found it very difficult when people touched him or interacted with him.

Unlike some other victim-survivors from Beaumaris Primary School who I have since spoken to as adults, I always knew that I was not the only victim-survivor of child sexual abuse at that school. I knew because I saw other children get abused. I worry about how the other victim-survivors have coped. I can still picture the horrified looks on other children's faces while they watched me being abused in front of them, trying to work out what was going on. My psychiatrist said it was unusual that the abuse had taken place so overtly in front of other children.

When someone is exposed to child sexual abuse, there are inevitably long-term impacts which extend to families and friends. My family and friends have had to bear the brunt of the impacts of the abuse I suffered, including my behaviour changing because of my post-traumatic stress disorder. That secondary impact on them caused them anxiety, and resentment towards me. The impact of child sexual abuse is like dropping a stone in a pond; the ripple affects many people, in different ways.

I do not know for sure whether Beaumaris Primary School or the government knew or had suspicions about my abuse. My belief is that people in authority at the school were aware of the abuse and tried to put things in place to try to stop the abuse that ultimately weren't successful. I reported my abuse by Reuben to police, but the matter did not proceed.

I first sought support in connection with the abuse I suffered when I was aged in my early 20s. Around 1999, I went to the Law Institute of Victoria to ask about getting legal advice around making disclosures about my abuse.

I have always felt like that there were not enough formal systems in place to help me and other survivors obtain support. I relied on my family and my networks to help me find and build my support network. My experience is that there is still a gulf between places recognising that you have been abused and places that help you address that abuse. For example, knowmore has been a helpful legal service to make me aware of my rights as a victim-survivor, but they are not resourced to guide you through subsequent processes.

I have seen a psychiatrist and a trauma psychologist about my abuse. The support they have each provided to me are materially different and have helped me in their own ways. My psychiatrist has done many forms of psychotherapy and discussed other forms of treatment with me and has been able to offer me in-patient intervention and pharmaceutical treatment when I've needed it. My trauma psychologist observes how I am feeling and gives me exercises to do when she observes me starting to dissociate. Both clinicians have been very important to me.

With the assistance of my lawyers, I have also accessed the Victims of Crime Assistance Tribunal. I couldn't have accessed this help on my own because when I first found out about it, it was too overwhelming, too complex and too poorly explained for me to navigate by myself. I made a civil claim against Beaumaris Primary School and the Department of Education in connection with the abuse I suffered.

I am participating in this Board of Inquiry because I want to shine a light on the child sexual abuse which occurred to me and others at Beaumaris Primary School and other schools, which I hope will increase awareness of the risks of child sexual abuse and improve the supports provided to child and adult victim-survivors of sexual abuse.

In some ways, I feel lucky that I have been able to draw on my family and my networks to obtain legal and other supports. I recognise that not everyone is so lucky. Currently, I feel that the provision of support to victim-survivors, including legal, counselling and family support, is very disparate and difficult to navigate. This is not helped by, in my experience, the impact of child sexual abuse overwhelmingly reducing a victim-survivor's capacity to do things, take on information, process that information and solve problems.

Mental health services are often hard to access and expensive. I have observed what appear to be fewer and fewer psychiatrists specialising in child sexual abuse who are willing to take on new clients. More mental health services need to be funded and made available specifically to victim-survivors of child sexual abuse.

I believe that victim-survivors of child sexual would be immensely assisted by the introduction of a 'one-stop shop' which a victim-survivor can contact to report their abuse. The organisation can then triage their various needs, advocate for their rights, and provide the necessary advice and referrals to guide them through the process of seeking mental health support, social networks, redress and recognition. I often receive calls from people asking me to recommend a service which can support

them as a victim-survivor of child sexual abuse, and I find that I do not know of a single entity I can suggest that they contact to cover off on their needs, or at least refer them in the right direction.

Access to support services must also be improved for secondary victim-survivors such as friends and family members of victim-survivors who may themselves be exposed to post-traumatic stress disorder and other impacts of abuse. There should be a way for families to access support as early as possible to prevent the impacts of abuse, from becoming intergenerational.

In my experience, there are often delays in victim-survivors coming forward to report their abuse because of threats of retaliation and shame. Again, I believe that early intervention, particularly in childhood, is very important because delays can make victim-survivors increasingly socially isolated. I support the mandatory reporting reform which has occurred in Victoria since I was a child. However, I do not think mandatory reporting is enough and might sometimes be difficult or confronting for school staff to navigate. Independent reporting mechanisms and a whistleblower policy should be introduced within schools to allow teachers, students, parents and other members of the community to report allegations or suspicions of child sexual abuse without risk of repercussion. Such reports should be received by an independent third party, outside of the Department of Education and school structures, who then investigates the complaint. I think Victoria should look to other jurisdictions, within Australia and outside of Australia, to see if there are suitable models to study.

The standard of education for child safety has improved since I was at school. Back then, the standard was that a child should be seen but not heard. Today we listen to children more. But the risks to children have still not been totally removed. I think more could still be done to educate children, teachers and members of the community on child safety.

Finally, I think a memorial for victim-survivors at Beaumaris Primary School should be built. I think it would be an important landmark and public acknowledgement of the history of child sexual abuse at the school to assist in the healing of victim-survivors. A memorial at Trinity Grammar School in Kew or a central one like the Victoria Police memorial at Kings Domain could be considered for Beaumaris Primary School and perhaps extended to all abuse survivors from Victorian government schools. Such a memorial should be positive, recognise the past and show what the future looks like. It could be placed near the Department of Education's head office. It cannot be hidden.

## 'Bernard'<sup>4</sup>

I was born and grew up in Beaumaris with my family. I thought the area was great to grow up in, especially having the beach so close by. My siblings and I attended Beaumaris Primary School.

I remember one year that I found out I was going to be in Grahame Steele's class the following year. The kids who liked sports hoped to be in Mr Steele's class since he was the sport teacher and it seemed like the best opportunity to get access to coaching and the school sports teams. I was really into sport so when I found out I was going to be in Mr Steele's class the next year I was happy with that outcome.

I was sexually abused by Mr Steele on three occasions that I can recall.

The first time was during the cricket season. I had strained a stomach muscle bowling during cricket practice and Mr Steele had told me to stop bowling. A few days later during class Mr Steele told me that he wanted to give me some treatment for my stomach injury. He took me out of class on my own and took me to a small room off the school hall. I think it may have been a treatment room because there was a massage bed in there.

Mr Steele had me lie on my back on the massage bed. He lifted up my shirt to expose my stomach muscles, but he also took down my pants and underpants. He rubbed my stomach with one hand while he touched my genitals with his other hand. That went on for some time before we returned to the classroom but I do not know exactly how long.

When we returned to the classroom, I remember one of the other boys asking, 'did he dack you?', meaning did Mr Steele pull down my pants. I said yes and I remember wondering how the other student knew, but I didn't ask. I cannot recall who it was that asked me that.

The second time Mr Steele abused me was when he and another teacher took a group of around eight boys to a holiday house near the beach. I cannot recall what time of year it was or who the other teacher was that came on the trip, but I remember there being another adult besides Mr Steele. I recall the house we stayed at had two storeys and bunk beds but I can't remember whether it was a rental or owned by one of the adults.

One day, after we had been to the beach, Mr Steele brought me back to the house ahead of the rest of the group. He stripped all my clothes off and showered me, washing me with his hands and touching my genitals again. I remember him drying me off after the shower as well. I don't remember too much after that; it went blank for me after that. The rest of the group must have returned to the house.

The third incident I can remember was during the drive back from that weekend in Mr Steele's car. There must have been another vehicle for the trip as we could not have all fit into Mr Steele's car, but I remember sitting in the front of his car driving back while there were other kids in the back seat. I remember it was nighttime.

While he was driving, he put me on his lap to steer the car. While I was in his lap he put his hands in my groin area and was rubbing my genitals while I was steering the car.

Students always thought Mr Steele's class was the best class to be in, especially if you loved sport, because he was the sport teacher. It never occurred to me to tell anyone about the abuse at the time.

I do not recall telling anyone about the abuse at the time and I do not remember anyone talking about those sorts of things while I was at school.

Many years later I ran into some other former students of Beaumaris Primary School. We talked about the school and one of them asked if I knew what had been going on between students and teachers at the school. That immediately triggered memories for me. I told him I thought I knew what he was talking about. I understood that he was referring to sexual abuse of students by teachers at the school. He told me that when he and some of the students in other classes got in trouble and were sent to the Principal's office, the students would tell the Principal that they knew what was going on between teachers and students and threatened to tell someone if they were disciplined. I understood this to mean that students would use the threat of reporting the sexual abuse of other students to not be disciplined.

I was shocked and angry when I heard that other people knew what was going on and it seemed to me that they had used this information to their advantage. But they were only 11-year-old kids, so I can't be angry that they didn't stop it or tell anyone.

On the face of it, I think at least some staff at Beaumaris Primary School knew about what was happening, knew that teachers were abusing students, and did nothing.

I want to know whether there was a network of teachers abusing students and if they were working together. How did they end up at Beaumaris Primary School? How were they allowed to continue with nothing being done at the time? I want to understand how these teachers were able to stay at the school as a group and operate over a number of years.

In the years since I was at Beaumaris Primary School I have tried to make sense of what happened to me. I've wondered if Grahame Steele targeted the boys he wanted to abuse and, if so, whether boys were allocated to his class for this reason.

I realised the extent of the abuse at Beaumaris Primary School as it has come out in media coverage. I feel there is even more to it, as Grahame Steele had not initially been mentioned in the media coverage in connection with some of the other teachers who have been alleged to have abused students there.

After high school I took a step back and stopped playing sport for a while. My experiences at Beaumaris Primary School have always been there for the last 50 years. I didn't speak to any family or friends about it.

Recently I told my GP about the abuse and he asked me if I wanted to try and see a psychologist again. I did and started having telehealth sessions with a psychologist. I was open with the psychologist from the start about my experiences.

I've also recently told my siblings as well as my children about the abuse. I wanted them to understand me better. They knew there was something wrong and that I've struggled.

At different times when I've struggled in my life, I have accessed mental health support services without disclosing what happened to me.

I had 14 sessions with the psychologist before I wasn't allowed to have any more. I'm not sure exactly why the sessions stopped — it might have been a funding issue, but she also left the service I was seeing her through and I didn't want to start the process over again with someone new.

The media coverage, announcement of the Board of Inquiry and my sessions with the psychologist have all helped me start to come to terms with my experiences. It has been liberating and has gotten me to the point where I can talk about what happened without it destroying me for weeks or months. Talking about it, especially with the psychologist, has helped with nightmares I had been having as well. She gave me practical strategies to start to deal with my experiences.

Previously, I had felt like I didn't get much out of counselling sessions, but I think talking to the particular psychologist I was seeing recently has helped. It was important for me to have found the right psychologist that I was able to be open with. I think this would be important for any victim-survivor — until you speak to a particular psychologist or support person you don't know how far you might be willing to take it or how open you feel you can be.

The support of my family and friends has been important and I couldn't have spoken up today without them. Talking to the psychologist recently allowed me to then open up to family and friends after 50 years of my experiences getting the better of me.

I love coaching sport and I love seeing young people get something out of sport. Coaching kids and seeing them enjoy sport have been part of my healing process. It has been a saviour for me and has gotten me back into sport again.

I like the idea of a public apology to victim-survivors. I know other victim-survivors have been encouraging others to come forward and seeking input on the possible wording of an apology and things like that. I think it would be helpful to sit down and discuss with other victim-survivors what the wording should be. I hope that my evidence to the inquiry encourages other victim survivors to come forward and speak the truth about what happened to us.

## 'Paula'<sup>5</sup>

I grew up in the Beaumaris region in the 1960s and 1970s and as a child I was sexually abused by a teacher, 'Marcus', at Beaumaris Primary School.

I have happy childhood memories of being free, running around parks and playing lots of sports.

When I was at Beaumaris Primary School, I attended a sports class under the supervision of Marcus. During this class, one of my classmates was injured.

I do not recall why, but after the class, Marcus drove me home. No one else was in the car with us.

During the car trip, Marcus reached over to show me where my classmate had been injured. He touched me on the inside of my upper thigh. I recall brushing his hand away and moving my legs towards the door. I felt awkward and uncomfortable. I recall knowing at that point in time that Marcus had crossed a line.

I remember thinking, broadly around the time of the incident in the car, that Marcus was creepy and always seemed to be around.

I would describe that period of time as one where teachers were treated with respect and my family had high moral standards and good manners. In that context, I do not remember calling Marcus any names. I would have tried to be as polite as possible.

The incident in the car changed my feelings about Marcus as a teacher.

I cannot remember who I told about the incident. I may have mentioned it to my parents as an adult, referring to it as 'that time in the car with Marcus'.

I do, however, remember that after the incident Marcus approached me at school when I was sitting with friends. He leaned very close to me, pointed his finger at my face, and said words to the effect of 'don't you go saying those things and making trouble'. I think that my friends and I giggled nervously, but I remember feeling intimidated.

In the 1990s, I learned that someone else also suffered abuse by another teacher, 'Nick', at Beaumaris Primary School. The other person told me that boys from the school had similar experiences involving Nick. I suppose it is a good thing to feel that it wasn't just them, they weren't making it up. Conversely, how the hell did they get away with it? How the hell did they intimidate those boys so much to keep quiet? That really was, and still is, mind-numbing.

This other person had lots of friends at school and there was no sense they were reluctant about going to school or leaving school. I am not aware that they had any issues at school.

This other person has not spoken about the abuse in detail, but I am aware of the significant impact the abuse has had on them. The other person has struggled with anxiety for years and has difficulties forming relationships.

I hope that the teachers who perpetrated sexual abuse against children will no longer be held up as pillars of the community or as 'heroes'.



## 'Casey' and 'Dennis'<sup>6</sup>

### Casey

My brother 'Fred' was a terrific athlete and footy player at Beaumaris Primary School in the 1970s. A teacher, 'Leon', was heavily involved in footy, both at the Beaumaris Primary School and in the local area. Friends and classmates told me that Fred was one of Leon's favourites, and Leon behaved differently around him.

At the time, friends of Fred who knew him through footy were shocked by Fred's knowledge of sex. At that age, it was something they had no understanding of. Our home was a conservative one and Fred's knowledge of sex was not something he had learned at home.

Fred gave up footy after school. I never understood it; footy had been his life. I think that Fred decided not to pursue a footy career because he no longer felt safe in the sport. I think that Fred turned down a scholarship to an overseas college because he didn't feel safe because of the abuse he suffered, let alone living away from home.

Fred never told our family about the abuse he suffered. I recall that, in high school, Fred became fixated on death and dying. Around that time, Fred began abusing substances. He had trouble sleeping and had terrible nightmares which kept our whole family up.

In his late teens, Fred attempted suicide. I watched as my brother became unemployed, homeless and engaging in criminal behaviour. Our parents couldn't handle him anymore and increasingly tried to distance themselves from him, eventually moving interstate and pulling our family apart. I believe that many of these changes were caused by Fred's experience of child sexual abuse.

I didn't become aware of the abuse suffered by my brother until recently.

I never spoke to Fred about the abuse he suffered. I think that Fred loved the normality of our relationship and didn't want it to be affected by the abuse he experienced.

Fred died in the late 1990s. I never had a chance to talk to Fred about his experiences of abuse. At the time, there was no trauma-informed support available to him, which I think could have saved his life. I could only imagine the severe physical, psychological and emotional wounds that the abuse had caused him; wounds which never healed, but only deepened and became more painful over time.

My brother died the most horrendous of deaths. He is the most gifted person I have ever met. It was his character that made him an extraordinary person. He was unbelievably courageous.

## Dennis

I considered Fred to be my best friend at Beaumaris Primary School. To this day, I still consider Fred to be my best friend.

Fred and I grew up together during the 1970s. We used to spend time together every day; playing football, tennis, cricket and riding. The area we lived in as children was idyllic.

Like Fred's other friends from school, I noticed that Fred was much more sexually aware than me from a young age. I didn't understand at the time why that was.

Fred never told me about Leon, but it became obvious to me that something was wrong because Fred was so knowledgeable about sex.

I saw Fred start drinking from the age of 12 or 13. When he drank, he drank to the point of getting smashed. I never talked to Fred about his drinking when they were kids; I just didn't feel like I had the capacity to do so. I recall a time when we were 15 or 16. We were going to stay at Fred's place for the night, but Fred told me that we should instead go to a party. By the time they got to Fred's place that night, Fred had already drunk half a bottle of scotch. By the time they arrived at the party, I recall Fred had drunk the rest.

Around that same time, I remember that Fred became heavily involved in dark music about death. I watched him change completely. Every time we caught up, Fred was a completely different person. I later found out that Fred had been abusing substances, as well as drinking. The last time I saw Fred before Fred's death was when we were 18.

Fred was a beautiful kid, who was destroyed by what happened to him. When Fred's parents told me that Fred had died, I felt responsible. I didn't know about the child sexual abuse Fred had experienced until recently.

I have heard about experiences of child sexual abuse from so many people I have worked with; people lose their families, their friends, their connections — everything.

I only began to understand more about Fred after learning about the child sexual abuse Fred experienced. Why Fred was so sexually aware from a young age, why he had changed so much through his childhood. I think that Fred didn't join the junior footy club and development team because the person who abused Fred was also involved with footy.

Fred never got a proper funeral when he died. Many years later, after the abuse he experienced was uncovered, his family and friends held a memorial for him. He was going to be the champion, he was the best, none of these people knew what had happened to him. Then they realised why he went off the rails. People never had the chance to grieve because his parents didn't want people talking about it. It was a beautiful day, but it was a sad day; with grown men crying.

Everyone loved Fred. He was so talented, bloody smart, nice; he had it all. He was such a good friend.

## Grant Holland

I grew up in East Bentleigh and went to school at Ormond East Primary School. These days, it's called McKinnon Primary School. For most of my time there, I was a bright and very happy kid.

I was in Grade 5 in 1973. There was an imposing sports-master at the school named Grahame Steele. He had an authoritarian voice and manner. He wore a brown leather jacket and drove a brown Valiant Charger. He was a charismatic, suave-looking and sophisticated bloke. Boys were completely obedient to him. Whatever he said, you did.

Mr Steele didn't abuse me in Grade 5, but he did do some unusual things. When he took us for cricket, he would adjust my protective gear for me. I thought that was weird because I could have done it myself. Sometimes, Mr Steele would take some kids out of class to an oval off the school grounds to set up sports equipment. We felt a bit special when he picked us. Often the sporting events didn't even take place and there was no equipment to set up.

In 1974, I was in Grade 6 and Mr Steele became my teacher. At some point during the year, Mr Steele took me and three of my school friends to his holiday house in Inverloch in south-eastern Victoria. I don't remember exactly how long we were there, but it was no more than a week.

Me and the other boys stayed in the lower floor of the holiday house. An older woman was staying in the top floor. I recall Mr Steele saying that it was his mother. Mr Steele introduced her to us, but we never saw much of her after that. No other adults were present.

During the trip, Mr Steele took the four of us down to an abattoir. I had no experience with death at that age. Mr Steele lined us up at a railing, which had a big drain in front of it where the blood from the slaughtered animals flowed past. Mr Steele seemed like he knew some of the workers and spoke to them, while other workers killed animals in front of us. We stood in silence while we watched cows getting slaughtered with a bolt gun, and lambs and sheep being slaughtered with knives in front of us then put onto big hooks. The visions were awful. I thought it was worse than cruel. The implied threat that I understood from Mr Steele taking us to that abattoir was that if we disobeyed him, this would happen to us. It was terrifying and traumatic. I still think about it now. We were all very quiet in the car on the drive back.

The abuse happened at his holiday house, not at school. Mr Steele made us take lots of showers; about three a day. We had to shower after everything we did. Mr Steele would make a point to stand behind me and dry me after I showered. Then he would touch and fondle me, also crouching down in front of me. He would stand closely behind me for extended periods and I could not understand what he was doing. This happened every shower time during that trip. As a child, I had no idea what he was doing because I wasn't sexually aware, but I knew this stuff was wrong.

I talked to the other boys about the showers. We asked each other why we were showering so often, and whether we dried ourselves at home. We were 11 or 12 years old, old enough to shower and dry ourselves. We also talked about being touched in similar ways by Mr Steele. We couldn't verbalise what he was doing to us and we weren't emotionally mature enough to talk about it. I didn't realise it was abuse until I got older.

I'm sure other teachers at the school knew about, or suspected, Mr Steele's abuse. I recall a particular teacher who seemed to hate Mr Steele, but I didn't understand the dynamics or nuance of that relationship as a kid. When Mr Steele took us out of class, that teacher would ask

where he was taking us and when we'd be back quite assertively. I don't know if that teacher knew that Mr Steele was abusing kids, but I think maybe they had a sense and they were trying to be protective.

The abuse was traumatic and affected my life. In high school, I went a bit off the rails. I struggled academically, and I couldn't settle or study. I left school in Year 11 to become a motor mechanic, but I left that and returned to school. Later, I started working at the Children's Court as a clerk. There, I heard stories about child abuse which really opened up a world for me. I started to understand that I was not alone and that other people had also gone through similar things that affected them.

In the mid-1980s, I gathered the courage to report the abuse to police and gave a statement. Weeks, then months went by, and I heard nothing. Eventually, I followed up and I was told that they couldn't find my statement. This made me very distressed. I had tried to disclose and wanted people to listen, but nothing had been done. I wanted to make sure he wasn't doing this to other children. I only found out recently that Mr Steele remained a primary school principal for almost a decade after that first disclosure.

In the late 1980s, I again went into a police station to report my abuse. Nothing came of this either. No-one followed me up, and I gave up a bit more easily than the first time. I just pushed it down and tried to get on with life.

Then, in the early 2000s, I got a call from a police detective out of the blue, asking me about teachers who taught at Ormond East Primary School, including Mr Steele. I went down to the police station and gave another statement. The police asked me whether I could wear a covert recording device and get Mr Steele to admit that he had abused me. I said yes, in the hope of protecting other kids as I was sure he would still be abusing kids wherever he was. At that time, Mr Steele was living in Inverloch, at the same house I visited when I was a boy, so I had to go back there to meet him.

I had to drive from Melbourne to Inverloch police station, and the police fitted a recording device onto me. They didn't prepare me well at all. I then had to follow the police in my own car to Mr Steele's house, the house that I was abused in. I saw Mr Steele mowing the lawns. I got out and asked Mr Steele if he remembered me and said, 'I want to talk to you about what you did'. He told me to come inside. I felt like I was 11 or 12 again. I was shaking, afraid he was going to hurt me. Inside, after sitting at a table and after some initial discussions, he pulled out a photo album from a bookcase lined with many photo albums and pointed at a photo of a student and said nothing. It wasn't me, but it was a boy I recognised from Ormond East Primary School. I knew his name. I believe that the photos in the album were 'trophies' of students he had abused. I told him the photo was not me but a boy who looked similar.

When I asked him about the showers, the drying, touching and fondling, he quickly explained it away saying that he was checking if a skin condition I had at the time was okay. The police never told me how to get Mr Steele to admit that he abused me. I told him how much the abuse had impacted my life, then left. I was psychologically stuffed after that meeting.

I have been on an individual healing journey since then. In my 20s, I suffered from poor mental health and had suicidal thoughts. But when I got married and had kids, my family became a source of strength and a focus for me. That came with its own difficulties. My experience of abuse made me a paranoid and hypervigilant parent. My children are now getting older and have partners, and they will symbolically move away. It worries me how I will handle that. I know that what will ultimately release me is forgiveness — I've been trying so hard to find how to find forgiveness. I want to be able to forgive but I am still finding the tools to do that.

At this Board of Inquiry, I was asked if an apology from the Education Department and the police would help my healing process. At the time of this question, I had never reflected on this as a matter that could help my healing. Subsequently, after this process and some media about my matter, I have had time to reflect upon this.

I am fully aware why agencies such as these cannot not say sorry due to the legal implications of doing so. However, after my disclosures became public, I actually wanted someone from the Education Department and the police to contact me and say, this must have been a terrible time for you, we are sorry, and we have improved in many areas to make sure this never happens again to little kids. Of course, they have not done this, and I am left with the feeling that they did not listen or care then, and they are not listening or do not care now. No one called.

The processes, people and sensitivity of this inquiry have been exceptionally well planned and executed and I am very grateful for the opportunity to be finally heard. It has helped me head towards a path of more peace with myself and those around me.

## 'Samuel'<sup>7</sup>

I moved to Beaumaris in the early 1970s. I started at Beaumaris Primary School halfway through primary school, and stayed there until I graduated. Because I had moved schools, I had to find my feet and establish a new network of friends at Beaumaris Primary School. But soon enough, I sort of just fitted in.

When I was in Grade 5, the kids at Beaumaris Primary School could apply to go on a school camp. It would be my first camp with the school.

The convener of the camp at Beaumaris Primary School was a teacher who I will refer to as 'Lachlan'. I hadn't had much to do with him up to that point. We were asked to submit a written application to Lachlan about why we should be chosen to go on the camp. My attitude was 'if there is a camp going on, I'll put my name in and see what happens'. I had a go and somehow got selected. In the end, there were six to eight kids from Beaumaris Primary School who went on the camp, along with lots of kids from other schools all around Melbourne.

The camp was in south-eastern Victoria and went for just over a week. We slept on bunk beds in a series of cabins. Staff stayed in cabins intermingled between the kids' cabins. There was a mess hall in the middle of the camp. The camp staff ran activities, like kayaking and orienteering. Lachlan was the only teacher from Beaumaris Primary School who was at the camp.

There was a parent visit halfway through the camp. My parents came down and stayed the whole day. That afternoon, after my parents left, Lachlan came up to me and said he needed to do a welfare check and make sure I was going okay. He asked if I could come with him and answer some questions. Naively, I did.

Lachlan took me to his cabin. He had a sheet of questions. I sat down on a bed in the middle of the room, which was pretty much the only place to sit. He came and sat next to me. Before long, he started stroking my arm. I froze on the spot and wondered what was going on. I didn't quite know how to react or what to do. Eventually, he put his hand down my pants. That went on for some time. The memories of the abuse are really, really vivid for me.

I remember entering Lachlan's room in the afternoon, and getting away from that situation when the bell rang for dinnertime. I also remember my internal dialogue at the time. I couldn't tell anyone because I'd be embarrassed and humiliated. I thought they would laugh at me, and ask why I didn't fight back; why I just sat there, why I didn't do anything.

From that day on, I avoided Lachlan at all costs. I remember begging another staff member at Beaumaris Primary School who I will refer to as 'Noah' not to put me in the sports team that Lachlan coached. It wasn't until recently that I learned that Noah was also abusing kids.

For years I preferred to keep my memories of the abuse locked up. The feelings of embarrassment and humiliation lingered. But, I figured, as long as I didn't say anything and no one found out, I was safe. I was easily embarrassed as a kid, and I've struggled with judgement all my life.

I didn't disclose my abuse to anyone until five decades later. A few years ago, I read an article about a kid I knew, who went to Beaumaris Primary School around the same time I did. The article was his own story of abuse, not by Lachlan but by Noah. I got emotional reading that article. My partner asked me what was wrong. I said that something similar had happened to me and told her everything. It was a pretty raw day. I emailed the journalist who had written the article and told him

that I had a similar experience at Beaumaris Primary School with Lachlan. He replied saying he had received lots of information about Lachlan. I was shocked. For 50 years, I thought I was the only one who Lachlan had abused.

The impacts of the abuse have affected both the personal and professional parts of my life. My family and friends have been a great support for me since I disclosed my abuse to them. The people I told were prepared to help me carry the burden. But I was worried that my experience of abuse might make me more predisposed to harming kids. I didn't have my own children for that reason; I couldn't bear the thought of it. But over time I realised that wasn't who I was. Circumstances eventually led me to teach and I've now been a teacher for over 30 years.

It has been difficult to work in the school system, while continuing to learn about the abuse and issues at Beaumaris Primary School from media and other victim-survivors. When I go to work, the number one priority is to protect children in my care, but no one was there to protect us. Even though it is not the same people running the Education Department now, in my mind they are still protecting and hiding information about the abuse that occurred in the 1970s. They are failing to meet the very values and standards they put out and expect teachers like me to meet. I have heard that alleged perpetrators used to be moved to different places in the school system, including to regional offices. I didn't feel comfortable talking to anyone in the regional offices about it because I didn't know who I could trust. I made many attempts to communicate with the Education Minister and the Education Department head office.

The guilt I have about not disclosing my abuse earlier is overwhelming. I can't get past the fact that if one person spoke up a lot of this might have been avoided: and that one person might have been me. Speaking about and fighting child sexual abuse in schools is the least I can do. I had attempted to contact the government and Education Department several times. I naively thought we could sit down and have an adult conversation about what was known and try to get an outcome. Almost every time, they would refuse to talk to me or not reply at all. I felt completely shut down.

On a couple of occasions, however, I was able to meet with politicians and with a senior representative of the Education Department who did listen to me attentively and with compassion.

Eventually, there was a response from the Education Department (in relation to a question about an apology), which described what happened to me as an 'isolated incident'. I'm sure what I went through wasn't isolated. I believe at least 50 other kids, maybe 100, were sexually abused during the 1960s and 70s at Beaumaris Primary School.

I ultimately got an apology from the Secretary of the Education Department, albeit one which was addressed to my lawyer. However, I don't think an apology for what happened at Beaumaris Primary School is enough — the Education Department should apologise to all victim-survivors of child sexual abuse in Victorian schools. The Education Department needs to clear the decks and put everything on the table. The apology needs to be based in remorse, not just because they have been 'caught out'. For some, I know an apology won't change anything. But I'm hopeful that it gives us somewhere to hang our burden. For me, at least, I think an apology would provide a sense of finality.

I also like the idea of the Education Department putting up a memorial to victim-survivors of child sexual abuse. I would like to see a garden or a reflective place at Beaumaris Primary School, and a broader memorial for victim-survivors of child sexual abuse in Victorian schools somewhere else, perhaps similar to the police memorial at Kings Domain. I think that would be really powerful.

## 'Tobias'<sup>8</sup>

I grew up in regional Victoria in the 1970s. I went to school at the local government primary school.

One of the teachers I had towards the end of primary school was 'Theo'. He was also acting principal at that school for a while. Theo had a bit of a reputation of being creepy and weird. I recall two incidents involving other children which stick out in my mind. In one, after a boy was hit by a cricket ball in his crotch, Theo responded by touching the boy's testicles and asking if he was okay. In the other, Theo turned up to school with a black eye, which I suspect was caused by the parent of a particular student.

I recall that Theo pretended to be a very moralistic person who was concerned about children, but I think this was a veneer. I remember that he seemed 'affronted' by any immoral student behaviour, pretending to be angry and raising his voice. He would threaten to resort to the extreme of corporal punishment, which was being phased out at that time.

We were a small community where volunteering made the place tick. Theo seemed to spend all his time in the community with children. We were kids at the time; getting any adult attention was only seen as a good thing. Looking back, I feel that he was moving beyond the gamut of what our community expected from a teacher who did a healthy amount of community volunteering.

I was a very sensitive child with a good moral sense. In Grade 5 or 6, I think Theo saw me as an easy target and started grooming me. He targeted me through sports; coaching me, and inviting me out to play sports with him and his friends. At that time, I thought he was an adult I could trust.

The grooming escalated to abuse on a primary school camp. While I was showering, Theo saw me naked with a part erection. He imposed himself into my shower cubicle staring at me and preventing me from drying myself. It sent a message to me that I should be ashamed of my erection. Questioning an adult's behaviour was not tolerated in the late 1970s.

In my second year of high school I suffered near blanket exclusion bullying, which in retrospect I feel would have been totally obvious to all teaching staff supervising me. I did not feel I could approach my parents to discuss the emotional toll being inflicted upon me. Instead, I went to someone I considered was a 'trusted adult' in Theo. However, part of his 'care' was exploiting my emerging sexuality. Theo sexually abused me by touching me. This was a massive abuse of trust, and at the worst time I could ever imagine, exacerbating my troubles. The 'lesson' I learned from this was acknowledging my sexuality would lead to trouble.

I recall that not long after, Theo suddenly left the school area. I am not sure whether the Department of Education moved him, or whether he asked for a school transfer and moved of his own accord.

In that era, boys were not supposed to cry or admit to any form of homosexual activity. Homosexuality was weaponised by kids and there was shame associated with it. This basically stopped boys from disclosing sexual abuse they had suffered at the hands of men. Sexual matters were generally taboo and weren't talked about at home.

At age 18, I had a bout of major depression, which has never eased off since. I think that the sexual abuse most certainly contributed to the initial onset of this condition, but there were several other factors.



Around 10 years after I was sexually abused, in my early 20s, I reported what Theo did to me to the police. I decided to go to the police because he was still a teacher and still around children. The police officer I spoke to was uncompromisingly tough and questioned me well beyond the point of tears, I think to make sure I wasn't lying. This was a time before any sensitivity was given to victim-survivors. It was a dreadful and very bruising experience for me. If I hadn't had the nous to see what they were trying to do, it would have been totally humiliating.

I asked my psychiatrist at the time to be referred to a forensic psychiatrist. I saw the forensic psychiatrist about the sexual abuse I experienced as a child and explained to them a plan I had devised. My plan was that in exchange for me not pushing for prosecution at every opportunity, Theo was to agree to see that forensic psychiatrist on a regular basis until his likelihood of reoffending was minimised; I just wanted to stop Theo from offending again. The forensic psychiatrist agreed to see Theo, and to report to me on his progress. At the initial consultation between myself, Theo and the forensic psychiatrist, Theo remarked that he had been abused as child. The psychiatrist asked me to explain my mental illness and confronted Theo with the consequences of his abuse.

Theo told us that he knew he had a problem around children and that that was why he had moved to an administrative job in education away from children. Theo agreed to speak to the forensic psychiatrist and to attend sessions until the forensic psychiatrist thought he was 'reformed'. It felt liberating to be on the front foot taking on the role of a strong adult, and Theo being the diminished person with a big problem. Facades aside, this process was very taxing. Theo wasn't going to find a facilitator to help me deal with my accumulated hurt.

The forensic psychiatrist saw Theo for sessions for two years. I think they did everything humanly possible to reform Theo. Ultimately, these efforts failed as I am aware Theo continued to offend.

Some years later, I became aware of criminal proceedings against Theo. I went to the police again to provide another statement about the sexual abuse I had experienced. I had a severe episode of mental ill-health immediately after making the statement and I was unable to continue to pursue the matter.

I count myself as relatively lucky — I dealt with the abuse I suffered head on at a younger age, which saved myself a lot of torment and grief. I think it would be helpful for the healing of me and other victim-survivors in this Inquiry to meet.

The Department of Education owes children a duty of care. Children have the right to feel safe at school. I do not want what happened to me and to my classmates to happen again to another child.

I respect that apologies are important to some victim-survivors. Personally, I think it is more important for the Department to focus on taking child sexual abuse in schools seriously and do their utmost to try and deal with it in an ongoing way. I feel that Theo was a 'rotten egg' and the Department appeared to have got used to wearing a 'clothes peg' on its nose. Otherwise, the Department may have neutralised this stench and addressed it sooner. I would also like some personal and group acknowledgement of this.

## ‘Wilbur’<sup>9</sup>

I attended Beaumaris Primary School after I moved to Melbourne in the mid-1970s. I remember being a shy and quiet student at the time. It was a new school and I found myself trying to make friends.

‘Dane’ was one of the teachers at Beaumaris Primary School. I didn’t have many friends at school and I was drawn to Dane because he liked me. I felt comfortable with him.

I recall that Dane began grooming me during the first half of Grade 4. Dane gave me extra duties during his lessons. I remember feeling happy and proud that I had responsibilities and I fitted in. Dane would also occasionally brush past me or rub my shoulder. At other times, he would hug me when he sat beside me or kiss me on the cheek.

The sexual abuse by Dane progressed very slowly. I did not realise that Dane’s behaviour was not right. Dane began touching me on my knee or leg and later sexually abused me by touching me [We note Wilbur uses the term ‘fondling’]. The abuse occurred in a part of the school where other people would have been able to see Dane, but would not have been able to see what he was doing.

Towards the end of Grade 4, Dane began to digitally rape me. That was when I first realised that Dane’s behaviour was wrong. Eventually, Dane took me to a storeroom and raped me. I pushed Dane away and the abuse pretty much stopped after that point.

I question whether the teachers knew things were going on and whether there was an acceptance of what was occurring.

I never told anyone at the time about the abuse. I never told my parents or my friends. I never thought anyone would believe me. I thought I was the only one.

The abuse I experienced has really impacted my family and my life. When I was in primary school, there were times I was constantly wetting the bed. I have experienced a lot of guilt and shame as a result of the abuse, particularly about why I did not realise what was going on. I now understand why. I am hypervigilant and hypersexual. For a long time, I had wondered why I felt something was not right with my life.

I have experienced depression and suicidal thoughts. Some days, I can’t get out of bed. I had my first break down in my late 30s and have spent time in hospital. Unfortunately, there are not many facilities in Australia where people can get help for complex post-traumatic stress disorder. The first psychiatrist I saw said they could not help me because they were not a specialist in post-traumatic stress disorder.

Since then, life has been very difficult financially and emotionally. I consider that mental trauma is a hidden disability. From the outside, I look fine; I am able to be articulate. But I have lost everything — I lost my career, my financial support, I had to retire early, I am on multiple medicines.

Recently, I have been seeing a psychiatrist who has been helpful. Previously, a lot of my past abuse was locked away and I could not open it up. I was having nightly tremors and nightmares, and during the day I was having flashbacks. I have now started to relive some of my memories and I have medication that helps me. Talking about the abuse I experienced has also helped me.

I now also see a female psychologist. There is nothing that I have not told her and a lot of what I have told her is very confronting. I am conservative and old fashioned, and it is difficult to say some things in front of a lady. Having said that, I do not like men, especially overpowering men.

I recently made a statement to the police about the abuse I experienced. It was difficult, but brought into reality what happened to me and made it a bit easier. I found the police to be incredibly supportive. I now understand that I was not the only one, but one of many, who were abused.

I consider it is critical for the government to make a formal apology to those of us who experienced child sexual abuse. An apology will give a voice to those that do not have one and is important to how survivors see themselves. I think that any apology should come after the Board of Inquiry as an apology does not make sense until we know the full details of what happened.

I would also like to see a memorial that recognises the suffering of those who experienced child sexual abuse. It would give closure, not only for us, but also for Beaumaris Primary School. I am concerned about the impact this has had on the school and the children who are there now.

I am still trying to come to terms with it all. I was raped. I know that the criminal system can only deal with his actions based on the law in the 1970s; but if Dane was to do what he did to me now, he would be held more to account. This is the saddest thing. He and these men have gotten away with so much. We are left to try and live a life that has purpose and meaning. We are left to deal with the huge fallout.

Hopefully, one day I will get the opportunity to live a more fulfilled and happy life.

## 'Riley'<sup>10</sup>

My husband, 'Clive', was a student at Beaumaris Primary School in the 1970s. Clive was abused by 'Seth', a teacher at Beaumaris Primary School.

Clive told me about the sexual abuse he experienced many years into our marriage. A few years ago, when Clive said he needed help to address the trauma of his experiences, I felt a sense of relief. Before then, things had been bad and I did not know what was wrong. When Clive first told me he needed help, I had the attitude of: 'ok, you've laid the cards on the table, let's deal with this'. I have supported Clive all my life and this was another part of life where I could support him.

It was very difficult dropping Clive off at a mental health facility, but I felt a sense of relief. I visited him a few times during his stay, but I think I needed some respite during that time as well.

The last few years have been really difficult. My priority is Clive and supporting him, but it has had an impact on us financially. I had to take leave from work to support Clive because it was getting to be too much for me to work and help support him. I feel that my work did not support me when I made this decision. Maybe if I was the victim-survivor, I would have received more support and empathy.

I worry about the future, both financially and in terms of Clive's mental health, and whether we will be able to travel like we have planned. We accessed the government reimbursement program for Clive's medical costs, but the program is very slow at paying. We have paid a significant amount that we are waiting to have paid back and we are spending a lot of money on Clive's medical costs. We can still pay those medical costs at the moment, but it is a struggle. I can see that the costs would be prohibitive for other people.

I have often been told I need to seek help as well. I am good at supporting someone else, but I suppose I am not very good at opening up myself about how everything is affecting me. I got a lot of joy from working, but my experiences over the last few years have tarnished my ability to work.

I often reflect on how cruel people could do what they did, how they could get away with it and how many lives they have ruined.

After I took leave from work, I told my GP that I was feeling anxious about returning to work and that I needed help. They gave me the number of a psychologist who then had to refer me to someone else because they were not available. I was told a session would be \$250 and I would get back \$100. I made the appointment but cancelled it two weeks beforehand. I felt I could not justify the cost of the sessions.

Clive and I have adult children who have also been affected by the abuse that Clive experienced. It was hard for them hearing about Clive's experiences, how those experiences shaped his life and that their dad was entering a mental health facility. They are great kids, but it has been difficult.

It has been a brighter time recently, with the Board of Inquiry. I feel like we are receiving more empathy. I am grateful for this process and that it has come this far.

For me and my family now, I just hope that we can move onward and upward, continue using the services that we've found and plan things that make us feel good.

## 'Earl'<sup>11</sup>

I started attending Beaumaris Primary School in the late 1960s and was there for all of my primary schooling, until the early 1970s.

I had a very secure family life with my parents and sibling. I was an average student but I was really into sport and I loved going to school. I liked most of the teachers and I would have said I was a happy pupil.

In the last term of Grade 5, I was bailed up by a male teacher, 'Baxter'. He came up beside me in a narrow space inside a school building and started whispering in my ear while he put his hand down the front of my pants and into my underpants. I froze while he touched my genitals for 2 or 3 minutes. It was a very isolated spot where he couldn't be seen by anyone else and I could not get away.

The school year ended not long after, but the school holidays were different for me that year. It was terrible because I knew I would have to go back to school at the end of the holidays and I was worried Baxter would sexually abuse me again. It was the worst school break I had. The closer it got to going back to school the edgier I got. It was hard to explain my behaviour because I hadn't told anyone about the abuse.

Grade 6 was really hard. There was another incident where Baxter sexually abused me in a similar way to what had happened in Grade 5. He cornered me and put his hands up the leg of my shorts and touched my testicles. I think it went for a couple of minutes. Again, I completely froze while it was happening.

There were other incidents where Baxter would come over while I was sitting with other kids at a table and lean over to rub across my shoulder or the back of my head. He would also reach over under the table and touch me. It wasn't just me this abuse was happening to, but I felt very alone.

There were two occasions where I was sent to see Baxter, but because there was nobody else around, I just walked out of school and went home rather than be alone with him. I got in all sorts of trouble with the Principal. My parents were shocked and didn't understand what was going on. I couldn't tell them why I left the school grounds.

Baxter was also heavily involved in sport outside of school so I had to interact with him in that context as well. Kids would fight to avoid being alone with him and I recall it was often the weaker kids that ended up being most exposed to him.

My dad was also involved in sport so that gave me some protection because he was around a bit. One day, however, I had to get a lift home in Baxter's car. He drove past my street to drop other kids off, then when it was just me and him in the car, he parked the car and started sexually abusing me by touching me. When he started to undo his trousers, I got out of the car and ran all the way home. Baxter came by my house a few minutes later with the bag I had left in his car and I had to listen to him chatting to my dad after he had abused me.

I was also abused by another teacher, who I will refer to as 'Jonah', towards the end of Grade 5, after I was injured playing sport. Jonah took me to the sick bay where he sexually abused me by touching me while I was in a lot of pain.

I feel like the abuse took away my capacity to learn and thrive and be something in this world. After primary school, I completely lost the capacity to concentrate in class and quickly fell behind. All of a sudden, I felt like schooling wasn't for me. I didn't want to learn, I was just there to have a good time.

It was terrible. I would have flashbacks to the sexual abuse in primary school. I felt like I was the only one that this had happened to and was really down on myself about it. My behaviour went off the rails too and it all continued when I moved to a different school. I remember that by the time I got to late secondary school, I was pretty much asked to leave because I wasn't learning.

I didn't tell anyone what happened to me at Beaumaris Primary School for a long time. I kept it to myself for nearly 50 years and I really struggle to tell people about my experiences. I've never really had any formal psychologist or counselling sessions where I've discussed the abuse.

I never told my parents, either at the time or later on. I was too scared to tell them. The hardest thing for me now is that I'd like to explain to my parents what happened to me and the impact it had on me. That's not possible now and it hurts.

I've recently tried to talk to my family about the abuse. My wife has been very supportive but I haven't told her everything that happened. I know it hurts her and I don't want to hurt or upset her. My children are adults now and I've tried to tell them what happened, but I don't think they fully comprehend. I've been very protective of my kids. I would always attend any events in their personal lives. I wanted to make sure they were safe and ok.

I've also recently been talking to psychologists about what happened. I hate counselling sessions. I don't like telling my story, especially to people I don't know and, in some cases, it has felt like the person I was talking to has made it hard for me and hasn't been on my side. In situations where I have had to start with someone new, it has hit me really hard having to go through my whole story again.

I've also been catching up with old school friends. I get support from them and it has made me feel like I wasn't alone. Some of them are worse off than me and sometimes I feel like I've escaped some of the really nasty stuff that has affected them. There's a support network with other victim-survivors that has been really great.

Aside from taking away my capacity to learn, I think my experiences of abuse have also made me more reserved. It is hard for me to show emotions sometimes. When I was a kid, I was really affectionate. Now, I find it difficult to tell my children that I love them, which I feel like I should be able to do. Instead, I show my children I love them by the things I do.

I feel like the sexual abuse I experienced also meant that I wasted opportunities when I was younger. For about ten years after I left school, I didn't go to university or pursue meaningful employment. I felt like I'd let my family down because I had lost the capacity to learn.

I've also been a functioning alcoholic for over 40 years. I used alcohol as a mask to hide the pain.

I don't like seeing ribbons tied onto school gates to recognise child sexual abuse. It makes me think about how there are students at those schools now and I feel that they don't need to know or understand anything about child sexual abuse.

I think feeling like I am being taken seriously has been really helpful recently. The Board of Inquiry gives us worth and makes us feel like we're good people who just happen to be in an unfortunate situation.

It would also be good to get full recognition and an apology from the State to show that they know things aren't right. I feel that a public apology from the State would really help.

After all this, I'm just going to move on with the next part of my life and be as happy as I can.

## 'Linus'<sup>12</sup>

I attended a Victorian government primary school relevant to the Board of Inquiry (which was not Beaumaris Primary School) in the late 1960s and the early 1970s. I really enjoyed school.

When I was less than 10 years old, my classroom teacher was 'Otis'. I remember that one day 'Otis' came up behind me and sexually abused me. I recall the abuse occurred in a similar way several times that year. It felt very bizarre and unsettling. I never knew when he would approach me, but I would just feel him there and the contact that he made with me. Since then, I have wondered how others did not see the abuse at the time.

The sexual abuse I recall really affected me. I did not know how to cope with the experience and I would dissociate often. I had no capacity to understand the abuse or process it emotionally.

The abuse I experienced caused strong feelings of anxiety and fear, but I also had feelings of excitement that came from being touched, which were very hard to process. I remember the sexual abuse like a dark cloud that entered my life at that time and disturbed my world view. It affected my perception of what was normal and what was not. I became distrustful of other people, not knowing my place or how I could relate to them.

After the abuse, my behaviour started changing. My attention to school deteriorated and I became a lot more disruptive in class. I began to steal from my family. I feel the abuse pushed me to a point where I did not feel secure or have much capacity for control, particularly in relation to my emotions.

I experienced some mental ill-health and substance abuse issues during high school and afterwards. The first time I disclosed the sexual abuse was during my stay in a psychiatric hospital, but I feel that they did not listen to me because of my mental ill-health. After this, I developed a distrust of other people and professional help.

I do not think that our mental health system is particularly trauma-informed or understanding of people who have been sexually abused. Building a better understanding of what it feels like to be a victim-survivor of sexual abuse would make a lot of difference. In the future, I would like to see more trauma-informed practice, such as more recognition of people with experience of child sexual abuse so that we can make people feel better about who they are and what they have achieved despite the obstacles. It is about dignity.

I am also supportive of a peer support approach, such as victim-survivor led spaces in communities that sit outside of mainstream mental health services but provide an option for people to be able to talk about their experiences together. Having the support of other people going through something similar is empowering. These spaces are also important to allow people to feel heard and connect with other people. It would be great for the government to look at funding these sorts of programs.

I think scholarships for victim-survivors of child sexual abuse could also be helpful for healing. It would be really interesting for victim-survivors to be able to be researchers and develop lived experience research on the experience of being a victim-survivor. People who have had that firsthand experience can see the world and communicate with other victim-survivors in different ways and their perspective and focus may be different to other researchers.

I also feel a public apology could be very healing for people to have, as it makes it feel like their experiences are real. It puts on the record that the child sexual abuse did happen, and it harmed people. I am angry, and I am sure there are many people living with the impact of child sexual abuse whose lives were drastically altered and shortened. I think that not saying sorry fails to give weight to what happened and to the harm that was caused.

It is really important that we have justice and help people to realise they were not the problem, it was what happened to them that is the problem. This justice requires some kind of change and a recognition of the wrongdoing and the harm it caused. We need to be able to talk about these things in a place of safety, without there being further harm, and make sure things like this do not happen again.



## 'Cecil'<sup>13</sup>

I had what I think was a normal early childhood. I moved to Melbourne in the early 1970s. For some of my childhood, I attended Ormond East Primary School.

I have very good, concise memories of primary school. I have memories of being bullied at school. I remember sport was a big part of school — you were playing sport, generally footy and cricket, Fridays and Saturdays. I was not, and am still not, interested in sport.

During my time at Ormond East Primary School in the mid-1970s, I went to a school camp a few hours away. I was about 10 years old at the time.

On one day of the camp, I remember showering at the end of the day in the shower room with other students. A teacher, 'Alfred', was in the shower room supervising boys showering and dressing. I was drying myself when Alfred came up to me and 'helped' me, and a number of other boys, dry ourselves. Alfred was overly focussed on assisting me to dry and rubbed my penis and genital area in a way which was overzealous and unnecessary. The unusual nature of Alfred's assistance was evident to me and several of my friends in the shower room at the time. We discussed it later and agreed it was unusual. Another student came up to me and asked: 'Did [Alfred] dry you? It was a bit bizarre, a bit weird'. I do not recall the exact words I used but I said something along the lines of: 'Yeah that was a bit bizarre'. This was the only time I experienced sexual abuse by Alfred.

Whilst at the time I thought the behaviour of Alfred was odd, I did not identify it as sexual abuse. I really did not know what sex was, let alone sexual abuse. I did not tell my parents about the abuse. I grew up in a time where children did not really have rights; they were to be seen and not heard and expected to do as they were told.

I personally consider that the sexual abuse I experienced was minor and there have been no lasting effects. I have not felt the need to seek out support services.

In terms of healing, a public apology from the State might be important to some people, but not me. The same goes for a public memorial; it would not mean much to me but if it means something to other people then it should happen. I would never say do not do it.

I think the focus moving forward should be about policy changes to stop this happening again.

There should also be a focus on ensuring a cultural shift to recognising and advancing the rights of children.

## Chapter 9 Endnotes

1. The names 'Hank', 'Tony' and 'Avery' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 15 November 2023.
2. The names 'Christie' and 'Cody' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 17 November 2023.
3. The names 'Wayne' and 'Reuben' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 23 October 2023; Order of the Board of Inquiry, Restricted Publication Order, 31 January 2024.
4. The name 'Bernard' is a pseudonym; Order of the Board of Inquiry, Restricted Publication Order, 24 October 2023.
5. The names 'Paula', 'Marcus' and 'Nick' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 24 October 2023.
6. The names 'Casey', 'Fred', 'Leon' and 'Dennis' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 24 October 2023.
7. The names 'Samuel', 'Lachlan' and 'Noah' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 15 November 2023.
8. The names 'Tobias' and 'Theo' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 31 January 2024.
9. The names 'Wilbur' and 'Dane' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 31 January 2024.
10. The names 'Riley', 'Clive' and 'Seth' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 31 January 2024.
11. The names 'Earl', 'Baxter' and 'Jonah' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 31 January 2024.
12. The names 'Linus' and 'Otis' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 31 January 2024.
13. The names 'Cecil' and 'Alfred' are pseudonyms; Order of the Board of Inquiry, Restricted Publication Order, 31 January 2024.

PART C

# Accountability



This Board of Inquiry has endeavoured to conduct itself based on the principles of truth-telling. Central to this undertaking has been creating space to listen to, and understand, the experiences of victim-survivors and secondary victims.

Truth-telling is a process that allows individuals to come together to openly talk about historical wrongs and failures. It involves identifying and acknowledging past failures, understanding who was responsible for these failures, and ensuring they do not occur again.

Under clause 3(c) of its Terms of Reference, the Board of Inquiry was required to examine the response of the Department of Education (Department) to the experiences of victim-survivors of historical child sexual abuse perpetrated by relevant employees at Beaumaris Primary School in the 1960s and 1970s, and by those relevant employees at certain other government schools between 1960 and December 1999. The Department's response includes the Department 'and its officers' state of knowledge and any actions it took or failed to take at or around the time of the abuse'.<sup>1</sup>

The Department is responsible for the safety and welfare of students in Victorian government schools. The Board of Inquiry has found that the Department repeatedly failed to protect children from sexual abuse between 1960 and 1999.

This Part has five chapters:

- Chapter 10, The education system, outlines the policy settings, legislative framework and sociocultural factors relevant to child safety in Victorian government schools between the 1960s and 1990s.
- Chapter 11, The alleged perpetrators, documents matters relevant to allegations of historical child sexual abuse by relevant employees at Beaumaris Primary School and certain other government schools. It includes case studies on the alleged perpetrators, including their employment and criminal records, the allegations of child sexual abuse, and the Department's knowledge and response to the child sexual abuse.
- Chapter 12, Grooming and disclosure, examines how the experiences of victim-survivors describe features of grooming and manipulation, both of individuals and communities. It also explores barriers to disclosure of child sexual abuse at the relevant time, and how the Department's conduct caused or contributed to those barriers.
- Chapter 13, System failings, sets out the Board of Inquiry's findings on the Department's response to the allegations of child sexual abuse at the time, including analysis of the Department's actions, or inaction, and missed opportunities to intervene.
- Chapter 14, Learning and improving, provides a look ahead at learnings and improvements to prevent future child sexual abuse, including a brief analysis of changes over time and contemporary child safety practices.

The Board of Inquiry's focus on allegations against specific persons at particular schools was determined by its Terms of Reference. As set out in Chapter 3, Scope and interpretation, they required the Board of Inquiry to inquire into the experiences of victim-survivors of historical child sexual abuse who were sexually abused at Beaumaris Primary School by a teacher, school employee or contractor during the 1960s and 1970s (a 'relevant employee'), and by those relevant employees at certain other Victorian government schools between 1960 and 1999. The Terms of Reference did not permit the Board of Inquiry to inquire into, for example, experiences

of child sexual abuse by a teacher at a Victorian government school where the allegation was not made against a relevant employee. As a result, if an allegation was made against a teacher who did not teach at Beaumaris Primary School in the 1960s or 1970s, the Board of Inquiry could not inquire into that allegation. Throughout this Part, therefore, there is an emphasis on Beaumaris Primary School.

## Notes to readers

### Experiences of victim-survivors, secondary victims and affected community members

Throughout this report, the Board of Inquiry shares information that reflects some of the experiences that victim-survivors, secondary victims and affected community members shared with the Board of Inquiry.

The Board of Inquiry is deeply grateful to the victim-survivors, secondary victims and affected community members who so courageously shared their experiences of child sexual abuse. The Board of Inquiry also acknowledges those victim-survivors who have chosen not to disclose their experiences of child sexual abuse, and may never do so, including those who are no longer with us.

The Board of Inquiry asked people who engaged with it how they wanted their information to be managed. Some wished to share their experiences publicly. Some wished to do so anonymously and others wished to do so confidentially. Where people shared their experiences anonymously, the Board of Inquiry has not included any identifying information in this report. Where people shared their experiences confidentially, the Board of Inquiry used this information to inform its work, but has not included it in this report.

In relation to those who wished to share their experiences publicly, in some cases the Board of Inquiry determined that it should anonymise the information they shared. This decision was made for legal or related reasons, including in order to avoid causing prejudice to any current or future criminal or civil proceedings.

The Board of Inquiry shares the experiences of victim-survivors, secondary victims and affected community members to create an important public record of their recollections. However, the Board of Inquiry has not examined or tested these accounts for accuracy or weighed whether there is enough evidence to support criminal or civil proceedings. The approach the Board of Inquiry has taken in this regard is consistent with its objectives and its Terms of Reference.<sup>2</sup>

The Board of Inquiry expresses its immense gratitude to all who contributed, in any way, to its work. Those who shared their experiences have shaped the Board of Inquiry's general findings and recommendations, and contributed to a shared understanding, among all Victorians, of the impact of child sexual abuse. The Board of Inquiry expects this report will reinforce the community's commitment to better protect children from sexual abuse into the future.

## Relevant employees

In the Terms of Reference, ‘relevant employee’ is defined to mean ‘a teacher or other government school employee or contractor who sexually abused a student at Beaumaris Primary School during the 1960s or 1970s’.<sup>3</sup> The Board of Inquiry’s work has confirmed that several of these relevant employees have been convicted of multiple offences, including indecent assault and other offences against children. However, for various reasons, most of the experiences of child sexual abuse shared with the Board of Inquiry did not result (or have not yet resulted) in a criminal conviction. Accordingly, this Part refers to ‘alleged perpetrators’.

While the Board of Inquiry recognises that some of these alleged perpetrators have been convicted of offences and their child sexual abuse in relation to these offences is no longer ‘alleged’, in order to treat all experiences shared with the Board of Inquiry in the same way, and to avoid causing prejudice to any current or future criminal or civil proceedings, this Part still refers to them as ‘alleged perpetrators’. In doing so, the Board of Inquiry does not intend to devalue or minimise any of the experiences shared by victim-survivors, secondary victims or affected community members.

As set out in Chapter 3, Scope and interpretation, six individuals have been identified by the Board of Inquiry as relevant employees. Four of the six relevant employees are discussed in detail in this Part. This is because more information and evidence was available to the Board of Inquiry in regard to these four relevant employees. This in no way diminishes the experiences of victim-survivors who were allegedly sexually abused as children by the two relevant employees who are not discussed in this Part.

## Introduction Endnotes

1. Order in Council, 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3(c).
2. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023.
3. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3.3.

CHAPTER 10

# The education system

10



## Introduction

To examine how the Victorian education system responded to allegations of child sexual abuse at Beaumaris Primary School and certain other government schools, it is important to understand how the education system operated and was structured between 1960 and 1999.

This Chapter provides an overview of the education system and its administrative arrangements from the 1960s to the 1990s, as well as the roles and responsibilities of key bodies and office-holders in responding to allegations of child sexual abuse.

It also outlines the legislative and policy settings in place at the time to prevent and respond to child sexual abuse, including where no policies or procedures appear to have existed at all.

This Chapter concludes by exploring the organisational culture regarding child safety within the education system, and the informal practices that the system used as part of this culture in response to allegations of child sexual abuse.

## Education system structure and responsibilities

In this report, the ‘education system’ means any body or office-holder established under legislative authority with responsibility for educational oversight or service delivery of government schools in Victoria.

Since 1960, the education system has undergone many changes. Those changes have arisen for various reasons, including as a result of government policy or broader economic and social changes.

The Department of Education (Department), as we know it now, has had various titles since 1960. In this report, ‘Department’ is used as an umbrella term to refer to the different iterations of the body during this period.

### Administrative arrangements in the 1960s and 1970s

In the 1960s and 1970s the education system comprised the following:

- The Minister for Education — The Minister and their office were responsible for establishing, extending, maintaining, classifying and discontinuing government schools.<sup>1</sup>
- The Director-General — The Director-General was the ‘head’ of the Department. They reported to the Minister for Education and were responsible for administering the *Education Act 1958* (Vic).<sup>2</sup> In administering the Act, the Director-General could assign powers and duties to employees of the Department ‘as he thinks fit’.<sup>3</sup>
- The Teachers Tribunal — The Tribunal sat alongside the Department and was responsible for determining teacher salaries, the number of teaching positions, and the appointment and promotion of permanent teachers.<sup>4</sup> The Tribunal also had responsibility for deciding on disciplinary measures where a ‘teacher is charged with being careless or negligent’.<sup>5</sup> It consisted of three members: a chairman, a representative of the Government of Victoria appointed by the Governor in Council, and a representative of the teaching service elected by teachers.<sup>6</sup>

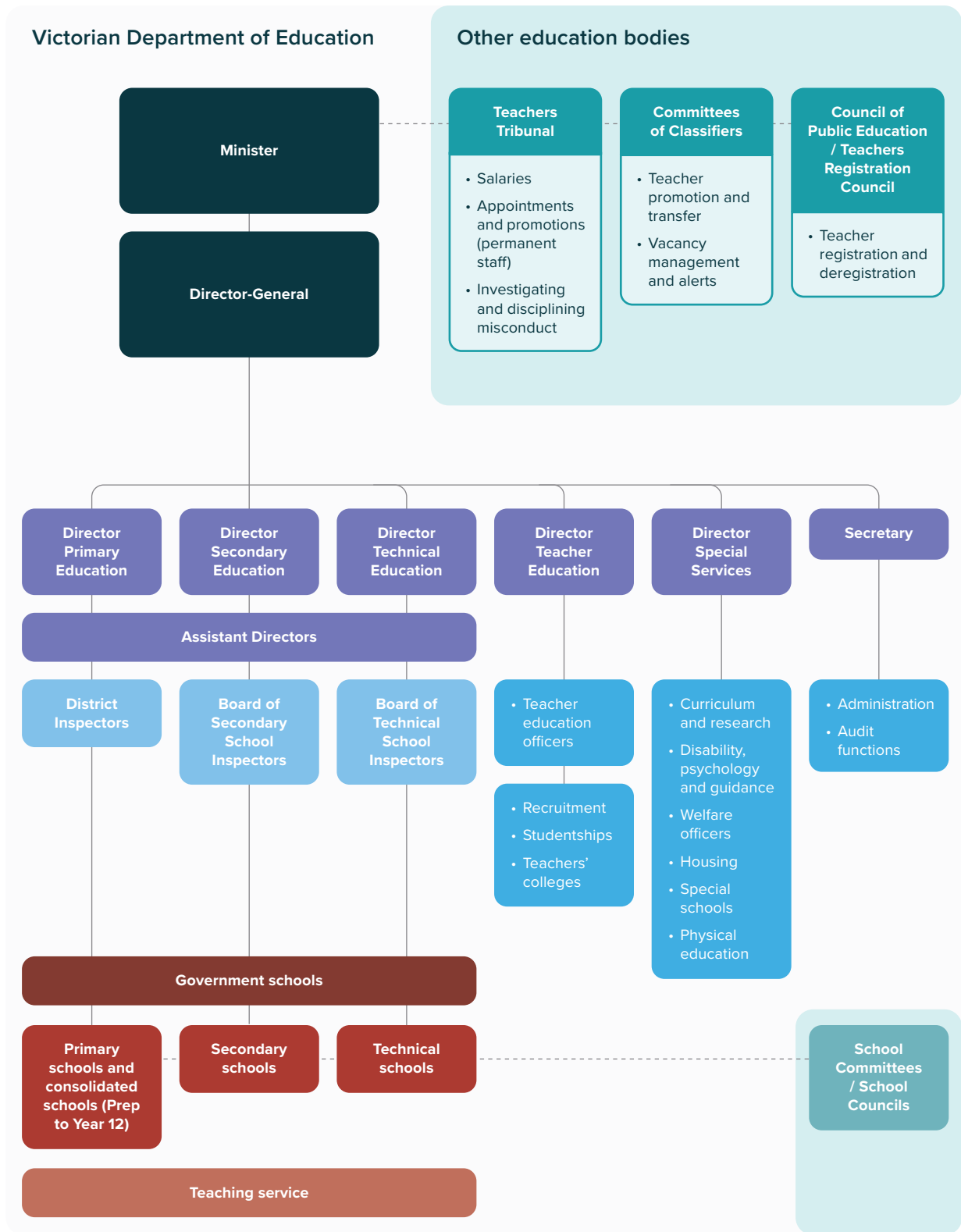
- The Committees of Classifiers — There were three Committees, one for each of the primary schools division, the secondary schools division and the technical schools division.<sup>7</sup> The Committees also sat alongside the Department. The Committee for the primary schools division consisted of a chairman, who was an independent person appointed by the Governor in Council, the Chief Inspector and a teacher.<sup>8</sup> It was responsible for managing teacher transfers and promotions.<sup>9</sup>
- The Council of Public Education (known as the Teachers Registration Council from 1972) — The Council sat alongside the Department. All teachers were required to be registered in Victoria in order to teach.<sup>10</sup> The Council was responsible for registering teachers.<sup>11</sup>
- District inspectors — The role of district inspectors was to examine and inspect the performance of schools annually,<sup>12</sup> as well as to assess the performance of teachers.<sup>13</sup>
- Government schools — Government schools were responsible for administering education to students and developing and implementing local policies and practices. They were led by school principals or head teachers.

A School Committee (also called a School Council) existed for every government school. They prepared school policies, strategies and communications, and managed finances at the school level.<sup>14</sup> School Committees or Councils consisted of eight to 10 members who were nominated and chosen at a meeting of parents, guardians and the school principal, every two years.<sup>15</sup>

Within these structures, responsibility and oversight were usually divided across three major educational divisions: primary schooling, secondary schooling and technical education.<sup>16</sup>

Diagram 6 provides a high-level visual representation of the structure of the education system during the 1960s and 1970s.

DIAGRAM 6 EDUCATION SYSTEM: 1960s AND 1970s<sup>17</sup>



## Legislative framework

The ‘legal framework’ refers to the legislation (also known as statutes or Acts) and regulations that set out the law as it relates to the education system. Together, they form the over-arching governance structure for the system. ‘Legislation’ refers to the laws passed by parliament<sup>18</sup> that govern the development and delivery of education in Victoria. ‘Regulations’ are made under the authority of a statute and provide detail on how the law should be applied.<sup>19</sup> This section considers the legal framework between 1960 and 1980.

Three pieces of legislation established the administrative structure of the education system, including roles, responsibilities and powers. These were the *Education Act 1958* (Vic) (Education Act), the *Teaching Service Act 1958* (Vic) (Teaching Service Act) and the *Public Service Act 1958* (Vic) (Public Service Act).<sup>20</sup>

Regulations were passed in support of these two Acts. The *Teaching Service (Governor in Council) Regulations 1958* (Vic) (Teaching Service Regulations 1958) were made under the Teaching Service Act and the *Regulations General Instructions and Information 1962* (Vic) (Teaching Service Regulations 1962) were made under the Education Act.

Together, these Acts and regulations set out the legal framework for the employment, transfer and discipline of school-based staff. As outlined throughout this Chapter, references to managing teacher discipline were included in the Teaching Service Act (regarding breaches of that Act), the Teaching Service Regulations 1958 (regarding impaired moral behaviour) and the Public Service Act (regarding misconduct).<sup>21</sup>

The Board of Inquiry reviewed amendments to the legal framework between 1960 and 1980. It did not appear that the amendments in this period made any significant changes that would alter the accuracy of any of the legislative and regulatory descriptions between 1960 and 1980 outlined in this Chapter.

## Roles and responsibilities for investigating and responding to child sexual abuse

A review of the relevant legislation, regulations and other material available to the Board of Inquiry did not clearly identify which specific bodies and office-holders within the education system were responsible for investigating and responding to allegations of child sexual abuse in schools in the 1960s and 1970s. This gap was confirmed by the evidence of Dr David Howes PSM, Deputy Secretary, Schools and Regional Services, Department of Education, who said: ‘As far as can be determined, there was no specific allocation of responsibility for managing and responding to allegations or incidents of child sexual abuse in the period 1 January 1960 to 31 December 1984’.<sup>22</sup>

The lack of a specific allocation of responsibility does not mean, however, that office-holders in the Department had no responsibility for managing and responding to child sexual abuse in government schools. In fact, the Board of Inquiry identified several offices and roles where the person exercising powers and discharging functions in accordance with that office or role could have dealt with allegations of child sexual abuse. These are discussed in turn below.

## The Director-General

The Director-General was the Head of the Department, reported to the Minister for Education, and was responsible for administering the Education Act.<sup>23</sup>

The Director-General had responsibility for receiving reports about ‘any member under his control who is guilty of a breach’ of the Teaching Service Act (‘members’ included any employee of the Department, such as teachers, principals and district inspectors).<sup>24</sup>

Under the Public Service Act, the Director-General had responsibility for hearing and determining the disciplinary approach for any officer who was ‘guilty of any misconduct’.<sup>25</sup> This included the power to reprimand, caution or impose a fine on an officer if they believed that the alleged offence was minor.<sup>26</sup>

The Director-General could also make a report to the Minister for Education, who could then refer the matter to the Teachers Tribunal for investigation and decision, or back to the Director-General for decision.<sup>27</sup> Dr Howes gave evidence that the Director-General could also refer matters directly to district inspectors and the Teachers Tribunal for investigation.<sup>28</sup> Dr Howes also gave evidence that in some instances, it appears that district inspectors could make decisions about how to manage allegations on behalf of the Department, without approval by the Director-General.<sup>29</sup>

When an allegation led to a charge of misconduct or was considered ‘to be of such a nature as to warrant the making of a report to the Minister’, the teacher could be suspended pending investigation outcomes.<sup>30</sup>

While the Director-General was accountable for the review of misconduct matters, the Board of Inquiry understands that they delegated their responsibilities for primary education to the Chief Inspector.<sup>31</sup>

The legislation and regulations did not refer to child sexual abuse in terms (nor define the term ‘misconduct’); however, the evidence of Dr Howes was that he believed that child sexual abuse would have fallen within the following clause in the Teaching Service Regulations 1958:

A member shall not engage even indirectly in any business which would have the effect of impairing his moral influence over his pupils or in the community generally, and he must not, even out of school hours, be guilty of any action unbecoming a person holding his position.<sup>32</sup>

## School principals and teachers

School principals were responsible for the day-to-day running of their school and the implementation of policies at the school level. This included listening to and determining appropriate courses of action in response to reports of alleged misconduct.<sup>33</sup>

Under the Teaching Services Act and the Teaching Service Regulations 1958, principals and teachers with supervisory responsibilities were obliged to report breaches of misconduct to the Director-General.<sup>34</sup>

## District inspectors

The evidence received by the Board of Inquiry, and other information considered by the Board of Inquiry, makes clear that as a matter of practice, the role of the district inspector was one of the most important within the Department with respect to the management of allegations of child sexual abuse.

The role of district inspector was established in 1851 and existed until 1983.<sup>35</sup> Despite the fact that district inspectors were an entrenched feature of the school system in Victoria for so long, little has been written about them. In understanding the system of district inspectors and their work, the Board of Inquiry has relied principally on the research of former district inspector Mr David Holloway and of Ball, Cunningham and Radford, as well as personal accounts of former district inspectors provided by the Department.<sup>36</sup>

The first Education Act in Victoria, enacted in 1872, referenced the role of inspectors, of which district inspectors were a subset. The *Education Act 1872* (Vic) specified that the Department shall consist of ‘a Minister ... a Secretary, an Inspector-General, inspectors, teachers and such other officers as may be deemed necessary’.<sup>37</sup>

The Teaching Service Regulations 1962 articulated the role of inspectors, including that they ‘inspect and examine’ a school annually, and make as many additional visits as they considered necessary.<sup>38</sup> During the annual examination, inspectors were instructed to examine a range of things, including all official records of the school, the ‘discipline and tone of the school’, and how the school ‘fills in the community’.<sup>39</sup>

The Board of Inquiry also received information from the Department that:

District Inspectors had formal Ministerial authority to ‘inspect any (government) school ... for the purpose of ascertaining whether the registers are being kept as required and whether efficient and regular instruction ... is being given[.]’ They held a similar authority to inspect non-government schools.<sup>40</sup>

District inspectors assessed teacher performance and provided grades on their performance, from ‘unsatisfactory’ to ‘outstanding’, which were used to inform the promotion of teachers.<sup>41</sup>

The Chief Inspector oversaw district inspectors. The Chief Inspector, in turn, was assisted by assistant chief inspectors.<sup>42</sup>

Outside of their advisory and assessment duties, district inspectors were in charge of fielding, investigating and responding to complaints and concerns regarding teachers.<sup>43</sup> They could also be contacted by the police if a teacher was being investigated.<sup>44</sup> The evidence of Dr Howes confirmed that the role of a district inspector included responding to allegations of child sexual abuse against a teacher.<sup>45</sup> As a result, from the perspective of understanding how a complaint about sexual abuse of a student by a teacher might be handled during this period, the district inspector’s role is critical.

District inspectors were ultimately accountable to the Director-General and received instructions and advice from the Department.<sup>46</sup> They were known to carry out their day-to-day work with minimal direct supervision, and would engage directly with schools and parents to manage complaints and propose courses of action.<sup>47</sup>

According to Ball, Cunningham and Radford, when ‘more serious complaints’ were made, district inspectors could be required to investigate the claim and make recommendations to the Director-General on the appropriate course of action.<sup>48</sup> However, a former district inspector’s report (prepared in the context of a civil proceeding but relied upon by the Department before the Board of Inquiry) said that ‘the nature of a complaint would dictate the steps’ a district inspector would take.<sup>49</sup> It is clear from the former district inspector’s report that if a district inspector did not consider the complaint to be serious, it could be dealt with informally.<sup>50</sup>

Although district inspectors were responsible for such investigations, assistant chief inspectors or the Chief Inspector could make ‘special inspections’ of their own where they deemed intervention was justified.<sup>51</sup>

While the role of district inspectors was described in the Teaching Service Regulations 1962, there were minimal policies to guide how they should acquit their functions.

As far back as 1882, a Royal Commission into the Administration, Organisation, and General Condition of the Existing System of Public Instruction found that district inspectors had been given no instructions to inquire into the ‘moral character’ of teachers.<sup>52</sup> The Board of Inquiry understands that this continued to be the case right up until the officer of district inspector was abolished in 1983.

A 1961 Australian Council for Education Research study similarly found that although district inspectors’ responsibilities were set out in regulations, ‘[a] good deal of the detail of [their] duties [were] not put in printed form but [were] the result of tradition and practice transmitted by word of mouth’.<sup>53</sup>

There was some anecdotal information, however, that points to some form of informal understanding about how to handle allegations of child sexual abuse.

The former district inspector’s report noted that ‘[a]fter receiving a serious complaint, District Inspectors would notify the Department by reporting it to the responsible Director of Primary Education at Treasury Place’.<sup>54</sup> He also said that if the complaint involved sexual abuse, he would have contacted Victoria Police and the Department.<sup>55</sup> Whether other district inspectors shared this view or took a similar approach is unknown.

Information provided to the Department by another former district inspector described a ‘reference system’ for managing complaints.<sup>56</sup> This district inspector noted that when a complaint was made to the Director-General, it was referred to as a ‘yellow’ notice and would be investigated by the relevant district inspector.<sup>57</sup>

### **The Teachers Tribunal**

The Teachers Tribunal was responsible for a range of matters related to teacher employment and promotion.<sup>58</sup> It was also responsible for hearing, inquiring into, and making decisions regarding charges made under the Teaching Service Act and the Public Service Act,<sup>59</sup> including the Teaching Service Regulations 1958. As noted earlier, these regulations included a clause relating to a teacher not engaging in any behaviour that would ‘have the effect of impairing his moral influence over students’,<sup>60</sup> and Dr Howes gave evidence to the Board of Inquiry that he believed this clause would cover child sexual abuse.<sup>61</sup>

The Director-General was empowered to report a matter to the Tribunal if a teacher was ‘charged with being careless or negligent in the discharge of [their] duties or with being inefficient or incompetent’.<sup>62</sup> Once a matter had been so referred, the Tribunal could ‘inquire into the truth of such charges ...’.<sup>63</sup> The Tribunal would require the teacher to state in writing whether they admitted to the charge.<sup>64</sup> If the teacher denied the claims, the Tribunal would conduct an inquiry into the charge or refer the charge to a board of inquiry appointed to investigate and report back to the Tribunal.<sup>65</sup>

Under the Public Service Act, the Tribunal had powers to investigate and summon the provision of evidence.<sup>66</sup> For example, this could include reviewing evidence placed before it, hearing from the teacher, and receiving character references and other materials for consideration.<sup>67</sup>

This Board of Inquiry could not find any policies or procedures that outlined how the Tribunal conducted its reviews.

If the charge was proven, the Tribunal (and from 1981 onwards, the Director-General) was responsible for deciding the disciplinary outcome for the teacher.<sup>68</sup> This could include imposing a pecuniary penalty, reducing the teacher to a lower employment class, or dismissing the teacher from the teaching service.<sup>69</sup>

## Structural changes across the 1980s and 1990s

In the 1980s, major structural changes were made to the education system in Victoria.

In 1980, the Victorian Government published a white paper that examined government schools and recommended new administrative arrangements, which reflected a move towards decentralisation.<sup>70</sup> While the white paper had 59 pages dedicated to assessing the administration of the education system, there were no explicit references to complaint management processes or child safety practices.

In 1981, the *Education Service Act 1981 (Vic)* repealed the Teaching Service Act. The Teachers Tribunal was abolished and the Secretary of the Department (previously called the Director-General) became responsible for investigating and responding to allegations of misconduct against teachers, and a new Education Service Appeal Board was introduced to hear appeals against disciplinary action.<sup>71</sup>

In 1983, the *Teaching Service Act 1983 (Vic)* was passed by Parliament, establishing the Teaching Service Disciplinary Board as the body responsible for inquiring into and determining disciplinary matters in relation to the teaching service.<sup>72</sup>

The Department took on functions related to the appointments, transfers and promotions of teachers. In 2006, Merit Protection Boards were introduced to advise the Minister and Secretary ‘about principles of merit and equity to be applied in the teaching service’.<sup>73</sup>

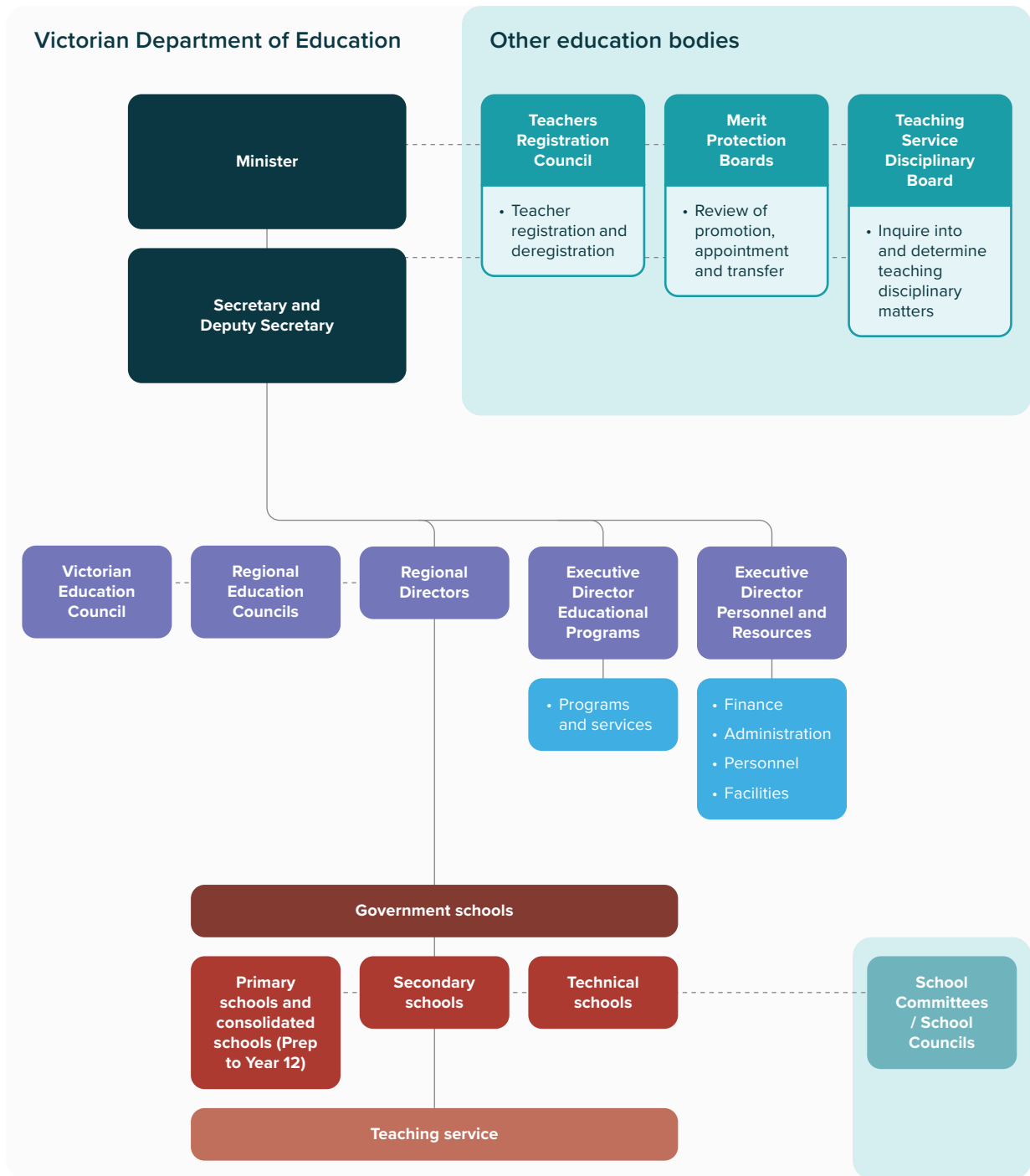
The Department itself also underwent a restructure in the early 1980s. A new regional model was introduced, with regional directors overseeing clusters of schools.<sup>74</sup> In 1983 the office of district inspector was abolished.<sup>75</sup>

In 1993 the *Children and Young Persons Act 1989 (Vic)* introduced mandatory reporting of child sexual abuse for particular professions, which applied to teachers from 1994.<sup>76</sup> Mandatory reporting marked a fundamental shift in the way schools and the Department responded to and reported child sexual abuse.

Diagram 7 provides a high-level overview of the education system structure in the 1980s and 1990s.



DIAGRAM 7 EDUCATION SYSTEM: 1980s AND 1990s<sup>77</sup>



## Historical child safety policies, procedures and practices in the education system

This section summarises policies, procedures and practices in government schools related to child safety, including child sexual abuse. The Board of Inquiry's findings regarding the use of these mechanisms, their effectiveness and policy gaps are discussed in Chapter 13, System failings.

### Prevention policies

As explored in Chapter 13, there is no evidence before the Board of Inquiry, or any other material, to suggest that any policies were in place in the period from 1960 to 1994 in the Victorian government school system concerning child sexual abuse in schools. In 1994 mandatory reporting of child sexual abuse was introduced for teachers, which was accompanied by several policies regarding preventing and responding to child sexual abuse.

This is consistent with the evidence of Professor Lisa Featherstone, Head of School, School of Historical and Philosophical Inquiry, University of Queensland that there was minimal focus on child protection in schools during this period.<sup>78</sup> This is explored further in Chapter 5, Children's rights and safety in context.

### Investigation and reporting policies and procedures

Despite having a legislative and regulatory framework in place to respond to allegations of misconduct against teachers, the Department was unable to identify any policies or procedures in place between 1960 and 1994 that provided guidance on how to manage or respond to child sexual abuse in the education system. Dr Howes gave evidence to the Board of Inquiry as follows:

There simply were no policies or procedures that we have been able to find that would indicate how these allegations should be followed through.<sup>79</sup>

Dr Howes also confirmed the Department was unable to locate any policies or procedures enforcing adherence to the legal framework.<sup>80</sup>

The only policy the Department was able to locate that referred to misconduct with students was a memorandum issued by the Director-General in 1952 at the request of head teachers. The memorandum stated, '[f]rom time to time, the attention of the department is drawn to the dangers that men teachers incur through indiscreet and thoughtless actions with regard to girl pupils'.<sup>81</sup> The memorandum advised male teachers 'in their own interests, against any action liable to misinterpretation', 'never to place their hands on pupils'.<sup>82</sup>

A similar memorandum was circulated to head teachers in 1960, though the reference to placing hands on pupils was removed.<sup>83</sup> The Board of Inquiry could not find any policies describing how schools should monitor or implement the memorandum, or what to do in the event of an incident.

There were also no documented policies outlining how complaints and allegations should be handled by principals, district inspectors or senior officials in the Department.

As discussed earlier, the role of inspectors (of which district inspectors were a subset) was set out in the Teaching Service Regulations 1962. The Board of Inquiry did not receive any information regarding the existence of policies guiding district inspectors on how to carry out their duties.

Jenny Atta PSM, Secretary, Department of Education, gave evidence to the Board of Inquiry that there was a 'sweep of significant change from the start of this century' regarding policies and procedures for reporting child sexual abuse, in response to mandatory reporting.<sup>84</sup> Ms Atta noted that the guidance for school principals, and later for the teaching service, was 'significantly revamped' to provide clear policies around responding to allegations of sexual abuse.<sup>85</sup>

These changes are discussed in detail in Chapter 14, Learning and improving.

## Record management policies and procedures

The Department was unable to locate any record management policies and procedures between 1960 and 1994 in relation to allegations or incidents of child sexual abuse in the Victorian education system.<sup>86</sup> Ms Atta gave evidence that the inability of the Department to find this information indicated an absence of record-keeping policies in the past.<sup>87</sup> Notably, the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) also found that many schools had poor record-keeping and management procedures in place for complaints about child sexual abuse.<sup>88</sup>

Under *Regulations and General Instructions and Information* (1962), district inspectors were required to provide an official report for each school and teacher annually.<sup>89</sup> The reports included performance information and could also cover developing trends and problems.<sup>90</sup> It is not clear whether this included misconduct issues, such as allegations of child sexual abuse.

The Board of Inquiry's analysis of some of these district inspector reports did not reveal any records of child sexual abuse allegations. It is noted, however, that material available to the Board of Inquiry included a record of an interview with a former district inspector in which the inspector said that 'records such as complaints materials' were 'supposed to be destroyed after a certain number of years'.<sup>91</sup> While the Board of Inquiry did not uncover any formal policy in relation to this, it is possible an informal policy or practice of this kind existed and would in part explain the absence of records of child sexual abuse allegations.

The Teachers Tribunal was also required to report annually to the Minister and Parliament.<sup>92</sup> The Board of Inquiry reviewed several annual reports prepared by the Teachers Tribunal between 1960 and 1981 (when the Teachers Tribunal was abolished). These reports included high-level information on disciplinary actions against teachers determined by the Tribunal in a given year, including the number of determinations made and the number of disciplinary actions taken, by type.<sup>93</sup> There was not sufficient detail recorded in the annual reports to understand why disciplinary action was taken in a given case. The Board of Inquiry was unable to find any information on the reporting policies that informed the annual reports, aside from legislative requirements.

In regard to the Teachers Tribunal's communication and record-keeping, in 1973, the Victorian Teachers' Union raised concerns that its method of communicating decisions was 'ineffective' and 'inconceivable', in that 'decisions are not communicated or communicated tardily'.<sup>94</sup>

The Board of Inquiry notes that the Department issued a memorandum to schools in 1963 regarding the importance of record-keeping in relation to physical accidents by students that might occur at schools.<sup>95</sup> However, two features of this memorandum are telling. First, its concern appears to be the need for accurate record-keeping in the event of a civil claim being brought against the Department.<sup>96</sup> Second, there was no mention of child sexual abuse.

## Training requirements for teachers

In the 1960s and 1970s, regulations required teachers and principals to report any ‘moral impairment’ or ‘misconduct’ by teachers that breached the Teaching Service Act.<sup>97</sup> Yet Ms Atta gave evidence to the Board of Inquiry that during this time ‘there was no evidence of structured training of any kind that went to issues of understanding how to identify ... sexual abuse [and] how to respond to [it] appropriately’.<sup>98</sup>

The Royal Commission found that, based on its inquiry from around the 1930s onwards, ‘even where school staff observed grooming behaviour, they did not immediately recognise its link to child sexual abuse’.<sup>99</sup> The Royal Commission also found that the reasons for this included that staff received inadequate training and guidance.<sup>100</sup>

## Employment and transfer policies and practices

Under the Teaching Service Act 1958, the Teachers Tribunal was responsible for appointing permanent teachers to the teaching service.<sup>101</sup> This could only occur after transfers and promotions of teachers already in the teaching service had been considered by the relevant Committee of Classifiers.<sup>102</sup>

The Director-General could also transfer a teacher by certifying to the Minister that it was in the public interest or in the interest of efficiency that a teacher be transferred from one school to another.<sup>103</sup>

As noted earlier, the Board of Inquiry found that no policies concerning child sexual abuse existed between 1960 and 1994, in relation to teacher employment and transfer or otherwise.<sup>104</sup>

Notwithstanding the absence of policies, it is clear there was a longstanding practice in the Victorian education system of transferring teachers to other schools in response to allegations against them. The 1882 Royal Commission into the Administration, Organisation, and General Condition of the Existing System of Public Instruction noted that district inspectors who had received reports of ‘immoral conduct’ often recommended the teacher be moved to another school or different duties, rather than be dismissed altogether.<sup>105</sup> In 1882, the Department noted that it was important to consider the issue from the teacher’s perspective, to reduce the risk of reputational damage for what it saw as a ‘comparatively small offence’, such as ‘undue familiarity with a female student’.<sup>106</sup> The informal practice of transferring teachers is discussed further below.

Dr Howes gave evidence that, during the 1960s to the 1980s, the education system used transfers to uphold the reputation of teachers and considered that transfers were an appropriate disciplinary tool for child sexual abuse, rather than termination.<sup>107</sup> This is discussed in detail in Chapter 13.

The Department was also unable to find any policies or procedures related to vetting teachers during recruitment to mitigate risks of child sexual abuse between 1960 and the end of 1984.<sup>108</sup>

## Information-sharing policies

Evidence provided by the Department to the Board of Inquiry established that there were no policies relating to how it liaised with other agencies and organisations responsible for investigating child sexual abuse, including Victoria Police, in the period from 1960 to 1994.<sup>109</sup>

Looking to information that might have been shared with the Department, based on a Police Standing Order in 1957 and police manuals in the 1990s, it appears that between 1960 and 1994 there was an obligation on Victoria Police to share crime reports with the Department regarding information that a student had been sexually abused while in the care of a government school.<sup>110</sup>

## Informal practices and culture

The organisational culture within which official policies and procedures are operationalised also has an impact on ensuring the safety of children.<sup>111</sup>

Organisational culture refers to the shared values and beliefs that guide how people working in an organisation interact with one another and undertake their work. It manifests itself as behaviours, customs and practices.<sup>112</sup>

Unlike official policies and procedures, organisational culture is strongly influenced by covert messages, values and behaviours that flow through an organisation.<sup>113</sup> These can significantly affect the rigour with which legal requirements, policies and procedures are implemented, as well as the behaviour of individuals.<sup>114</sup>

The impacts of organisational culture can be hard to measure and are rarely documented or recorded. The Royal Commission found that cultural factors within institutions, including government schools, played a significant role in how institutions considered and responded to suspicions, allegations and instances of child sexual abuse.<sup>115</sup>

### Broad factors influencing education system culture

A range of factors influenced the culture of the education system in the 1960s and 1970s with respect to child sexual abuse, including the following:

- Sociocultural beliefs and understandings — There was a lack of understanding of or knowledge about child sexual abuse and grooming, a perception that children were to be compliant, and a tendency not to believe children who disclosed sexual abuse (discussed in Chapter 12, Grooming and disclosure).<sup>116</sup>
- Legislative, regulatory and policy settings — Relatively few safeguards were in place to protect children's safety and wellbeing, especially from child sexual abuse, and there was little focus on or understanding of children's rights (discussed in Chapter 6, Time and place).<sup>117</sup>

In addition, the economic and social settings underpinning education policy at the time likely had an impact on the education system's culture.

Victoria's population grew rapidly during the 1960s and 1970s, increasing from 2.9 million in 1960 to 3.9 million by 1980.<sup>118</sup> This was due to service personnel returning after the Second World War and starting families, and immigration.<sup>119</sup> A 1969 report of the Committee on State Education in Victoria noted that enrolments in secondary and technical schools had risen from 57,037 in 1952 to 185,000 in 1966, an increase of 229 per cent.<sup>120</sup>

In response, district inspectors increasingly devoted their time to advising the Department on proposals for new schools.<sup>121</sup> School principals began adopting more of a monitoring role in relation to performance and issues, while district inspectors took up advisory functions.<sup>122</sup> A 1960 report of the Committee on State Education in Victoria, found that district inspectors could not properly carry out their functions due to the pressure of administrative duties.<sup>123</sup> The report also found that there were challenges with recruiting district inspectors with the right skills and qualities.<sup>124</sup>

At the same time, the funding approach to government schools and non-government schools was being debated at the federal and state levels, with federal funding for government schools only starting to flow from the mid-1960s.<sup>125</sup> This meant schools were heavily focused on resource management. In addition, teachers were well protected by their unions, which also raised concerns with the way teacher discipline and promotions were managed through existing governance structures.<sup>126</sup>

It was difficult to dismiss a teacher for any reason during this period. In his account of the role of district inspectors, Mr Holloway noted that unsatisfactory teachers were an inspector's biggest challenge.<sup>127</sup> Mr Holloway stated that while teachers could theoretically be dismissed, in practice it was impossible.<sup>128</sup> Instead, inspectors were to show tolerance and encouragement towards teachers.<sup>129</sup>

## A culture of authority, reputation and efficiency

It appears that the culture of the education system in Victoria from the 1960s to the early 1990s had a strong emphasis on efficiency, protecting the education system's reputation and maintaining public confidence. The safety and wellbeing of students was not a focus at the time. Such a culture was not consistent with taking action against teachers in relation to allegations of child sexual abuse. In this regard, Dr Howes in his witness statement referred to anecdotal evidence of a former district inspector that 'the culture of responding to sexual abuse in a pro-active way was almost non-existent'.<sup>130</sup> This anecdotal evidence is consistent with the evidence heard by the Board of Inquiry and the substantial body of material considered by the Board of Inquiry as part of its work.

At the turn of the twentieth century, reforms to the education system primarily targeted improving school efficiency, student learning and the status of teachers. The 1960 report of the Committee on State Education in Victoria largely focused on efficiency measures, noting that population growth had rapidly expanded and schools were facing severe staffing shortages.<sup>131</sup> It is telling that the report did not consider in any depth the wellbeing and safety of children.

Public sector legislation from the 1960s to the early 1990s also facilitated a culture that emphasised structure and efficiency rather than the safety or wellbeing of students. The *Public Service Act 1974* (Vic) made no mention of values or morality, and was heavily focused on defining powers and structures.<sup>132</sup> In contrast, the equivalent legislation today, the *Public Administration Act 2004* (Vic), is underpinned by a set of principles that promote integrity, accountability and transparency.

Overall, the culture of the education system in this period appears to have been focused on managing demand and school performance, with little attention given to guarding against or responding to child sexual abuse in schools.

Furthermore, it must be remembered that during the 1960s and the 1970s, government schools and teachers held considerable institutional authority. Similar to societal attitudes within the family home, the social norms of this time dictated adult authority within schools. As a result, children were expected to be compliant and not question adults.<sup>133</sup>

These beliefs brought with them a hierarchical culture that prioritised the position and voice of teachers and other adults over children. Research on organisational cultures conducted for the Royal Commission found that when organisational cultures 'support the assumption that children are untrustworthy, staff members will be less likely to believe victims who report child sexual abuse'.<sup>134</sup>

The Royal Commission's report also observed that children in school settings often experienced corporal punishment and emotional abuse, which was normalised, noting that '[a] culture of physical and emotional abuse in schools can normalise all forms of abuse, creating fear of ramifications for speaking out or resisting'.<sup>135</sup>

## Teacher transfers

As part of the culture of the education system, it appears that the use of teacher transfers was commonplace in the management of allegations of child sexual abuse in Victorian government schools.

Dr Howes, in his evidence, referred to anecdotal evidence from a district inspector who said that district inspectors would move teachers between schools in response to allegations of child sexual abuse.<sup>136</sup> Dr Howes gave evidence to the Board of Inquiry that this practice was characterised as 'managing the incident', rather than being a decision made through the formal disciplinary process.<sup>137</sup>

It appears the reasons for such transfers were generally known only by the principal of the first school, the district inspector and a small number of other department staff, and were not disseminated more broadly within the Department.<sup>138</sup> Dr Howes gave evidence that the district inspector was not required to notify the receiving school or its principal as to the reason for the teacher's transfer.<sup>139</sup>

Dr Howes referred to anecdotal evidence from a former district inspector that the culture in the 1970s was to 'consume our own smoke and try to solve problems when they arise as quickly as possible'.<sup>140</sup> In providing evidence to the Board of Inquiry, Dr Howes confirmed that this was 'illustrative of the way in which matters were handled' at the time.<sup>141</sup> Dr Howes went on to say that one result of this approach was that there was no 'imperative' to undertake a 'thorough investigation'.<sup>142</sup>

As previously noted, the 1882 Royal Commission into the Administration, Organisation, and General Condition of the Existing System of Public Instruction also found that it was common for schools to transfer teachers alleged to have committed child sexual abuse to another school or position.<sup>143</sup>

Dr Howes noted that there was a distinct shift in culture relating to the handling of child sexual abuse matters in schools in the early 1990s. Teachers were routinely directed to take leave without pay while allegations were being investigated or after a charge was laid by police. In some cases teachers resigned when allegations were made.<sup>144</sup> There was also a considerable increase in the number of primary school teachers dismissed in the 1990s compared with previous decades.<sup>145</sup>

The settings, structures and practices outlined in this Chapter formed the basis upon which the Department handled child sexual assault reports and disclosures between 1960 and 1999.

## Chapter 10 Endnotes

1. *Education Act 1958* (Vic) s 21, as enacted.
2. *Education Act 1958* (Vic) s 4, as enacted.
3. *Education Act 1958* (Vic) s 4, as enacted.
4. *Teaching Service Act 1958* (Vic) s 4(2), as enacted.
5. *Teaching Service Act 1958* (Vic) s 73(a)–(c), as enacted.
6. *Teaching Service Act 1958* (Vic) s 5, as enacted.
7. *Teaching Service Act 1958* (Vic) s 26, as enacted.
8. *Teaching Service Act 1958* (Vic) s 26(2), as enacted.
9. *Teaching Service Act 1958* (Vic) s 48(3), as enacted.
10. *Education Act 1958* (Vic) s 37, as enacted.
11. *Education Act 1958* (Vic) ss 52A, 52L(1), as amended by *Education (Teachers Registration) Act 1971* (Vic) s 5.
12. *Regulations General Instructions and Information 1962* (Vic) reg IV (1)(a), 26.
13. Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018, 2.
14. *Education Act 1958* (Vic) s 14(1), as amended by *Education (School Councils) Act 1975* (Vic) s 2(1).
15. *Regulations General Instructions and Information 1962* (Vic) reg XVII (2)–(3).
16. *Board of Inquiry into Certain Aspects of the State Teaching Service* (Report, 1971) 9.
17. *Board of Inquiry into Certain Aspects of the State Teaching Service* (Report, 1971), 63 (appendix 3); *Teaching Service Act 1958* (Vic) ss 4(2), 48(3), as enacted; *Education Act 1958* (Vic) s 37, as enacted.
18. ‘What is the Difference between Policy, Act, and Legislation in Australia?’, *Parliamentary Education Office* (Web Page) <<https://peo.gov.au/understand-our-parliament/your-questions-on-notice/questions/what-is-the-difference-between-policy-act-and-legislation-in-australia#:~:text=A%20policy%20is%20a%20plan,which%20put%20policies%20into%20action>>.
19. ‘Delegated Law’, *Parliamentary Education Office* (Web Page) <<https://peo.gov.au/understand-our-parliament/how-parliament-works/bills-and-laws/delegated-law>>. See e.g.: *Teaching Service (Governor in Council) Regulations 1958* (Vic) reg 2(10); *Public Service Act 1958* (Vic) s 55(1), as enacted.
20. Document prepared by the Victorian Department of Education in response to a Notice to Produce, ‘Administrative and Legal Arrangements between the Department and Government Schools in Relation to the Employment of School-based staff between 31 January 1960 and 31 December 1979’, 5 October 2023, 3–4 [5].
21. *Teaching Service (Governor in Council) Regulations 1958* (Vic) reg 2(10)–(11); *Public Service Act 1958* (Vic) s 55(1), as enacted.
22. Statement of David Howes, 3 November 2023, 11 [46]. Note: This is the time period that was reviewed by the Department in preparing its responses to Notices to Produce in October 2023. At this time, the Department had information that 1984 was the last known date of offending by any of the relevant employees. The Board of Inquiry has heard from victim-survivors who allege that they were sexually abused as children after 1984.
23. *Education Act 1958* (Vic) s 4(2), as amended by *Education and Teaching Service (Amendment) Act 1967* (Vic) s 2(2)(b).
24. *Teaching Service (Governor in Council) Regulations 1958* (Vic) reg 2(11).
25. *Public Service Act 1958* (Vic) s 55(1), as enacted. An officer means an ‘officer in the public service’.
26. *Public Service Act 1958* (Vic) s 55(2)(a), as enacted.
27. *Public Service Act 1958* (Vic) s 55(2)(b), as enacted.
28. Transcript of David Howes, 16 November 2023, 184 [38]–[40], 184 [17]–[40].
29. Transcript of David Howes, 15 November 2023, 121 [4], 123 [11]–[32].
30. *Public Service Act 1958* (Vic) s 55(2), as enacted.
31. DG Ball, KS Cunningham and WC Radford, ‘Supervision and Inspection of Primary Schools’ (ACER Research Series No 73, 1961) 41–2.
32. Transcript of David Howes, 15 November 2023, P-132 [1]–[17]; *Teaching Service (Governor in Council) Regulations 1958* (Vic) reg 2(10).
33. *Teaching Service (Governor in Council) Regulations 1958* reg 2(11); Transcript of David Howes, 15 November 2023, P-133 [1]–[43].



34. *Teaching Service (Governor in Council) Regulations 1958* (Vic) reg 2(11).
35. Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018, 2.
36. David Holloway, *The Inspectors: An Account of the Inspectorate of the State Schools of Victoria 1851–1983* (Institute of Senior Officers of Victorian Education Services, 2000) 451; DG Ball, KS Cunningham and WC Radford, ‘Supervision and Inspection of Primary Schools’ (ACER Research Series No 73, 1961); Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018. In 2018, in the context of civil litigation, the former district inspector prepared a statement for the Department of Education on the role of district inspectors and his experience. This statement was appended to Dr Howes’s witness statement to the Board of Inquiry.
37. *Education Act 1872* (Vic) s 5, as originally enacted.
38. *Regulations General Instructions and Information 1962* (Vic) reg IV (1)(a), 26.
39. *Regulations General Instructions and Information 1962* (Vic) reg IV (1)(b), 26.
40. Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018, 2.
41. Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018, 2.
42. David Holloway, *The Inspectors: An Account of the Inspectorate of the State Schools of Victoria 1851–1983* (Institute of Senior Officers of Victorian Education Services, 2000) 451.
43. David Holloway, *The Inspectors: An Account of the Inspectorate of the State Schools of Victoria 1851–1983* (Institute of Senior Officers of Victoria Education Services, 2000) 452.
44. Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018, 2.
45. Statement of David Howes, 3 November 2023, 12 [50]; Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018, 3.
46. DG Ball, KS Cunningham and WC Radford, ‘Supervision and Inspection of Primary Schools’ (ACER Research Series No 73, 1961) 41–2.
47. DG Ball, KS Cunningham and WC Radford, ‘Supervision and Inspection of Primary Schools’ (ACER Research Series No 73, 1961) 44–6.
48. DG Ball, KS Cunningham and WC Radford, ‘Supervision and Inspection of Primary Schools’ (ACER Research Series No 73, 1961) 45.
49. Statement of David Howes, Attachment DH-6, Report of Former district inspector 2018, 3.
50. Statement of David Howes, Attachment DH-6, Report of Former district inspector 2018, 3.
51. DG Ball, KS Cunningham and WC Radford, ‘Supervision and Inspection of Primary Schools’ (ACER Research Series No 73, 1961) 42, 45.
52. *Royal Commission into the Administration, Organisation, and General Condition of the Existing System of Public Instruction* (First Report, 1882) 47 [1053].
53. DG Ball, KS Cunningham and WC Radford, ‘Supervision and Inspection of Primary Schools’ (ACER Research Series No 73, 1961) 42.
54. Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018, 3.
55. Statement of David Howes, Attachment DH-6, Report of Former district inspector, 2018, 3.
56. Transcript of David Howes, 16 November 2023, P-184 [35]–[47].
57. Transcript of David Howes, 16 November 2023, P-184 [38]–[40].
58. *Teaching Service Act 1958* (Vic) s 4(2), as enacted.
59. *Teaching Service Act 1958* (Vic) ss 4(2)(d), 73(a), as enacted.
60. Transcript of David Howes, 15 November 2023, P-132 [1]–[17]; *Teaching Service (Governor in Council) Regulations 1958* (Vic) reg 2(10).
61. Transcript of David Howes, 15 November 2023, P-132 [1]–[17]; *Teaching Service (Governor in Council) Regulations 1958* (Vic) reg 2(10).
62. *Teaching Service Act 1958* (Vic) s 73(a), as enacted.
63. *Teaching Service Act 1958* (Vic) s 73(a), as enacted.
64. *Public Service Act 1958* (Vic) s 55(2)(b)(ii), as enacted.
65. *Public Service Act 1958* (Vic) s 55(2)(b)(iii), as enacted.
66. *Public Service Act 1958* (Vic) s 55(2)(v), as enacted; *Evidence Act 1985* (Vic), ss 14–16, as enacted.
67. *Public Service Act 1958* (Vic) s 55(2)(v), as enacted; *Evidence Act 1985* (Vic), ss 14–16, as enacted.
68. *Teaching Service Act 1958* (Vic) s 73, as enacted.

69. *Teaching Service Act 1958* (Vic) s 73, as enacted.
70. Government of Victoria, *Strategies and Structures for Education in Victorian Government Schools* (White Paper, 1980).
71. 'Teachers Tribunal', *Public Record Office Victoria* (Web Page) <<https://researchdata.edu.au/teachers-tribunal/491699>>; Statement of David Howes, 3 November 2023, 11 [48].
72. *Education Service Act 1981* (Vic), as amended by the *Teaching Service Act 1983* (Vic) s 14.
73. 'About the Merit Protection Boards', *VIC.GOV.AU* (Web Page, 14 November 2023) <<https://www.vic.gov.au/merit-protection-boards-about>>.
74. Education Department, *Report of the Education Department for the Year Ended 30 June 1982* (Victorian Government, 1983) 11.
75. Victorian Government, 'Shaping Our Past: School Inspectors in Victoria' (Video, 10 October 2022) 5:22–5:42 <<https://www.vic.gov.au/media/222343>>.
76. *Children and Young Persons (Further Amendment) Act 1993* (Vic) s 4.
77. Government of Victoria, *White Paper on Strategies and Structures for Education in Victorian Government Schools* (1980) 21; 'About the Merit Protection Boards', 14 November 2023, *VIC.GOV.AU* (Web Page) <<https://www.vic.gov.au/merit-protection-boards-about>>; Statement of David Howes, 3 November 2023, 12 [49].
78. Statement of Lisa Featherstone, 5 December 2023, 7 [35]–[36].
79. Transcript of David Howes, 15 November 2023, P-129 [40]–[42].
80. Transcript of David Howes, 15 November 2023, P-134 [1]–[9].
81. Transcript of David Howes, 15 November 2023, P-126 [15]–[18].
82. Transcript of David Howes, 15 November 2023, P-126 [20]–[22]; Statement of David Howes, 3 November 2023, 9 [35].
83. Transcript of David Howes, 15 November 2023, P-127 [5]–[7]; Statement of David Howes, 3 November 2023, 9 [37].
84. Transcript of Jenny Atta, 17 November 2023, P-217 [2]–[3].
85. Transcript of Jenny Atta, 17 November 2023, P-217 [3]–[6].
86. Statement of David Howes, 3 November 2023, 13 [54].
87. Transcript of Jenny Atta, 17 November 2023, P-224 [30]–[33].
88. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) vol 13, 132, 134.
89. *Regulations and General Instructions and Information 1962* (Vic) reg IV (1)(d).
90. DG Ball, KS Cunningham and WC Radford, 'Supervision and Inspection of Primary Schools' (ACER Research Series No 73, 1961) 149–50.
91. Record of interview between a chartered loss adjuster and a former district inspector, undated, 6.
92. *Teaching Service Act 1958* (Vic) s 19(1)(2).
93. See e.g.: *Report of the Teachers Tribunal for the Year 1980–81* (Report, 1981) 7.
94. Victorian Teachers' Union, Letter to the Secretary, Teachers' Tribunal, 7 June 1973.
95. Statement of David Howes, 3 November 2023, 10 [38]–[40]; Transcript of David Howes, 15 November 2023, P-128 [16]–[29].
96. Transcript of David Howes, 15 November 2023, P-128 [22]–[46], P-129 [1]–[16].
97. *Teaching Service (Governor in Council) Regulations 1958* (Vic) reg 2(11).
98. Transcript of Jenny Atta, 17 November 2023, P-216 [44]–[46].
99. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) vol 13, 188.
100. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) vol 13, 189.
101. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'Administrative and Legal Arrangements between the Department and Government Schools in Relation to the Employment of School-based Staff between 31 January 1960 and 31 December 1979', 5 October 2023, 9 [47].
102. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'Administrative and Legal Arrangements between the Department and Government Schools in Relation to the Employment of School-based Staff between 31 January 1960 and 31 December 1979', 5 October 2023, 9 [47].
103. *Teaching Service Act 1958* (Vic) s 54(2), as enacted.
104. Statement of David Howes, 3 November 2023, 14 [59(a)].

105. *Royal Commission into the Administration, Organisation and General Condition of the Existing System of Public Instruction* (First Report, 1882) 47.
106. *Royal Commission into the Administration, Organisation and General Condition of the Existing System of Public Instruction* (First Report, 1882) 47 [1049].
107. Transcript of David Howes, 16 November 2023, P-181 [35]–[36].
108. Statement of David Howes, 3 November 2023, 14 [59(a)].
109. Statement of David Howes, 3 November 2023, 13 [54], 14 [55].
110. Police officers completed ‘crime reports’ when a crime of any type was reported to Victoria Police. The reports recorded information about crimes, victims of crime and perpetrators of crime. *The Victoria Police Manual (1957 Edition) Consisting of Regulations of the Governor in Council Determination of the Police Service Board and Standing Orders of the Chief Commissioner of Police* (1957) 94B–95; *Victoria Police Manual* (22 December 1997) 2–30 [2.6.8]; *Victoria Police Manual* (10 June 1997) 2–29–2.30 [2.6.8].
111. Eileen Munro and Sheila Fish, *Hear No Evil, See No Evil: Understanding Failure to Identify and Report Child Sexual Abuse in Institutional Contexts* (Report, September 2015) 27.
112. State Services Authority Victoria, *Organisational Change: An Ideas Sourcebook for the Victorian Public Sector* (Sourcebook, 2013) 5.
113. Eileen Munro and Sheila Fish, *Hear No Evil, See No Evil: Understanding Failure to Identify and Report Child Sexual Abuse in Institutional Contexts*, (Report, September 2015) 6, 26.
114. Eileen Munro and Sheila Fish, *Hear No Evil, See No Evil: Understanding Failure to Identify and Report Child Sexual Abuse in Institutional Contexts* (Report, September 2015) 6.
115. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) vol 13, 13.
116. Statement of Patrick O’Leary, 15 November 2023, 2 [10]–[11]; Statement of Leah Bromfield, 23 October 2023, 4 [15]–[16]; Statement of Rob Gordon, 22 November 2023, 6 [30].
117. Statement of Leah Bromfield, 23 October 2023, 5 [24] – 6 [25].
118. Australian Bureau of Statistics, ‘Population Size and Growth’, 24 May 2012, *1301.1 Year Book Australia, 2012* (Web Page) Table 7.3 <<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1301.0~2012~Main%20Features~Population%20size%20and%20growth~47>>.
119. ‘Victoria’s Historic Population Growth: European Settlement to Present 1836–2011’, *Planning Victoria* (Web Document, 2011) 2 <[https://www.planning.vic.gov.au/\\_\\_data/assets/word\\_doc/0027/29295/accessible-version-of-Victorias-historic-population-growth.docx](https://www.planning.vic.gov.au/__data/assets/word_doc/0027/29295/accessible-version-of-Victorias-historic-population-growth.docx)>.
120. Committee on State Education in Victoria, *Report of the Committee on State Education in Victoria* (1969) 4521 [2]. <<https://www.parliament.vic.gov.au/4afdae/globalassets/hansard-historical-documents/sessional/1969/19690501-19690507-hansard-combined2.pdf>>.
121. David Holloway, *The Inspectors: An Account of the Inspectorate of the State Schools of Victoria 1851–1983* (Institute of Senior Officers of Victoria Education Services, 2000) 449.
122. Barry Lachlan Archibald, ‘A History of Inspection in Victorian Colonial/State Government Schools: 1852–2021’ (DPhil Thesis, Charles Sturt University, May 2017) 260.
123. Committee on State Education in Victoria, *Report of the Committee on State Education in Victoria* (1960) 122 [363] <<https://digitised-collections.unimelb.edu.au/items/88de22d4-42b8-5da7-a2e1-1a74e91b1f28>>.
124. Committee on State Education in Victoria, *Report of the Committee on State Education in Victoria* (1960) 122 [363] <<https://digitised-collections.unimelb.edu.au/items/88de22d4-42b8-5da7-a2e1-1a74e91b1f28>>.
125. Employment, Workplace Relations and Education References Committee, Parliament of Australia, *Inquiry into Commonwealth Funding for Schools* (Report, August 2004) 4–5 [1.7].
126. Bob Bessant and Andrew David Spaul, *Teachers in Conflict* (Melbourne University Press, 1972) 55.
127. David Holloway, *The Inspectors: An Account of the Inspectorate of the State Schools of Victoria 1851–1983* (Institute of Senior Officers of Victoria Education Services, 2000) 12.
128. David Holloway, *The Inspectors: An Account of the Inspectorate of the State Schools of Victoria 1851–1983* (Institute of Senior Officers of Victoria Education Services, 2000) 12.
129. David Holloway, *The Inspectors: An Account of the Inspectorate of the State Schools of Victoria 1851–1983* (Institute of Senior Officers of Victoria Education Services, 2000) 12.
130. Statement of David Howes, 3 November 2023, 12 [53(a)].
131. Committee on State Education in Victoria, *Report of the Committee on State Education in Victoria* (1960) 7 <<https://digitised-collections.unimelb.edu.au/items/88de22d4-42b8-5da7-a2e1-1a74e91b1f28>>.
132. *Public Service Act 1974* (Vic), as enacted.

133. Statement of Katie Wright, 23 October 2023, 9 [41].
134. Donald Palmer, *Final Report: The Role of Organisational Culture in Child Sexual Abuse in Institutional Contexts* (Report, December 2016) 62; *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) vol 13, 133.
135. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) vol 13, 143.
136. Statement of David Howes, 3 November 2023, 12 [53(a)].
137. Transcript of David Howes, 15 November 2023, P-124 [23]–[26].
138. Statement of David Howes, 3 November 2023, 12 [53(a)].
139. Transcript of David Howes, 15 November 2023, P-125 [7]–[23].
140. Transcript of David Howes, 16 November 2023, P-185 [33]–[35].
141. Transcript of David Howes, 16 November 2023, P-185 [27]–[30].
142. Transcript of David Howes, 16 November 2023, P-185 [36]–[39].
143. Donald Palmer, *Final Report: The Role of Organisational Culture in Child Sexual Abuse in Institutional Contexts* (Report, December 2016) 31–2; *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) vol 13, 167.
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CHAPTER 11

# The alleged perpetrators

11

## Introduction

As set out in Chapter 3, Scope and interpretation, the Board of Inquiry has identified six relevant employees within scope of its Terms of Reference. They are considered relevant employees as they were employed at Beaumaris Primary School and allegedly sexually abused students at this school between 1960 and 1979. Based on the amount of information available to the Board of Inquiry, this Chapter focuses on four of the six relevant employees, referred to as alleged perpetrators: Darrell Ray, Wyatt, David MacGregor and Graham Steele. ‘Wyatt’ is a pseudonym — he cannot be named for legal reasons.

This Chapter includes narratives on each of these alleged perpetrators. The narratives include information about their employment history and criminal records, what victim-survivors told the Board of Inquiry about them, and the Department of Education’s (Department’s) knowledge of and response to their behaviour.

These narratives have informed the Board of Inquiry’s analysis of and findings about the Department’s response, as set out in Chapter 13, System failings.

## The victim-survivors

The Board of Inquiry heard directly from dozens of victim-survivors whom Mr Ray, Wyatt, Mr MacGregor or Mr Steele allegedly sexually abused. Some victim-survivors shared experiences of sexual abuse by more than one of these alleged perpetrators. The Board of Inquiry also heard from secondary victims about their loved ones’ experiences of child sexual abuse.

In describing the accounts of victim-survivors shared with the Board of Inquiry, it is pertinent to observe there are likely to be people with relevant information who (for various reasons) did not come forward.

## The child sexual abuse as described to the Board of Inquiry

The vast majority of the victim-survivors who engaged with the Board of Inquiry shared experiences of sexual abuse as young boys. As discussed earlier in this report, the Board of Inquiry also heard from some victim-survivors that they had been sexually abused as young girls. In most cases, victim-survivors said they had been sexually abused in the middle to late years of primary school.

The Board of Inquiry was told about child sexual abuse taking place in school settings, such as in classrooms and libraries; at sporting events and facilities; and during camps. The Board of Inquiry was also told about child sexual abuse occurring in the alleged perpetrators’ cars, houses and during weekends away.

The Board of Inquiry heard from victim-survivors about child sexual abuse occurring when they were alone, or when the alleged perpetrator deliberately separated them from other children and adults. In other cases, victim-survivors recalled the sexual abuse occurring in front of other children. Some victim-survivors recalled that the child sexual abuse occurred once, but others recalled it occurring over a sustained period of time.

The sexual abuse as recounted by victim-survivors comprised different kinds of conduct. This included victim-survivors having their genitals or other parts of their bodies touched or rubbed, being made to touch the alleged perpetrator’s genitals or watch them masturbate, and being penetrated by the alleged perpetrator.

The Board of Inquiry identified 24 schools as falling within its scope. Of those who engaged with the Board of Inquiry, a higher number of victim-survivors shared experiences of child sexual abuse at Beaumaris Primary School than at any of the other schools.

All forms of child sexual abuse are traumatic. The personal experiences of victim-survivors and secondary victims is included in Part B.

## The alleged perpetrators

This section provides detail on four of the six relevant employees, referred to as alleged perpetrators: Mr Ray, Wyatt, Mr MacGregor and Mr Steele.

Three of these alleged perpetrators — Mr Ray, Wyatt and Mr MacGregor — have been convicted of child sexual abuse offences. In addition to these convictions, many more victim-survivors have engaged with the Board of Inquiry about child sexual abuse allegedly perpetrated by the four men.

Based on victim-survivors and secondary victims who have engaged with the Board of Inquiry, and materials from the Department and Victoria Police, the Board of Inquiry is aware of the following number of allegations of child sexual abuse in relation to each alleged perpetrator:

- Mr Ray: allegations of child sexual abuse relating to 60 individuals
- Wyatt: allegations of child sexual abuse relating to 28 individuals
- Mr MacGregor: allegations of child sexual abuse relating to 13 individuals
- Mr Steele: allegations of child sexual abuse relating to eight individuals.

## Connections between the alleged perpetrators

The alleged perpetrators were all employed at Beaumaris Primary School for two years (1971 and 1972). The Department's records show that Mr MacGregor was on leave in 1971, however Mr MacGregor told the Board of Inquiry he was granted leave in 1971 but took leave in 1972. What is clear is that in 1971 and 1972 the alleged perpetrators were all employed as teachers at Beaumaris Primary School, and for one of those years Mr MacGregor took leave.<sup>1</sup> Over the course of their careers, the alleged perpetrators worked across a total of 23 other government primary schools that fall within the Board of Inquiry's scope. These 23 schools, as well as Beaumaris Primary School, are within scope to the extent the child sexual abuse a victim-survivor shared with the Board of Inquiry involved one of the alleged perpetrators. Most of these schools are located in the south-east region of Melbourne.

Not only were the alleged perpetrators employed together at Beaumaris Primary School for a time, at other times they worked at schools in close proximity to one another. Mr Ray and Mr MacGregor also attended Toorak Teachers' College at the same time between 1961 and 1962.<sup>2</sup>

Information also suggests that some of the alleged perpetrators had connections outside of school.

Many people recalled that Mr Ray and Mr Steele were good friends. Former teachers at Beaumaris Primary School described Mr Ray and Mr Steele as 'great mate[s]'.<sup>3</sup> One teacher recalled that Mr Ray and Mr Steele would take boys 'off for bashes [of cricket] on Fridays, and occasionally on weekends'.<sup>4</sup>

The Board of Inquiry also understands that Mr Ray and Mr Steele went on a holiday overseas for five months, and travelled together in a campervan.<sup>5</sup>

A former teacher at Beaumaris Primary School recalled that Mr Ray, Wyatt and Mr Steele were ‘close’, likely due to their interest in sport.<sup>6</sup>

The Board of Inquiry received information that suggested that Wyatt was close friends with another alleged perpetrator, based on their personal connections and shared activities outside of school. Due to Wyatt’s Restricted Publication Order, further detail cannot be included in this report.

The Board of Inquiry was also told that two of the alleged perpetrators had a familial relationship.

It is notable that the alleged perpetrators worked at Beaumaris Primary School at the same time, worked in other schools within close proximity to one another, and some had connections with one another outside of school. Professor Leah Bromfield, Director of the Australian Centre for Child Protection and Chair of Child Protection, University of South Australia, gave evidence to the Board of Inquiry that if an individual is perpetrating child sexual abuse in an institution, this may ‘create a culture ... which assists others to overcome internal inhibitions they may have to sexually abusing a child’ — for example, normalising the child sexual abuse or decreasing the fear of consequence of being caught.<sup>7</sup> Relevantly, one victim-survivor recalled that Mr Ray sexually abused him while Wyatt observed.<sup>8</sup>

The four alleged perpetrators were also all involved in sport, through sports coaching at the schools or through sporting organisations.<sup>9</sup> Some victim-survivors shared that the alleged perpetrators were respected for their sport coaching ability, and they would use these positions to bring children into their orbit.<sup>10</sup> For further detail, see Chapter 12, Grooming and disclosure.

## Use of the term ‘alleged perpetrator’

Objective (a) of the Board of Inquiry’s Terms of Reference is to ‘establish an official public record of victim-survivors’ experiences of historical child sexual abuse’.<sup>11</sup> Consistent with this, the Board of Inquiry shares the following narratives as part of the public record of victim-survivors’ experiences, but does not make any findings of fact in relation to them. It has not examined or tested the information in order to make any findings, nor has it applied any legal tests that may be required to make findings in legal proceedings.

The Board of Inquiry has relied on documents from the Department and Victoria Police in relation to the employment history and criminal records of the alleged perpetrators. Due to historical record-keeping practices and the past reliance on hard copy material, the amount of available information used to prepare these narratives varies, and in some instances may be inconsistent with the recollections of and information held by victim-survivors. In addition, on 12 September 1994, there was a fire at Beaumaris Primary School that resulted in the loss of some school records dating back to when the school opened in 1915.<sup>12</sup> An affected community member with a connection to the school told the Board of Inquiry it was unlikely the fire would have destroyed any relevant records as the office was small and everything was sent to the Department.<sup>13</sup>

In preparing the narratives, the Board of Inquiry has not examined civil claims against the Department in relation to the alleged perpetrators. In accordance with its Terms of Reference, the Board of Inquiry did not inquire into:



- the response of the State of Victoria (including the Department and its staff) to any complaints (other than in relation to the Department's response at or around the time of the alleged child sexual abuse, consistently with clause 3(c) of the Terms of Reference)
- legal proceedings or legal claims in relation to incidents of historical child sexual abuse in a government school
- compensation or redress arrangements, including the settlement of any civil claims.

In addition, and in line with its Terms of Reference, the Board of Inquiry also seeks to avoid causing prejudice to any current or future criminal or civil proceedings. Any consideration given by the Board of Inquiry to the content of civil claims would risk causing prejudice to such civil and criminal proceedings.

## Alleged perpetrator narrative: Darrell Ray

### Teaching history

Darrell Vivienne Ray was also known as Darrell Vivian Ray and Ray Cosgriff.

Mr Ray was born on 14 May 1941 and died during the term of the Board of Inquiry, on 21 November 2023.<sup>14</sup>

Mr Ray taught or worked in Victorian government schools for 16 years, from 1 January 1963 to 4 February 1979.<sup>15</sup> During this time, Mr Ray primarily held the positions of teacher librarian and football, cricket and sports coach.<sup>16</sup>

Table 1 outlines Mr Ray's employment record at Victorian government primary schools.

Outside of school, Mr Ray was also involved in a number of organisations where he had contact with children.<sup>17</sup> Several victim-survivors told the Board of Inquiry about his role at St Kilda Little League. It appears that Mr Ray used his position at government primary schools to recruit children into the League.<sup>18</sup> There is no record of any formal affiliation between the schools and the League.<sup>19</sup>

**TABLE 1 MR RAY'S EMPLOYMENT RECORD AT VICTORIAN GOVERNMENT PRIMARY SCHOOLS**

Mr Ray attended Toorak Teachers' College from 1 January 1960 to 31 December 1962.<sup>20</sup>

Mr Ray was employed at the following Victorian government primary school settings:

- 1 January 1963 to 31 December 1966: Library Services Branch<sup>21</sup>
- 1 January 1967 to 31 December 1970: Moorabbin (Tucker Road) School (now Tucker Road Bentleigh Primary School) (as a teacher librarian; at times he held additional roles such as football coach and cricket coach)<sup>22</sup>
- 1 January 1971 to 31 December 1976: Beaumaris Primary School (as a teacher librarian; at times he held additional roles such as football, cricket and sports coach)<sup>23</sup>
- 1 January 1977 to 4 February 1979: Mount View Primary School (as a teacher librarian adviser, whose role involved attending schools in the inspectorate).<sup>24</sup>

## Details of alleged child sexual abuse

Multiple individuals engaged with the Board of Inquiry to share their experiences or observations of child sexual abuse allegedly perpetrated by Mr Ray. According to these accounts, Mr Ray's child sexual abuse was flagrant and prolific.

Many of the accounts are similar and involve Mr Ray isolating and sexually abusing children in the school library. Other accounts relate to him sexually abusing children at, or on the way to, sporting events.

According to the experiences shared with the Board of Inquiry, Mr Ray used his role as a teacher librarian to lure children into his care and separate them from other children and adults. One victim-survivor told the Board of Inquiry that Mr Ray had 'groomed' him 'as a helper to help put the books away'.<sup>25</sup>

Mr Ray's role as a sports coach features heavily in the experiences victim-survivors shared. One victim-survivor recalled that 'people were desperate to play little league footy'.<sup>26</sup> Another victim-survivor told the Board of Inquiry that 'it was every kid's dream' to play in the football teams Mr Ray coached, stating that 'my dad kept telling me I was lucky because [Mr Ray] was the most incredible coach'.<sup>27</sup> Both victim-survivors said they were sexually abused by Mr Ray as he drove them to and from football.<sup>28</sup>

Many victim-survivors recalled being sexually abused by Mr Ray in front of other children. The Board of Inquiry heard that Mr Ray would often put children on his lap and read them a book while he sexually abused them, as outlined below.

The Board of Inquiry also heard that Mr Ray sexually abused a victim-survivor while another teacher at the school observed. The victim-survivor recalled that he was first sexually abused by Mr Ray in the 1970s, when he was in early primary school.<sup>29</sup> The other teacher went on to sexually abuse the victim-survivor regularly, sometimes with Mr Ray watching on.<sup>30</sup>

### In a school context

Multiple victim-survivors told the Board of Inquiry about being sexually abused by Mr Ray in the school library. Mr Ray would exploit a child's interest in books to entice them into the library during lunchtimes and outside of school hours.

One victim-survivor recalled showing an interest in a book in the library. Mr Ray told him that the book could not be borrowed and he would have to come to the library during a break to read it. The victim-survivor said that he then visited the library during lunchtime, where Mr Ray proceeded to sexually abuse him. He recalled that Mr Ray pushed him up against a desk, pressed into his back and fondled his genitals. The victim-survivor told the Board of Inquiry that Mr Ray continued to talk like it was 'normal behaviour', and even said, 'enjoy the book'.<sup>31</sup> He recalled that, 'I never went back [to the library] on my own ... because I saw it as dangerous'.<sup>32</sup>

Another victim-survivor told the Board of Inquiry how Mr Ray used his interest in a hobby to coax him into the library. Almost every week, the victim-survivor would go into the library at lunchtime to discuss his hobby with Mr Ray. He recalled that Mr Ray would stand behind him and rub his shoulders and bottom, and then put his hands down his underpants and massage his genitals, while he had his hand down his own pants. He said that Mr Ray would masturbate and ejaculate on him.<sup>33</sup>

Another victim-survivor said that he did 'special classes with [Mr Ray] to improve [his] reading'. The victim-survivor recalled that Mr Ray would sexually abuse him in groups and by himself. He said that Mr Ray 'anally raped [him] several times' over the course of a year.<sup>34</sup>

Yet another victim-survivor told the Board of Inquiry that Mr Ray trapped him in the library while he was looking for a book. He recalled that Mr Ray put his hand down his pants and fondled his genitals. The victim-survivor remembered that he froze in response to the sexual abuse. He told the Board of Inquiry how he avoided being alone in the library with Mr Ray: he ‘climbed up on the lockers to see if Mr Ray was in [the library] alone’ and sometimes went home rather than going to the library.<sup>35</sup>

In a submission prepared by lawyers, who represent victim-survivors who were allegedly sexually abused as children by the alleged perpetrators, it was recounted that one of their clients alleged that Mr Ray sexually abused him in the library. It was described that Mr Ray would touch the victim-survivor’s groin and genitals before the sexual abuse escalated to masturbation and digital and penile penetration.<sup>36</sup>

Many victim-survivors recalled the separate office or ‘storeroom’ at the end of the library at Beaumaris Primary School where Mr Ray would allegedly isolate children and sexually abuse them.

A victim-survivor told the Board of Inquiry that Mr Ray called him into the library office and asked him to sit on his knee so Mr Ray could read him a ‘special book’. He recalled that Mr Ray put his hands down his pants and rubbed his buttocks and penis.<sup>37</sup>

Another victim-survivor shared with the Board of Inquiry that Mr Ray would put his hands down his pants, fondle his genitals and penetrate him in the library ‘storeroom’. He said that this occurred on multiple occasions and the sexual abuse became more severe over time.<sup>38</sup>

A further victim-survivor shared that Mr Ray called him into the library office, pulled him close, and put his hands down his pants and fondled him.<sup>39</sup>

Similarly, a victim-survivor was called to see Mr Ray in his office in the library. As the victim-survivor was waiting outside the office, Mr Ray ‘encircled [him] with his arms and then proceeded to slide both hands down into the front of [his] shorts and inside [his] underwear,’ and ‘briefly fondled’ him.<sup>40</sup>

Yet another victim-survivor, who attended a different primary school, shared how Mr Ray would sexually assault him in that school’s library office. He recalled that Mr Ray would sit him on his lap and ‘put his hand up, or down, my shorts and fondle my genitals’.<sup>41</sup>

### **In front of other children**

The Board of Inquiry also heard from several victim-survivors about Mr Ray sexually abusing children in front of other children during classes.

One victim-survivor told the Board of Inquiry how he was sexually abused by Mr Ray in front of other children at Beaumaris Primary School. He can still remember the shocked looks on children’s faces as they tried to process what was happening.<sup>42</sup>

Another victim-survivor, who also recalled being sexually abused by Mr Ray in his library office, said his first memory of being molested by Mr Ray was during ‘story times’ in the library. He recalled that Mr Ray would sit him on his knees and ask him to hold the book. The victim-survivor recalled that when the book was in front of him, Mr Ray would slip his hands down his pants ‘in front of the entire class of eight-year olds’.<sup>43</sup>

Yet another victim-survivor shared how Mr Ray would sit children on his lap and put his hands down the back of their pants.<sup>44</sup>

Similarly, another victim-survivor recalled that during ‘open library sessions’, Mr Ray would put a hand under his shirt — ‘down [my] back or bum’.<sup>45</sup>

## Sporting events

Other victim-survivors shared with the Board of Inquiry their experiences, and fear, of Mr Ray sexually abusing them at or on the way to sporting events.

One victim-survivor told the Board of Inquiry how children feared being driven home by Mr Ray from football matches; he said, 'you just knew that [it] was going to be an horrendous drive home'. The victim-survivor recalled one time when Mr Ray dropped the other children home first and 'attacked' and 'fondled' him.<sup>46</sup>

Another victim-survivor told the Board of Inquiry how Mr Ray would sexually abuse him in the changerooms. He recalled that Mr Ray would turn him away from the other children, pretend to tuck his jumper into his pants, and 'grab hold of [his] genitals' and 'molest' him.<sup>47</sup>

In a submission prepared by lawyers who represent victim-survivors who were allegedly sexually abused as children by the alleged perpetrators, it was recounted that one of their clients alleged that Mr Ray fondled his genitals while driving him home after football training.<sup>48</sup>

## Broader school settings

The Board of Inquiry also heard how Mr Ray used his teaching role to engage with families and children outside of school.

Mr Ray would select children from Beaumaris Primary School to be part of St Kilda Little League. One victim-survivor recalled how Mr Ray molested him at St Kilda Little League. He said that Mr Ray sexually abused him on the way to football training, at training and on the way home.<sup>49</sup>

Another individual told the Board of Inquiry about the sexual abuse Mr Ray allegedly perpetrated on her brothers. She recalled that Mr Ray would drive her brothers home from football training and would also take them to the drive-in cinema. She told the Board of Inquiry that her brothers disclosed that Mr Ray sexually abused them in the car at the drive-in and on the way home. On this person's account, one child was raped and the other was fondled.<sup>50</sup>

## Criminal offending summary

The Board of Inquiry is able to provide information on four criminal proceedings where Mr Ray was convicted of a total of 37 child sexual abuse offences. The level of detail that has been provided to the Board of Inquiry in relation to each proceeding varies.

In addition, the Board of Inquiry understands that there were several active criminal proceedings that could not progress due to Mr Ray's death in November 2023.

Based on the convictions alone, it is clear that Mr Ray sexually abused children at Victorian government primary schools over a period of at least 12 years, from 1967 to 1979.

The Board of Inquiry is also aware that Mr Ray's conduct is the subject of a number of civil claims involving the Department. As noted earlier in this Chapter, the Department's response to and conduct of any civil claims in relation to Mr Ray is outside the scope of the Board of Inquiry's Terms of Reference.

## Finalised criminal proceedings

### August 1979

On 1 August 1979, Mr Ray pleaded guilty and was convicted of two counts of gross indecency and four counts of indecent assault on four males under 16 years of age.<sup>51</sup> These offences occurred between 1978 and 1979, when Mr Ray was a teacher librarian adviser at Mount View Primary School.<sup>52</sup> Mr Ray had contact with the victim-survivors involved in these proceedings through football.<sup>53</sup>

Mr Ray pleaded guilty to all offences.<sup>54</sup> Mr Ray was released on a 12-month good behaviour bond and ordered to pay a fine of \$500.<sup>55</sup>

### February 2001

On 15 February 2001, the County Court sentenced Mr Ray to 44 months imprisonment for 27 counts of indecent assault on 18 males under the aged of 16 years old.<sup>56</sup> Mr Ray pleaded guilty to all 27 counts.<sup>57</sup>

Seven counts of indecent assault occurred between 1 January 1967 and 31 December 1970, when Mr Ray was a teacher librarian at Moorabbin (Tucker Road) Primary School.<sup>58</sup> The sexual assault typically involved Mr Ray putting his hands into children's pants and fondling their genitals.<sup>59</sup> The sexual assaults mainly occurred in the library, but at times it occurred outside of school hours, after sporting events.<sup>60</sup>

The remaining 20 counts of indecent assault occurred between 1 January 1972 and 31 December 1976, when Mr Ray was a teacher librarian at Beaumaris Primary School.<sup>61</sup> In summary, the child sexual abuse included Mr Ray putting his hands down children's pants and fondling and touching their genitals, buttocks and anal regions; touching and caressing children's chests, arms and upper legs; and asking one child if they would like to touch him.<sup>62</sup>

In the investigations leading up to this conviction, Mr Ray made admissions to Victoria Police that he was sexually attracted to young boys and was 'very careful' not to do anything at school.<sup>63</sup> He also said that 'I suppose it's not impossible' that the alleged sexual abuse occurred.<sup>64</sup>

### January 2002

On 29 January 2002, Mr Ray was convicted of two counts of indecent assault against a student.<sup>65</sup> Mr Ray was sentenced to six months imprisonment, to be served concurrent with his 2001 sentence of 44 months.<sup>66</sup>

### December 2013

On 17 December 2013, Mr Ray was convicted of two counts of indecent assault of males under the age of 16 years old.<sup>67</sup> Mr Ray was sentenced to six months imprisonment.<sup>68</sup>

## The education system's knowledge and response

The first record that the Department retains that refers to concerns about (or allegations about) sexual misconduct on the part of Mr Ray was dated 27 November 1978, when Victoria Police notified the Department of criminal charges against Mr Ray.

The Board of Inquiry has been provided with extensive information, however, that suggests a principal, as well as some senior staff, teachers and parents at Beaumaris Primary School, were aware of concerns about the sexual nature of Mr Ray's conduct while he was a teacher librarian at the school from 1971 to 1976.<sup>69</sup>

Despite the existence of this information, there is no information the Board of inquiry has received that suggests the Department took appropriate action to protect the safety of children.

### **What was known at Beaumaris Primary School about the alleged child sexual abuse**

The following recollections of concerns about Mr Ray's conduct are derived from interviews the Department conducted in 2000 and 2001 with teachers, parents and former students at Beaumaris Primary School.<sup>70</sup> They are not accounts given directly to the Board of Inquiry.

A former teacher informed the Department in 2001 that there was 'innuendo' about Mr Ray's behaviour in the 1970s.<sup>71</sup> The teacher was aware that a parent had made a complaint to the principal, Vern Hussey, about Mr Ray, although she was not aware of the details.<sup>72</sup> The teacher was told that Mr Hussey's response was 'I'll take care of it' and 'don't worry it won't happen again'.<sup>73</sup>

A former teacher at the school also said that a parent had made a complaint to Mr Hussey about Mr Ray's behaviour at some stage between 1972 and 1975.<sup>74</sup> In response, Mr Hussey encouraged women to 'help out in the library' and to 'ferry children to and from football'.<sup>75</sup>

A former student told the Department in 2001 that he and a fellow student reported Mr Ray's sexual abuse to Mr Hussey in 1974.<sup>76</sup> The student reported that Mr Ray 'had put his hand down the front of boys' pants' and 'he had been doing this for years'.<sup>77</sup> The student also relayed this conversation to a teacher at Beaumaris Primary School.<sup>78</sup>

This teacher had no specific recollection of being approached by the student.<sup>79</sup> The teacher recalled, however, that they were aware that a parent had made a complaint to Mr Hussey about Mr Ray's behaviour between 1975 and 1977.<sup>80</sup> Mr Hussey told them that they had investigated the matter and no evidence of 'wrongdoing' was found.<sup>81</sup>

A former assistant principal recalled that a parent of a student, who was also a teacher at the school, made a complaint to him about Mr Ray putting his hands down their son's pants in 1975.<sup>82</sup> The assistant principal told the parent to report this to Mr Hussey.<sup>83</sup> The assistant principal escorted the parent to Mr Hussey's office but did not attend the meeting.<sup>84</sup> The assistant principal believed the conversation took place and said that the district inspector was called to investigate the matter.<sup>85</sup> The assistant principal assumed no disciplinary action occurred and there is no record of an investigation.<sup>86</sup>

Former parents of six children who attended Beaumaris Primary School recalled that Mr Ray would drive children to places and show '11-year-old boys' magazines 'they should not have been seeing'.<sup>87</sup> In the mid-1970s, one of the parents wrote a letter to the school but it was 'pushed aside'.<sup>88</sup>

A former parent, School Council President and friend of Mr Ray's recalled that in 1975 the principal, Mr Hussey, told them that a parent had made a complaint about Mr Ray's misconduct.<sup>89</sup> Mr Hussey asked them if they suspected there was anything inappropriate about Mr Ray.<sup>90</sup> They responded that they had never seen anything.<sup>91</sup>

A former bursar at the school recalled that a parent complained to Mr Hussey about Mr Ray's behaviour in the mid-1970s.<sup>92</sup> Mr Hussey informed the district inspector, who asked the parent to 'put [his complaint] in writing'.<sup>93</sup> The parent was advised by his lawyer that if he did so, he may be charged with libel.<sup>94</sup> The parent declined to document the complaint, then withdrew their child from the school.<sup>95</sup>

The former bursar also recalled that Mr Hussey took Mr Ray's keys from him, 'to stop him getting access to the library at weekends'.<sup>96</sup>

Mr Ray left Beaumaris Primary School at the end of 1976 and commenced working at Mount View Primary School on 1 January 1977.<sup>97</sup> The Department has no record of why Mr Ray ceased working at Beaumaris Primary School and no information that suggests Mr Ray moved to Mount View Primary School as a result of concerns about his behaviour at the time.<sup>98</sup>

In a statement to Victoria Police regarding the 2001 criminal charges, Mr Ray said he knew he had a problem with young boys when he left Beaumaris Primary School.<sup>99</sup>

Victim-survivors also told the Board of Inquiry that they suspected that other children and teachers were aware of Mr Ray's sexual abuse when he was a teacher librarian at Beaumaris Primary School.

One individual told the Board of Inquiry that when he was in Year 1, his family member who was in Year 3 at the time warned him to 'never go into the librarian[']s "cubby" alone!'<sup>100</sup>

A victim-survivor told the Board of Inquiry that in around 1972 or 1973, access to the library was restricted 'overnight'.<sup>101</sup>

Another individual told the Board of Inquiry that he noticed Mr Ray 'acting inappropriately towards other boys during class'. This included Mr Ray sitting boys on his knee and 'rubbing their tummies under their shirts'. In 1975, the individual reported the inappropriate behaviour to the principal.<sup>102</sup>

### **The Department's response**

Despite the history of concerns and complaints about Mr Ray's behaviour throughout the 1970s (as set out above), the earliest contemporaneous record that the Department retains concerning allegations of Mr Ray's sexually abusive behaviour is dated 27 November 1978.

On 27 November 1978, a handwritten file note titled 'Teacher Discipline' recorded a conversation between employees of the Department.<sup>103</sup> The author of the note recorded that Mr Ray had been charged with sexual offences against boys and that 'I have not done anything about a suspension, pending the arrival of the [modus operandi form]'.<sup>104</sup>

A handwritten notation on the Teacher Discipline file stated that Mr Ray should 'be kept away from children at once'.<sup>105</sup>

On 22 January 1979, a memorandum by the Department recommended that Mr Ray be charged before the Teachers Tribunal and pending an outcome, be 'suspended from duty from and inclusive of 5 February 1979'.<sup>106</sup>

Departmental records show that Mr Ray resigned from Mount View Primary on 5 February 1979, citing 'other employment'.<sup>107</sup> Mr Ray's employment record noted that he was 'not to be re-employed without reference to the Director of Primary Education'.<sup>108</sup>

The Department has no record of Mr Ray being re-employed at a Victorian government school after his resignation.<sup>109</sup>

Information provided to the Board of Inquiry suggests that Victoria Police notified the Department of the allegations made against Mr Ray around the time the allegations were made.

Since the Department became aware of Mr Ray's criminal charges, it appears that it acted relatively swiftly to remove him from his teaching position and charge him before the Teachers Tribunal.<sup>110</sup>

Yet, despite the restrictive note on his file that he was not to be re-employed without reference to the Director of Primary Education, it does not appear that he was formally prohibited from returning to the teaching service.<sup>111</sup>

The Board of Inquiry understands that Mr Ray went on to teach at Rossbourne School after leaving the government school system, which likely provided him with opportunities for ongoing access to and engagement with children.<sup>112</sup> Rossbourne School is an independent secondary school for students with learning difficulties and neuro-developmental challenges.<sup>113</sup> As it is not a government school, it is outside the Board of Inquiry's scope. As explored in Chapter 13 the Board of Inquiry found that the Department has never undertaken a systematic review to understand the scale of child sexual abuse by alleged perpetrators.

Although Rossbourne School is an independent school, given its students are a group with particular vulnerabilities and given Mr Ray taught there in circumstances where the Department had determined he should be 'kept away from children', if the Department decides to undertake a systematic review (which the Board of Inquiry considers should occur), it should consider including the Rossbourne School in that review. The Board of Inquiry is aware that in 1998 Mr Ray was under investigation for child sexual abuse, and there was work underway to deregister him from the teaching service.<sup>114</sup>

Based on the material the Board of Inquiry considered, it is clear that prior to 1978, the Department had multiple opportunities to intervene and protect children from Mr Ray's behaviour. In particular, there were a number of reports that indicate teachers, principals and parents had serious concerns about his conduct.

Analysis of the education system's response, and systemic failings, is provided later in this Part, in Chapter 13.

## The Board of Inquiry's engagement with Mr Ray

The Board of Inquiry wrote to Mr Ray, through his lawyers, on 14 November 2023, notifying him of the Board of Inquiry and the public hearings, and providing him an opportunity to engage with or respond to the information the Board of Inquiry intended to release about him. No response was received from Mr Ray prior to his death on 21 November 2023.

## Alleged perpetrator narrative: Wyatt

### Teaching history

The second alleged perpetrator is subject to a Restricted Publication Order and will be referred to by the pseudonym, 'Wyatt'. To protect the identity of certain people, the Board of Inquiry is limited in the specificity of information it can publish about Wyatt.

Wyatt was employed at Victorian government primary schools for more than two decades.<sup>115</sup> Wyatt worked at Beaumaris Primary School in the early 1970s.<sup>116</sup>

### Details of alleged child sexual abuse

The Board of Inquiry heard from several individuals who experienced child sexual abuse allegedly perpetrated by Wyatt. These accounts involve Wyatt exploiting his authority as a teacher and sports coach.

The alleged child sexual abuse occurred in a school context, such as during school activities, and also within a broader school context, in interactions with students outside of school.



One victim-survivor recalled that Wyatt gave some boys ‘special attention’.<sup>117</sup> Another individual described Wyatt as a having ‘volatile, explosive, volcanic rage’.<sup>118</sup> Several victim-survivors and other former students told the Board of Inquiry that Wyatt used corporal punishment (or the threat of it), such as the ‘strap’, to discipline children.<sup>119</sup>

### **In a school context**

One victim-survivor told the Board of Inquiry that Wyatt sexually abused him approximately every two weeks for two years. The victim-survivor would be sent into the corridor adjacent to the classroom, where Wyatt would sexually abuse him by masturbating him, fondling his genitals and by Wyatt rubbing his face on the victim-survivor’s face and cheek.<sup>120</sup>

Another victim-survivor told the Board of Inquiry that he was sexually abused by Wyatt at a school camp. Wyatt took the victim-survivor to his cabin and put his hands down the victim-survivor’s pants and sexually abused him.<sup>121</sup>

A further victim-survivor, who attended Beaumaris Primary School, recalled that he was sexually abused by Wyatt on a camp on two occasions. He told the Board of Inquiry that he had ‘spent over 50 years burying this in [his] subconscious’.<sup>122</sup>

Another victim-survivor told the Board of Inquiry about two incidents of being sexually abused by Wyatt. He recalled that he was sitting at his school desk when Wyatt leant forward to look at his work and put his hand down his pants. He recalled that Wyatt ‘grope[d]’ him and ‘massage[d]’ his genitals while Wyatt was ‘talking about something else’. The victim-survivor also recalled that Wyatt sexually abused him in front of other children — Wyatt sat the victim-survivor on his lap, in front of the class, and put his hands on his genitals.<sup>123</sup>

Yet another victim-survivor recalled Wyatt ‘grooming’ him through their shared interest in sport before sexually abusing him. He described the sexual abuse as occurring on a school camp. He recalled that Wyatt was ‘hanging around the showers’ when he ‘saw [the victim-survivor] naked and attacked inappropriately’.<sup>124</sup>

Further, several individuals told the Board of Inquiry that they had observed Wyatt sexually abusing other children.

One individual recalled that Wyatt gave a ‘whisker kiss’ to one of his friends, where Wyatt rubbed his stubble across the boy’s face. The individual believes that his parent and the other boy’s parent confronted Wyatt about the behaviour.<sup>125</sup>

Another individual told the Board of Inquiry that he saw Wyatt sexually abuse a fellow student. The fellow student told the individual that Wyatt would regularly sexually abuse him by Wyatt putting his hands down the fellow student’s pants and ‘play with his penis’.<sup>126</sup>

Yet another individual shared that she had ‘vivid memories’ of Wyatt abusing another student when they were in primary school.<sup>127</sup>

### **Broader school settings**

Victim-survivors also shared experiences of Wyatt allegedly sexually abusing them outside of school. One individual recalled that he was ‘coaxed’ by Wyatt into attending his house, where he was asked to wait in the lounge room. He recalled another teacher was present and another individual was in the shower at the time. He told the Board of Inquiry that although he left Wyatt’s house on that occasion, Wyatt continued to offer him lifts to sports training.<sup>128</sup>

Another individual told the Board of Inquiry that Wyatt and another teacher took their siblings to the drive-in. In relation to one of the siblings, Wyatt and the other teacher ‘held [their sibling] down and raped [them]’.<sup>129</sup>

In a submission prepared by lawyers who represent victim-survivors who were allegedly sexually abused as children by the alleged perpetrators, it was recounted that a victim-survivor was repeatedly sexually abused by Wyatt on school premises, as well as in Wyatt’s home. The child sexual abuse described in the submission involved masturbation and one attempt of anal penetration.<sup>130</sup>

## Criminal proceedings

Due to a Restricted Publication Order, no details on criminal proceedings can be provided.

## The education system’s knowledge and response

The Department’s records do not reveal any knowledge of relevant concerns about Wyatt’s conduct, or allegations about Wyatt engaging in sexual abuse, prior to 1998.<sup>131</sup> Wyatt’s files do not contain any record of disciplinary action during his time as a teacher at Victorian government primary schools.<sup>132</sup>

However, during interviews the Department conducted in 2000 and 2001 with teachers, parents and former students at Beaumaris Primary School, it is clear that there were suspicions and complaints about Wyatt’s behaviour.<sup>133</sup>

For example, one teacher recalled, ‘I told Wyatt a couple of times to be careful where he puts his hands on kids’.<sup>134</sup> Another teacher raised concerns about Wyatt’s behaviour to a colleague, because the teacher’s child was going into Wyatt’s class.<sup>135</sup> The colleague said it was unlikely to be a problem, because of the child’s connection to the teacher.<sup>136</sup>

One parent recalled that many people knew about Wyatt’s behaviour and reported it to the principal, but ‘he wouldn’t listen to them’.<sup>137</sup>

These reports relate to the early to mid-1970s. Some victim-survivors who engaged with the Board of Inquiry recalled experiencing child sexual abuse allegedly perpetrated by Wyatt after the mid-1970s. The Department only recorded information about sexual abuse by Wyatt after he was convicted in the mid-1990s.<sup>138</sup> By this time, Wyatt had resigned from his last position at a Victorian government primary school.<sup>139</sup>

The Board of Inquiry did not receive any information that Victoria Police shared crime reports about Wyatt with the Department at the time they were made. If crime reports had been received by the Department, it is not clear the Department would have acted on the allegations, as a discretionary approach was applied to teachers who were the subject of crime reports (see Chapter 13).

## The Board of Inquiry’s engagement with Wyatt

The Board of Inquiry wrote to Wyatt notifying him of the Board of Inquiry and the public hearings, and providing him with an opportunity to engage with or respond to the information the Board of Inquiry intended to release about him on 14 November 2023. On 11 January 2024 and 15 January 2024, the Board of Inquiry again wrote to Wyatt to inform him that there would be references to him and his alleged sexual abuse of children in its report. The Board of Inquiry provided Wyatt with extracts of draft report chapters relevant to him and invited him to provide a response to those extracts.

Wyatt told the Board of Inquiry that he did perpetrate child sexual abuse, about which he was ashamed.<sup>140</sup> He said he has ‘always owned up to anything [he] knew was true’ and had voluntarily and successfully completed an offenders program.<sup>141</sup>

Wyatt said, however, that he had no recollection of some of the victim-survivors or some of the allegations put to him.<sup>142</sup> Wyatt could recall some victim-survivors, but denied their allegations of abuse or the experiences they recounted.<sup>143</sup> He sometimes provided alternative explanations of details, activities or events that were included in the experiences shared by victim-survivors.<sup>144</sup> He denied he coached a particular sport and had no memory of attending any camps.<sup>145</sup>

Wyatt denied that he would ‘choose to abuse anyone in full view of others’, including in a corridor outside a classroom.<sup>146</sup> Wyatt also denied engaging in child sexual abuse with or in front of another staff member.<sup>147</sup> In particular, he denied raping a child with or in front of any person.<sup>148</sup>

Wyatt said he had no knowledge of other teachers engaging in inappropriate behaviour or acting abusively.<sup>149</sup> He also said he was unaware of any ‘collusion’ between the other alleged perpetrators.<sup>150</sup>

Wyatt rejected any implication that developing friendships and taking part in joint interests (for example, as a sports enthusiast) with colleagues meant they were undertaking ‘joint illegal activities’.<sup>151</sup> He also rejected the suggestion that being interested in volunteering or sports was proof of ‘illegal intention’.<sup>152</sup>

Wyatt accepted that he was a ‘disciplinarian’ but said corporal punishment was ‘common’ until about 1983.<sup>153</sup> He said that he used it ‘sparingly and never as a power tool’, and recalled only ever using it on one student.<sup>154</sup>

Wyatt expressed that he was ‘devastated’ by the impact on one victim-survivor and said he was ‘genuinely remorseful for any real harm [he] caused’.<sup>155</sup>

In accordance with the Board of Inquiry’s Terms of Reference and approach to this inquiry, the Board of Inquiry has not made any findings of fact in relation to allegations of child sexual abuse in this report. The inclusion of Wyatt’s response to allegations relevant to him, as set out above, should not be understood as the Board of Inquiry accepting or endorsing Wyatt’s response.

## Alleged perpetrator narrative: David MacGregor

### Teaching history

David MacGregor was born on 8 January 1943.<sup>156</sup> Mr MacGregor taught or worked in Victorian government schools for more than 22 years, from 1 January 1963 to 27 May 1985.<sup>157</sup> Throughout his career, Mr MacGregor held a number of positions, including classroom teacher, sports coach and guitar teacher, and was involved in a number of sports clubs.<sup>158</sup>

In May 1985, Mr MacGregor was transferred to an administrative role within the Department, where he worked for more than three years before transferring to another administrative role within the Department until December 1992.<sup>159</sup> Mr MacGregor retired from the Department, effective 31 December 1992.<sup>160</sup> Mr MacGregor’s transfer into non-teaching roles is discussed further below.

Table 2 outlines Mr MacGregor’s employment record and roles in other organisations.

**TABLE 2 MR MACGREGOR'S EMPLOYMENT RECORD AT VICTORIAN GOVERNMENT PRIMARY SCHOOLS AND THE DEPARTMENT, AND ROLES IN ORGANISATIONS**

Mr MacGregor attended Toorak Teachers' College from 1 January 1961 to 31 December 1962.<sup>161</sup>

#### **Victorian government primary schools<sup>162</sup>**

Mr MacGregor was employed at the following Victorian government primary schools:

- 1 January 1963 to 31 December 1964: Bundalong South Primary School (as a classroom teacher)
- 1 January 1965 to 31 October 1965: Warragul Primary School (as a classroom teacher)
- 1 November 1965 to 31 December 1965: Drouin South Primary School (as a classroom teacher)
- 1 January 1966 to 31 December 1967: Cowes Primary School (this was Mr MacGregor's first permanent position; his roles included classroom teacher, sports coach and guitar teacher)
- 1 January 1968 to 31 December 1976: Beaumaris Primary School (as a classroom teacher, sports coach and guitar teacher)
- 1 January 1977 to 31 December 1980: Chelsea Heights Primary School (as a classroom teacher)
- 1 January 1981 to 27 May 1985: Konyung Primary School (as a classroom, music and physical education teacher).

#### **The Department<sup>163</sup>**

From 28 May 1985 to 31 December 1988, Mr MacGregor worked in the Western Port Region office; and from 1 January 1989 to 31 December 1992, he worked in the Southern Metropolitan Region office.

#### **Roles in other organisations<sup>164</sup>**

Mr MacGregor was involved in a number of organisations outside of school that involved contact with children. These included:

- 1962 to 1985: Sandringham Amateur Athletics Club
- 1966 to 1985: Sandringham Little Athletics Club
- 1967: Wonthaggi Little Athletics Club
- 1968 to 1976: Beaumaris Little Athletics Club
- 1970: Beaumaris Amateur Athletics Club
- 1973 to 1985: Beaumaris Soccer Club
- 1982 to date unknown: Konyung Junior Football Club.

The Board of Inquiry is also aware of Mr MacGregor's involvement in the following organisations:<sup>165</sup>

- Australian Soccer Referees Association
- AUSTSWIM Coaches Association
- District Sports Association
- Mountain Districts Athletics Club
- National Golf Club Long Island
- Phillip Island Football Club
- Phillip Island Youth Club
- Victorian Soccer Referees Association
- Willoughby Football Club
- Yarrawonga and Border Golf Club.

## Details of alleged child sexual abuse

A number of individuals who engaged with the Board of Inquiry said they experienced or witnessed child sexual abuse allegedly perpetrated by Mr MacGregor.

These accounts often related to Mr MacGregor using his role as classroom teacher, sports coach or music teacher to gain access to a child and isolate them from their peers and other adults.

### In a school context

The Board of Inquiry heard from several victim-survivors who said they were sexually abused by Mr MacGregor in a school context. Some of these instances were described as occurring during sport or music classes, or when travelling between school settings, such as to sports training.

One victim-survivor recounted how Mr MacGregor wrapped his arms around him and thrust his genitals into his back. He recalled that Mr MacGregor groaned and rubbed himself on the victim-survivor's back for about five to six seconds. Afterwards, the victim-survivor gave Mr MacGregor a 'filthy look'. The victim-survivor told the Board of Inquiry that '[Mr MacGregor's] relaxed stance, hands on his hips, and the semi-satisfied smirking sneer on his face is etched in my memory'.<sup>166</sup>

Another victim-survivor, who attended Beaumaris Primary School, recalled that Mr MacGregor touched her inappropriately while they were in his car. She knew at the time that Mr MacGregor's conduct was wrong.<sup>167</sup>

Yet another individual shared her experience in a sports class. She recalled that Mr MacGregor wore loose shorts and had his legs bent and wide open, with his penis visible to students for the duration of the class. The individual said that 'something was not at all right' about it and described the incident as 'not a brief accident, but a sustained and clearly intentional revealing of his genitals while he sat and gave instructions and chatted to the class'.<sup>168</sup>

### Broader school settings

The Board of Inquiry also heard from individuals in relation to Mr MacGregor's conduct in broader school settings.

One victim-survivor shared how Mr MacGregor would often visit her house and he 'gained trust' with her parents through sport. She recounted that Mr MacGregor would sexually abuse her during music lessons. Mr MacGregor would press his penis into her back and touch her chest under her clothes.<sup>169</sup>

One individual recalled that Mr MacGregor held an end-of-year school party for her school class at his family home, which had a swimming pool. During the party, Mr MacGregor took a group of students inside to show them his bedroom. She recalled 'I felt it was very strange that he took some of us inside to show us his bedroom. I can still see the room all these years on and wonder why he thought that was an appropriate thing to do. I thought it was odd then and still do'.<sup>170</sup>

On 26 November 2023, journalist Russell Jackson, at the ABC, published an article outlining victim-survivor accounts of Mr MacGregor's sexual abuse.<sup>171</sup> Some material in the article was new information to the Board of Inquiry. This included allegations that Mr MacGregor led sexually explicit classroom 'singalongs,' dated a 15-year-old girl (when he was 31 years old) and looked up a girls' skirt while he was at Beaumaris Primary School.<sup>172</sup> It was reported that the latter experience was made known to the principal at Beaumaris Primary School but the principal told the student off, saying angrily, '[y]ou could ruin this man's career'.<sup>173</sup>

## Criminal offending summary

The Board of Inquiry is aware of two finalised criminal proceedings involving Mr MacGregor.

### August 1985

In 1985, Mr MacGregor was charged with three criminal offences related to child sexual abuse: indecent assault, committing acts of gross indecency and publishing an obscene article.<sup>174</sup> The criminal proceedings were instigated in December 1984, when a parent of a student at Kunyung Primary School made a complaint to Victoria Police about Mr MacGregor's behaviour.<sup>175</sup>

The criminal proceedings related to three victim-survivors sexually abused by Mr MacGregor while they were students at Kunyung Primary School in 1983 and 1984.<sup>176</sup>

In statements to Victoria Police, victim-survivors described Mr MacGregor sexually abusing them at Mr MacGregor's house, car and boat.<sup>177</sup> Based on information provided by the Department, the sexual abuse involved Mr MacGregor:

- showering while the victim-survivors were in his home
- encouraging them to shower
- playing pornographic films
- touching their penises
- masturbating in the presence of children.<sup>178</sup>

In the Melbourne Magistrates' Court on 16 August 1985, Mr MacGregor pleaded guilty and was convicted of one charge of indecent assault (involving two counts) on persons aged under 16 years old.<sup>179</sup> Mr MacGregor was sentenced to three years probation, psychological or psychiatric treatment, and to pay costs of \$25 to the Court.<sup>180</sup>

After being notified of the criminal convictions, the Department conducted an internal investigation into Mr MacGregor's behaviour, as a result of which he was charged with offences under the *Teaching Service Act 1981 (Vic)* (Teaching Service Act). The internal investigation also resulted in Mr MacGregor's transfer to an administrative role, as discussed later in this Chapter.

### July 1994

In July 1994, Mr MacGregor was again convicted on charges relating to child sexual abuse. In this instance, the convictions were in relation to charges of gross indecency and indecent assault in 1980, which occurred while he was employed at Chelsea Heights Primary School.<sup>181</sup> Mr MacGregor was sentenced to six months and four months imprisonment, respectively, for the gross indecency and indecent assault charges.<sup>182</sup> Both sentences were suspended for two years.<sup>183</sup>

## The education system's knowledge and response

### The Department

The Department's evidence to the Board of Inquiry was that it first became aware of allegations about the sexual nature of Mr MacGregor's conduct on 27 February 1985, when the parents of the victim-survivors involved in the 1985 criminal proceedings wrote to the Department.<sup>184</sup> The Department advised the parents that it would conduct its own investigation into the matters.<sup>185</sup>

In March 1985, the Department invited Mr MacGregor to discuss his wishes regarding ‘school placement as a result of impending charges being laid by the Victoria Police’.<sup>186</sup> On 2 April 1985, a meeting took place between Mr MacGregor, a representative from the Victorian Teachers’ Union, and a Department representative (the Assistant Regional Director, Western Port Region).<sup>187</sup>

During this meeting, Mr MacGregor opposed being transferred and the Department advised him to contact the Department ‘of any wish to transfer to another position should tensions within the school community become untenable’.<sup>188</sup>

Based on a subsequent letter between officials of the Department, the Department determined that ‘[w]ithout further specific evidence we are unable to proceed’ with the investigation into Mr MacGregor.<sup>189</sup> It does not appear, however, that there was any concerted attempt to gather further information. In his evidence to the Board of Inquiry, Dr David Howes PSM, Deputy Secretary, Schools and Regional Services, Department of Education, described the departmental investigation as follows: ‘[o]n any way in which that word [investigation] should be used, that was as good as doing nothing’.<sup>190</sup>

A memo was added to the letter, where the author stated that he was ‘uneasy’ about ‘pushing [Mr MacGregor] off on a technical excuse which could be remedied’.<sup>191</sup> There is no further information, however, indicating if or how this unease was responded to.

The Department advised the parents that it could not obtain information from Victoria Police about the investigation on foot, and that following its own initial investigation, it had ‘insufficient evidence upon which to proceed’.<sup>192</sup>

Mr MacGregor continued teaching at Kunyung Primary School for another month.

On 24 May 1985, the parent again wrote to the Department, this time enclosing copies of the statements made to the police.<sup>193</sup>

On 28 May 1985, the Department responded to the letter and said that Mr MacGregor had been transferred to a non-teaching position, effective 27 May 1985.<sup>194</sup> This date was one day prior to the letter being sent to the parent, indicating the likelihood that the Department only made this decision as a result of the parent’s letter on 24 May 1985. Mr MacGregor was transferred to a temporary administrative position in the Western Port Region office within the Department.<sup>195</sup>

In September 1985, minutes from a meeting of the Kunyung Primary School Council show that Council members were told that if questions were addressed to them about Mr MacGregor’s transfer, they should answer that ‘[it] was an administrative transfer’.<sup>196</sup>

From the information available, the Board of Inquiry concludes that Mr MacGregor was transferred to an administrative role because of the allegations against him, but that this reason was not formally noted or shared within the education system. In giving evidence to the Board of Inquiry, Dr Howes agreed with the Board of Inquiry that there appeared to be ‘a culture of sweeping this all under the carpet’ within the Department.<sup>197</sup>

After Mr MacGregor’s criminal conviction on 16 August 1985, the Department commenced a second investigation into Mr MacGregor’s behaviour as it related to the criminal charges.<sup>198</sup> Mr MacGregor was charged with seven offences under the Teaching Service Act concerning masturbating in front of two children, touching two children on the penis and showing pornographic films to three children.<sup>199</sup>

While this investigation was ongoing, Mr MacGregor was appointed as a relief teacher in the South Central Region, based at Hawksburn Primary School, for the 1986 school year.<sup>200</sup> The General Secretary of the Victorian Teachers' Union sought clarity from the Department on Mr MacGregor's appointment, given the ongoing departmental investigation.<sup>201</sup> On 31 January 1986, the Department wrote to Mr MacGregor, stating that he was to remain at the Western Port Region office, 'pending the outcome of Departmental Charges'.<sup>202</sup> It appears that the Department only made this decision based on the letter from the Union representative.

On 4 and 22 July 1986, the Department held two disciplinary hearings regarding Mr MacGregor's charges.<sup>203</sup> The Department found him guilty of six of the seven charges.<sup>204</sup>

The Department concluded that Mr MacGregor's penalty should take into consideration his long record as a 'successful and respected member of the Teaching Service' and the evidence of character witnesses, including a former principal of Kunyung Primary School.<sup>205</sup>

As such, Mr MacGregor was not dismissed from the teaching service but was appointed to a permanent, non-teaching, administrative role in the Western Port Region office.<sup>206</sup>

Mr MacGregor remained in an administrative role and after 20 September 1988 was permitted to apply for another teaching position, three years after the Department found him guilty of offences involving child sexual abuse.<sup>207</sup>

In 1988, Mr MacGregor successfully applied for a teaching position at Langwarrin Primary School and was due to commence in 1989.<sup>208</sup> The principal of Langwarrin Primary School and community members objected to the appointment on the basis of Mr MacGregor's publicly known conviction.<sup>209</sup> Following this complaint, the Department rescinded the offer and Mr MacGregor was instead transferred to another non-teaching administrative role in the Southern Metropolitan Region office in the Department.<sup>210</sup>

While Mr MacGregor was in this role, in February 1990, the Chisholm Institute of Technology School of Education raised a concern with the Department that Mr MacGregor was hoping to become a school principal and was working with 'street children'.<sup>211</sup> The Department took no action and responded to the Institute with: 'continued employment of teachers found guilty of indictable offences is assessed individually and a decision regarding future employment is made accordingly in each case'.<sup>212</sup>

Mr MacGregor remained in the Southern Metropolitan Region office until he voluntarily retired from the Department, effective 31 December 1992.<sup>213</sup>

While the Department's records do not reveal any concerns or complaints about the sexual nature of Mr MacGregor's conduct prior to 1985, one individual told the Board of Inquiry that she had raised concerns about his behaviour much earlier in his career.

A former student at Beaumaris Primary School recalled telling a teacher about Mr MacGregor inappropriately touching her.<sup>214</sup> Mr MacGregor warned her about telling people about his behaviour.<sup>215</sup> However, this was the only information the Board of Inquiry received suggesting concerns had been raised before 1985.



## Victoria Police and the Department

As described earlier, there was an obligation on Victoria Police to share crime reports with the Department regarding information that a student had been sexually abused while in the care of a government school.<sup>216</sup> Information provided to the Board of Inquiry suggests that the Department was first notified of the allegations against Mr MacGregor by the parents who made the complaint in February 1985. The Department also provided information outlining that it did not initially investigate these allegations because it could not obtain relevant information from Victoria Police.<sup>217</sup>

It does not appear that if Victoria Police had shared this information when the crime reports were made, the Department would have acted differently. The Department was made aware of the allegations in February 1985 in the form of a letter from a parent, yet did not remove Mr MacGregor from the teaching service. Mr MacGregor remained a registered teacher and was employed within the Department.

In considering these actions during this period, Dr Howes agreed with the proposition put to him during the Board of Inquiry's public hearings that after the Department received information about Mr MacGregor's convictions, the Department 'served to protect [Mr MacGregor]' and 'his role in the community'.<sup>218</sup> Dr Howes added that the Department's response also served 'to protect [Mr MacGregor's] prospects of further employment within the Department'.<sup>219</sup>

Analysis of the education system's response, and systemic failings, is provided later in this Part, in Chapter 13.

## The Board of Inquiry's engagement with Mr MacGregor

On 27 November 2023, the Board of Inquiry wrote to Mr MacGregor regarding the public hearings, informing him that there would be references to his name and alleged child sexual abuse. The Board of Inquiry did not receive a response. On 11 January 2024 and 15 January 2024, the Board of Inquiry again wrote to Mr MacGregor to inform him that there would be references to him and his alleged abuse in its report.

Mr MacGregor told the Board of Inquiry that he denied any conduct of a sexual nature with children other than that for which he was convicted.<sup>220</sup> In particular, Mr MacGregor stated that 'nothing of any sexual nature occurred' while he was at Beaumaris Primary School.<sup>221</sup> He said he 'did not have sex with anybody' and said an allegation otherwise was 'ridiculous'.<sup>222</sup> He denied being a paedophile.<sup>223</sup>

Mr MacGregor told the Board of Inquiry that he 'would never hurt a child'.<sup>224</sup> Mr MacGregor stated that if he did touch a child 'it was not of a sexual nature' and he 'certainly never touched their private parts'.<sup>225</sup> He said he 'wouldn't dream of forcing anyone into anything'.<sup>226</sup>

Mr MacGregor stated that he did not know about any offending of the other three relevant employees discussed during the Board of Inquiry's public hearings. He expressed his view that '[i]t's ridiculous to suggest there was a paedophile ring' or to include him in any such ring.<sup>227</sup> Mr MacGregor explained that the other three relevant employees were 'connected' within the community through shared activities and interests but he was 'not part of that'.<sup>228</sup>

In accordance with the Board of Inquiry's Terms of Reference and approach to this inquiry, the Board of Inquiry has not made any findings of fact in relation to allegations of child sexual abuse in this report. The inclusion of Mr MacGregor's response to allegations relevant to him, as set out above, should not be understood as the Board of Inquiry accepting or endorsing Mr MacGregor's response.

# Alleged perpetrator narrative: Graham Steele

## Teaching history

Graham Harold Steele may also be known as Grahame Steele.

Mr Steele was born on 3 May 1932 and died in 2013.<sup>229</sup> Mr Steele taught or worked in Victorian government primary schools for 38 years until he resigned in January 1990.<sup>230</sup> For the last 14 years of his career, Mr Steele held the roles of principal or deputy principal.<sup>231</sup> Table 3 outlines Mr Steele's employment record.

**TABLE 3 MR STEELE'S EMPLOYMENT RECORD AT VICTORIAN GOVERNMENT PRIMARY SCHOOLS<sup>232</sup>**

Mr Steele attended Melbourne Teachers' College from 13 February 1951 to 31 December 1951.

Mr Steele was employed at the following Victorian government primary schools:

- 5 February 1952 to 26 May 1952: Mirboo Primary School (as a classroom teacher)
- 17 May 1952 to 8 September 1952: Tarraville Primary School (as a classroom teacher)
- 9 September 1952 to 28 May 1956: Tarwin Lower Primary School (as a classroom teacher)
- 29 May 1956 to 1 February 1960: Hampton Primary School (as a classroom teacher)
- 2 February 1960 to 31 December 1966: Moorabbin West Primary School (as a classroom teacher)
- 1 January 1967 to 31 December 1972: Beaumaris Primary School (as a classroom teacher, sports coach for cricket and football, and 'sports master' (that is, he was responsible for arranging sport teams))<sup>233</sup>
- 1 January 1973 to 31 December 1975: Ormond East Primary School (as a classroom teacher and sports master)<sup>234</sup>
- 1 January 1976 to 31 December 1980: Aspendale Primary School (as the principal)
- 1 January 1981 to 1 February 1982: Beaumaris Primary School (as the deputy principal)
- 2 February 1982 to 31 January 1990: Belvedere Park Primary School (as the principal).<sup>235</sup>

## Details of alleged child sexual abuse

The Board of Inquiry heard from several individuals who experienced or witnessed child sexual abuse allegedly perpetrated by Mr Steele.

The child sexual abuse as described to the Board of Inquiry occurred in a school context, including on the premises of a school or in locations where activities of that school took place, such as camps. The sexual abuse also occurred in broader school contexts where Mr Steele used his role as teacher to engage with children outside of school, such as weekend trips away.

It is alleged that Mr Steele used his interest and involvement in sport to endear children to him. One victim-survivor described Mr Steele as 'charismatic, strong and authoritarian'. He recalled that Mr Steele would sometimes take children out of class to set up sporting equipment and the children would feel 'special' when he picked them.<sup>236</sup>

Another victim-survivor told the Board of Inquiry that students thought that Mr Steele's class was 'the best class to be in, especially if you loved sport'.<sup>237</sup>

Another individual described how Mr Steele would have a group of 'sporty boys in his classroom with whom he would chat and joke with'. They recalled: '[i]t looked like they were having fun and ironically we wanted to be a part of this but were not allowed in'.<sup>238</sup>

## In a school context

A number of individuals shared with the Board of Inquiry their experiences of child sexual abuse allegedly perpetrated by Mr Steele in a school context — that is, on school premises, at school camps or travelling between school settings, such as to sports training.

Several victim-survivors recalled experiences of sexual abuse where Mr Steele isolated children from their peers and other adults.

One victim-survivor who attended Beaumaris Primary School described Mr Steele removing him from the classroom for ‘treatment’ of a sports injury to his stomach. The victim-survivor recalled that during this ‘treatment’, Mr Steele took off the victim-survivor’s clothes and ‘rubbed [the victim-survivor’s] stomach with one hand while he touched [the victim-survivor’s] genitals with his other hand’.<sup>239</sup>

Another victim-survivor shared a similar experience at Beaumaris Primary School. The victim-survivor told the Board of Inquiry that he suffered an injury at cricket training and was touched inappropriately by Mr Steele while he was administering first aid to the victim-survivor.<sup>240</sup>

One victim-survivor told the Board of Inquiry he was sexually abused multiple times over ‘years and years’ by Mr Steele, while Mr Steele was the principal at the victim-survivor’s school. This victim-survivor recalled that Mr Steele would take him out of class or after-school care and into his office, where he would sexually abuse him.<sup>241</sup>

This victim-survivor also recalled being sexually abused by Mr Steele at a swimming class. He recalled that Mr Steele took him into the changerooms and assaulted him in the stalls, then made him go back to the swimming class.<sup>242</sup>

The victim-survivor also recalled how he was made to sit next to Mr Steele on a bus trip to a school camp for a few hours. He recounted that Mr Steele sexually abused him by touching him under a blanket for the entire trip.<sup>243</sup>

The victim-survivor told us that the first time he was sexually abused by Mr Steele, he reported the alleged abuse to a Safety House.<sup>244</sup> He recalled that the police were called and, while he gave them a ‘detailed description’ of Mr Steele, he was too frightened to tell the police who the perpetrator was. The victim-survivor shared that, following this, Mr Steele threatened him at school and the sexual abuse continued to escalate, including to rape.<sup>245</sup>

The Board of Inquiry heard from other victim-survivors that Mr Steele sexually abused children at school camps.

One victim-survivor recalled that at school camp, Mr Steele dried him after a shower. He recalled that Mr Steele dried multiple children at the camp, and they all thought it was strange.<sup>246</sup>

Another victim-survivor shared how they were seated in a train carriage with Mr Steele and several other students on the way home from a school camp. They recalled that Mr Steele encouraged the boys to kiss the girls and ‘make sure tongues were put into each other’s mouths’.<sup>247</sup>

The Board of Inquiry also heard from an individual who said that as 11-year-olds, he and his friends knew about Mr Steele’s child sexual abuse. They knew that Mr Steele would sit children on his lap in his car and dry children’s genitals after they had taken showers.<sup>248</sup>

## Broader school settings

The Board of Inquiry was also told about child sexual abuse allegedly perpetrated by Mr Steele in broader school settings. Mr Steele appears to have used his role as a teacher to engage with children outside of school.

One victim-survivor, who was a student at Beaumaris Primary School, recalled being taken by Mr Steele to his family holiday house in Inverloch with around eight other boys. Mr Steele brought the victim-survivor back to the holiday house ahead of the rest of the group. He remembered that Mr Steele then stripped off the victim-survivor's clothes, showered and dried him, and touched his genitals.<sup>249</sup>

The victim-survivor also shared that Mr Steele drove him back home from Inverloch during the night. The victim-survivor recalled that Mr Steele placed him on his lap and rubbed his genitals, while other young boys were sitting in the back seat.<sup>250</sup>

Another victim-survivor also told the Board of Inquiry about the child sexual abuse he recalled experiencing at Mr Steele's family holiday house in Inverloch. He recalled that in 1974 Mr Steele took him and his friends to the holiday house in Inverloch. The victim-survivor was in Year 6 at Ormond East Primary School and Mr Steele was his classroom teacher.<sup>251</sup>

The victim-survivor recalled that Mr Steele would dry him after he showered and 'touch and fondle' him. He told the Board of Inquiry that this happened every time he showered during the week-long trip and that Mr Steele made the boys shower three times a day.<sup>252</sup>

## Criminal offending summary

Based on information provided to the Board of Inquiry by the Department and Victoria Police, it appears that Mr Steele has not been charged with child sexual abuse offences.<sup>253</sup>

## The education system's knowledge and response

In 2000, a parent of former Beaumaris Primary School students informed the Department during an interview that Mr Steele had a massage table in the school that he used to 'rub down the kids after they played football' and that he would also take children away for weekends or after sport games.<sup>254</sup> This is the earliest record, in the material provided by the Department, of a concern raised about Mr Steele. Despite noticing this, the parent said that they had not thought (at the time their children were at the school) that Mr Steele was abusing children.<sup>255</sup> This parent did, however, note the close community connection Mr Steele had to at least one other alleged perpetrator around that time.<sup>256</sup> That alleged perpetrator had also been the subject of allegations of child sexual abuse around that same time.<sup>257</sup>

The Board of Inquiry heard from one victim-survivor that students in his class told him, years after they finished at Beaumaris Primary School, that if they got in trouble and went to the principal's office, they would threaten the principal that they would disclose Mr Steele's child sexual abuse if they were disciplined.<sup>258</sup> Another victim-survivor recalled talking to his friends about Mr Steele's behaviour at the time, stating that he thought it was 'clearly evident' that Mr Steele's behaviour was 'unusual'.<sup>259</sup>

However, the Board of Inquiry did not hear directly from any former student that they had reported concerns about Mr Steele to a teacher or principal during the relevant period. Nor did the Board of Inquiry receive any information suggesting any parent or teacher raised concerns about Mr Steele's conduct with the Department prior to 2000.

The Board of Inquiry was told of two instances where reports about Mr Steele's conduct were made to Victoria Police by the same victim-survivor in the mid-1980s and the late 1980s. It does not appear that those reports were conveyed to the Department. In the mid-1980s, the victim-survivor made a statement to Victoria Police alleging that he was sexually abused by Mr Steele when he was a child. He told the Board of Inquiry that the police took no action, and he was later told that the police 'couldn't find' his statement.<sup>260</sup>

In the late 1980s, the same victim-survivor again contacted Victoria Police to report sexual abuse by Mr Steele. However, it was not until the early 2000s that Victoria Police contacted the victim-survivor about taking action against Mr Steele. Victoria Police asked him if he would wear a covert recording device and confront Mr Steele. The victim-survivor agreed to assist in the hope of protecting other children. He confronted Mr Steele in the very house in Inverloch where he recalled being sexually abused. Mr Steele denied the claims.<sup>261</sup> No further information was provided to the Board of Inquiry about how, or if, the investigation progressed.

At least one victim-survivor who engaged with the Board of Inquiry recalled alleged child sexual abuse by Mr Steele after these complaints were made to Victoria Police during the 1980s.

As described in Chapter 10, The education system, there was an obligation on Victoria Police to share crime reports with the Department regarding information that a student had been sexually abused while in the care of a government school.<sup>262</sup> The Board of Inquiry did not receive any information that Victoria Police did share crime reports about Mr Steele with the Department at the time they were made. If crime reports had been received by the Department, it is not clear the Department would have acted on the allegations, as a discretionary approach was applied to notifications of crime reports (see Chapter 13).

Mr Steele remained teaching in Victorian government primary schools until 31 January 1990.<sup>263</sup>

Analysis of the education system's response, and systemic failings, is provided later in this Part, in Chapter 13.

## The Board of Inquiry's engagement with Mr Steele

Due to Mr Steele's death, the Board of Inquiry was not required to engage in a procedural fairness process in relation to the allegations of child sexual abuse against him.

## The Department's knowledge of the alleged perpetrators

The Board of Inquiry considers it is clear from the evidence it has received and from other information provided that, in some instances, employees of the Department were aware of allegations of child sexual abuse well before the Department took any action to protect children's safety.

In relation to Mr Ray, concerns were raised at least by 1974 — but possibly as early as 1972 — about his conduct. Multiple concerns appear to have been raised around 1975. By the end of 1976, Mr Ray had left Beaumaris Primary School and commenced working at a new school. Despite the mounting concerns about Mr Ray's behaviour at Beaumaris Primary School, there is no evidence that a meaningful investigation of his conduct was carried out. Significantly, Mr Ray was later charged with child sex offences against a child at the new school.<sup>264</sup> Mr Ray was able to continue teaching until 1979. This is despite concerns being raised some years before he was convicted of child sexual abuse and left the Department. The Department's inaction put numerous children at risk of sexual abuse.

In relation to Wyatt, concerns were raised and complaints were made about his conduct in the early 1970s. Yet, no action was taken and Wyatt continued to teach for more than two decades, until his resignation. The Department's inaction put numerous children at risk of sexual abuse.

In relation to Mr MacGregor, it was only the actions of parents that led to the Department moving him to an administrative role away from teaching children, notwithstanding child sexual abuse charges being made against him. Even when he was convicted, he was able to remain employed and continue to take advantage of the benefits of a departmental role until he chose to retire in 1992. Even though he was not teaching, his continued employment within the Department afforded him status and facilitated his continued access to children in other ways. The Department's failure to have policies or protocols in this regard compromised the safety of children.

In relation to Mr Steele, it is striking that reports to Victoria Police in the mid-1980s and in the late 1980s that he had sexually abused school children do not appear to have been conveyed to the Department, despite the fact he was still teaching. As will be discussed in Chapter 13, the Department had no policies or protocols in place to ensure the sharing of information of this kind between the Department and Victoria Police. Mr Steele remained a teacher until 31 January 1990, and his roles included that of principal. The Department's failure in this regard compromised the safety of children.

## Chapter 11 Endnotes

1. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.8.5]; Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
2. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1.3]; Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.3].
3. Interview (NA McLean, Department of Education, Phone, 7 May 2001) 2.
4. Interview (NA McLean, Department of Education, Phone, 7 May 2001) 2.
5. Interview (NA McLean, Department of Education, In person, 5 December 2000) 7.
6. Interview (NA McLean, Department of Education, Phone, 8 May 2001) 1.
7. Statement of Leah Bromfield, 23 October 2023, 12 [63].
8. Private session 1.
9. Private session 2; Private session 6; Document prepared by the Department of Education in response to a Notice to Produce, 'The Names and Dates of Service of Any Coaches of Football, Soccer or Cricket Teams at Beaumaris Primary School from 1 January 1960 to 31 December 1999', 31 October 2023, 2 –3 [4]; 'Background and Teaching Career of David MacGregor: Clubs or Organizations Connected with Over Many Years', undated, 7; Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Records of [Wyatt]', 22 September 2023, 2 [1.7], [1.8].
10. See e.g.: Private session 33; Private session 2.
11. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 2(a).
12. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'History and Evolution of the Department's Record Management Policies, Procedures and Guidelines Between 1 January 1960 and 31 December 1979 in Relation to Any Allegation, Complaint, Notification or Report Identified in Response to Paragraph 8, Including Any Reviews, Reports or Evaluations Written, Commissioned or Received in Relation to Such Policies, Procedures and Guidelines', 5 October 2023, 3 [12].
13. Private session 13.
14. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1.2]; Information provided to the Board of Inquiry by the State of Victoria on 21 November 2023.
15. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1].
16. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 3 [3.1]; Writ and Statement of Claim, 22 June 2022, 3.
17. Private session 2; Private session 6.
18. Statement of David Howes, Attachment DH-2, 3 November 2023, 16.
19. Document prepared by the Department of Education in response to a Notice to Produce, 'Any Formal or Informal Connections or Arrangements Between the St Kilda Little League and: (a) The Department; (b) Beaumaris Primary School; and (c) Any Other Relevant Government School, between 1 January 1960 and 31 December 1999', 31 October 2023, 3 [6].
20. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1.3].
21. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1.6.1].
22. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1.6.2]; Document prepared by the Department of Education in response to a Notice to Produce, 'The Names and Dates of Service of Any Coaches of Football, Soccer or Cricket Teams at Beaumaris Primary School from 1 January 1960 to 31 December 1999', 31 October 2023, 2.

23. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1.6.3]; Document prepared by the Department of Education in response to a Notice to Produce, 'The Names and Dates of Service of Any Coaches of Football, Soccer or Cricket Teams at Beaumaris Primary School from 1 January 1960 to 31 December 1999', 31 October 2023, 2.
24. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1.6.4]; Document prepared by the Department of Education in response to a Notice to Produce, 'The Names and Dates of Service of Any Coaches of Football, Soccer or Cricket Teams at Beaumaris Primary School from 1 January 1960 to 31 December 1999', 31 October 2023, 2; Letter from State of Victoria to the Board of Inquiry, 25 January 2024, Table A (Department of Education) 3 [1] .
25. Private session 1.
26. Private session 2.
27. Private session 23.
28. Private session 23; Private session 2.
29. Private session 1.
30. Private session 1.
31. Private session 15.
32. Private session 15.
33. Private session 22.
34. Private session 31; Private session 41.
35. Private session 23.
36. Submission 41, 5.
37. Submission 38, 1.
38. Private session 1.
39. Private session 33.
40. Submission 11, 1.
41. Submission 2, 1.
42. Private session 1.
43. Private session 22.
44. Private session 2.
45. Private session 39.
46. Private session 23.
47. Private session 22.
48. Submission 41, 5.
49. Private session 2.
50. Private session 32.
51. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 5 [4.6].
52. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 3 [4.3] – 4 [4.4].
53. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 5 [4.5].
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55. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 7 [7.1].
56. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [27].
57. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [27].



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59. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 3 [2.8].
60. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 3 [2.8].
61. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 3.
62. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 3–4 [3.7].
63. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 3 [2.9.1].
64. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 3 [2.9.2].
65. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 7 [7.1].
66. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 7 [7.1].
67. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 7 [7.1].
68. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 7 [7.1].
69. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
70. In 2000 and 2001, the Department conducted a series of interviews with former students, parents and teachers in regard to sexual abuse at Beaumaris Primary School based on the large number of civil claims it had received around that time.
71. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
72. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
73. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
74. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
75. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
76. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
77. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
78. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
79. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
80. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
81. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
82. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
83. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
84. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
85. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
86. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
87. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
88. Statement of David Howes, Attachment DH-2, 3 November 2023, 8.
89. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
90. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
91. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
92. Statement of David Howes, Attachment DH-2, 3 November 2023, 9.
93. Statement of David Howes, Attachment DH-2, 3 November 2023, 9.
94. Statement of David Howes, Attachment DH-2, 3 November 2023, 9.
95. Statement of David Howes, Attachment DH-2, 3 November 2023, 9.

96. Statement of David Howes, Attachment DH-2, 3 November 2023, 9.
97. Document prepared by the Department of Education in response to a Notice to Produce, 'Why Mr Ray and Mr MacGregor Ceased Working at Beaumaris Primary School', 31 October 2023, 2 [3].
98. Document prepared by the Department of Education in response to a Notice to Produce, 'Why Mr Ray and Mr MacGregor Ceased Working at Beaumaris Primary School', 31 October 2023, 2 [5]–[6].
99. Transcript of Proceedings, *R v Ray* (County Court, Judge Jones, 15 February 2001) 13.
100. Submission 24, 1.
101. Private session 1.
102. Submission 6, 1.
103. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
104. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
105. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
106. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
107. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
108. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
109. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 2 [1].
110. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
111. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
112. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 6 [6.2.5].
113. 'Our Approach', *Rossbourne School* (Web Page) <<https://www.rossbourne.vic.edu.au>>; 'About Our School', *Rossbourne School* (Web Page) <<https://www.rossbourne.vic.edu.au/learning/our-approach>>.
114. Letter from Manager Legal Services Unit, Department of Education to Solicitors, 16 October 1998, 'Possible Deregistration Proceedings — Mr Darrell Ray', 1.
115. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of [Wyatt]', 22 September 2023, 2 [1.4].
116. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of [Wyatt]', 22 September 2023, 2 [1.4].
117. Submission 50, 4.
118. Private session 15.
119. See e.g.: Submission 36, 3; Submission 26, 1; Private session 15.
120. Submission 36, 2.
121. Private session 20.
122. Submission 4, 1.
123. Private session 38.
124. Intake form, Private session 7.
125. Private session 40.
126. Submission 26, 1.
127. Submission 9, 1.
128. Intake form, private session 2.
129. Private session 32.
130. Submission 41, 8.
131. Statement of David Howes, Attachment DH-2, 3 November 2023, 1.
132. Document prepared by the Department of Education in response to a Notice to Produce, 'The Employment Record of [Wyatt]', 22 September 2023, 5.
133. In 2000 and 2001, the Department conducted a series of interviews with former students, parents and teachers at Beaumaris Primary School as a result of the large number of civil claims it had received around that time.
134. Statement of David Howes, Attachment DH-2, 3 November 2023, 1.
135. Statement of David Howes, Attachment DH-2, 3 November 2023, 1.

136. Statement of David Howes, Attachment DH-2, 3 November 2023, 1.
137. Statement of David Howes, Attachment DH-2, 3 November 2023, 1.
138. Document prepared by the Department of Education in response to a Notice to Produce, 'The Employment Record of [Wyatt]', 22 September 2023, 5 [3.9].
139. Document prepared by the Department of Education in response to a Notice to Produce, 'The Employment Record of [Wyatt]', 22 September 2023, 2 [1.5.8].
140. Letter from Wyatt to the Board of Inquiry, 20 November 2023, 1.
141. Email from Wyatt to the Board of Inquiry, 17 January 2024.
142. Letter from Wyatt to the Board of Inquiry, 20 November 2023, 1; Email from Wyatt to the Board of Inquiry, 17 January 2024.
143. Email from Wyatt to the Board of Inquiry, 17 January 2024.
144. Email from Wyatt to the Board of Inquiry, 17 January 2024.
145. Email from Wyatt to the Board of Inquiry, 17 January 2024.
146. Email from Wyatt to the Board of Inquiry, 17 January 2024.
147. Email from Wyatt to the Board of Inquiry, 17 January 2024; Letter from Wyatt to the Board of Inquiry, 20 November 2023, 1.
148. Email from Wyatt to the Board of Inquiry, 17 January 2024.
149. Email from Wyatt to the Board of Inquiry, 17 January 2024.
150. Email from Wyatt to the Board of Inquiry, 17 January 2024.
151. Email from Wyatt to the Board of Inquiry, 17 January 2024.
152. Email from Wyatt to the Board of Inquiry, 17 January 2024.
153. Email from Wyatt to the Board of Inquiry, 17 January 2024.
154. Email from Wyatt to the Board of Inquiry, 17 January 2024.
155. Email from Wyatt to the Board of Inquiry, 17 January 2024.
156. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.2].
157. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.4], [1.8].
158. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.8], [1.13].
159. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 3 [1.10].
160. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.6].
161. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.3].
162. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 2 [1.8] – 3 [1.9].
163. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 3 [1.10].
164. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 3 [1.11]–[1.13].
165. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'Background and Teaching Career of David MacGregor: Clubs or Organizations Connected with over Many Years', undated, 7.
166. Submission 24, 1.
167. Private session 17.
168. Submission 34, 1.
169. Private session 3.
170. Submission 35, 1.

171. Russell Jackson, 'The Horror Story of Paedophile Beaumaris Primary Teacher David MacGregor Has Finally Been Laid Bare', *ABCNews* (online, 26 November 2023) <<https://www.abc.net.au/news/2023-11-26/story-of-paedophile-teacher-david-macgregor-laid-bare/103132732>>.
172. Russell Jackson, 'The Horror Story of Paedophile Beaumaris Primary Teacher David MacGregor Has Finally Been Laid Bare', *ABCNews* (online, 26 November 2023) <<https://www.abc.net.au/news/2023-11-26/story-of-paedophile-teacher-david-macgregor-laid-bare/103132732>>.
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174. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 4.
175. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 4 [2.1].
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177. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 4 [2.4].
178. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 4 [2.7]–[2.8].
179. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 5 [2.11]–[2.12].
180. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 5 [2.13].
181. Transcript of Alleged Perpetrator Narratives, 15 November 2023, P-110 [45].
182. Transcript of Alleged Perpetrator Narratives, 15 November 2023, P-111 [5].
183. Transcript of Alleged Perpetrator Narratives, 15 November 2023, P-111 [5].
184. Statement of David Howes, 3 November 2023, Attachment DH-2, 20.
185. Statement of David Howes, 3 November 2023, Attachment DH-2, 20.
186. Statement of David Howes, 3 November 2023, Attachment DH-2, 20.
187. Statement of David Howes, 3 November 2023, Attachment DH-2, 20.
188. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
189. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
190. Transcript of David Howes, 16 November 2023, P-163 [25]–[26].
191. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
192. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
193. Statement of David Howes, 3 November 2023, Attachment DH-2, 22.
194. Statement of David Howes, 3 November 2023, Attachment DH-2, 22.
195. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 5 [3.3]–[3.4].
196. Transcript of Alleged Perpetrator Narratives, 15 November 2023, P-110 [41]–[43].
197. Transcript of David Howes, 16 November 2023, P-172 [1]–[9].
198. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor', 22 September 2023, 6 [3.5].
199. Statement of David Howes, 3 November 2023, Attachment DH-2, 23.
200. Statement of David Howes, 3 November 2023, Attachment DH-2, 23.
201. Statement of David Howes, 3 November 2023, Attachment DH-2, 23.
202. Statement of David Howes, 3 November 2023, Attachment DH-2, 23.
203. Statement of David Howes, 3 November 2023, Attachment DH-2, 23.
204. Statement of David Howes, 3 November 2023, Attachment DH-2, 23.
205. Statement of David Howes, 3 November 2023, Attachment DH-2, 23–4.
206. Statement of David Howes, 3 November 2023, Attachment DH-2, 24.

207. Statement of David Howes, 3 November 2023, Attachment DH-2, 24.
208. Statement of David Howes, 3 November 2023, Attachment DH-2, 24.
209. Statement of David Howes, 3 November 2023, Attachment DH-2, 24.
210. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor,' 22 September 2023, 7.
211. Transcript of David Howes, 16 November 2023, P-179 [5].
212. Letter from Assistant General Manager, Personnel & Industrial Relations, Operations Branch, 19 March 1990.
213. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of David MacGregor,' 22 September 2023, 2 [1.6], 3 [1.10.2].
214. Submission 43, 1.
215. Submission 43, 1; Private session 17.
216. Police officers completed 'crime reports' when a crime of any type was reported to Victoria Police. The reports recorded information about crimes, victims of crime and perpetrators of crime. *The Victoria Police Manual (1957 Edition) Consisting of Regulations of the Governor in Council Determination of the Police Service Board and Standing Orders of the Chief Commissioner of Police (1957) 94B–95; Victoria Police Manual (22 December 1997) 2-30 [2.6.8]; Victoria Police Manual (10 June 1997) 2-29–2-30 [2.6.8]; Victoria Police Manual (21 June 1999) 2-13–2-14 [2.6.8].*
217. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
218. Transcript of David Howes, 16 November 2023, 179 [40]–[45].
219. Transcript of David Howes, 16 November 2023, 179 [45]–[46].
220. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
221. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
222. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
223. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
224. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
225. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
226. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
227. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
228. Phone call between David MacGregor and the Board of Inquiry, 2 February 2024.
229. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of [Graham] Steele,' 22 September 2023, 2 [1.2], [1.5].
230. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of [Graham] Steele,' 22 September 2023, 2 [1.4], [1.9].
231. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of [Graham] Steele,' 22 September 2023, 2 [1.6], [1.8.8]–[1.8.10].
232. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Graham Harold Steele,' 22 September 2023, 2 [1.3], [1.6], [1.8].
233. Document prepared by the Department of Education in response to a Notice to Produce, 'The Names and Dates of Service of Any Coaches of Football, Soccer, or Cricket Teams at Beaumaris Primary School from 1 January 1960 to 31 December 1999,' 31 October 2023, 2 [4].
234. Private session 14.
235. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of [Graham] Harold Steele,' 22 September 2023, 2 [1.6], [1.8].
236. Private session 14.
237. Statement of 'Bernard', 19 October 2023, 2 [16].
238. Submission 39, 1.
239. Statement of 'Bernard', 19 October 2023, 2 [10].
240. Private session 23.
241. Private session 16.
242. Private session 36.
243. Private session 16.

244. The Safety House program existed in Victoria from 1979 to 2013. Private homes could volunteer to participate in the program. They were designated as 'Safety Houses', with occupants screened by police and generally home during hours when children were transiting to and from school. Children could seek refuge in a Safety House, identifiable through a symbol placed on the letterbox, and the occupants would call police.
245. Private session 16.
246. Private session 26.
247. Submission 39, 1.
248. Private session 40.
249. Private session 4.
250. Private session 4.
251. Private session 14.
252. Private session 14.
253. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of [Graham] Steele', 22 September 2023, 3 [4.1].
254. Statement of David Howes, Attachment DH-2, 3 November 2023, 18.
255. Interview (NA McLean, Department of Education, In person, 22 November 2000) 7; Letter from State of Victoria to the Board of Inquiry, 25 January 2024, Table A (Department of Education) 4–5 [4].
256. Interview (NA McLean, Department of Education, In person, 22 November 2000) 7.
257. Interview (NA McLean, Department of Education, In person, 22 November 2000) 7.
258. Private session 4.
259. Submission 27, 1.
260. Private session 14.
261. Private session 14.
262. Police officers completed 'crime reports' when a crime of any type was reported to Victoria Police. The reports recorded information about crimes, victims of crime and perpetrators of crime. *The Victoria Police Manual (1957 Edition) Consisting of Regulations of the Governor in Council Determination of the Police Service Board and Standing Orders of the Chief Commissioner of Police (1957)* 94B–95; *Victoria Police Manual (22 December 1997)* 2-30 [2.6.8]; *Victoria Police Manual (10 June 1997)* 2-29–2-30 [2.6.8]; *Victoria Police Manual (21 June 1999)* 2-13–2-14 [2.6.8].
263. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of [Graham] Steele', 22 September 2023, 2 [1.8].
264. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Employment Record of Darrell Ray', 22 September 2023, 5 [4.7].

CHAPTER 12

# Grooming and disclosure

12

## Introduction

This Chapter explores grooming as a concept and considers how, alongside other factors, it contributes to barriers to disclosure. The Chapter also explores challenges victim-survivors have experienced in disclosing child sexual abuse.

‘Grooming’ refers to how a perpetrator manipulates a child, family, institution or community to enable their offending behaviour. ‘Disclosure’ refers to when a child conveys or attempts to convey that they were sexually abused. Grooming can create barriers to disclosure, including normalising the sexual abuse, making it unlikely that a child will disclose the sexual abuse or will be believed if they do.

## Grooming behaviour

### Understanding grooming

The Board of Inquiry has adopted the same definition of grooming as the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission):

behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child’s compliance, maintaining the child’s silence, and avoiding discovery of the sexual abuse.<sup>1</sup>

As this definition makes clear, grooming targets not only the individual child but also those around them, such as their family and the perpetrator’s workplace.<sup>2</sup>

Grooming does not always lead to child sexual abuse, and child sexual abuse can occur in the absence of grooming.<sup>3</sup> Perpetrators may also use tactics such as force and threats to inflict child sexual abuse.<sup>4</sup> Research suggests, however, that child sexual abuse in schools almost always begins with grooming.<sup>5</sup>

The concept of grooming only emerged in academic publications in the 1980s.<sup>6</sup> In his evidence to the Board of Inquiry, Professor Patrick O’Leary, Co-Lead of the Disrupting Violence Beacon and Director of the Violence Research and Prevention Program, Griffith University, explained that the way grooming was understood evolved with better knowledge about child sexual abuse — including that it was not a ‘rare event’ and was not only perpetrated by strangers.<sup>7</sup>

The lack of understanding and awareness of grooming in the 1960s to the 1980s increased the vulnerability of children.<sup>8</sup> As Professor Lisa Featherstone, Head of School, School of Historical and Philosophical Inquiry, University of Queensland, explained in her evidence to the Board of Inquiry, without an understanding of grooming, parents may have been encouraged ‘to leave their children with men who showed an interest in their child’, for example, in the context of sports coaching or music lessons.<sup>9</sup>

The Board of Inquiry heard evidence about a number of strategies and behaviours that are typically used by perpetrators to groom children. These include:

- creating a trusted relationship with the child, parents and co-workers
- small and progressive breaches of the child’s boundaries, such as non-sexual touching
- introducing the child to sexual content, such as talking about sex or showing the child pornography



- involving the child in rule-breaking behaviour, such as taking alcohol and drugs
- making the child feel loved, special or fearful.<sup>10</sup>

Professor O’Leary gave evidence to the Board of Inquiry that grooming may be gendered, with different tactics used to groom boys and girls. He explained that the tactics that may be used to groom young boys include:

- providing special privileges, such as selection in sports teams
- providing access to adult themes, such as through pornography
- forging positive relationships and generating the belief that the child is ‘special’.<sup>11</sup>

For girls, grooming often involves emotional manipulation (such as through gift-giving), rather than strategies focused on ‘prestige or privilege’.<sup>12</sup>

At the time grooming is occurring, grooming behaviours can often be perceived as ‘normal’ or ‘helpful’.<sup>13</sup> Professor O’Leary explained that ‘it is much harder to recognise grooming behaviours as they are occurring’, rather than retrospectively, because they can be legitimate behaviours.<sup>14</sup> For example, research indicates that spending time with children outside of the classroom or holding hands, on their own, could be seen as signs of going ‘above and beyond’ and being interested in a student’s development.<sup>15</sup> Analysis from the Royal Commission suggests that such behaviours, when only seen as individual actions instead of collectively, do not give rise to a need to examine the conduct in more detail.<sup>16</sup>

Despite the concept of grooming not being understood in the 1960s and 1970s, the victim-survivors who shared their experiences with the Board of Inquiry described conduct by the alleged perpetrators that meets the description of grooming, as outlined below.

## Alleged perpetrator behaviour

This section of the report examines the types of behaviour and techniques victim-survivors recalled being used by the alleged perpetrators, rather than the experiences of sexual abuse shared by victim-survivors, which is considered in Chapter 7, Experiences of sexual abuse and its impact in childhood. The behaviours and techniques described by many victim-survivors meet the description of grooming, as discussed below.

### Grooming children

The Board of Inquiry heard many accounts from victim-survivors that detailed how the alleged perpetrator made them feel ‘special’ and ‘loved’. Some alleged perpetrators used a child’s interest in hobbies, such as reading and sport, to endear themselves to the child and isolate them from other children.

One victim-survivor described how Darrell Ray used his interest in books to coax him into the library at lunchtimes, where it is alleged that he would sexually abuse him.<sup>17</sup>

Similarly, another victim-survivor recalled that Mr Ray used his interest in a particular hobby to entice him into the library at lunchtimes, where he said Mr Ray would sexually abuse him.<sup>18</sup>

Another victim-survivor told the Board of Inquiry that Mr Ray ‘groomed’ him as a ‘helper to put the books away’.<sup>19</sup>

Yet another victim-survivor recalled that he would feel ‘special’ when Graham Steele singled him out to help set up sports equipment.<sup>20</sup>

A submission prepared by lawyers representing victim-survivors who were allegedly sexually abused as children by the alleged perpetrators includes an account of one victim-survivor who said he was a ‘shy and lonely boy’ and that Mr Ray befriended him when he would visit the library during lunchtimes.<sup>21</sup> He alleged that ‘[a]fter several weeks to months of grooming’, Mr Ray repeatedly sexually abused him.<sup>22</sup>

Many victim-survivors told the Board of Inquiry how the alleged perpetrators would use their positions as sports coaches to bring children within their orbit. As discussed in Chapter 11, The alleged perpetrators, a number of the allegations of child sexual abuse made against Mr Ray involve abuse allegedly occurring in connection with sporting activities.

One victim-survivor, allegedly sexually abused by Mr Ray, told the Board of Inquiry that Mr Ray was one of the best coaches he had, and that he ‘blossomed’ as a footballer.<sup>23</sup>

Mr Ray selected boys from Beaumaris Primary School to play in the St Kilda Little League Football Club.<sup>24</sup> One victim-survivor recalled that boys were ‘desperate’ to play in this league.<sup>25</sup>

The Board of Inquiry was also told about experiences of child sexual abuse being normalised, which is a form of grooming. One victim-survivor told the Board of Inquiry that Mr Ray ‘always sort of had his hands on you’, and that this ‘normalised’ the physical contact. He recalled that the regular physical contact ‘became almost normal’.<sup>26</sup>

Another victim-survivor recalled that while Mr Ray was sexually abusing him in the library, he continued to talk to him like it was ‘normal behaviour’.<sup>27</sup>

## Grooming families

As noted above, grooming does not only refer to the grooming of a child.<sup>28</sup> The Board of Inquiry heard evidence that perpetrators can also groom families and communities, and the institutions perpetrators work in.<sup>29</sup>

Perpetrators may groom family members who offer safety and protection to the child, such as parents, siblings, other family members, carers and guardians.<sup>30</sup> For example, grooming may involve sharing part of the ‘caring burden’.<sup>31</sup>

Typically, perpetrators undertake the grooming of family members to increase the child’s and the family’s trust in the perpetrator and to create the impression that the perpetrator does not pose a risk to the child.<sup>32</sup> Grooming families can also ensure that disclosures of child sexual abuse are not believed.<sup>33</sup>

One victim-survivor recalled that he was often physically sick after Wyatt sexually abused him.<sup>34</sup> He recounted that on many occasions his mother was asked to come and pick him up from school and that Wyatt would flirt with his mother when she did so.<sup>35</sup> He told the Board of Inquiry that Wyatt was ‘methodical and knew what he was doing in striking this relationship with his mother’.<sup>36</sup>

Another victim-survivor recalled that Mr Ray would often visit his home and was a ‘close friend of [his] parents’.<sup>37</sup>

A victim-survivor, allegedly sexually abused by David MacGregor, said that Mr MacGregor would often visit her house and ‘gain trust’ and be ‘matey’ with her parents. She recalled that Mr MacGregor would sexually abuse her during music lessons after school.<sup>38</sup>

Several victim-survivors told the Board of Inquiry that the alleged perpetrators would exploit ‘vulnerable’ families to gain access to children.

A sibling of victim-survivors who were sexually abused by Mr Ray recalled that Mr Ray ‘saw a vulnerable family’ and ‘slowly worked his way in’. Mr Ray would come to their house and have cups of tea with their parents. The sibling recounted that Mr Ray used his position as a local teacher to establish trust and then offer to drive the children to sports training.<sup>39</sup>

Another victim-survivor recalled that Mr Steele targeted him because he knew he was from a ‘broken home’ and his family did not have any money.<sup>40</sup>

## Grooming communities

At a community level, grooming is focused on establishing the perpetrator’s credibility in and service to the community.<sup>41</sup> Professor O’Leary described this as ‘the positioning of oneself so that the community feels they have a need, and the person has stepped in at the right time’; for example, coaching a sports team.<sup>42</sup>

Grooming communities can quell suspicions about a perpetrator’s offending and make it hard for community members to believe allegations of child sexual abuse.<sup>43</sup> Professor Featherstone gave evidence to the Board of Inquiry that ‘[t]his was particularly the case where the perpetrator was integrated into the community, such as where they were involved in sports coaching and had a wife and children’.<sup>44</sup>

The alleged perpetrators falling within the scope of this inquiry were integrated in the community in various ways, but in particular through their positions as school teachers and sports coaches at the local primary school and through their involvement in local sporting clubs.<sup>45</sup>

Professor Featherstone gave evidence to the Board of Inquiry that community integration enables perpetrators to have access to children both at school and after school, and to ‘have intimate access to children such as [in] change rooms and [while] driving children to and from sporting events’.<sup>46</sup>

Community integration also assists a perpetrator to be considered a person of good character, or a ‘good bloke’.<sup>47</sup> Professor Leah Bromfield, Director of the Australian Centre for Child Protection and Chair of Child Protection, University of South Australia, explained that perpetrators of institutional child sexual abuse have shown themselves to be ‘highly skilled in grooming their colleagues, children’s parents and community members to enable them to access children and to be considered above reproach’.<sup>48</sup>

This concept of being ‘above reproach’ means that perpetrators need make little attempt to conceal their behaviour; for example, they may perpetrate child sexual abuse in front of other people.<sup>49</sup>

Being ‘above reproach’ may also mean that a perpetrator is considered of ‘good character’, which can reduce their punishment.<sup>50</sup> Professor O’Leary gave evidence to the Board of Inquiry that a ‘good character reference is all about ... grooming’ and demonstrates how grooming can increase a perpetrator’s credibility and ‘social likeability’.<sup>51</sup> In the case of Mr MacGregor, as discussed in Chapter 11, charges relating to child sexual abuse under the *Teachers Service Act 1981* (Vic)

were found to be proved by the Department of Education (Department) in 1986.<sup>52</sup> In considering Mr MacGregor's penalty, the Department took into consideration a range of matters, including the evidence of character witnesses.<sup>53</sup> The Department determined that Mr MacGregor should not be dismissed from the teaching service, but instead appointed to a non-teaching role and banned from applying for another teaching position until late 1988.<sup>54</sup>

One victim-survivor told the Board of Inquiry that, at the time, some students admired or looked up to the alleged perpetrators.<sup>55</sup> She hoped that this would not be the case again, now that more is known about the allegations of child sexual abuse.<sup>56</sup>

## Grooming in schools

Perpetrators may deliberately choose to work in schools because of the respect and authority teaching positions afford, as well as the access to children schools provide.<sup>57</sup>

Professor Michael Salter, Professor of Criminology, School of Social Sciences, University of New South Wales, gave evidence to the Board of Inquiry that during the 1960s and 1970s, government schools were 'attractive' places for perpetrators to work as they provided access to 'diverse cohorts of potential victims'.<sup>58</sup> Staff had authority over children and there were a range of opportunities to groom children and their families.<sup>59</sup>

Similarly, Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University, gave evidence to the Board of Inquiry that in schools there is an 'institutional authority embodied in teachers'.<sup>60</sup> This was compounded in the 1960s and 1970s because of children's 'greater deference to adult authority'.<sup>61</sup> This meant that children were expected to be compliant, and school staff 'could exert considerable power over children'.<sup>62</sup>

Teachers were regarded as 'good people doing good work', and male teachers were seen as 'exemplary men helping young people'.<sup>63</sup> Professor Featherstone's evidence was that these views made it difficult to criticise their behaviour.<sup>64</sup>

Being part of a trusted institution meant that perpetrators were in a position to groom families and build trust and respect.<sup>65</sup> This could lead to perpetrators acting with a 'sense of impunity', meaning that they may take greater risks that could expose their behaviour.<sup>66</sup>

Certainly, the child sexual abuse described by victim-survivors to the Board of Inquiry was often brazen. As discussed in Chapter 11, for example, some victim-survivors recalled being abused in public. Many victim-survivors told the Board of Inquiry that they were deliberately sexually abused in front of other children, or that they witnessed this sexual abuse.

Two former students at a school where Wyatt worked told the Board of Inquiry that they observed Wyatt sexually abusing children in front of them.<sup>67</sup> One former student said they had clear memories of what happened in Wyatt's classroom.<sup>68</sup>

A number of victim-survivors also recalled Mr Ray sexually abusing children during classes and in front of other children.<sup>69</sup>

The varied ways in which perpetrators groom children, families, institutions and communities is relevant to understanding if, how and when children disclose sexual abuse. The very nature of grooming establishes barriers to disclosure. Other barriers to disclosure are also discussed in the next section.

# Barriers to disclosing child sexual abuse

## Common barriers to disclosure

As noted earlier, ‘disclosure’ refers to when a victim-survivor conveys, or attempts to convey, their experience of sexual abuse. Disclosure is often an iterative process rather than a single event.<sup>70</sup> It can occur in different ways to different people, and can happen throughout a victim-survivor’s life course.<sup>71</sup> It may be intentional, accidental, partial or complete.<sup>72</sup> It may take many forms and might be verbal or non-verbal; for example, it can be conveyed through behavioural cues such as heightened anxiety.<sup>73</sup>

Disclosure is important.<sup>74</sup> It may be the first step to stopping the child sexual abuse, preventing its perpetuation and ensuring access to support services.<sup>75</sup>

Yet research suggests that a large number of victim-survivors do not disclose child sexual abuse until years after the abuse occurred.<sup>76</sup> For example, based on the experiences of the 6,875 victim-survivors that the Royal Commission engaged with through private sessions, it took an average of 23.9 years for victim-survivors to disclose child sexual abuse.<sup>77</sup> Men generally took longer than women to disclose — the average was 25.6 years for males and 20.6 years for females.<sup>78</sup>

In the course of this inquiry, many victim-survivors said that they did not disclose their experience of child sexual abuse until many years after it occurred, and in some cases, decades. Professor O’Leary also gave evidence to the Board of Inquiry that ‘many victim-survivors of child sexual abuse delay their disclosure well into adulthood’.<sup>79</sup> There are multiple reasons why a child may not disclose sexual abuse, including:

- feelings of guilt and shame
- the child’s inability to comprehend what child sexual abuse is and the gravity of the abuse
- threats by the perpetrator
- grooming, such as control and manipulation
- intimidation, such as corporal punishment<sup>80</sup>
- loyalty to the perpetrator
- fear of not being listened to or believed.<sup>81</sup>

The response of the person to whom disclosure is made is often just as important as the disclosure itself. Negative responses to disclosure can cause children to withdraw their disclosures.<sup>82</sup> Children can feel further guilt and shame, and their experience of sexual abuse can be minimised.<sup>83</sup> In addition, the disclosure itself can be traumatic.<sup>84</sup>

Conversely, reasons why victim-survivors may disclose their experiences of child sexual abuse while they are still children include understanding what child sexual abuse is, and being directly asked if they have experienced sexual abuse.<sup>85</sup>

This Chapter focuses on disclosure as it relates to victim-survivors who have engaged with the Board of Inquiry. It includes a discussion of barriers to disclosure in the 1960s and 1970s.

## Barriers to disclosure in the 1960s and 1970s

As discussed in Chapter 6, Time and place, there were a range of sociocultural factors in the 1960s and 1970s that shaped attitudes towards children and understandings of child sexual abuse. For example, there was a power imbalance between children and adults that worked against children speaking up and raising issues that affected them.<sup>86</sup> In a school context, teachers held positions of authority, and used forms of corporal punishment to discipline and control children.<sup>87</sup> These factors made it difficult for children to disclose sexual abuse.

The Board of Inquiry heard from victim-survivors about the power imbalance highlighted above and the associated fear of speaking up. One victim-survivor recalled that children were not allowed to speak until they were spoken to. He added that in his experience children had to do what they were told, or they would get a ‘flogging’.<sup>88</sup>

Another victim-survivor shared that growing up, ‘[m]y parents were pretty much of that view, kids don’t have rights, [you should be] seen and not heard, do what you’re told’.<sup>89</sup>

Similarly, another victim-survivor recalled that people had so much trust in teachers that they did not question anyone in authority.<sup>90</sup> This meant that, even if a child did disclose sexual abuse, they would not necessarily be believed if it was a child’s word against an adult’s.

Other sociocultural factors that worked as a barrier to disclosure in the 1960s and 1970s included limited understandings of child sexual abuse, and sex and sexuality not being openly discussed.<sup>91</sup> At this time, there was a reluctance to have open conversations about child sexual abuse.<sup>92</sup> These factors contributed to feelings of shame and a culture of remaining silent.

Professor Salter gave evidence to the Board of Inquiry that another barrier to disclosure during this time was related to the prevalence of homophobia.<sup>93</sup> As discussed in Chapter 6, homophobia prevented boys disclosing child sexual abuse because of the perception that they would be blamed or ‘under suspicion for homosexuality’.<sup>94</sup> Professor Daryl Higgins, Director, Institute of Child Protection Studies, Australian Catholic University, explained that homophobia made it ‘particularly difficult’ for children sexually abused by a person of the same gender to disclose, be believed, and receive appropriate support.<sup>95</sup>

As Professor Bromfield indicated, in the 1960s and 1970s perpetrators were able to take advantage of the fact there was a low likelihood of a child disclosing, or being believed if they did disclose.<sup>96</sup>

## Experiences of barriers to disclosure

As discussed earlier in this Chapter, many victim-survivors do not disclose child sexual abuse until adulthood. Furthermore, research indicates that victim-survivors commonly repress memories, question whether the child sexual abuse happened, and feel uncertain about the accuracy of their memories.<sup>97</sup>

Some victim-survivors told the Board of Inquiry that they had ‘buried’ or ‘suppressed’ their memories of the child sexual abuse, and that this only emerged in adulthood.<sup>98</sup> For example, one victim-survivor said that he had buried his experience so deeply, ‘it took my psychologist a heap of effort to get it out of me’. Once he had opened up, however, ‘it was like a bomb’.<sup>99</sup>

For other victim-survivors, they had clear memories of experiencing child sexual abuse, but for a range of reasons they had not disclosed the abuse for a very long time.

As described below, the reasons for delaying disclosure vary, but they generally align with the literature on common barriers to disclosure. Many of these barriers to disclosure were significant, due to the social and cultural context of the 1960s and 1970s in Australia.

### **Internal barriers**

One of the main reasons for victim-survivors not disclosing their experiences of child sexual abuse is related to internal barriers, such as feelings of shame, guilt and self-blame; that is, a perceived responsibility for the abuse.<sup>100</sup>

A 2020 study conducted in the United States of America, involving 76 participants who had experienced child sexual abuse, found that the most common of these internal barriers to disclosure were feelings of shame, self-blame and fear of not being taken seriously.<sup>101</sup>

Similarly, a 2023 Irish study of 30 individuals who had experienced child sexual abuse found that a 'prominent' barrier to disclosure was self-blame.<sup>102</sup> Some participants felt that their 'inaction' or 'not fighting back' led them to believe that the sexual abuse was their fault.<sup>103</sup>

This research aligns with the experiences some victim-survivors shared with the Board of Inquiry.

For example, one victim-survivor told the Board of Inquiry that after he was sexually abused, he did not tell anyone because he thought that he would be humiliated. The victim-survivor thought that people would wonder why he did not stop the sexual abuse.<sup>104</sup>

Similarly, a victim-survivor recalled that his 'overriding emotions' after his sexual abuse were 'shame and confusion'. The victim-survivor said he 'locked [the memory]' and 'put [it] aside'.<sup>105</sup>

A further victim-survivor recalled that he did not talk about the child sexual abuse he experienced for many years because of the 'shame and embarrassment' he felt.<sup>106</sup>

Another victim-survivor recalled going 'bright red' after he was sexually abused and feeling like he was doing a 'walk of shame'. While the victim-survivor disclosed the sexual abuse to his mother, he 'convinced' her not to make a complaint as he 'did not want the attention'.<sup>107</sup>

Dr Rob Gordon OAM, Clinical Psychologist and trauma expert, gave evidence to the Board of Inquiry that sexual abuse can be perceived by a child as a violation of 'basic hygiene and cleanliness', which can make the child feel 'disgusting' and 'dirty' and contribute to poor self-esteem and self-loathing.<sup>108</sup> This can compound feelings of shame.

### **Lack of open discussion about sex and sexuality**

Another common barrier to disclosing child sexual abuse in the 1960s and 1970s related to a culture of not talking openly about sex and sexuality.<sup>109</sup>

Research indicates that a motivation to disclose child sexual abuse 'is not enough', and there must also be someone who a victim-survivor trusts will listen to them and believe them.<sup>110</sup> A 2020 qualitative meta-analysis of studies from 1998 to 2018 found that key enablers of disclosure included access to a trusted person and an expectation that disclosures would be believed.<sup>111</sup>

Several victim-survivors told the Board of Inquiry that child sexual abuse was not something that was discussed at that time.

One victim-survivor reflected that '[b]ack then you didn't really talk about it, didn't even talk about it with your parents'.<sup>112</sup>

Similarly, a victim-survivor told the Board of Inquiry that sexual abuse was not talked about in the 1970s, and '[p]eople who did raise it weren't listened to'.<sup>113</sup>

Another victim-survivor said that '[i]n those days you never spoke to your parents about these things'.<sup>114</sup> He said this was especially the case in relation to the alleged perpetrator, because he was 'in a trusted position as a school teacher' and was a friend of the victim-survivor's parents.<sup>115</sup>

One victim-survivor did recall telling his mother about being sexually abused, and told the Board of Inquiry that she did not take it seriously.<sup>116</sup>

### Limited understandings of child sexual abuse

As explored in Chapter 6, the widespread reluctance to talk openly about sex and sexuality in the 1960s and 1970s also contributed to society's limited understandings of child sexual abuse.

Several victim-survivors told the Board of Inquiry that they had difficulty understanding, identifying and processing the child sexual abuse, which compromised their ability to disclose.

One victim-survivor told the Board of Inquiry that they 'were not educated' on child sexual abuse, and explained 'while I knew it was inappropriate, I was not aware of the importance of notifying parents [and] teachers'.<sup>117</sup>

Similarly, another victim-survivor told the Board of Inquiry that he did not 'have the skills to understand what was happening to [him], why, or what [he] should do about it'.<sup>118</sup>

Yet another victim-survivor shared that he felt anxious and afraid, and said that '[e]motionally I didn't know how to cope' with the child sexual abuse. At times, he would dissociate when the sexual abuse occurred.<sup>119</sup>

Other victim-survivors explained that they thought the alleged perpetrator's conduct was highly unusual at the time, but they did not realise that it was sexual abuse.<sup>120</sup>

There is evidence that even today, victim-survivors of child sexual abuse may not understand that the abuse was wrong at the time they experienced it.<sup>121</sup> Research recognises that the realisation that child sexual abuse is 'not normal' is a factor that helps victim-survivors to disclose their experiences.<sup>122</sup>

### Threats and intimidation

The Royal Commission found that it was difficult for some children to disclose sexual abuse if they felt threatened by the perpetrator.<sup>123</sup> Similarly, an Irish study of 30 individuals who had experienced child sexual abuse found that a common barrier to disclosure was the fear that 'things would get worse'.<sup>124</sup>

Some victim-survivors who shared experiences of child sexual abuse with the Board of Inquiry explained that they were too afraid to disclose the sexual abuse as children because of the alleged perpetrator's threatening and intimidating behaviour.

One victim-survivor recalled that after she complained about Mr MacGregor's sexual abuse to an adult, Mr MacGregor approached her in the schoolyard and warned her about telling people about his behaviour.<sup>125</sup>

Another victim-survivor told the Board of Inquiry that Mr Steele took him and several other children to an abattoir, where they witnessed the slaughtering of animals. The victim-survivor perceived this as a warning that they must not disobey Mr Steele.<sup>126</sup>



Yet another victim-survivor shared that when he tried to disclose child sexual abuse allegedly perpetrated by Mr Steele, Mr Steele threatened him and said: ‘it’s only going to make it worse for you [and your family]’.<sup>127</sup>

As discussed in Chapter 7, some victim-survivors also recalled the use of corporal punishment to instill fear and discomfort in children. Several victim-survivors recalled Wyatt’s physical abuse and intimidating behaviour. One victim-survivor said that Wyatt would ‘inflict the strap on him’ before sending him out to the corridor, where he would sexually abuse him.<sup>128</sup> He shared how Wyatt would raise the strap above his head and then use ‘force’ to strap it down onto his palms.<sup>129</sup>

Another individual told the Board of Inquiry that Wyatt appeared to enjoy the fear he instilled in children by threatening to use the strap.<sup>130</sup>

One victim-survivor recalled that Wyatt would kick boys and physically abuse them in a violent manner.<sup>131</sup>

Another victim-survivor told the Board of Inquiry that Wyatt would threaten him and tell him he would be harmed if he told anyone about the sexual abuse.<sup>132</sup> He also shared that Mr Ray would threaten him with physical harm if he spoke out.<sup>133</sup>

Yet another victim-survivor recalled the excessive physical abuse that Mr Steele would inflict on him with a ruler. Mr Steele would strike him across the back and bottom with the ruler, and then proceed to sexually abuse him.<sup>134</sup>

## Responses to disclosures

As explored earlier in this Part, some children, parents and teachers tried to raise their experiences of, and concerns about, child sexual abuse at or around the relevant time.

The Board of Inquiry heard that parents raised concerns with teachers about the alleged perpetrators’ behaviour, and that teachers raised similar concerns with their colleagues and a principal.

Numerous adults reported Mr Ray’s child sexual abuse to the principal of Beaumaris Primary School, Mr Vern Hussey, in the mid-1970s. Available records reveal that the principal’s response diminished the seriousness of the allegations. Mothers of students were encouraged to ‘help out in the library’, where it was alleged Mr Ray’s child sexual abuse took place, and Mr Ray’s keys were confiscated to prevent him accessing the library on the weekends.<sup>135</sup> However, nothing else was done. There is very little evidence of whether or how the principal escalated the concerns that were raised with him. As discussed in Chapter 11, a former assistant principal recalled that, on one occasion, a district inspector was called in to investigate a complaint by the parent of a student. The former assistant principal assumed no disciplinary action occurred and there is no record of an investigation.<sup>136</sup> The Board of Inquiry has received no primary evidence that Mr Ray was investigated in response to these complaints. He remained a teacher in Victorian government schools until 1979. Accordingly, although it appears the principal acknowledged that Mr Ray posed a risk to children, the ultimate response to the allegations against Mr Ray was completely inadequate.

In another incident, as discussed in Chapter 11, several parents informed the Department that they had made complaints about Mr MacGregor’s behaviour to Victoria Police.<sup>137</sup> It appears that the responsibility of keeping the Department informed about Mr MacGregor’s criminal charges was shouldered by those parents. Due to the parents’ persistence, the Department finally took action and temporarily transferred Mr MacGregor to a non-teaching role.<sup>138</sup>

Despite concerns being raised at the time about the conduct of alleged perpetrators, the Victorian education system failed to adequately respond. The Department's complete absence of relevant policies and procedures in the 1960s to the 1990s, as well as a lack of staff training in respect of child sexual abuse, meant that there was no guidance in relation to how to identify and respond to allegations of child sexual abuse.<sup>139</sup> This meant that individuals were often unable to identify child sexual abuse, and even if they did, there was no clear process for them to report or otherwise deal with their suspicions.<sup>140</sup> The lack of policies and procedures also served to create the impression that child sexual abuse was not a serious matter in need of a robust response.

As a result, the education system itself did not adequately guard against the risks of child sexual abuse; nor did it adequately respond when the risks were brought to its attention.

The lack of appropriate responses to disclosures and complaints further stifled people's willingness to disclose.

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CHAPTER 13

# System failings

13

## Introduction

The Board of Inquiry repeatedly heard from victim-survivors and secondary victims that the education system, and individuals within it, failed to protect children from sexual abuse in Victorian government schools from 1960 up to at least 1994. During the Board of Inquiry's public hearings, the Department of Education (Department) itself frankly acknowledged its various failures.

In this report, 'the education system' includes the Department, officials in the Department, and members of the teaching service, such as teachers and principals.

Chapter 11, The alleged perpetrators, provides a detailed summary of the experiences of child sexual abuse that victim-survivors shared with the Board of Inquiry. It also outlines what was known (and what was not known) within the education system at the time and how the system responded to disclosures and reports of child sexual abuse.

In relation to Darrell Ray and Wyatt, Chapter 11 shows that despite being aware of a number of concerns about the sexual nature of their conduct involving students, the education system took inadequate action to protect students from the risk of harm. In relation to David MacGregor, Chapter 11 shows that parents needed to pressure the Department to take action in light of the criminal charges against him before the Department moved him from the classroom, and even then, despite having been convicted, the Department continued to employ him until he chose to retire. In relation to Graham Steele, the Board of Inquiry did not receive any information to indicate that Victoria Police conveyed to the Department the serious allegations of child sexual abuse made against him. There was no protocol in the Department to ensure that such allegations were conveyed from Victoria Police to the Department, and Mr Steele continued to teach until early 1990.

Chapter 11 highlights the opportunities the education system missed to respond to concerns and complaints about the conduct of the alleged perpetrators: Mr Ray, Wyatt, Mr MacGregor and Mr Steele.

As discussed in Chapter 6, Time and place, in the 1960s and 1970s sex and sexuality was not well understood and there was limited understanding of child sexual abuse. However, these contextual matters do not excuse the education system for failing to manage the risk of child sexual abuse in its schools. Schools were the place where parents and carers sent their children to be safe. Child safety should have always been the education system's paramount priority. Yet the concept of child safety and welfare was not introduced into legislation concerning the education system until 1980.<sup>1</sup> Further, even though it was understood that child sexual abuse in schools could occur, Dr David Howes PSM, Deputy Secretary, Schools and Regional Service, Department of Education, provided evidence that between 1960 and 1984, the *Education Act 1958 (Vic)*, the *Teaching Service Act 1958 (Vic)* (Teaching Service Act) and the *Public Service Act 1958 (Vic)* (Public Service Act) only referred to child safety in the context of children's physical safety.<sup>2</sup>

This Chapter examines the adequacy of the education system's response to historical child sexual abuse in government schools. In particular, it considers:

- the existence and effectiveness of the Department's policies and procedures in preventing and responding to child sexual abuse in government schools between 1960 and 1999
- the Department's culture at that time and how it enabled child sexual abuse to occur.

The Chapter sets out the Board of Inquiry's findings about the education system, including the Department. It shows that there were repeated and systemic failures to respond to and prevent child sexual abuse.



## A catastrophic failing

By today's standards, it is hard to imagine any government institution, let alone a school, that would not have in place a full suite of child safety policies and procedures. Today, there are clear frameworks that require the education system to quickly respond to any form of child sexual abuse occurring in a government school (as explored in Chapter 14, Learning and improving).

While child sexual abuse may have been perceived differently between 1960 to 1999 (as Chapter 6 explains), Victorian communities in the twentieth century still had strong expectations that children would be safe at school and that child sexual abuse would be responded to appropriately.

Professor Lisa Featherstone, Head of School, School of Historical and Philosophical Inquiry, University of Queensland, emphasised that communities at the time expected incidents of child sexual abuse to be dealt with harshly.<sup>3</sup> Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University, explained that criminal law has criminalised sexual assault of children since the early colonial period, demonstrating a clear awareness of the occurrence of child sexual abuse and the need to protect children from it.<sup>4</sup> This expert evidence is consistent with the Department's records from the relevant period, which provided many examples of parents who had raised strong concerns with the Department at the time about child sexual abuse occurring at their child's school.

Over the decades, the understanding of the need to prevent and address child sexual abuse grew alongside other movements, including the feminist movement.<sup>5</sup> By the 1980s, discussion about child sexual abuse was becoming more widespread in the Australian media and was increasingly recognised as a societal problem.<sup>6</sup> From the 1980s, reforms were introduced in Australia around mandatory reporting.<sup>7</sup>

Despite this, the Board of Inquiry found that the Department's response to child sexual abuse from the 1960s all the way up to the 1990s was not aligned with community expectations or social reforms.

During the Board of Inquiry's public hearings, the Department did not shy away from its failings. Jenny Atta PSM, Secretary, Department of Education, described the Department's past response to child sexual abuse disclosures as 'woefully inadequate or inappropriate'.<sup>8</sup> Ms Atta acknowledged that this 'left the victims and those trying to protect them powerless, and enabled the abuse of children to continue and to spread'.<sup>9</sup> Dr Howes acknowledged that it was 'impossible to overstate how inadequate the response of the [Department]' was to allegations of child sexual abuse.<sup>10</sup>

The Board of Inquiry has concluded that there was no single reason for this inadequacy. Instead, the Department's response can be characterised by a series of repeated, systemic and self-reinforcing failures. As to these failures, the Board of Inquiry finds that:

1. between 1960 and 1994 there was an absence of policies or procedures concerning child sexual abuse, including how to respond to allegations<sup>11</sup>
2. between 1960 and 1994 there was an absence of guidance to staff on how to manage, respond to and prevent child sexual abuse and support staff to identify and report suspected child sexual abuse<sup>12</sup>
3. between 1960 and 1994 there was a culture of prioritising the reputation of the education system, including schools and teachers, over the safety of children<sup>13</sup>

4. between 1960 and 1994 there was no training of staff to recognise, raise concerns and respond appropriately to perceived or disclosed child sexual abuse<sup>14</sup>
5. between 1960 and 1994 there were poor record-keeping and information-sharing practices regarding allegations of child sexual abuse and to reduce risks of reoffending<sup>15</sup>
6. there have been no systemic reviews led by the Department to understand the scope and scale of historical child sexual abuse in government schools from 1960 to today.

Although the Terms of Reference require the Board of Inquiry to examine the time period 1960 to 1999, the first five findings relate to the time period 1960 to 1994. This is because mandatory reporting for teachers in Victorian government schools was introduced in 1994 and was accompanied by the introduction of a range of processes relating to child sexual abuse developed by the Department.

These failings are discussed in detail throughout this Chapter.

### The void where policy and procedures should have stood

As outlined in Chapter 10, The education system, the evidence considered by the Board of Inquiry establishes that there were no policies or procedures in the Department between 1960 and 1994 concerning child sexual abuse, including how to respond to allegations.

This policy and procedure void existed despite the fact that there was a legislative and regulatory framework during this period that gave the education system power to discipline staff:

- under the Teaching Service Act, the Director-General could receive reports about ‘any member under his control who is guilty of a breach’ under the Act
- under the *Teaching Service Regulations 1958* (Vic) (Teaching Service Regulations), which sat under the Teaching Service Act, teaching staff were not to engage in any business that would ‘impair his moral influence over his pupils’
- under the Public Service Act, the Director-General had responsibility for hearing an officer’s defence and determining the disciplinary approach for any officer who was ‘guilty of misconduct’.

Ms Atta gave evidence about the dearth of policies and procedures in the Department, stating that:

Even with regard to ... any reasonable standards of public administration that would have applied at the time, we would have expected to see the articulation of some level of policy and guidance.<sup>16</sup>

Similarly, Dr Howes gave evidence that there was repeated failure by the Department to mitigate risks against students, because of ‘the lack of documented and required policies and procedures to be followed’.<sup>17</sup>

As a result of this gap in policies and procedures, staff responded to allegations of child sexual abuse in an inconsistent and ad hoc way. This gap also meant there were no policies or procedures in place for the provision of support to victim-survivors and their families, when child sexual abuse was disclosed.

## Absence of guidance and support for staff

In addition to an absence of policies and procedures, the evidence before the Board of Inquiry establishes that between 1960 and 1994, there was no guidance for staff on how to identify or report child sexual abuse, or what steps to take to investigate and respond to it.<sup>18</sup>

What little guidance existed at the time focused on the physical safety of children only or, alarmingly, existed solely for the purpose of protecting the wellbeing and employment of teachers.

This is evident in a 1958 memorandum the Department sent to head teachers, encouraging male teachers not to place their hands on female students. The memorandum stated:

Innocent as these actions may be, they are at any time likely to be interpreted in such a way as to have very grave consequences for the teachers concerned. The Department, therefore, deems it advisable to warn all men teachers, in their own interests, against any action liable to misinterpretation. They would be well advised never to place their hands on pupils.<sup>19</sup>

Dr Howes accepted that this memorandum, and its subsequent versions, were focused on the reputation of male teachers.<sup>20</sup> He further stated that ‘the silences in this document are as telling to me as the words. There is no reference to the safety or the wellbeing of girl students, more broadly’.<sup>21</sup>

The evidence demonstrated that instead of clear policies and procedures, there was a devolved structure that gave principals, district inspectors and senior officials a large degree of autonomy in how they responded to allegations of child sexual abuse.<sup>22</sup>

This lack of guidance is relevant in understanding how the education system failed to adequately respond to numerous complaints about Mr Ray’s behaviour.

The Board of Inquiry heard that between the early and mid-1970s, numerous complaints or reports of child sexual abuse allegedly perpetrated by Mr Ray at Beaumaris Primary School were made by parents, students and teachers, to senior teachers and the principal, and were also referred to a district inspector.<sup>23</sup>

Yet little was done to address Mr Ray’s behaviour, despite the seriousness of the concerns being raised. The principal did put in place some basic measures that appear to have been aimed at reducing Mr Ray’s opportunity to offend, including asking mothers to volunteer in the library (where Mr Ray worked) and removing Mr Ray’s library keys after hours.<sup>24</sup>

Records indicate that the principal and district inspector intended to investigate the complaints, but there is no evidence to indicate that this occurred in a meaningful way. Commenting on these actions, Dr Howes acknowledged that there were no records available that outlined what form an investigation took, assuming it happened at all.<sup>25</sup> Dr Howes also stated that the Department had no evidence that ‘allegations were investigated in anything that would resemble a serious way’.<sup>26</sup>

Mr Ray continued to teach at Beaumaris Primary School until 1976, before moving to Mount View Primary School. He was moved to Mount View Primary School notwithstanding mounting concerns about his behaviour at Beaumaris Primary School. Subsequently, he was convicted in relation to sexual offending that he perpetrated against a student between 1978 and 1979, while he worked as a teacher librarian at Mount View Primary.

During the Board of Inquiry's hearings, it was put to Dr Howes that Mr Ray's continued employment in the face of numerous complaints about his behaviour, about which a principal and district inspector were aware, was 'an egregious failure of the system'.<sup>27</sup> Dr Howes agreed and gave evidence that there was:

a failure from a lack of policies and procedures through to the absolute lack of any meaningful action taken by anyone in a position that should have exercised that decision-making power.<sup>28</sup>

Dr Howes also noted that:

there would have been a ... reluctance to report because there was no ... supportive environment to report, let alone a direction to report, as there should have been.<sup>29</sup>

The Board of Inquiry received evidence indicating that the environment in the education system at the time was not supportive of people bringing complaints forward. For example, a parent was informed by the Department that they would need to put their complaint in writing, but their lawyer advised them that they may be charged with libel if they did.<sup>30</sup> In response, the parent removed their child from the school rather than pursue the complaint.<sup>31</sup> The Department offered no support to the parent to pursue their complaint.

Research indicates the culture within a school setting can either encourage or deter reporting child sexual abuse.<sup>32</sup> Staff can experience barriers to reporting, especially from administrators (such as principals or officials of the Department). An example of these barriers, based on research, is administrators failing to make official reports when information was disclosed to them, or dismissing a report outright.<sup>33</sup> According to this research, staff who experienced or witnessed these barriers felt reluctant to make future reports, either out of fear of having their motives questioned or because they felt like nothing would be done to act on the report.<sup>34</sup>

The Board of Inquiry was also told that across the 1960s, 1970s and 1980s, a common response to a disclosure of child sexual abuse was to remove the child from immediate danger rather than to report the sexual abuse to the criminal justice system.<sup>35</sup> Another response was to tell children to stay away from specific teachers, often meaning that the burden was placed on children to avoid sexual abuse.<sup>36</sup>

The lack of guidance and support given to teachers about responding to child sexual abuse meant the safety of children was put at risk.

## The reputation of the education system was prioritised over children's safety

While the Board of Inquiry has found there was a dearth of policies, procedures and guidance concerning child sexual abuse between 1960 and 1994, perhaps even more concerning, it also found that there was a culture of prioritising the education system, including the reputation of schools and teachers, above the safety of children.

The Department gave evidence that in most instances of child sexual abuse known to the Board of Inquiry, it prioritised the reputation and interests of the alleged perpetrators over the safety of children.<sup>37</sup>

The primary example of this culture was the Department's use of transfers to move alleged perpetrators between schools or into a non-teaching position as a way of 'managing' complaints made (or concerns raised) about their conduct.

This practice was known to have occurred as early as 1882. The 1882 Royal Commission into the Administration, Organisation, and General Condition of the Existing System of Public Instruction (1882 Royal Commission) raised concerns about district inspectors who had received reports of teachers engaging in ‘immoral conduct’ with students, and who recommended the teacher be moved to another school or different duties rather than be dismissed altogether.<sup>38</sup>

When questioned by the 1882 Royal Commission, previous officials in the Department responded that it was important to consider the issue of the immoral conduct from the teacher’s perspective, to reduce the risk of reputational damage for what was seen as a ‘comparatively small offence’.<sup>39</sup>

The Board of Inquiry found that the use of transfers to manage incidents of child sexual abuse continued to occur all the way up to the mid-1980s, with apparently similar cultural views to those prevalent in 1882 underpinning the practice.

A striking example of this practice is found in the way the Department handled reports of pending child sexual abuse charges against Mr MacGregor in 1985, when he was employed at Kunyung Primary School.

When impending charges against Mr MacGregor were first brought to the Department’s attention on 27 February 1985,<sup>40</sup> by parents who had complained to the police, the Department did not remove Mr MacGregor from the classroom. Instead, officials’ immediately invited Mr MacGregor to ‘explore his wishes regarding school placement’ and a possible transfer to a non-teaching position.<sup>41</sup> After Mr MacGregor objected to being moved from the school, the Department did not pursue the matter.<sup>42</sup>

Further, the Department resolved to reconsider the matter only under certain circumstances. A letter from the then Assistant Regional Director of Education for the Westernport Region to the then Director of the Personnel Industrial Relations Branch of the Department emphasised that Mr MacGregor’s position as a teacher may need to be revisited if tensions escalated with the community.<sup>43</sup> The letter stated that ‘further regional action should only take place if and when a formal complaint, specifying names and allegations, is submitted’.<sup>44</sup> In the meantime, Mr MacGregor was allowed to continue teaching students.

The Department made this decision despite having access to legislative and regulatory mechanisms that would enable it to suspend a teacher while investigations were underway, to ensure children’s safety, and to dismiss a teacher if allegations of child sexual abuse were proven.<sup>45</sup>

On 24 May 1985, the Department received further correspondence from a parent who had complained to the police, stating that Mr MacGregor had been charged.<sup>46</sup> At this time, it chose to transfer him to a non-teaching position and not remove him from the teaching service.<sup>47</sup> The date of transfer was effective one day before the Department responded to the parent, indicating the likelihood that the Department only made this decision as a result of the parent’s letter.<sup>48</sup>

Dr Howes noted that the Department did not undertake investigations into Mr MacGregor until he was sentenced by the court.<sup>49</sup> Only after this did the Department undertake its own investigation and charge him before the Teachers Tribunal.<sup>50</sup>

The Teachers Tribunal banned Mr MacGregor from teaching until 1988 (a suspension of just over two years) and appointed him to a regional office as a penalty.<sup>51</sup> Mr MacGregor could apply for a teaching position once the ban had run its course.<sup>52</sup>

During the Board of Inquiry’s public hearings, when asked about the Department’s decision-making in relation to Mr MacGregor at that time, Dr Howes stated:

The evidence suggests that [the Department was] protecting the interests of MacGregor and the interests of the school ... while [the Department was] aware that police were investigating ... the inclination was to have the police deal with that matter and not see it as a matter that they should be proactive about.<sup>53</sup>

Dr Howes also speculated that there were two reasons transfers were used in the relevant period, either formally, as a disciplinary mechanism, or informally, as an incident management strategy. First, the Department was 'privileging the reputation and the ongoing employment of a member of staff'.<sup>54</sup> Second, child sexual abuse did not appear to be seen as a sufficient reason or a strong enough offence to warrant termination by the Department.<sup>55</sup>

Ms Atta also acknowledged in her evidence that although the Department had mechanisms in place at the time of Mr MacGregor's known offending to remove teachers who had committed child sexual abuse, they were 'rarely, if ever, used', and that '[t]eachers were able to remain in their role or transfer to other schools and continue to abuse'.<sup>56</sup>

Ms Atta noted that the Department's response at the time was in disconnect with community expectations and that it was actively trying to sustain the employment of an alleged perpetrator.<sup>57</sup> Ms Atta said that it is difficult to understand how the Department 'whose sole purpose is the care, supervision and education of children, could be impervious' to community expectations.<sup>58</sup>

This behaviour and culture reflects broader findings from experts and the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) about how institutions tend to respond to allegations of child sexual abuse. Dr Wright gave evidence to the Board of Inquiry that institutions, including schools, traditionally responded to child sexual abuse in a 'self-protective' way that prioritised the institution over victim-survivors.<sup>59</sup>

The Royal Commission also reported that schools were governed by cultures where people were not held accountable for child sexual abuse.<sup>60</sup> Instead, there was a tendency to prioritise the reputational and financial interests of schools and the system over the safety of a child.<sup>61</sup>

Professor Michael Salter, Professor of Criminology, School of Social Sciences, University of New South Wales, gave evidence to the Board of Inquiry that all children in institutional settings were 'largely abandoned by the State when it came to detecting and prosecuting child sexual abuse'.<sup>62</sup> Other evidence given by Dr Salter echoed the Royal Commission's observations. He explained that formal and informal structures led to allegations being dismissed and the 'reputation of the institution being prioritised over the wellbeing of the child'.<sup>63</sup> He said that these structures included having practices in place that actively ensured indications of child sexual abuse were not acted upon, due to the risk that any indications of child sexual abuse occurring at schools would bring individual offenders and schools into disrepute.<sup>64</sup>

The Department's culture was institution-centred rather than children-centred. As a result, not only was there no clear requirement for people within the education system with relevant authority to adequately respond to allegations of child sexual abuse or put in place appropriate measures to guard against the risk of child sexual abuse, but those people were also not motivated to take these measures. As Dr Howes acknowledged in his evidence:

the impediment that has led to the clear failings ... was one of a lack of policies and procedures and a culture that did not place a premium value on the safety of children ... [T]hat structure should have facilitated and enabled and ensured, to the fullest extent possible, the safety of children. It was the practices within that structure that I think [were] where the clear and devastating shortcomings were.<sup>65</sup>

## Lack of staff training

The Board of Inquiry also found that between 1960 and 1994, there was no form of teacher training or instruction on how to raise concerns about concerning behaviour or alleged child sexual abuse.

Dr Howes agreed that, despite the requirement in the Teaching Service Regulations to report misconduct, there was no guidance or avenue for a teacher to report suspicions of child sexual abuse at that time.<sup>66</sup> Dr Howes told the Board of Inquiry that no training existed to help teachers to understand their reporting obligations,<sup>67</sup> including how to identify warning signs and what to do with that information.<sup>68</sup>

As outlined in Chapter 11, the Board of Inquiry heard on several occasions that some teachers and senior staff at Beaumaris Primary School and other relevant schools were, at the very least, suspicious of ‘out of the ordinary’ behaviour by alleged perpetrators. It is also clear that some employees had very strong concerns that child sexual abuse was occurring, but did not always have the knowledge or training to act on their concerns.

For example, a former assistant principal at Beaumaris Primary School recalled that a mother of a student made a complaint to him about Mr Ray putting his hands down her son’s pants in 1975.<sup>69</sup> The assistant principal escorted the mother to the principal to report the incident, but did not attend the meeting or follow up any further.<sup>70</sup> Instead, they assumed no disciplinary action occurred.<sup>71</sup>

The Board of Inquiry received other information about parents who raised concerns with teachers about the conduct of alleged perpetrators, and from teachers who had their own concerns about alleged perpetrator conduct. However, as Dr Howes accepted in his evidence, there was no training to help teachers to correctly identify this type of conduct as child sexual abuse or to understand its seriousness, let alone know what to do with their concerns.<sup>72</sup>

Ms Atta gave evidence to the Board of Inquiry that it was ‘very hard to explain why there was no training at the time’.<sup>73</sup> Ms Atta noted that guidance about responding to child sexual abuse was only introduced for principals, and then for teachers, in the early 2000s, and that it was ‘possibly’ reinforced by some training.<sup>74</sup> Ms Atta explained that major changes to improve training were introduced in 2016 following significant reforms driven by the Royal Commission and the Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations.<sup>75</sup>

District inspectors apparently also received no training to appropriately respond to alleged child sexual abuse, despite it being a part of their role. A 1961 report by the Australian Council for Educational Research found that district inspectors received no special training when appointed.<sup>76</sup> Instead, they learned the functions and principles of their jobs from their previous teaching experience, a brief induction under an existing inspector, and a brief period in the head office.<sup>77</sup>

Where training and procedures do not exist, staff can often struggle to know what to do in response to concerning behaviour, or can become indoctrinated into existing cultural practices such as those discussed in this Chapter. Staff may also form the view that the lack of training and procedures is a signal that prevention of child sexual abuse is not a matter of priority within the education system.

The Board of Inquiry considers that the Department’s failure to equip staff with basic training or instruction in relation to child sexual abuse resulted in a number of missed opportunities to respond to and address child sexual abuse when it was suspected or disclosed, and to manage the risk of further child sexual abuse occurring.

## Poor record-keeping and information-sharing practices

### Record-keeping

The Board of Inquiry found that between 1960 and 1994, there were no policies, procedures or guidance regarding record-keeping directly related to child sexual abuse.

Dr Howes gave evidence to the Board of Inquiry that the Department was unable to find any information about historical record-keeping policies regarding allegations of child sexual abuse.<sup>78</sup>

The Department did not put in place any policies, procedures or guidance requiring principals, district inspectors or senior staff to record disclosures of child sexual abuse, by children or adults, or actions taken in response to a disclosure.

While some record-keeping practices were apparent — for example, the disciplinary processes recorded in relation to Mr Ray and Mr MacGregor — the Board of Inquiry found that this was not a consistent or comprehensive practice.<sup>79</sup> Even within the records, detailed steps of the investigation and the findings were not recorded.

Despite the number of alleged disclosures and reports made, there were no departmental records found from the time of those disclosures detailing what had been disclosed or reported, let alone what had been done in response.

For example, the Department provided evidence that a district inspector was called in to investigate complaints about Mr Ray in 1975.<sup>80</sup> Dr Howes gave evidence to the Board of Inquiry that ‘there is no record of a written investigation’ in regard to this matter.<sup>81</sup>

Dr Howes did give evidence that the Department had put in place a policy for schools to record incidents of physical safety. However, he also recognised that this policy seemed to have been put in place as a means to respond to civil litigation claims, rather than in the interests of student wellbeing and safety.<sup>82</sup>

Even where an investigation was undertaken or a decision was made in response to allegations, the outcome was often not communicated to parents, the victim-survivor or others.<sup>83</sup>

Further, the Board of Inquiry received information that showed that the Department did not always record the reasons for teacher transfers (described earlier in this Chapter). A former district inspector provided anecdotal information to the Department that there was a process of adjusting classroom numbers to create the impression that there was an excess of teachers at a school.<sup>84</sup> This apparent excess was then used as the mechanism to transfer teachers who had committed child sexual abuse without there being a record for why the transfer occurred.<sup>85</sup> In his evidence, Dr Howes accepted that this practice meant that schools receiving these teachers were unlikely to know about the teachers’ conduct and the associated risks or issues.<sup>86</sup>

Reasons for transfers, even when it was used as a formal disciplinary mechanism, were not always recorded or shared. For example, in the case of Mr MacGregor, the Board of Inquiry understands that the Kunyung Primary School Council determined not to disclose the reasons for Mr MacGregor’s transfer because of ‘legal implications’, and instead to refer to it as an ‘administrative transfer’.<sup>87</sup>

This practice made it difficult for other schools, organisations and individuals to manage risks. It was up to parents, teachers and other organisations to identify and manage risks informally.



For example, the Board of Inquiry received information that Mr MacGregor applied for and was successful in obtaining a teaching position at Langwarrin Park Primary School shortly after his suspension finished in late 1988. He was only prevented from commencing that role when the principal of Langwarrin Park Primary School wrote to the Department to object to the appointment on the basis of Mr MacGregor's publicly known conviction.<sup>88</sup>

The employment records of other alleged perpetrators also contained worryingly little information about key events or relevant facts. Following his resignation in the wake of an investigation, Mr Ray's employment record was updated to include a note that he was 'not to be re-employed without reference to the Director of Primary Education'.<sup>89</sup> However, there was no reference to his criminal convictions. The Board of Inquiry also received evidence that in the Department's Resource Register Placemat Wyatt's employment file only stated, 'not to be re-employed or given [casual relief teaching] approval, without reference'.<sup>90</sup>

### Information-sharing

Based on the information the Department provided to the Board of Inquiry, it does not appear there were any departmental policies, procedures or protocols between 1960 and 1994 for the Department and Victoria Police to share information concerning allegations of child sexual abuse.

However, as discussed in Chapter 11, based on a 1957 Police Standing Order and police manuals in the late 1990s, that there was an obligation on Victoria Police to share crime reports with the Department regarding information that a student had been sexually abused while in the care of a government school.<sup>91</sup>

It appears that Victoria Police did share crime reports with the Department in regard to Mr Ray. However, based on the information available to the Board of Inquiry, it is not clear whether crime reports were consistently shared. This may be partly related to the record-keeping practices of Victoria Police, whereby all files were paper-based prior to 1990. As a result, it is difficult today to comprehensively identify all the instances where information was shared with the Department.

Even if there were reports made to Victoria Police that should have been shared with the Department but were not, it is not clear that it would have produced a different outcome in any given case. In 1990, an official of the Department stated that '[t]he continued employment of teachers found guilty of indictable offences is assessed individually and a decision regarding future employment is made accordingly in each case'.<sup>92</sup>

In this regard, Dr Howes gave evidence to the Board of Inquiry that 'there were no standard procedures for saying if someone is guilty of an indictable offence, here is what's going happen'.<sup>93</sup>

In the case of Mr MacGregor, despite the Department being aware of allegations of child sexual abuse against him and his subsequent convictions, the Department did not seek to have his registration revoked by the relevant registration body and he remained working in the Department, albeit in an administrative position.

Dr Howes accepted in his evidence that the lack of record-keeping and information-sharing in relation to child sexual abuse incidents reflected the culture in the education system at the time of 'sweeping these issues under the rug'.<sup>94</sup> It also created an environment where the 'problem' was simply 'moved on' without being properly addressed. Clearly, this put children at risk.

## No systemic reviews

Finally, and putting aside work the Department did in response to the commencement of this Board of Inquiry, the evidence before the Board of Inquiry establishes that the Department has never adequately investigated historical child sexual abuse in government schools in relation to the allegations about teachers at Beaumaris Primary School and other schools within scope of this inquiry. There have been no systemic reviews to understand the scope and scale of what occurred, as discussed below.

### At the time: no investigations undertaken

Investigations at or around the time of the child sexual abuse by the alleged perpetrators were inadequate. An adequate investigation would have sought to establish whether other allegations of child sexual abuse or concerns about the alleged perpetrators' behaviour were raised while they were teaching at government schools; and what steps, if any, were taken in response to any other allegations. The investigations would have relied not only on records, but would have involved interviewing relevant individuals, such as teachers and principals who worked with the alleged perpetrators, and parents and students who had raised concerns. There are various reasons why such investigations were important to undertake. Undertaking them may have affected decisions made about a teacher's future employment; parents who had concerns about their children may have been contacted so they could take steps to support their children; and matters may have been drawn to the attention of the police. This list is not exhaustive.

As no adequate investigations were undertaken, the full picture of child sexual abuse could not be understood. For the sake of students and parents who raised concerns, and other children who may have been at risk, the Department should have taken all steps available to it to understand the behaviours of teachers it employed in government primary schools, once it became aware of concerns or allegations of child sexual abuse by a teacher.

In relation to Mr Ray, in November 1978 the Department became aware that Mr Ray had been charged with sexual offences against children.<sup>95</sup> The Department was also told he had admitted to 'many' offences.<sup>96</sup> Nevertheless, and despite the fact he had been teaching for years in government schools, no adequate investigation into his behaviour was undertaken. If such an investigation had been made in late 1978 or early 1979, it likely would have become clear to the Department that other allegations and concerns had been raised. It may have made a difference to decisions about whether Mr Ray should ever be re-employed as a teacher in a government school or in a position that enabled access to children, or whether the Department should seek for Mr Ray's registration as a teacher to be revoked.

In relation to Mr MacGregor, in February 1985, a parent raised serious concerns with the Department in writing about Mr MacGregor's conduct while he was still working at a primary school.<sup>97</sup> The Department's own records show that by March 1985, it was aware of impending criminal charges against Mr MacGregor.<sup>98</sup> By May 1985, the same parent wrote to the Department advising that Mr MacGregor had been charged with sexual offences against children.<sup>99</sup>

At the very least, once it was known that Mr MacGregor had been criminally charged, the Department should have conducted an adequate investigation into his behaviour. The need for such an investigation is highlighted by the length of time he had been teaching in Victorian government schools (more than 22 years). It may have been that an investigation in 1985 in relation to Mr MacGregor would not have revealed much more to the Department at that time. However,

that is not the point. Without doing that work, the Department was not in a position to know whether its decision-making in relation to Mr MacGregor was sound. The Department did not seek to have his registration revoked by the relevant registration body, and only suspended him from teaching for three years, after he was convicted of child sexual abuse.

The same failure applies in relation to Wyatt. He was convicted of child sex offences in the mid-1990s.<sup>100</sup> Although it is unclear precisely when the Department came to know of this information, the Department knew enough by March 1997 to record that he should not be re-employed without reference.<sup>101</sup> Yet there was no adequate investigation undertaken into whether, in his years of service as a government school teacher, other allegations had been made or concerns raised about his behaviour. As with Mr Ray and Mr MacGregor, if the Department had engaged in an investigation at the time allegations were first known, it is likely it would have identified the kind of information it later identified in 2000 and 2001, as discussed below.

### **In the 2000s: not joining the dots through a systemic review**

Decades later, and with substantial information available, the Department appeared to have made no attempt to examine linkages between apparently connected incidents, particularly at Beaumaris Primary School.

Between 1978 to 1997, the Department was aware of criminal charges and convictions in relation Mr Ray, Wyatt and Mr MacGregor regarding sexual offences they perpetrated against children while they were teaching at government schools.

In the 2000 and 2001, in the context of civil litigation, the Department received additional information and undertook its own work in relation to allegations concerning Mr Ray and Wyatt. By this stage, the Department had a substantial body of material raising serious concerns about the conduct of Mr Ray, Wyatt and Mr MacGregor. The Department also knew that they had all been employed at Beaumaris Primary School for two years, 1971 and 1972; although for one of those years Mr MacGregor had taken leave.<sup>102</sup>

Between 2000 and 2001, at least 14 former Department staff, parents and students, and other family members were interviewed by representatives of the Department. As a result of these interviews, the Department received information about at least 13 allegations or concerns of improper conduct in relation to Mr Ray, Wyatt and Mr Steele while at Beaumaris Primary School (noting that it was also said that some of these allegations or concerns were raised with the Department before 2000 and 2001).

Yet there was no broader review undertaken at that time (or at any time prior to the work done by the Department in response to the Board of Inquiry's establishment) to understand what had occurred at the school. The evidence Ms Atta gave during the Board of Inquiry's public hearings indicated that the Department had only conducted investigations of the alleged child sexual abuse on a claim-by-claim basis and had not conducted any review to understand the breadth and extent of the problem.<sup>103</sup>

In relation to the schools within the scope of this Board of Inquiry, the Department failed to proactively examine allegations of child sexual abuse in a systemic way, prior to the work it did upon the establishment of this inquiry. This is despite the Department knowing that there were particular schools where multiple allegations of child sexual abuse had been made; having a substantial amount of concerning information about three of the alleged perpetrators, as well as information about the fourth; and knowing that they all taught at Beaumaris Primary School at the same time. In the Board of Inquiry's view, this inaction in the early 2000s indicates a lack of reflection and commitment on the Department's behalf to proactively acknowledge, and learn from, past failures.

### **Current day: a lack of systemic review and acknowledgement**

The Department has undertaken a range of work in response to this Board of Inquiry. This work includes what the Department knew of allegations or complaints at the relevant time, and what action was taken in response, in relation to the relevant employees and the schools where they taught. Yet the Department has not undertaken a systemic review on a statewide basis.

As a result, not all victim-survivors of sexual abuse at government schools have access to the same kind of information. They do not all know how extensive child sexual abuse was at their school, and whether they were alone in their experience. Victim-survivors within the scope of this inquiry have had the benefit of understanding, for example, whether other reports of child sexual abuse were made at their school, whether parents or others complained, and what the Department did, or did not do, at the time. In contrast, victim-survivors outside the scope of this inquiry do not have the benefit of such a body of work, unless they are provided with such information as part of a civil claim. Information of this kind is often essential to a victim-survivor in their journey of recovery.

The Board of Inquiry considers this further in Chapter 18, Looking to the future.

### **Results of the Department's inaction**

The Department's failure to adequately investigate allegations of child sexual abuse more fully at or around the time of the sexual abuse and to engage in a wider investigation of certain individuals undoubtedly put children at risk.

This is demonstrated by the lack of action taken in the early 1970s in relation to Wyatt and in the early to mid-1970s in relation to Mr Ray. In the case of Mr Ray, there is no doubt that children were sexually abused after the Department was aware of alleged child sexual abuse. For example, after numerous adults made complaints to the principal and district inspector about Mr Ray's behaviour at Beaumaris Primary School, he moved to Mount View Primary School, where he was later convicted of sexual offences against a student at the school.<sup>104</sup>

This failure has also meant that many victim-survivors have remained silent and unsupported, unaware that their experiences of child sexual abuse may have been shared by others — and that they are all entitled to and deserve support and healing.

The Department's inaction has also meant it remains largely unaccountable for not adequately identifying and responding to a serious issue that permeated certain government schools between 1960 and 1999. Without a statewide review, the scale of child sexual abuse throughout the government school system during this period is currently unknown.

## **A wholly inadequate response**

The Board of Inquiry concludes that the Department's response to allegations of child sexual abuse between 1960 and 1999, and specifically between 1960 and 1994, constituted a gross systemic failure.

As discussed, these relate to six findings regarding an absence of policies and procedures; an absence of guidance to staff; a culture of prioritising the education system over the safety of children; inadequate staff training; poor record-keeping and information-sharing practices; and a failure to undertake systemic reviews.

These findings relate to the whole education system and are illustrated in various examples, outlined in this Chapter, involving the four alleged perpetrators discussed in Chapter 11.

The Board of Inquiry agrees with Ms Atta's evidence that 'the failings of the system were many'.<sup>105</sup> The absence of policies or processes to prevent child sexual abuse or provide guidance on how to respond to allegations was stark.<sup>106</sup> There was no training for teachers or staff to be able to identify warning signs of sexual abuse.<sup>107</sup>

Dr Salter provided sobering evidence to the Board of Inquiry that:

[i]t would be inaccurate and morally questionable to frame the actions of departments and institutions during this time as ones of incidental or accidental negligence. There was an active practice afoot to ensure that signs and symptoms of child sexual abuse were not acted upon to ensure that individual offenders and schools [were] not brought into disrepute.<sup>108</sup>

The Board of Inquiry agrees to the extent that the Department failed both in what it did, and what it failed to do. A culture of sweeping child sexual abuse under the rug, in favour of teacher reputation and employment, significantly contributed to the risk of ongoing child sexual abuse.

Because of a dearth of policies and guidance related to child sexual abuse, the Department missed opportunities to properly respond to concerns about possible child sexual abuse and, in so doing, failed to put in place measures to guard against the risk of child sexual abuse.

In regard to its actions, the Department used transfers to enable alleged perpetrators to maintain their employment by moving them to other schools or positions.<sup>109</sup> There were mechanisms that could have been used to remove alleged perpetrators from their teaching positions but they were rarely, if ever, used.<sup>110</sup>

The Board of Inquiry heard from many victim-survivors who recalled that they were sexually abused as children by the four alleged perpetrators discussed in Chapter 11. Many have been profoundly affected by this child sexual abuse across many aspects of their life courses. Chapter 8, Enduring impacts of child sexual abuse, discusses these impacts.

## The Department's apology

On 17 November 2023, during the Board of Inquiry's hearings, Ms Atta issued a formal apology on behalf of the Department to the victim-survivors within the Board of Inquiry's scope.

In her apology, Ms Atta acknowledged the Department's failings and the impacts that these failings had on victim-survivors, their families and friends, and communities.

A copy of the Department's apology is provided in Appendix J.

## Chapter 13 Endnotes

1. *Teaching Service (Governor in Council) Regulations 1951* (Vic) regs 2A, 11A, inserted by *Teaching Service (Governor in Council) Amendment Regulations 1980* (Vic).
2. Statement of David Howes, 3 November 2023, 8 [29] – 9 [32].
3. Statement of Lisa Featherstone, 23 October 2023, 6 [32].
4. Statement of Katie Wright, 23 October 2023, 5 [20].
5. Statement of Leah Bromfield, 23 October 2023, 8 [38].
6. Statement of Michael Salter, 27 November 2023, 3 [10].
7. Statement of Michael Salter, 27 November 2023, 3 [10].
8. Transcript of Jenny Atta, 17 November 2023, P-210 [28].
9. Transcript of Jenny Atta, 17 November 2023, P-210 [29]–[30].
10. This reference was in regard to David MacGregor. Transcript of David Howes, 16 November 2023, P-180 [3]–[4].
11. Transcript of David Howes, 16 November 2023, P-190 [19]–[20].
12. Transcript of David Howes, 16 November 2023, P-190 [19]–[20].
13. Transcript of Jenny Atta, 17 November 2023, P-229 [19]–[22].
14. Transcript of Jenny Atta, 17 November 2023, P-210 [34]–[35].
15. Transcript of Jenny Atta, 17 November 2023, P-224 [30]–[33].
16. Transcript of Jenny Atta, 17 November 2023, P-212 [31]–[34].
17. Transcript of David Howes, 16 November 2023, P-190 [19]–[20].
18. Transcript of David Howes, 15 November 2023, P-131 [10]–[19], P-134 [1]–[9].
19. Statement of David Howes, 3 November 2023, Attachment DH-3, 2.
20. Transcript of David Howes, 15 November 2023, P-126 [24]–[29], P-127 [21]–[35].
21. Transcript of David Howes, 15 November 2023, P-126 [27]–[29].
22. Transcript of Jenny Atta, 17 November 2023, P-212 [19]–[21]; Transcript of David Howes, 16 November 2023, P-157 [10]–[15].
23. Transcript of David Howes, 15 November 2023, P-138 [34] – P-141 [40].
24. Statement of David Howes, 3 November 2023, Attachment DH-2, 7, 9.
25. Transcript of David Howes, 15 November 2023, P-141 [5]–[8].
26. Transcript of David Howes, 15 November 2023, P-140 [7]–[8].
27. Transcript of David Howes, 15 November 2023, P-144 [20]–[36].
28. Transcript of David Howes, 15 November 2023, P-144 [38]–[40].
29. Transcript of David Howes, 15 November 2023, P-147 [45] – P-148 [2].
30. Statement of David Howes, 3 November 2023, Attachment DH-2, 9.
31. Statement of David Howes, 3 November 2023, Attachment DH-2, 9.
32. Eileen Munro and Sheila Fish, *Hear No Evil, See No Evil: Understanding Failure to Identify and Report Child Sexual Abuse in Institutional Contexts* (Report, September 2015) 6.
33. Cynthia Crosson-Tower, *The Role of Educators in Preventing and Responding to Child Abuse and Neglect* (US Department of Health and Human Services, 2003) 34–5.
34. Eileen Munro and Sheila Fish, *Hear No Evil, See No Evil: Understanding Failure to Identify and Report Child Sexual Abuse in Institutional Contexts*, (Report, September 2015) 21; Cynthia Crosson-Tower, *The Role of Educators in Preventing and Responding to Child Abuse and Neglect* (US Department of Health and Human Services, 2003) 35.
35. Statement of Lisa Featherstone, 5 December 2023, 5 [26].
36. Statement of Lisa Featherstone, 5 December 2023, 7 [38].
37. Transcript of Jenny Atta, 17 November 2023, P-223 [25]–[40].
38. *Royal Commission into the Administration, Organisation and General Condition of the Existing System of Public Instruction* (First Report, 1882) 47 [1040]–[1049].

39. *Royal Commission into the Administration, Organisation and General Condition of the Existing System of Public Instruction* (First Report, 1882) 47 [1049].
40. Statement of David Howes, 3 November 2023, Attachment DH-2, 20.
41. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
42. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
43. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
44. Statement of David Howes, 3 November 2023, Attachment DH-2, 21.
45. *Public Service Act 1958* (Vic) s 55(2), as enacted.
46. Statement of David Howes, 3 November 2023, Attachment DH-2, 22.
47. Transcript of David Howes, 16 November 2023, P-167 [16]–[21].
48. Statement of David Howes, 3 November 2023, Attachment DH-2, 22.
49. Transcript of David Howes, 16 November 2023, P-168 [36]–[39].
50. Document prepared by the Victorian Department of Education in response to a Notice to Produce, ‘The Employment Record of David MacGregor’, 22 September 2023, 6 [3.5].
51. Statement of David Howes, 3 November 2023, Attachment DH-2, 24.
52. Statement of David Howes, 3 November 2023, Attachment DH-2, 24.
53. Transcript of David Howes, 16 November 2023, P-166 [16]–[20].
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67. Transcript of David Howes, 15 November 2023, P-147 [5]–[10].
68. Transcript of David Howes, 15 November 2023, P-147 [5]–[10].
69. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
70. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
71. Statement of David Howes, Attachment DH-2, 3 November 2023, 7.
72. Transcript of David Howes, 15 November 2023, P-147 [1]–[10].
73. Transcript of Jenny Atta, 17 November 2023, P-216 [41].
74. Transcript of Jenny Atta, 17 November 2023, P-217 [3]–[6].
75. Transcript of Jenny Atta, 17 November 2023, P-217 [6]–[17].
76. DG Ball, KS Cunningham and WC Radford, ‘Supervision and Inspection of Primary Schools’ (ACER Research Series No 73, 1961) 42.
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81. Transcript of David Howes, 15 November 2023, P-141 [24]–[25].
82. Transcript of David Howes, 15 November 2023, P-128 [25]–[38], P-129 [8]–[16].

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88. Statement of David Howes, Attachment DH-2, 3 November 2023, 24.
89. Statement of David Howes, Attachment DH-2, 3 November 2023, 10.
90. Statement of David Howes, Attachment DH-2, 3 November 2023, 2.
91. Police officers completed ‘crime reports’ when a crime of any type was reported to Victoria Police. The reports recorded information about crimes, victims of crime and perpetrators of crime. *The Victoria Police Manual (1957 Edition) Consisting of Regulations of the Governor in Council Determination of the Police Service Board and Standing Orders of the Chief Commissioner of Police (1957) 94B–95; Victoria Police Manual (22 December 1997) 2-30 [2.6.8]; Victoria Police Manual (10 June 1997) 2-29–2.30 [2.6.8]; Victoria Police Manual (21 June 1999) 2-13–2-14 [2.6.8].*
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93. Transcript of David Howes, 16 November 2023, P-180 [21]–[22].
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97. Statement of David Howes, 3 November 2023, Attachment DH-2, 20.
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CHAPTER 14

# Learning and improving

14

## Introduction

As explored in Chapter 13, System failings, the Terms of Reference required the Board of Inquiry to examine the response of the Department of Education (Department) to the historical child sexual abuse that was the subject of the Board of Inquiry's work. As discussed in that Chapter, the Board of Inquiry has found that there were significant failings in the Department's response.

One of the objectives of the Board of Inquiry, as set out in the Terms of Reference, was to '[r]eiterate the State's commitment that such abuse must not happen again'.<sup>1</sup> Consistently with this objective, the Board of Inquiry has examined the changes over time in legislation, policies and procedures to prevent and respond to child sexual abuse in government schools, and has also examined the system currently in place. The Terms of Reference did not, however, extend to requiring the Board of Inquiry to examine the effectiveness of those changes, or of the system currently in place.

This Chapter provides an overview of the major changes in child safety legislation, policies and procedures over time, and how the current system addresses many of the system failings described in Chapter 13.

## Major changes across the years

As outlined in Chapter 13, the Board of Inquiry has found that the Victorian education system did not have policies or procedures in place concerning child sexual abuse in government schools between 1960 and 1994.

From 1994 onwards, successive governments introduced new legislation, policies and procedures to better respond to allegations of child sexual abuse. From the mid-2010s, further reforms were introduced in response to landmark inquiries, including the 2013 Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations and the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

### Changes between 1994 and 2017

A number of legislative amendments and policies were introduced between 1994 and 2017 that provided guidance to employees of the Department on how to respond to child sexual abuse and manage teacher misconduct. This section provides a brief overview of the key changes during this period.

In 1993, the *Children and Young Persons Act 1989 (Vic)* (Children and Young Persons Act) was amended to include mandatory reporting for specified professionals.<sup>2</sup> The mandatory reporting obligation came into effect for some professionals in November 1993, with principals and teachers becoming mandatory reporters in July 1994.<sup>3</sup>

This mandatory reporting obligation required principals and teachers to report if a child 'has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected [the child]'.<sup>4</sup>

The introduction of mandatory reporting legislation prompted the development of guidance for principals and teachers regarding their obligations to report child sexual abuse. This guidance initially included allegations of child abuse perpetrated by a family member and over time extended to include allegations of child abuse perpetrated outside of the family.

In 1994, *Child Abuse and Neglect: The Teacher's Response* was published, outlining the mandatory reporting obligations of teachers under the Children and Young Persons Act in relation to familial abuse.<sup>5</sup> These obligations included reporting to the then Department of Health and Community Services any physical injury to a child resulting from abuse, sexual abuse or neglect.<sup>6</sup> The Board of Inquiry understands these guidelines did not include reporting obligations related to child abuse perpetrated outside of the family.<sup>7</sup>

In 1998, the Department published *Managing Unsatisfactory Performance: A Guide for Principals*.<sup>8</sup> This document stated that 'serious misconduct' by a teacher should be dealt with under the *Teaching Service Act 1981* (Vic) (Teaching Service Act).<sup>9</sup> It was the first document to outline the steps that principals should take to respond to allegations of child sexual abuse by a teacher, including reporting to the Department's then Complaints and Investigations Unit.<sup>10</sup>

In 2001, the Australian Industrial Relations Commission certified the *Victorian Government Schools Agreement 2001*, which was binding on all people employed in government schools in Victoria.<sup>11</sup> Consistent with this agreement, the Department published the *Victorian Government Schools Teacher Class Handbook*, which provided guidance on '[c]omplaints, unsatisfactory performance and serious misconduct'.<sup>12</sup> The Department also reviewed and updated the *Protecting Children* protocols (guidance to support staff to report child sexual abuse and refer information to Victoria Police) and extended them to include all Victorian schools.<sup>13</sup>

In 2005, the Department published *Guidelines for Managing Complaints, Unsatisfactory Performance and Serious Misconduct in Relation to Teachers*, following amendments to the Teaching Service Act.<sup>14</sup> These guidelines were the first to set out the right of the Secretary of the Department to remove a teacher from teaching duties if a serious allegation had been raised — before an investigation was completed.<sup>15</sup>

In 2007, the Children and Young Persons Act was repealed and replaced with the *Children Youth and Families Act 2005* (Vic). The new Act established a framework for 'promoting the wellbeing' of children and young people.<sup>16</sup>

In 2007, the Department published *Responding to Allegations of Student Sexual Assault: Procedures for Victorian Government Schools*.<sup>17</sup> This document stated that any allegation that a teacher or school employee had committed a sexual assault must be reported to Victoria Police and the Department's Conduct and Ethics Branch.<sup>18</sup> The document also set out procedures for principals to follow in responding to child sexual abuse, including immediate response, support for students, preservation of evidence, and reporting both within the Department and to Victoria Police.<sup>19</sup>

In 2010, the Department and the then Department of Human Services Child Protection co-published the *Protecting the Safety and Wellbeing of Children and Young People* protocol, which replaced the 2001 protocols.<sup>20</sup> The purpose of the new protocol was to define the respective roles of the child protection service (a statutory service provided by the then Department of Human Services Child Protection), the then Department of Education and Early Childhood Development, licensed children's services and Victorian schools 'in working together to protect children and young people from abuse and neglect'.<sup>21</sup>

This protocol also updated mandatory reporting procedures and outlined the responsibilities of school staff in responding to abuse and neglect, including child sexual abuse.<sup>22</sup> It stated that if there was an allegation of abuse perpetrated by a staff member at a school, the matter must be immediately reported to Victoria Police.<sup>23</sup> Similarly, if the then Department of Human Services Child Protection received information alleging that a teacher abused a child or a young person, this information should be referred to Victoria Police.<sup>24</sup>

In 2013, the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations delivered its *Betrayal of Trust* report.<sup>25</sup> This report recommended landmark changes to how organisations should report and respond to child sexual abuse.

The Department gave evidence to the Board of Inquiry that significant reforms occurred following the *Betrayal of Trust* report that affected its policies with regard to responding to allegations, complaints, notifications and reports of child sexual abuse.<sup>26</sup> These reforms included the implementation in 2016 of the first iteration of Child Safe Standards in Victorian government schools.<sup>27</sup>

In 2017, the Royal Commission delivered its final report inquiring into institutional responses to child sexual abuse across Australia.<sup>28</sup> More than 8,000 victim-survivors engaged with the Royal Commission through private sessions.<sup>29</sup> The Royal Commission made systemic recommendations to improve the safety of children in institutions, including defining 10 National Child Safe Standards.<sup>30</sup> The existing Victorian Child Safe Standards were updated to reflect these national standards.<sup>31</sup>

## Departmental areas with responsibility for responding to child sexual abuse

Under the current framework for child safety, the Department has a range of policies and procedures in place to prevent, investigate and respond to allegations and incidents of child sexual abuse in government schools.

To aid understanding of how these policies and procedures work in practice, an overview of the areas within the Department that have responsibility for preventing and responding to child sexual abuse in government schools is given in Table 4. Unlike the situation between 1960 and 1999, the Department now has formalised lines of accountability and responsibility for responding to child sexual abuse in government schools.

**TABLE 4 DEPARTMENT: AREAS WITH RESPONSIBILITY FOR RESPONDING TO CHILD SEXUAL ABUSE (AS AT NOVEMBER 2023)**

Area	Role in preventing or responding to child sexual abuse
<b>Wellbeing, Health and Engagement Division</b>	<ul style="list-style-type: none"> <li>develops and distributes child safety policies and advice to government schools regarding prevention of child sexual abuse<sup>32</sup></li> <li>provides advice to government schools on how to respond to child sexual abuse</li> <li>is not directly involved in individual incident responses or investigations<sup>33</sup></li> <li>plays a significant role in ensuring that government school staff are trained in their responses to and reporting requirements in relation to child sexual abuse.<sup>34</sup></li> </ul>
<b>School Compliance Unit</b>	<ul style="list-style-type: none"> <li>conducts assessments and site visits of government schools to assess compliance with the Minimum Standards for school registration, which include the Child Safe Standards.<sup>35</sup></li> </ul>
<b>Security and Emergency Management Division</b>	<ul style="list-style-type: none"> <li>develops and distributes the <i>Managing and Reporting School Incidents (including Emergencies)</i> policy. This policy requires principals to report allegations of child sexual abuse involving a current student to the Incident Support and Operations Centre.<sup>36</sup></li> </ul>
<b>Incident Support and Operations Centre</b>	<ul style="list-style-type: none"> <li>provides initial incident response, including giving immediate advice to school principals on what steps to take</li> <li>follows internal protocol and actions for information-sharing to refer a report of alleged child sexual abuse to all other relevant areas in the Department.<sup>37</sup></li> </ul>
<b>Employee Conduct Branch</b>	<ul style="list-style-type: none"> <li>manages all complaints, misconduct and unsatisfactory performance allegations against adults working in schools<sup>38</sup></li> <li>reports allegations of child sexual abuse to relevant organisations under the Reportable Conduct Scheme</li> <li>investigates allegations of child sexual abuse</li> <li>provides advice on disciplinary actions if allegations are proven.</li> </ul>
<b>Sexual Harm Response Unit</b>	<ul style="list-style-type: none"> <li>supports schools to respond to incidents of child sexual abuse.<sup>39</sup> (The scope of the unit now includes historical child sexual abuse).<sup>40</sup></li> </ul>
<b>Regional and area teams, including school support staff</b>	<ul style="list-style-type: none"> <li>support schools to respond to allegations of child sexual abuse and to support victim-survivors and their families, mostly through school support staff.<sup>41</sup></li> </ul>

## Current policies, procedures and practices in response to inquiries

Current policies and procedures that resulted from the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations and the Royal Commission are outlined below.

### Child Safe Standards and the Reportable Conduct Scheme

In response to the *Betrayal of Trust* report, the Victorian Government established the 2016 Child Safe Standards and the 2017 Reportable Conduct Scheme.<sup>42</sup>

The Child Safe Standards and the Reportable Conduct Scheme exemplify the major reforms in child safety that took place from 2016 onwards, and establish the framework for child safety in Victoria today.

## Child Safe Standards

In 2016, the Child Safe Standards were first put into operation in Victorian government schools.<sup>43</sup> The Child Safe Standards are compulsory standards that schools must legally comply with to keep children safe and protect them from abuse.<sup>44</sup>

In 2017, the Royal Commission recommended and defined 10 National Child Safe Standards. These were endorsed by the former Council of Australian Governments in 2019 as the National Principles for Child Safe Organisations (National Principles).<sup>45</sup>

The Department's evidence was that in 2022, Victoria updated its Child Safe Standards to align with the National Principles.<sup>46</sup> Under Ministerial Order 1359, issued on 31 January 2022, all Victorian schools must comply with the current Child Safe Standards and embed a culture of 'no tolerance' for child abuse.<sup>47</sup>

The Child Safe Standards also form part of the Minimum Standards for school registration (Minimum Standards) set out in the *Education and Training Reform Act 2006 (Vic)* (Education and Training Reform Act).<sup>48</sup> Under that Act, all Victorian schools must comply with the Minimum Standards, including the Child Safe Standards, as a condition of registration and continued operation.<sup>49</sup>

## Reportable Conduct Scheme

In 2017, the Reportable Conduct Scheme was introduced under the *Child Wellbeing and Safety Act 2005 (Vic)*.

The Reportable Conduct Scheme is a 'child safety mechanism' that requires all employees of the Department, including all school-based employees, to notify the relevant officer of the Department when there is an allegation of 'reportable conduct' raised against employees of the Department, volunteers or school council employees.<sup>50</sup>

An allegation of 'reportable conduct' refers to where a person has a reasonable belief that there has been a sexual offence, sexual misconduct (including child sexual abuse) or physical violence against, with, or in the presence of a child; behaviour causing significant emotional or psychological harm to a child; or significant neglect of a child.<sup>51</sup>

The Reportable Conduct Scheme sets out to whom a person should report an allegation, and when the Department should notify the Commission for Children and Young People (Commission).<sup>52</sup> As discussed later in this Chapter, the Commission is a statutory body that promotes the safety and wellbeing of Victorian children and young people.<sup>53</sup>

## PROTECT

The Department gave evidence to the Board of Inquiry that '[t]he resources and policies that support implementation of the Child Safe Standards are extensive'.<sup>54</sup>

The Department has a website called PROTECT, which is an online repository of resources for implementing the Child Safe Standards.<sup>55</sup> For example, one resource available on PROTECT is the *Identifying and Responding to All Forms of Abuse in Victorian Schools* policy. This policy supports school staff to take action if they 'suspect, receive a disclosure, or are witness to any form of child abuse'.<sup>56</sup>

Other available resources include an action list, a policy template, a code of conduct template, a risk register and training presentations.<sup>57</sup>

## Current policies, procedures and practices: preventing child sexual abuse in government schools

The Department did not have any policies or procedures concerning child sexual abuse or the prevention of child sexual abuse in government schools between 1960 and 1994.

Today, the Child Safe Standards form the basis of the Department's and government schools' policies and procedures to ensure children feel safe and are safe at school.<sup>58</sup> Two major approaches to the prevention of child sexual abuse are effective employee screening and school registration.

### Employee screening

Evidence was given to the Board of Inquiry that historically the Department did not have any processes in place to reduce the risk of employing someone who had committed a sexual offence in relation to a child.

Jenny Atta PSM, Secretary, Department of Education, gave evidence that the Department now undertakes 'significant vetting of staff before they are employed'.<sup>59</sup> This includes registration with the Victorian Institute of Teaching (VIT). Registration requires individuals to meet a range of criteria, such as the absence of a criminal record.<sup>60</sup> If an individual has a criminal record, the VIT will assess their 'suitability to teach' on the merits of each case.<sup>61</sup> This includes consideration of criminal offences and whether the individual has been the subject of a finding of reportable conduct by the Commission.<sup>62</sup>

The Department also has a *Suitability for Employment Checks* policy and a *Working with Children and Other Suitability Checks for School Volunteers and Visitors* policy, which set out further requirements and guidance in relation to pre-employment checks.<sup>63</sup>

In addition, the Department's *Recruitment in Schools* policy sets out the steps a principal is required to take, and the matters they must be satisfied of, before a person commences employment.<sup>64</sup> These include ensuring that:

- the person is registered with the VIT
- the person is a fit and proper person and is suitable for child-connected work
- the person has a current Working with Children Check, if they are to be employed as an education support class worker.<sup>65</sup>

The policy also requires a principal to confirm whether a person has an 'employment limitation' in place, and to ask questions of the person's current or previous employer relating to how the person conducted themselves when working with children.<sup>66</sup>

The *Employment Limitation* policy applies if a person is the subject of an allegation of misconduct with regard to their employment with the Department. This policy sets out the circumstances in which the Department can impose a 'limitation' on a person's eligibility for employment in a government school or on a school council.<sup>67</sup> A limitation can be placed on a person following a disciplinary process for misconduct or unsatisfactory performance, or if they resign during the course of an investigation.<sup>68</sup>

The Department can also place a limitation on a former employee if that employee engaged in misconduct during their employment, but the Department did not become aware of it until after their employment ceased.

In practice, a limitation may preclude a person from further employment in the Department or in the Victorian Government Teaching Service or limit the terms of a person's employment (for example, a teacher may be restricted to a fixed-term period of employment).<sup>69</sup>

## School registration

The Department ensures that any registered school adheres to the Minimum Standards, which include the Child Safe Standards. Schools can only be registered if they meet the Minimum Standards.<sup>70</sup>

The Minimum Standards place obligations on schools to effectively respond to and report child sexual abuse allegations, including the implementation of prevention measures such as governance, culture and training.<sup>71</sup>

The Department gave evidence that in term 2, 2022 (commencing 26 April 2022), it implemented a new model for assessing compliance with the Minimum Standards that was intended to be 'more comprehensive and robust, and subject to greater quality control'.<sup>72</sup>

Regarding the assessment of schools against the Child Safe Standards, in the 2022 calendar year:

- The Department initially assessed the majority of schools as fully compliant with 72 per cent of the Child Safe Standards.
- Ninety-one per cent of schools became fully compliant within three months of the initial assessment.
- All schools were fully compliant by the end of the 'compliance assessment process'.<sup>73</sup>

The Department gave evidence that the rates of school compliance were affected by the new assessment model and the new Child Safe Standards, which came into effect on 1 July 2022.<sup>74</sup>

## Current policies, procedures and practices: responding to child sexual abuse in government schools

The Department gave evidence to the Board of Inquiry that, in addition to the prevention measures described above, it has a range of policies and procedures in place directed to ensuring an effective response to allegations of child sexual abuse.

### Supporting teachers and staff to identify and respond to child sexual abuse

One of the Department's historical failings in responding to child sexual abuse was the lack of training for teachers and principals in how to identify child sexual abuse, and how to respond to it and report it.



## Staff training

The Department's evidence was that schools are now required to train their staff annually in relation to certain child safety policies, procedures and practices; for example, the *Protecting Children – Reporting and Other Legal Obligations* policy.<sup>75</sup> School leaders, such as principals, are also encouraged to undertake training on the Minimum Standards.<sup>76</sup>

In addition, the Department gave evidence that it provided training to support schools in transitioning to the 2022 Child Safe Standards. This included:

- online introductory briefings
- workshops to support schools to update their own policies and processes to align with the new requirements.<sup>77</sup>

The Department's School Compliance Unit assesses schools against the Child Safe Standards at least every five years (and in most cases every four years). This includes determining whether school staff have completed annual child safety training.<sup>78</sup>

The Department's evidence was that if schools are not compliant with the Child Safe Standards, the School Compliance Unit provides them with a 'rectification plan'.<sup>79</sup> A rectification plan sets out the actions that a school must take to address the areas of non-compliance that have been identified.<sup>80</sup> The Department generally asks schools to address all rectifications within six weeks of receiving the initial assessment report.<sup>81</sup> The school will then receive a final compliance report once all rectifications have been actioned.<sup>82</sup>

## Information on policies and resources

The Department now has a range of policies and procedures in place to assist teachers and school staff to identify and respond to child sexual abuse.

To support government school staff to access materials and understand their obligations generally, the Department introduced the Policy and Advisory Library (PAL) in 2020.<sup>83</sup> PAL contains policies, guidance and resources for all operational topics, as well as links to legislation and related policies.<sup>84</sup> These include policies about responding to allegations or incidents of child sexual abuse in government schools.<sup>85</sup> In contrast, PROTECT provides schools, early childhood services and higher education and training facilities with resources related to the Child Safe Standards and information and advice on how to protect children, create a child safe environment, and identify and respond to signs of abuse.<sup>86</sup>

The Department communicates key changes to any policies or procedures via weekly emails to school leaders, such as principals, and administrative staff.<sup>87</sup> PAL also includes a register of all changes or updates.<sup>88</sup> When a significant policy change or a new policy is introduced, the Department publishes an article to explain what the changes mean in practice.<sup>89</sup> For example, when the new Child Safe Standards came into effect in mid-2022 the Department published an article that included advice and guidance on staff training.<sup>90</sup>

## Reporting and investigating

As outlined in Chapter 13, the Board of Inquiry found that between 1960 and 1994 the Department did not have any policies or procedures governing how schools or officials should report and investigate child sexual abuse.

When asked about its current policies, the Department's evidence was that it now has in place detailed policies and procedures for reporting and responding to allegations or suspicions of child sexual abuse in government schools.<sup>91</sup>

All schools are required to use the Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse (Four Critical Actions), which are published on the PROTECT website.<sup>92</sup> These actions are:

- responding to an emergency
- reporting to authorities
- contacting parents and carers
- providing ongoing support.<sup>93</sup>

In line with these actions, a school must report all incidents, suspicions and disclosures of child abuse, including child sexual abuse, to Victoria Police.<sup>94</sup> The school is also required to report all incidents, suspicions and disclosures of child abuse involving a school staff member, contractor, volunteer or visitor internally to the Employee Conduct Branch and the Incident Support and Operations Centre within the Department.<sup>95</sup> Ms Atta gave evidence that these parts of the Department 'work together to ensure that all next steps are taken'.<sup>96</sup>

Incident Support and Operations Centre staff provide immediate advice to principals about what actions they need to take in response to a report.<sup>97</sup> This advice includes a reminder to implement the Four Critical Actions.<sup>98</sup>

Actions in relation to alleged perpetrators, such as their suspension, are then managed by the Employee Conduct Branch.<sup>99</sup> Ms Atta gave evidence that as soon as a report of child sexual abuse is received, the branch undertakes 'an immediate risk assessment' before a formal investigation commences.<sup>100</sup> Action taken might include the suspension of a teacher or the removal of a teacher from the classroom.<sup>101</sup>

The Department's evidence was that the Employee Conduct Branch considers any risks to students or other children, and provides advice to relevant decision-makers, such as a Regional Director or the Deputy Secretary within the Department, based on this risk assessment.<sup>102</sup> The assessment includes consideration of the nature of the allegations, the current role and duties of the individual, action taken by Victoria Police and any steps already taken by the Department.<sup>103</sup>

For allegations against current employees, or employees within the scope of the Reportable Conduct Scheme, the Employee Conduct Branch takes steps to assess whether a notification to the Commission is required.<sup>104</sup> For allegations against former employees, the Employee Conduct Branch will check if the person is still registered with the VIT and, if so, will inform the VIT of the allegation.<sup>105</sup>

Under the *Complaints, Misconduct and Unsatisfactory Performance — Teaching Service* policy and guidelines, the Employee Conduct Branch also appoints an investigator to investigate the allegations of child abuse.<sup>106</sup>

The Department liaises with Victoria Police before starting any investigation to ensure that it does not interfere with any criminal investigation or proceedings.<sup>107</sup> Ms Atta also gave evidence that if Victoria Police requests the Department to temporarily suspend an investigation to avoid interference with its own investigation, the Department would comply but would still take steps to ensure child safety, such as removing the teacher from the classroom.<sup>108</sup>

Following a ‘significant child safety incident’, the School Compliance Unit assists schools to undertake a post-incident review to identify opportunities to improve child safety policies, procedures and practices.<sup>109</sup>

It is clear that, in contrast to the historical position, the Department now has procedures in place to ensure that schools prioritise the safety of children when a report of child sexual abuse is raised, and understand clearly how to respond to such reports. As Ms Atta explained in her evidence, there are now policies for principals to ‘understand that the default is to report’ child sexual abuse.<sup>110</sup>

In addition, the Department has policies in place to identify an incident of child sexual abuse for which there has been no report and subsequently the failure to report may be investigated. In her evidence, Ms Atta said that these policies exist as ‘part of [a] culture of child safety and the priority given to child protection’.<sup>111</sup>

### **The Department’s engagement with Victoria Police**

The Department gave evidence to the Board of Inquiry that the Employee Conduct Branch works with Victoria Police, as well as the Australian Federal Police and police in other jurisdictions, in relation to allegations of child sexual abuse connected to Victorian government schools.<sup>112</sup> This includes reporting allegations, assisting police with their inquiries, and ensuring that steps taken by the Department do not interfere with police investigations.<sup>113</sup>

The Board of Inquiry also received evidence that for every new arrest or charge in relation to child sexual abuse in government schools, the Department’s Sexual Harm Response Unit works with Victoria Police to ‘ensure any communications issued by the school will not compromise any criminal processes’.<sup>114</sup>

In addition, the Sexual Harm Response Unit will liaise with Victoria Police, the relevant Centre Against Sexual Assault or other appropriate support services, and with Child Protection within the Department of Families, Fairness and Housing, as appropriate.<sup>115</sup> The Department gave evidence that:

We aim to ensure that we work collaboratively with the victim-survivor on any engagement with Victoria Police, taking a trauma-informed approach, whilst also ensuring that reports of criminal allegations are being made to police, from a community safety perspective.<sup>116</sup>

### **The Department’s engagement with the Commission for Children and Young People**

As noted earlier in this Chapter, the Commission is a statutory body that promotes the safety and wellbeing of Victorian children and young people.<sup>117</sup> This includes scrutiny of services for children and young people.<sup>118</sup>

Under the Department’s *Reportable Conduct* policy, the Employee Conduct Branch is responsible for notifying the Commission of reportable allegations.<sup>119</sup>

When the Employee Conduct Branch becomes aware of a reportable allegation, it will provide the following information to the Commission:

- initial advice, including the nature of the allegation and identity of the alleged perpetrator, within three business days
- an update on the investigation, including details of the allegation and investigation process, within 30 calendar days
- other information upon request from the Commission.<sup>120</sup>

The Employee Conduct Branch provides a report to the Commission at the finalisation of an investigation. This includes whether the allegations have been substantiated, the reasons for the finding, any disciplinary or other actions taken, and reasons for taking or not taking those actions.<sup>121</sup> In the event that the Employee Conduct Branch reports to the Commission that the allegations of reportable conduct are substantiated, the Commission must notify the Secretary of the Department of Justice and Community Safety for the purposes of a Working with Children Check, except in some limited circumstances.<sup>122</sup>

Where the Commission receives a direct notification from a member of the public that relates to the Department or a government school, the Commission will refer the allegation to the Employee Conduct Branch for investigation.<sup>123</sup>

### **The Department's engagement with the Victorian Institute of Teaching**

The VIT was established in 2002 and is an independent statutory authority that regulates members of the teaching profession to ensure quality teaching.<sup>124</sup> It is a legal requirement for all teachers to be registered with the VIT.<sup>125</sup>

The Department's evidence was that the Employee Conduct Branch notifies the VIT of the outcomes of disciplinary investigations against teachers, in accordance with the Education and Training Reform Act.<sup>126</sup> This includes informing the VIT:

- of the outcome of reportable conduct investigations relating to employees of the Department registered with the VIT
- where criminal charges are laid or are likely to be laid in relation to a teacher or principal
- when an 'employment limitation' is put in place by the Department.<sup>127</sup>

The VIT then shares information with the Employee Conduct Branch about the suspension of teaching registrations and decisions to cancel or not to renew registrations.<sup>128</sup>

### **The Department's engagement with Working with Children Check Victoria**

The Working with Children Check was introduced in Victoria in 2006 under the *Working with Children Act 2005* (Vic).<sup>129</sup> It is now established under the *Worker Screening Act 2020* (Vic), which came into force on 1 February 2021 and repealed the 2005 Act.<sup>130</sup> The Working with Children Check is a screening process for assessing or reassessing people who work with or care for children in Victoria.<sup>131</sup> It includes assessing an individual's criminal history and professional conduct to ensure children are protected from sexual or physical harm.<sup>132</sup>

The Department does not provide information directly to Working with Children Check Victoria.<sup>133</sup> Teachers are exempt from a Working with Children Check if they hold a current registration with the VIT.<sup>134</sup> This is because the VIT's registration process closely aligns with the way Working with Children Checks are assessed.<sup>135</sup>

Working with Children Checks are required for non-teaching staff who are not registered with the VIT.<sup>136</sup>

Working with Children Check Victoria notifies the Department in writing if an employee's or volunteer's Working with Children Check is suspended or revoked.<sup>137</sup>

## The Department's engagement with the Victorian Disability Worker Commission

The Victorian Disability Worker Commission regulates unregistered disability workers and responds to complaints about disability workers.<sup>138</sup>

If an allegation of child sexual abuse relates to a 'disability worker' within the meaning of the *Disability Service Safeguards Act 2018 (Vic)*, the Department must notify the Victoria Disability Worker Commission.<sup>139</sup>

The definition of 'disability worker' captures education support workers providing support to a student with disability, but does not generally cover teachers.<sup>140</sup> The Employee Conduct Branch is responsible for assessing allegations to consider whether a notification to the Victorian Disability Worker Commission is required.<sup>141</sup>

## Supporting children, families, parents and communities when child sexual abuse occurs

The Board of Inquiry found that between 1960 and 1994 the Department failed to put in place any policies or processes for the provision of support to victim-survivors, their parents and families, when they disclosed child sexual abuse.

The Department gave evidence to the Board of Inquiry that one of its priorities today is supporting children, families and communities impacted by child sexual abuse.

In line with the Four Critical Actions, which are published on the PROTECT website, the Department must provide immediate trauma-informed responses to students affected by sexual abuse.<sup>142</sup> This support is normally delivered by the area-based Student Support Service and school-based wellbeing staff, including specialist allied health staff.<sup>143</sup>

The Department's evidence was that the Student Support Service will work to re-establish student wellbeing and safety.<sup>144</sup> Depending on the circumstances, this may include liaising with the Department of Families, Fairness and Housing and sexual assault support services to respond to the needs of the victim-survivor and their family.<sup>145</sup>

When a criminal charge is laid, or there is a substantiation of an allegation through an investigation conducted by the Department, the Sexual Harm Response Unit takes on responsibility for identifying how to best support victim-survivors, their families and the community.<sup>146</sup>

The Sexual Harm Response Unit provides 'end-to end case management' and is responsible for assisting school principals and relevant regional or area teams to 'appropriately support victim-survivors and their families, and to assist principals to appropriately notify and engage with school communities'.<sup>147</sup>

The Department's evidence was that the Sexual Harm Response Unit seeks to ensure the following:

- It undertakes a risk assessment to determine whether other individuals may have been sexually abused or harmed.
- Appropriate supports are offered to victim-survivors and their families, including an apology.
- School principals engage appropriately with school staff and communities, including by sending communications to the school community and past students.
- There is ongoing dialogue with Victoria Police throughout the criminal process.
- The school undertakes a post-incident review, with support from the Department, to evaluate its child safety and wellbeing policies, procedures and practices.<sup>148</sup>

## Disciplinary action in response to child sexual abuse

As explored in Chapter 13 the Board of Inquiry has found that the Department failed in its approach to disciplinary action in response to child sexual abuse matters between 1960 and 1994. The Department's approach had prioritised the reputation of the Victorian education system, including the reputation and continued employment of teachers, over the safety of children.

The Department gave evidence to the Board of Inquiry that it now takes a very different approach to disciplinary action in response to child sexual abuse in government schools.<sup>149</sup>

The Education and Training Reform Act sets out the legislative framework for managing allegations of child sexual abuse by a government school employee. Under this Act, the Secretary of the Department has the power to take action against an employee for misconduct or a criminal offence, following an investigation.<sup>150</sup> The Act also allows the Secretary to conduct an inquiry, where they reasonably believe there are grounds for doing so, and to suspend the employee from duty during the inquiry.<sup>151</sup> The Secretary may take disciplinary action against the employee, including a reprimand, fine, demotion or termination of employment.<sup>152</sup>

The *Complaints, Misconduct and Unsatisfactory Performance — Teaching Service* policy and guidelines establish how complaints will be handled and ensures that the Department conducts disciplinary processes in accordance with the principles of procedural fairness and in line with the Education and Training Reform Act.<sup>153</sup>

Once the Department's investigation is complete, the relevant decision-maker, such as the Deputy Secretary, is responsible for determining whether the allegations of child sexual abuse are substantiated and what disciplinary action will be taken, with guidance from the Employee Conduct Branch.<sup>154</sup>

The Department's evidence was that if allegations of child sexual abuse are substantiated, the disciplinary action is termination of employment.<sup>155</sup> In her evidence, Ms Atta confirmed to the Board of Inquiry that, under the Education and Training Reform Act:

any substantiation ... and certainly any conviction for a sexual offence, for sexual abuse against a child, that would result in termination. A conviction of that kind — in fact, there is no discretion around that under the Act now, and that immediately would happen.<sup>156</sup>

Ms Atta also confirmed that the teaching registration for the perpetrator would be cancelled permanently.<sup>157</sup>

This approach is significantly different to the Department's responses to child sexual abuse between 1960 and 1994, according to the evidence the Board of Inquiry received. Despite legislation allowing for the suspension and dismissal of teachers, information was provided to the Board of Inquiry that some teachers remained employed in the education system after convictions for child sexual abuse offences came to light.

As explored in Chapter 13, the Board of Inquiry also found that the Department previously used staff transfers as a way of managing a complaint or a report about child sexual abuse on the part of a teacher.

Ms Atta gave evidence that the option for transfers as an outcome of the disciplinary process was removed from legislation in 2004. While Ms Atta could not confirm if transfers had been used to manage a complaint about child sexual abuse in the years preceding 2004, her evidence was that it is:

no longer, and for a long time now [has] not been an option to any decision-maker of a disciplinary outcome to use a transfer mechanism to move an offender, or an alleged offender, to another school or another part of the Department.<sup>158</sup>

## Managing records of alleged child sexual abuse

The Board of Inquiry understands that the Department has introduced changes to improve record management policies in relation to allegations of child sexual abuse.

The current legal framework that governs the Victorian education system's record management obligations comprises the *Public Records Act 1973* (Vic) (Public Records Act), the *Crimes Act 1958* (Vic) and the Public Record Office Victoria standards. This framework specifically covers the education system's management of documents relating to allegations of child sexual abuse.

In 2010, the first explicit requirement for public sector agencies to retain records related to child abuse allegations was introduced.<sup>159</sup> Since then, a range of new obligations have been implemented.

In 2022, following the new Child Safe Standards coming into effect, all government and non-government schools in Victoria were required to meet the same minimum record retention requirements for student health, safety and wellbeing records.<sup>160</sup>

Several retention and disposal authorities (legal standards under the Public Records Act) now establish how the education system must treat and retain documents related to current and historical allegations of child sexual abuse, as well as relevant employment and disciplinary records.<sup>161</sup>

The Department must permanently retain all policy, strategy and procedural documentation related to prevention, reporting and investigations of child sexual abuse.<sup>162</sup> The Department must also retain, for 99 years, all records relating to its reporting and investigation of any allegations of child sexual abuse.<sup>163</sup> In addition, the Department is obligated to retain all training documents related to responding to child sexual abuse for 45 years.<sup>164</sup>

The Department's evidence was that it now records and retains information on child sexual abuse allegations in keeping with these requirements.<sup>165</sup> For example, the Sexual Harm Response Unit maintains its own records of all new allegations and incidents of child sexual abuse.<sup>166</sup> Files are electronic and are stored securely with restricted access.<sup>167</sup>

Ms Atta gave evidence to the Board of Inquiry that:

[adhering to these requirements] is a very important focus [of] our work now. One, ensuring that we've got proper documentation, for instance, of misconduct processes, of investigations, but, two, [that we are] absolutely compliant with those requirements around the management of records and their retention.<sup>168</sup>

The Board of Inquiry understands that since the early 1990s, government schools also have responsibility for the storage, maintenance and disposal of records, including those pertaining to child sexual abuse (noting there was no explicit requirement to retain records related to child sexual abuse allegations until 2010).<sup>169</sup> This responsibility was conferred in the early 1990s, when

the storage of school records was decentralised.<sup>170</sup> The Department provides records management guidance to schools, to help address record inconsistencies and loss.<sup>171</sup> Schools must store records in line with the same legislative obligations that govern the Department's record-keeping.<sup>172</sup>

In 2019, the Department introduced the School Records Management Program, which aims to reduce record loss by retrieving records from schools and archiving them.<sup>173</sup>

The Victorian Government has stated that it is 'working to improve records and record keeping practices of institutions that care for or provide services to children'.<sup>174</sup>

## Responding to allegations of current and historical child sexual abuse

Based on information provided by the Department, it appears that the Department manages allegations of historical child sexual abuse in the same way it manages allegations of recent child sexual abuse. The information that the Department provided to the Board of Inquiry did not differentiate between how the Department responded to victim-survivors who had experienced historical child sexual abuse and how it responded to those who had experienced recent child sexual abuse.

For example, both current and former students can report allegations of recent or historical child sexual abuse to the Department through the same mechanism: a direct phone number and email address for the Sexual Harm Response Unit.<sup>175</sup>

This section describes how the Department responds to allegations from current and former students of recent or historical child sexual abuse.

In March 2023, the Department reviewed the aspects of its website regarding how current and former students can engage with the Department about allegations of child sexual abuse.<sup>176</sup> As a result of this review, current and former students can now access a dedicated central contact line in the Department if they wish to raise allegations of child sexual abuse with the Department, in addition to being able to report to Victoria Police and the school.<sup>177</sup> In addition, the website includes information for victim-survivors about support schemes and justice pathways that they may be eligible for or may wish to consider.<sup>178</sup>

The Department gave evidence that it has also expanded the Sexual Harm Response Unit's functions to improve the Department's response to, and support of, all victim-survivors of child sexual abuse in government schools — both current and historical.<sup>179</sup>

When a victim-survivor contacts the Sexual Harm Response Unit, the Department gave evidence that its staff work with the individual in a trauma-informed way and are guided by the wishes of the individual.<sup>180</sup> It also gave evidence that its staff listen to people's experiences and offer further information and contact with the Department if required.<sup>181</sup>

If the alleged perpetrator is currently working in a government school, or has worked in a government school in the past seven years, the Sexual Harm Response Unit undertakes a risk assessment for students.<sup>182</sup> This includes identifying students who may have interacted with the alleged perpetrator and who may have been abused, in close collaboration with the school principal and Victoria Police.<sup>183</sup> The Department's evidence was that the Sexual Harm Response Unit then takes steps to respond, including, where appropriate, communicating with those students or the school community.<sup>184</sup>



The Department gave evidence that the Sexual Harm Response Unit's involvement with historical child sexual abuse matters 'is currently quite limited'.<sup>185</sup> Between late June 2023 (when the direct central phone number and email address for reporting abuse were published on the Department's website) and 3 November 2023, six victim-survivors reported child sexual abuse that occurred before 31 December 1999.<sup>186</sup>

When an allegation of child sexual abuse is made, the Employee Conduct Branch establishes whether it relates to a current or former employee within the scope of the Reportable Conduct Scheme.<sup>187</sup> If the allegation relates to a current employee, the Employee Conduct Branch assesses whether the allegation should be reported to the Commission.<sup>188</sup> If the allegation relates to a former employee, the Employee Conduct Branch checks to see whether the person is still registered with VIT and, if so, informs the VIT of the allegation.<sup>189</sup>

The Employee Conduct Branch also seeks to establish whether the allegation relating to a current or former employee has been reported to Victoria Police. If the allegation has not yet been reported, the Employee Conduct Branch will take steps to ensure a report is made to Victoria Police.<sup>190</sup>

## Further improvements

As explored throughout this Chapter, the Department has significantly improved its approach to preventing and responding to child sexual abuse compared with the period between 1960 and 1999. In saying this, it should be emphasised that the Board of Inquiry's Terms of Reference did not extend to assessing the effectiveness of the Department's current response. However, given that the Department's historical approach was marked by a complete absence of relevant policies and procedures, the fact the Department now has extensive and detailed policies and procedures in place to provide guidance to schools and staff members regarding their obligations in preventing, identifying, responding to, and reporting child sexual abuse is in itself a considerable improvement.

Importantly, the Department's approach now seeks to prioritise the safety of children, and the Department no longer uses transfers as a way of managing allegations of child sexual abuse against a teacher.

The Board of Inquiry is aware that the Department is continuing to explore opportunities to further improve its response to child sexual abuse in government schools, including consideration of:

- improvements to records management and the provision of documents to victim-survivors
- how it responds to victim-survivors of historical child sexual abuse
- how to incorporate learnings from historical child sexual abuse matters into current child safety practices.

Child sexual abuse still occurs today. Institutions need to continually reflect on how to best prevent and respond to child sexual abuse, so there can be ongoing learning and improvement. This is essential to achieving the State's commitment that child sexual abuse 'must not happen again'.<sup>191</sup>

## Chapter 14 Endnotes

1. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 2(d).
2. *Children and Young Persons (Further Amendment) Act 1993* (Vic) s 4.
3. Ben Mathews, *Mandatory Reporting Laws for Child Sexual Abuse in Australia: A Legislative History* (Report for the Royal Commission into Institutional Responses to Child Sexual Abuse, August 2014) 10.
4. *Children and Young Persons Act 1989* (Vic) s 63.
5. Protective Services for Children and Young People Branch of Community Services Victoria, *Child Abuse and Neglect: The Teacher's Response* (2nd ed, updated by the Community and Professional Education Unit, Child Protection, Health and Community Services, with the guidance of the Department of Education, 1994); Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of this Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 6 [14].
6. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of this Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 6 [14]; Email from State of Victoria to the Board of Inquiry, 6 February 2024.
7. Email from State of Victoria to the Board of Inquiry, 6 February 2024.
8. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of this Notice, in relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 6 [16].
9. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 6 [16].
10. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 6 [16].
11. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 7 [19]; *Victorian Government Schools Agreement 2001*, Australian Education Union and State of Victoria, Department of Education, Employment and Training, signed 15 January 2001 (certified by the Australian Industrial Relations Commission, Commissioner Smith).
12. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 7 [19].
13. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of this Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 8 [20].
14. The *Education and Training Reform Act 2006* (Vic) consolidated 11 separate Acts dealing with education and training and repealed the *Teaching Service Act 1981* (Vic). Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 8 [21].
15. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 8 [21], 9 [23(e)].
16. 'Children, Youth and Families Act 2005 (2007-)', *Find and Connect* (Web Page, 20 April 2016) <<https://www.findandconnect.gov.au/ref/vic/biogs/E000410b.htm>>; *Children, Youth and Families Act 2005* (Vic) s 1.

17. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 9–10 [26].
18. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 9–10 [26].
19. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 10 [26]; Department of Education and Early Childhood Development and Department of Human Services Child Protection, *Protecting the Safety and Wellbeing of Children and Young People* (Protocol, May 2010) <<https://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>>.
20. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 10 [27]; Department of Education and Early Childhood Development and Department of Human Services Child Protection, *Protecting the Safety and Wellbeing of Children and Young People* (Protocol, May 2010) 5 <<https://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>>.
21. Department of Education and Early Childhood Development and Department of Human Services Child Protection, *Protecting the Safety and Wellbeing of Children and Young People* (Protocol, May 2010) 5 <<https://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>>.
22. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 10 [28]; Department of Education and Early Childhood Development and Department of Human Services Child Protection, *Protecting the Safety and Wellbeing of Children and Young People* (Protocol, May 2010) 23–5 <<https://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>>.
23. Department of Education and Early Childhood Development and Department of Human Services Child Protection, *Protecting the Safety and Wellbeing of Children and Young People* (Protocol, May 2010) 25 <<https://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>>.
24. Department of Education and Early Childhood Development and Department of Human Services Child Protection, *Protecting the Safety and Wellbeing of Children and Young People* (Protocol, May 2010) 25 <<https://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>>.
25. Family and Community Development Committee, *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations*, (Report, PP No 275, session 2010-13, November 2013).
26. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The History and Evolution of the Department's Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse', 13 October 2023, 11 [32].
27. Statement of Stephen Fraser, 3 November 2023, 2 [8], 15 [54].
28. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017).
29. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) Preface and Executive Summary, 8.
30. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, 2017) Preface and Executive Summary, 9.
31. Statement of Stephen Fraser, 3 November 2023, 15 [54].
32. Statement of Stephen Fraser, 3 November 2023, 2 [5], 5 [25].
33. Statement of Stephen Fraser, 3 November 2023, 5 [26].
34. Letter from State of Victoria to the Board of Inquiry, 25 January 2024, Table A (Department of Education) 8 [11].
35. Statement of Elly Gay, 3 November 2023, 10 [36], 12 [41].
36. Statement of David Howes, 3 November 2023, 17 [67]–[68].
37. Statement of David Howes, 3 November 2023, 17 [68]–[69].
38. Statement of Elly Gay, 3 November 2023, 2 [6(b)].
39. Statement of Elly Gay, 3 November 2023, 2 [8].

40. Statement of Elly Gay, 3 November 2023, 2–3 [8].
41. Statement of David Howes, 3 November 2023, 17–18 [71].
42. Statement of Stephen Fraser, 3 November 2023, 2 [8].
43. Statement of Stephen Fraser, 3 November 2023, 2 [8].
44. Department of Education (Vic), *Child Safe Standards: School Operations* (Policy, 1 July 2022) [4].
45. Statement of Stephen Fraser, 3 November 2023, 2 [9]; Australian Human Rights Commission, *National Principles for Child Safe Organisations* (Report, 2018) 3.
46. Statement of Stephen Fraser, 3 November 2023, 2 [10].
47. Statement of Stephen Fraser, 3 November 2023, 3 [14]–[15]; ‘Implementing the Child Safe Standards: Managing the Risk of Child Abuse in Schools and School Boarding Premises’ (Ministerial Order No 1359, 31 January 2022, *Education and Training Reform Act 2006* (Vic)) 1 [1.1](c).
48. Department of Education (Vic), *Minimum Standards and School Registration: School Operations* (Policy, 3 November 2023) [10].
49. *Education and Training Reform Act 2006* (Vic) s 4.3.1(6)(b), (e).
50. Department of Education (Vic), *Reportable Conduct* (Policy, 9 September 2022) 1.
51. Department of Education (Vic), *Reportable Conduct* (Policy, 9 September 2022) 2.
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53. ‘Who We Are’, *Commission for Children and Young People* (Web Page) <<https://ccyp.vic.gov.au/about-us/who-we-are>>.
54. Statement of Stephen Fraser, 3 November 2023, 4 [22].
55. ‘PROTECT’, *VIC.GOV.AU* (Web Page, 18 December 2023) <<https://www.vic.gov.au/protect>>; Document prepared by the Victorian Department of Education in response to a Notice to Produce, ‘The History and Evolution of the Department’s Policies and Practices from 1 January 2000 to the Date of This Notice, in Relation to Responding to Any Allegation, Complaint, Notification or Report of Historical Child Sexual Abuse’, 13 October 2023, 13 [39].
56. Department of Education and Training, *Identifying and Responding to All Forms of Abuse in Victorian Schools* (Policy, 2.1 ed, 2018), 2; Statement of Stephen Fraser, 3 November 2023, 8 [32(c)].
57. Statement of Stephen Fraser, 3 November 2023, 4–5 [23(a–e)].
58. The Child Safe Standards are made by the Minister under the *Child Wellbeing and Safety Act 2005* (Vic) s 17 and given effect by Ministerial Order 1359 under the *Education Training and Reform Act 2006* (Vic); Statement of Stephen Fraser, 3 November 2023, 2 [6].
59. Transcript of Jenny Atta, 17 November 2023, P-217 [29]–[31].
60. Transcript of Jenny Atta, 17 November 2023, P-217 [29]–[31].
61. ‘Criminal History Checks’, *Victorian Institute of Teaching* (Web Page, 11 January 2024) <<https://www.vit.vic.edu.au/maintain/criminal-history-checks>>.
62. ‘Suitability and Fitness to Teach’, *Victorian Institute of Teaching* (Web Page, 14 August 2023) <<https://www.vit.vic.edu.au/conduct/suitability>>.
63. Document prepared by the Victorian Department of Education in response to a Notice to Produce, ‘The Department’s Current Policies and Practices for Responding to Any Allegation, Complaint, Notification or Report of Child Sexual Abuse Alleged to Have Been Perpetrated by School-based Staff Today’, 13 October 2023, 9–10 [36]; Department of Education (Vic), *Suitability for Employment Checks* (Policy, 1 April 2021); Department of Education (Vic), *Working with Children Checks and Other Suitability Checks for School Volunteers and Visitors* (Policy, 12 July 2022).
64. Statement of Bella Stagoll, 3 November 2023, 11 [44]; Department of Education (Vic), *Recruitment in Schools* (Policy, 28 August 2023).
65. Teachers are exempt from a Working with Children Clearance if they hold a current registration with the VIT. This is because the VIT’s registration process closely aligns with the way Working with Children Clearances are assessed. Statement of Bella Stagoll, 3 November 2023, 11 [44]; Department of Education (Vic), *Recruitment in Schools* (Policy, 28 August 2023).
66. Statement of Bella Stagoll, 3 November 2023, 11 [45]; Department of Education (Vic), *Recruitment in Schools* (Policy, 28 August 2023) 52–3.
67. Department of Education (Vic), *Employment Limitation* (Policy, 21 December 2022) 11–13.
68. Department of Education (Vic), *Employment Limitation* (Policy, 21 December 2022) 11–12.
69. Department of Education (Vic), *Employment Limitation* (Policy, 21 December 2022) 3; Letter from the State of Victoria to the Board of Inquiry, 25 January 2024, Table A (Department of Education) 10 [16].

70. Document prepared by the Victorian Department of Education in response to a Notice to Produce, 'The Department's Current Policies and Practices for Responding to Any Allegation, Complaint, Notification or Report of Child Sexual Abuse Alleged to Have Been Perpetrated by School-based Staff Today', 13 October 2023, 6 [18]; *Education and Training Reform Act 2006* (Vic) s 4.3.1(6)(b).
71. Statement of Elly Gay, 3 November 2023, 12 [40].
72. Statement of Elly Gay, 3 November 2023, 12 [39].
73. Statement of Elly Gay, 3 November 2023, 14–15 [49].
74. Statement of Elly Gay, 3 November 2023, 15 [50].
75. Statement of Elly Gay, 3 November 2023, 9 [32], 11 [38]; Statement of Stephen Fraser, 3 November 2023, 10 [37(a)].
76. Statement of Stephen Fraser, 3 November 2023, 10 [37(b)].
77. Statement of Stephen Fraser, 3 November 2023, 9 [35].
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PART D

# Healing, support and the future



The earlier Parts of this report have explored the experiences of victim-survivors in depth, including how the experiences of child sexual abuse they shared with the Board of Inquiry affected their life at the time, and subsequently. As discussed in those earlier Parts of the report, the impacts of historical child sexual abuse extend beyond victim-survivors, to secondary victims and affected communities.

As well as sharing with the Board of Inquiry their experiences of child sexual abuse and its consequences, victim-survivors and secondary victims shared their thoughts, hopes and aspirations for support and healing. Many victim-survivors (and some secondary victims) who engaged with the Board of Inquiry had experience with support services and were willing to provide their reflections and insights about those services. Victim-survivors also spoke about their personal healing journey.

Under clause 3(d) of its Terms of Reference, the Board of Inquiry was required to inquire into '[a]ppropriate ways to support healing for affected victim-survivors, secondary victims and affected communities including, for example, the form of a formal apology, memorialisation or other activities'.<sup>1</sup> Under clause 3(e) of its Terms of Reference the Board of Inquiry was also required to inquire into 'whether there are effective support services for victim-survivors of historical child sexual abuse in government schools', having regard to 'other inquiries and reforms that have taken place since the historical child sexual abuse occurred'.<sup>2</sup>

Healing looks different for every person and can take many forms. Healing processes for victim-survivors, secondary victims and affected communities may include sharing experiences, receiving acknowledgement and apologies, and seeing institutions responsible for failing to guard against or enabling child sexual abuse take responsibility for what happened. Seeking justice, helping others and banding together as communities in response to historical child sexual abuse can also help individuals and communities to heal.

Engaging with and receiving support from services can also play an important role in helping people to heal; and, as Dr Joe Tucci, CEO, Australian Childhood Foundation, told the Board of Inquiry, a 'mix of formal and informal supports is essential to meet the varying needs of victim-survivors'.<sup>3</sup> While they are only one aspect of healing, support services may contribute to healing by delivering trauma-informed therapeutic supports, facilitating connection with victim-survivor peers, and providing practical supports to victim-survivors, such as financial assistance or help with navigating the justice system and other complex processes.<sup>4</sup>

The Board of Inquiry has listened carefully to the information and ideas people shared about their healing and support needs. While its Terms of Reference do not require the Board of Inquiry to address the full range of support needs people shared, the inquiry nevertheless acknowledges them.

This Part of the report explores what healing means for victim-survivors of historical child sexual abuse in government schools.

To address clause 3(d) of the Terms of Reference, Chapter 15, Perspectives on healing, introduces the concept of healing and explores the different ways individuals and communities can heal from historical child sexual abuse. It recognises that support services are a component of this healing.

The following two chapters — Chapter 16, Where people can go for support, and Chapter 17, Support needs and challenges — address clause 3(e) of the Terms of Reference. They examine existing support services for victim-survivors of historical child sexual abuse in government schools to inform the Board of Inquiry's assessment of whether there are effective support services in place for this cohort.

Chapter 18, Looking to the future contains the Board of Inquiry's recommendations about specific ways to support victim-survivors, secondary victims and affected communities of historical child sexual abuse in government schools to heal, including recommendations for improvements to support services for victim-survivors.

## A note to readers

### Experiences of victim-survivors, secondary victims and affected community members

Throughout this report, the Board of Inquiry shares information that reflects some of the experiences that victim-survivors, secondary victims and affected community members shared with the Board of Inquiry.

In this Part, the Board of Inquiry shares some of the experiences and perspectives of victim-survivors, secondary victims and affected community members who participated in the Lived Experience Roundtable. The perspectives of the Lived Experience Roundtable participants have informed the Board of Inquiry's consideration of various issues relevant to this Part.

The Board of Inquiry is deeply grateful to the victim-survivors, secondary victims and affected community members who so courageously shared their experiences of child sexual abuse. The Board of Inquiry also acknowledges those victim-survivors who have chosen not to disclose their experiences of child sexual abuse, and may never do so, including those who are no longer with us.

The Board of Inquiry asked people who engaged with it how they wanted their information to be managed. Some wished to share their experiences publicly. Some wished to do so anonymously and others wished to do so confidentially. Where people shared their experiences anonymously, the Board of Inquiry has not included any identifying information in this report. Where people shared their experiences confidentially, the Board of Inquiry used this information to inform its work, but has not included it in this report.

In relation to those who wished to share their experiences publicly, in some cases the Board of Inquiry determined that it should anonymise the information they shared. This decision was made for legal or related reasons, including in order to avoid causing prejudice to any current or future criminal or civil proceedings.

The Board of Inquiry shares the experiences of victim-survivors, secondary victims and affected community members to create an important public record of their recollections. However, the Board of Inquiry has not examined or tested these accounts for accuracy or weighed whether there is enough evidence to support criminal or civil proceedings. The approach the Board of Inquiry has taken in this regard is consistent with its objectives and its Terms of Reference.<sup>5</sup>

The Board of Inquiry expresses its immense gratitude to all who contributed, in any way, to its work. Those who shared their experiences have shaped the Board of Inquiry's general findings and recommendations and contributed to a shared understanding, among all Victorians, of the impact of child sexual abuse. The Board of Inquiry expects this report will reinforce the community's commitment to better protect children from sexual abuse into the future.

## Introduction Endnotes

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2. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3(e).
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CHAPTER 15

# Perspectives on healing

15

## Introduction

Clause 3(d) of the Board of Inquiry's Terms of Reference required it to inquire into and report on '[a]ppropriate ways to support healing for affected victim-survivors, secondary victims, and affected communities including, for example, the form of a formal apology, memorialisation or other activities'.<sup>1</sup>

Victim-survivors made clear to the Board of Inquiry that healing is important to them. As one participant at the Board of Inquiry's Lived Experience Roundtable said: 'healing really is for us as survivors — it's about changing the narrative, about making it a comfortable space to talk about. We have to have the conversation'.<sup>2</sup>

This Chapter introduces and explores concepts of healing, including individual and collective healing. It examines how victim-survivors can heal from the impacts of historical child sexual abuse, recognising that healing is a very personal experience and takes different forms. It also explores the different ways that secondary victims and communities affected by historical child sexual abuse can heal.

Understanding what healing means for different people is an essential part of considering the range of actions required to support people and communities affected by child sexual abuse to heal. These responses are discussed in Chapter 18, Looking to the future.

## Healing from historical child sexual abuse

This section explores concepts of healing, and how communities and institutions can support people to heal from historical child sexual abuse.

### Concepts of healing

Healing can have different meanings depending on the context, including the form of trauma involved.

At an individual level, healing has been described as an active and multidimensional process that happens within a person, rather than something that can be done to them.<sup>3</sup> It can include 'making things right'<sup>4</sup> and 'restoring balance where wrong has been done'.<sup>5</sup>

There is growing recognition in the field of healthcare that the concept of healing, which involves holistic, patient-centric care, is as important as that of curing.<sup>6</sup> Researchers have developed an 'Optimal Healing Environments framework' with four domains — internal, interpersonal, behavioural and external — that recognise healing extends beyond the individual.<sup>7</sup> The framework supports patients' healing 'by addressing the social, psychological, physical, spiritual, and behavioral components of healthcare'.<sup>8</sup>

Much can also be learned from concepts of healing as understood by First Nations communities, which take a holistic view of the process that incorporates the individual, families and communities.

Professor Tom Calma AO, while serving as Aboriginal and Torres Strait Islander Social Justice Commissioner, described healing as 'a necessary response to address trauma experienced by individual[s] and communities'.<sup>9</sup> Professor Calma further described healing as a process that is personal and requires different responses for different people.<sup>10</sup> He expressed the view that healing is not only about an individual; it also includes families and communities.<sup>11</sup>

According to the Victorian Aboriginal Community Controlled Health Organisation, healing ‘embraces social, emotional, physical, cultural, and spiritual dimensions of health and wellbeing’.<sup>12</sup> Healing approaches in Aboriginal communities can support a reduction in the impacts of trauma and abuse, increase social connection, improve social and emotional wellbeing, and reduce suicide rates.<sup>13</sup>

When working as a registered psychologist at the Victorian Aboriginal Health Service, Associate Professor Graham Gee told the Victorian Department of Health and Human Services:

There’s an innate capacity in us to heal. It’s all about establishing safety, security and trust, and having the opportunity to work with someone you trust and get support from. As long as we remain committed to our healing, be really true and honest with ourselves, and reach out for support, the healing does come. But often we need help, that’s the thing, and there’s no shame in reaching out and asking for help.<sup>14</sup>

The Board of Inquiry heard about the importance of relational experiences to healing, such as ‘warm’ interactions that acknowledge a victim-survivor’s experiences and to help create a safe space that is conducive to healing.<sup>15</sup>

Support networks, such as family and friends, can also be important to a victim-survivor’s healing. One victim-survivor told the Board of Inquiry: ‘The support of my family and friends has been important, and I couldn’t have spoken up today without them’.<sup>16</sup> A participant at the Board of Inquiry’s Healing Roundtable said that while child sexual abuse ‘is an interpersonal crime’, healing requires ‘interpersonal engagements. It’s a relational experience, it’s not a transactional experience’.<sup>17</sup>

## The role of communities in healing

Communities are very important in supporting victim-survivors and secondary victims to heal.

Trauma and healing both happen in the context of social connections, making community connectedness critical to the process of healing from trauma.<sup>18</sup> A participant at the Board of Inquiry’s Healing Roundtable spoke about the importance of communities acknowledging past wrongs:

[T]here’s a whole bunch of people you’re having an impact on just by validating their experiences, just by making sure they’re heard, just by connecting them to a whole community of people who want to restore what was lost in their experience.<sup>19</sup>

The participant went on to speak about communities’ collective duty to allow victim-survivors and their families to unburden themselves from their trauma:

because it’s not their burden to carry it’s everybody’s. And naming that and talking about that as often as possible ... that’s what makes for healing. If someone is unburdened they’re less likely to be distressed ...<sup>20</sup>

A further participant at the Healing Roundtable also spoke about this issue, saying:

[I]f ... there isn’t that community or collective response around this, then the person that is left holding all this and having to deal with the impacts of abuse on their own is very much the survivor.<sup>21</sup>

Communities can come together in the face of institutional child sexual abuse to foster healing.<sup>22</sup> The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted one example of this, in which the Ballarat community united to support victim-survivors, through the LOUD fence movement. This movement involved parishioners and community members tying ribbons

to the fences of institutions where child sexual abuse had occurred to demonstrate their solidarity with victim-survivors.<sup>23</sup> Maureen Hatcher, Founder, LOUD fence Inc, gave evidence to the Board of Inquiry that LOUD fence was established because many people in the Ballarat community were ‘concerned that there was nothing we could do. We were hearing all these truths being spoken from these brave voices that spoke out, and there was nothing as a community we could do to let them know that we supported them’.<sup>24</sup>

Fiona Cornforth, inaugural head of the National Centre for Aboriginal and Torres Strait Islander Wellbeing Research at the Australian National University and former Chief Executive Officer of The Healing Foundation, told the Board of Inquiry about the role the community can play in supporting healing:

[W]e all in the community can make it right going forward ... [i]n terms of applying those things that have always kept us safe and well in culture; for example, looking out for each other and leaving no one behind.<sup>25</sup>

A participant at the Healing Roundtable told the Board of Inquiry there is a difference between ownership of historical harm and responsibility for historical harm.<sup>26</sup> The participant explained that while current communities are not responsible for historical harm, they must take ownership for responding to the harm that has been caused by institutional failures.<sup>27</sup>

## The role of inquiries in healing

Increasingly, royal commissions and inquiries are being established with a truth-telling focus, providing people who have experienced abuse or suffered damage or injury in particular settings with an opportunity to share their experiences. These inquiries are under-pinned by principles that value the sharing of these experiences, and they provide victim-survivors with an opportunity to heal. In the context of historical child sexual abuse within institutions, inquiries with a truth-telling focus can also provide an opportunity for victim-survivors to rebuild what can often be low levels of trust in institutions, and to re-engage with those institutions if they wish to do so.<sup>28</sup>

Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University, provided evidence to the Board of Inquiry that ‘victim-survivors across the world have called for public inquiries to examine abuse within institutions [—] sexual abuse and other forms of abuses as well’.<sup>29</sup> As Dr Wright explained:

[Inquiries] provide a record of what has happened in the past. They are a mechanism that enables for the truth to come out regarding behaviour and the experiences of people in the past, and, importantly, the ways in which institutions handled particular kinds of problems.<sup>30</sup>

However, while Dr Wright’s evidence indicated that inquiries can be an important way to support healing, she noted that people will respond to inquiries in their own way, and that inquiries may be re-traumatising for some victim-survivors.<sup>31</sup>

The Board of Inquiry also heard directly from victim-survivors about the importance of its work to their healing. One victim-survivor said the Board of Inquiry could be a voice for victim survivors.<sup>32</sup> Another victim-survivor described how the Board of Inquiry made him feel that he had finally been listened to, and that he believed other victim-survivors would benefit from hearing about other people’s experiences.<sup>33</sup>



Another victim-survivor described how the Board of Inquiry had brought some victim-survivors back together, and they were no longer frightened to talk about their experiences.<sup>34</sup>

An individual who works with victim-survivors of historical child sexual abuse within institutions told the Board of Inquiry that inquiries can prompt victim-survivors to disclose their experience of abuse in order to prevent future harm to other children.<sup>35</sup>

## The role of institutions in healing

The Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings called institutional betrayal 'a particular form of harm' related to abuse and defined it as the 'failure of an institution to provide a safe environment for a victim-survivor, as well as an institution's failure to act once a disclosure of abuse is made'.<sup>36</sup>

In cases of institutional child sexual abuse, institutions can play an important role in healing by acknowledging the institutional betrayal and the child sexual abuse that occurred, providing a meaningful apology and taking actions to protect other children from sexual abuse.<sup>37</sup> Through these types of actions, institutions can also provide an opportunity for victim-survivors to reconnect with the institution, if they choose to.<sup>38</sup> Participants at the Healing Roundtable told the Board of Inquiry that to support healing, institutional responses should engage victim-survivors in a way that makes them feel 'seen and heard and ... no longer invisible'.<sup>39</sup>

However, the Board of Inquiry heard that institutional responses to revelations about historical child sexual abuse are often poor, and miss opportunities to support healing and the rebuilding of trust.<sup>40</sup>

A participant at the Healing Roundtable told the Board of Inquiry:

I think it's really tragic that most institutions continue to do what they've always done and not address [these histories of institutional betrayal], because it can be such an opportunity for healing. You know, responsibility and all that aside, [addressing these histories of institutional betrayal is] just a great opportunity for those that want to engage in that sort of process.<sup>41</sup>

Institutions can contribute to healing by accepting responsibility and being accountable for the historical harm for which they are responsible. The refusal of institutions to do so can have negative impacts on victim-survivors of institutional child sexual abuse.<sup>42</sup> The Board of Inquiry heard directly from victim-survivors about how it was important to their healing for the Department of Education (Department) to be accountable for the extent of historical child sexual abuse in government schools, and to understand the magnitude of its impacts.<sup>43</sup>

The Board of Inquiry heard evidence from Dr Rob Gordon OAM, Clinical Psychologist and trauma expert, that for schools where child sexual abuse occurred, the Department and local governments all have a role to play in helping communities to heal.<sup>44</sup>

There is significant scope for institutions, including the Department, to play a proactive and meaningful role in supporting people to heal from historical child sexual abuse in government schools.

## Ways of healing from historical child sexual abuse

Healing is a personal journey. The Board of Inquiry heard that people's experiences and healing pathways are different.<sup>45</sup> Bravehearts, an organisation that works with, and advocates for, victim-survivors of child sexual abuse, told the Board of Inquiry that '[h]ealing may be defined differently by individual victims and survivors and their needs may vary'.<sup>46</sup> Victim-survivors also told the Board of Inquiry that each victim-survivor's needs are unique to the individual.<sup>47</sup>

The Board of Inquiry heard from people who work with victim-survivors and secondary victims that there is a need for responses to be led by victim-survivors,<sup>48</sup> to maximise choice<sup>49</sup> and to promote 'a sense of hope'.<sup>50</sup>

This section focuses on some of the strategies and supports the Board of Inquiry was told may be helpful for victim-survivors of historical child sexual abuse.

### Healing for victim-survivors

For many people affected by trauma and abuse, the decision to share their experience can be 'the first step to healing'.<sup>51</sup> In one study examining healing for adult male victim-survivors of child sexual abuse, participants described healing as a process of moving away from the effects of the child sexual abuse towards a 'a sense of freedom, belonging, and power'.<sup>52</sup>

The initial disclosure by victim-survivors of their experience of child sexual abuse, which may take place decades after the child sexual abuse occurred, can be an important step towards healing.<sup>53</sup> A victim-survivor told the Board of Inquiry that opening up and telling friends about their experience of child sexual abuse has helped them deal with its impacts and stop blaming themselves for what happened.<sup>54</sup> While studies suggest that a range of factors support recovery, victim-survivors talking about their experience is a key part of the healing process.<sup>55</sup> In noting this, the Board of Inquiry also acknowledges that for some victim-survivors, their first disclosure was a negative experience — and, in some cases, re-traumatising.

A number of victim-survivors said that therapeutic supports had played a significant role in helping them to heal. Some described positive experiences with psychologists. For example, a victim-survivor told the Board of Inquiry that working with their psychologist to embrace their inner child has been very powerful:

[My psychologist] made me recognise that ... I could get in touch with that nine-year-old. I had no one around me when I was being abused, and she taught me that I could be that person now ... to hold [their] hand and to give [them] a cuddle and say, 'everything is okay' ... And the best thing I can do in terms of my healing is to recognise that and be confident that [they're] being supported.<sup>56</sup>

Other victim-survivors told the Board of Inquiry about different strategies and supports they have used to further their healing and recovery. One victim-survivor told the Board of Inquiry that transcendental meditation has 'saved my life'. They also believe that a wellness centre, where people can meditate and feel peace and serenity, would be helpful for victim-survivors.<sup>57</sup>

Another victim-survivor told the Board of Inquiry about the benefits of a short-term residential retreat,<sup>58</sup> while a secondary victim told the Board of Inquiry they would like rehabilitation and wellness centres to be available to support people to heal, with a focus on the effects of child sexual abuse.<sup>59</sup>

Participants in the Lived Experience Roundtable and the Healing Roundtable told the Board of Inquiry that peer support and connecting with people who have a shared understanding of the experience of historical child sexual abuse can support healing and provide a sense of hope.<sup>60</sup>

The Board of Inquiry also heard that some victim-survivors have been drawn to careers or volunteer work helping children, because they saw it as a way to heal from their own childhood experiences. One victim-survivor described their desire to work in a career in a profession helping children, and said: 'looking back now, I wanted to protect others because I wasn't protected'.<sup>61</sup> Another victim-survivor told the Board of Inquiry that coaching sport has been an important part of his healing process. He said: 'I love coaching sport and I love seeing young people get something out of sport. Coaching kids and seeing them enjoy sport have been part of my healing process. It has been a saviour for me and has gotten me back into sport again'.<sup>62</sup>

While giving back in this way can be helpful, it can also bring with it feelings of sadness, anger or confusion. One victim-survivor said: 'what upsets me the most is that when I go to work, I protect kids and no one protected us'.<sup>63</sup>

The Board of Inquiry also heard that reconnecting with the institution where the historical child sexual abuse occurred (such as a school) can be healing for some victim-survivors.<sup>64</sup> The Board of Inquiry heard that in these circumstances, reconnection can be a 'wonderful hope-filled journey'.<sup>65</sup>

A former student of Trinity Grammar School, who has spoken publicly about his experience of sexual abuse as a child at the school, shared his experience of reconnecting with the Trinity Grammar community and engaging with the school.<sup>66</sup> While events at Trinity Grammar are not within the scope of this Board of Inquiry, the experience of this victim-survivor are informative for the inquiry's work. He said: 'I feel energised and positive that the school has changed and that I have contributed to the wellbeing of the school community. After a lot of pain, it's now finally a community that I want to be a part of'.<sup>67</sup>

Victim-survivors and secondary victims may also need to feel a sense of justice. A victim-survivor told the Board of Inquiry that apologies were over-rated and not meaningful for her, and that an investigation into child sexual abuse in government schools was needed, saying: 'I just don't want it to happen to anyone else. I don't want a system that allows child abuse to continue'. When asked what would support her healing, she replied, simply: 'justice'.<sup>68</sup> This perspective was shared by another victim-survivor, who told the Board of Inquiry they wanted to bring their abuser to justice.<sup>69</sup>

Some victim-survivors felt that changes were needed to hold alleged perpetrators accountable. For example, one victim-survivor told the Board of Inquiry that alleged perpetrators needed to be brought 'out of the darkness'.<sup>70</sup> Another victim-survivor said that punishments for alleged perpetrators were inadequate.<sup>71</sup> A secondary victim told the Board of Inquiry that the 'lack of accountability for the profound harm [alleged perpetrators] have caused is deeply devastating and continuously harms the victims'.<sup>72</sup>

As discussed above, the process of healing is different for everyone. Some victim-survivors who shared their stories with the Board of Inquiry did not feel they had any further healing to do. For others, their healing process is a very long road. The Board of Inquiry heard evidence from Professor Patrick O'Leary, Co-Lead of the Disrupting Violence Beacon and Director of the Violence Research and Prevention Program, Griffith University, that in cases of complex trauma, healing is an ongoing process that 'is never fully complete'.<sup>73</sup> Professor O'Leary explained that in other contexts, healing 'is seen as a final thing and that people move [on] and never revisit the issue'.<sup>74</sup>

In relation to complex trauma, however, Professor O’Leary’s evidence was that ‘people can reach a very safe and healing space, but years later, something can trigger them ... that may take them back to that trauma’.<sup>75</sup>

As one victim-survivor told the Board of Inquiry:

[S]omeone might need to ask me in 10 years ... what was helpful about this journey? And what wasn’t? Because the things I think are helpful now, I might look down and go, no, that wasn’t so good. And some things I think maybe weren’t going to be helpful I found and discovered, or have been brave enough to attempt ... will be helpful.<sup>76</sup>

## Healing for secondary victims

The need for healing extends beyond victim-survivors, to include their loved ones. Dr Joe Tucci, CEO, Australian Childhood Foundation, gave evidence to the Board of Inquiry that secondary victims’ role in supporting victim-survivors’ healing is under-appreciated.<sup>77</sup> Dr Tucci’s evidence suggested that secondary victims are offered very little support in their own right, ‘despite these people often being the most significant support for the victim-survivor’.<sup>78</sup>

The Board of Inquiry heard that for some secondary victims, the inquiry’s work represented the beginning of their own process of healing. In some cases, this was because they had only learned about their loved ones’ experience of child sexual abuse in recent years.<sup>79</sup> In other cases, it was because they felt, for the first time, that they could share their own experience as a secondary victim, and their engagement with the Board of Inquiry had made them ‘feel a lot better’.<sup>80</sup>

One secondary victim told the Board of Inquiry that they had first learned of their spouse’s experience of historical child sexual abuse less than three years before.<sup>81</sup> This disclosure helped them understand some of their spouse’s behaviours, which included being non-responsive for days at a time and being unable to hug children in their family.<sup>82</sup>

Another secondary victim said it took time to decide whether to share their own experience with the Board of Inquiry, but that they ultimately decided to share their story as a way to ‘offload’ some of what they have been carrying, and their worry about the future.<sup>83</sup>

The healing process for secondary victims is complex.<sup>84</sup> Research suggests that healing and recovery for secondary victims is characterised by a ‘dependence on the healing of the primary victims’.<sup>85</sup> The healing process for victim-survivors is often ongoing, and secondary victims’ experiences of healing may be similarly protracted.<sup>86</sup> Further, their healing may be affected by their continuing role supporting their loved one.

A secondary victim told the Board of Inquiry about their need for ‘respite’ as they supported their spouse to heal from historical child sexual abuse. They shared their hope for a better future, saying: ‘Where to from now? For me and my family, I just hope onward and upward’.<sup>87</sup>

Victim-survivors told the Board of Inquiry about their fears of burdening loved ones with their trauma.<sup>88</sup> However, a secondary victim responded directly to this point, saying:

But really you’re not burdening anybody. [Victim-survivors’ loved ones] need to know and if they’re asking, tell them, and just be genuine. You want to reach your full potential as much as your partner and your family need to reach their full potential as well.<sup>89</sup>

## Healing for affected communities

Communities can also be affected by historical child sexual abuse. The Board of Inquiry heard that '[s]exual abuse has long-term community and individual impact'.<sup>90</sup> A victim-survivor told the Board of Inquiry that healing both personally and as a community are critical.<sup>91</sup> Another victim-survivor reflected: 'that [Beaumaris] community, how do they cope? Because not everyone was bad'.<sup>92</sup> Chapter 8, *Enduring impacts of child sexual abuse*, explores the impacts of historical child sexual abuse on the community of Beaumaris and surrounding areas.

Ballarat is another example of a community deeply affected by historical child sexual abuse. John Crowley, former Principal of St Patrick's College Ballarat, told the Board of Inquiry's Healing Roundtable about engaging with victim-survivors of historical child sexual abuse at the school, as well as some of their families, and realising that the impacts of the child sexual abuse were widespread. Mr Crowley told the Board of Inquiry: 'in my view this was a situation where a community, a whole community was damaged, and that deep distrust and betrayal was not only embedded at the victim-survivor level, but through generational families and through the community'.<sup>93</sup>

Mr Crowley spoke about how he believed St Patrick's College was able to help some victim-survivors move forward in their lives through its commitment to acknowledging its past openly and truthfully through action; and how the apology that the school made for the 'deep hurt' the child sexual abuse caused was 'not only to the victims and survivors, it was to the broader community of Ballarat'. Mr Crowley told the Board of Inquiry that as part the school's work to address its past failings, he and current school staff, and later board members, met regularly with victim-survivors and their supporters, as well as community members, to discuss the school's actions, responses and apology. He said that this was important to demonstrate that the school was 'in this ... for the long run'.<sup>94</sup>

Bushfire recovery models provide an example of how communities can heal from collective trauma. Bruce Esplin AM, former Victorian Emergency Management Commissioner and former Chair of Regional Arts Victoria, gave evidence to the Board of Inquiry that 'resilience and recovery build from the ground up'.<sup>95</sup> Mr Esplin believes that successful approaches to community healing and recovery are driven at a community level, and gave evidence about how engaging in creative activities can help individuals and communities heal from collective trauma.<sup>96</sup> Mr Esplin shared examples of how communities have used this model — called creative recovery — to heal from the Black Saturday bushfires, including by coming together to create mosaics, and to build and learn to play instruments that community members then used in local musical performances.<sup>97</sup>

Healing responses must also be trauma-informed and shaped by engagement with victim-survivors, drawing on principles of co-design.<sup>98</sup> If communities engage with those community members who have experienced historical child sexual abuse about the responses they need, this will help victim-survivors recognise that they have a voice, and will support them to feel empowered and safe within their community.<sup>99</sup>

## Finding a way forward

The Board of Inquiry understands that healing is not a uniform process. As one victim-survivor noted: 'it's an individual journey'.<sup>100</sup>

While no single action or approach will help all victim-survivors of historical child sexual abuse in government schools to heal, support services and specific healing responses can play an important role in the process.

The evidence before the Board of Inquiry strongly suggests that there are some critical actions that can contribute to the healing process. These include:

- providing opportunities for recognition and acknowledgement of, and reflection on, historical child sexual abuse in government schools, its impacts and the strength of victim-survivors
- ensuring people have safe spaces to share their experiences
- ensuring the Department and Victorian Government demonstrate strong accountability for historical child sexual abuse, including being transparent about what happened, what government will do in response and how government will continue to work to protect children in school settings going forward
- providing support services that can contribute to victim-survivors' healing.

What victim-survivors need from support services, including the challenges they face in having these needs met, is explored in detail in the chapters that follow. Chapter 16, Where people can go for support, sets out what is available to victim-survivors. Chapter 17, Support needs and challenges, explores the effectiveness of support services for victim-survivors of historical child sexual abuse in government schools.

Recommendations about specific ways to contribute to healing are then discussed in Chapter 18.

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CHAPTER 16

# Where people can go for support

16

## Introduction

Victim-survivors of historical child sexual abuse in government schools often engage with several support services, rather than a single service, over the course of their lifetime.<sup>1</sup> This is not surprising, given that child sexual abuse can have a range of impacts and those impacts can change over time.<sup>2</sup>

To understand the challenges victim-survivors of historical child sexual abuse in government schools face when trying to access or use supports, it is helpful to explore the range of services available to them.

The service landscape for victim-survivors of historical child sexual abuse in government schools is complex. The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) noted that the service response to victim-survivors of child sexual abuse, including historical child sexual abuse, comprises ‘a tangle of participants, professionals, services, settings and governance arrangements across various government portfolios’.<sup>3</sup> The Board of Inquiry heard from a variety of sources that this continues to be the case and that there is no one ‘front door’ that victim-survivors can use to access support.

This Chapter outlines the types of services and schemes that victim-survivors of historical child sexual abuse in government schools may engage with. This Chapter also outlines the supports available through the Department of Education (Department) for adults who were sexually abused in government schools.

Chapter 17, Support needs and challenges, describes what the Board of Inquiry was told victim-survivors need from support services. It also considers the challenges that may prevent victim-survivors from having their needs met.

## Support services accessed by victim-survivors

Under clause 3(e) of the Terms of Reference, the Board of Inquiry was asked to inquire into ‘whether there are effective support services for victim-survivors of historical child sexual abuse in government schools’, having regard to ‘other inquiries and reforms that have taken place since the historical child sexual abuse occurred’.<sup>4</sup>

Victim-survivors of historical child sexual abuse in government schools may seek different supports from a range of services over their life course. The victim-survivors who shared their experiences with the Board of Inquiry engaged with a wide range of different supports. For example, victim-survivors described engaging with GPs,<sup>5</sup> psychologists,<sup>6</sup> psychiatrists,<sup>7</sup> lawyers,<sup>8</sup> specialist sexual assault services,<sup>9</sup> counsellors,<sup>10</sup> alcohol and other drug treatment services,<sup>11</sup> community organisations,<sup>12</sup> and residential trauma and healing retreats.<sup>13</sup>

The Board of Inquiry has defined a ‘support service’ as a service that provides advocacy, support or therapeutic treatment to victim-survivors of historical child sexual abuse in government schools. Informed by the Royal Commission, the Board of Inquiry has defined ‘advocacy’, ‘support’ and ‘therapeutic treatment’ as follows:

- advocacy — a wide range of activities to promote, protect and defend victim-survivors’ human rights and their rights to services and information. It may involve assisting victim-survivors to express their own needs, access information, understand their options and make informed decisions<sup>14</sup>
- support — emotional and practical assistance to victim-survivors to reduce their feelings of isolation, and promote connections and trusted relationships to aid in healing and recovery<sup>15</sup>

- therapeutic treatment — an overarching term covering a range of evidence-informed interventions that address the psychosocial impacts of child sexual abuse. Therapeutic treatments seek to improve victims' physical, psychological and emotional wellbeing, and enhance quality of life.<sup>16</sup>

Support services can include:

- services providing responses to individuals who have experienced or been affected by historical child sexual abuse (including parents, partners, siblings and other secondary victims)
- services provided by government and non-government services (including publicly funded and private services)
- victim-survivor-led and peer-led services.

The Board of Inquiry acknowledges that some victim-survivors may require financial support, legal advice and assistance, social services support (for example, housing or Centrelink supports) or community support designed for specific cohorts. The Board of Inquiry's Terms of Reference limited its ability to inquire into these types of support services in detail. However, where relevant the Board of Inquiry has referred to these supports and the important role that they can play for victim-survivors throughout Part D.

## Types of services

In Victoria, there are multiple services that victim-survivors of historical child sexual abuse may access to meet their various needs (whether the child sexual abuse occurred in government schools or not). These services include the following:

- Mainstream services — These are universal services that are designed to be available to all Victorians. They include health services, mental health services, alcohol and other drug treatment services and welfare services.
- Community and not-for-profit services — These are offered by a wide range of non-government organisations and include place-based services (in specific regions), telephone and online helplines, and services for particular groups of people (for example, Aboriginal people). Many community organisations receive government funding to deliver services.
- Victim support services provided through the justice system — These services support victims of crime to access and move through legal processes, including criminal proceedings and seeking compensation through civil litigation.
- Sexual assault and family violence support services — These services offer crisis and therapeutic support, advocacy, practical assistance, and information and advice for people who have experienced any form of sexual assault (including child sexual abuse) or family violence.

These services are governed by a range of complex funding, service-delivery and regulatory arrangements. Many services are funded by either or both the Victorian and Commonwealth governments, with specific departments then being responsible for administering them. The administration of services includes allocating funding, and developing and managing service-delivery arrangements with organisations. Legislation or regulatory requirements often dictate how organisations deliver their services and acquit their obligations under their service agreements.<sup>17</sup>

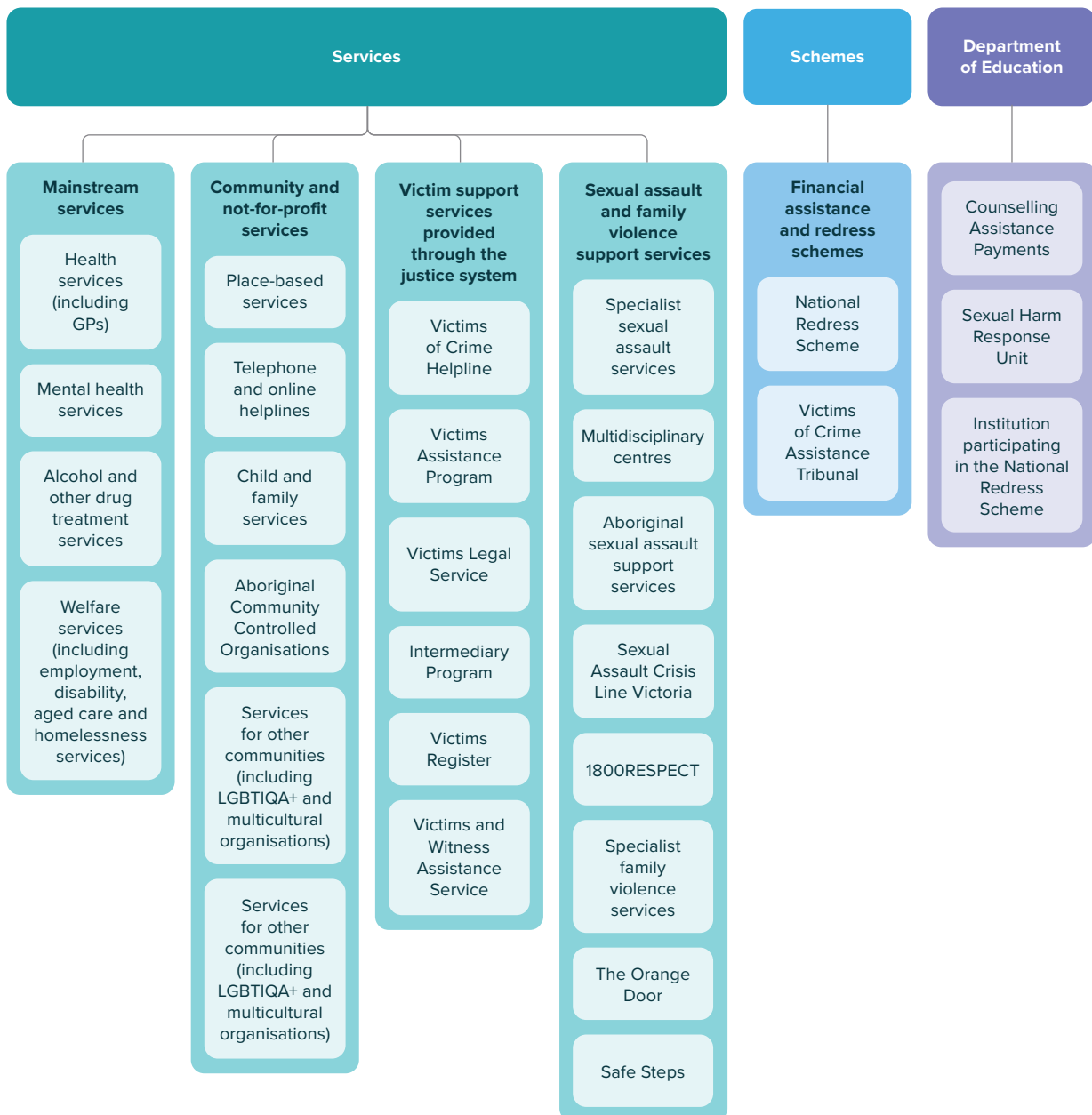
Each service will deliver different types of support to victim-survivors. These may include advocacy, practical assistance navigating complex processes (such as legal proceedings or eligibility for compensation) and therapeutic support designed to support healing. Not all services deliver all forms of support, and their level of specialisation and intensiveness differs.

Victim-survivors may be engaged with multiple services at one time to meet their various needs.<sup>18</sup> People may not identify as victim-survivors of child sexual abuse when accessing these services, even when engaging with the services to manage the impacts of the child sexual abuse they experienced.<sup>19</sup>

In some instances, victim-survivors may choose to pay to access a private service.

Diagram 8 provides an overview of where victim-survivors of historical child sexual abuse may go to seek support. More information on a number of specific services is provided immediately below. Financial assistance and redress schemes, and support offered by the Department, are discussed later in this Chapter.

**DIAGRAM 8 OVERVIEW OF SUPPORT AVAILABLE TO VICTIM-SURVIVORS OF HISTORICAL CHILD SEXUAL ABUSE**



## Mainstream services

While mainstream services are not designed specifically to respond to victim-survivors of historical child sexual abuse, many victim-survivors and secondary victims engage with these services throughout their lives for assistance relating to the impacts of child sexual abuse.

Descriptions of some key mainstream services are given below.

### Health services (including GPs)

Health services provide medical care and can be delivered in a range of settings, such as public and private hospitals,<sup>20</sup> and primary and community health services.<sup>21</sup>

GPs provide primary healthcare, which is often the first point of contact a person has with health services.<sup>22</sup> GPs can treat a range of health issues and can also refer people to a broader range of supports, including mental health services. The main way GPs facilitate access to mental health services is through developing mental health treatment plans for people, which allow them to access subsidised mental health treatment. Several victim-survivors and secondary victim survivors told the Board of Inquiry that they had consulted GPs about their mental health.<sup>23</sup>

### Mental health services

Mental health services are provided by trained professionals in a range of settings, including through hospitals; residential, community and health services; and private and non-government organisations.

At present, victim-survivors may access up to 10 individual and 10 group sessions with certain mental health professionals (such as psychologists), subsidised under Medicare, with a mental health treatment plan developed by a GP.<sup>24</sup> Because psychologists can set their own fees, Medicare may cover only some of the cost.<sup>25</sup>

In Victoria, victim-survivors who require more intensive support or who have complex mental health needs may receive mental health support from state-funded specialist mental health services, which may provide support in hospital settings or through community support services.<sup>26</sup>

Victoria is also rolling out new Mental Health and Wellbeing Locals (Locals), which provide treatment, care and support for people aged 26 years and over who are experiencing mental health concerns, including those with co-occurring alcohol and other drug treatment needs.<sup>27</sup> The Locals provide a range of services — including therapies, wellbeing supports, education, peer support and self-help information — close to where people live and free of charge. A referral from a GP or other health professional is not required.<sup>28</sup>

Many victim-survivors who spoke to the Board of Inquiry had seen a mental health professional at some stage of their life, including through private practice and in hospitals.<sup>29</sup>

### Alcohol and other drug treatment services

The Victorian Government funds a range of organisations to deliver alcohol and other drug treatment services through ‘treatment streams’. These treatment streams are counselling, withdrawal services (non-residential and residential), therapeutic day rehabilitation, residential rehabilitation, care and recovery coordination and pharmacotherapy. There are also population-specific services.<sup>30</sup> Access to Victoria’s state-funded alcohol and other drug treatment system is generally free, though some services have a small cost.<sup>31</sup>

The Commonwealth Government also funds a National Alcohol and Other Drug Hotline that provides ‘confidential support for people struggling with addiction’.<sup>32</sup>

Further, victim-survivors can pay for private alcohol and other drug treatment services, or engage with peer groups such as Alcoholics Anonymous or Narcotics Anonymous.

### **Welfare services**

‘Welfare services’ is an over-arching term referring to a wide range of services that ‘aim to encourage participation and independence and can help enhance a person’s wellbeing’.<sup>33</sup> Welfare services are provided to people across a range of different ages and social and economic circumstances.

Examples of welfare services include:

- employment services to help people secure and maintain stable employment
- disability services to help people with disability and their carers participate in society
- aged care services to help older people with their living arrangements
- homelessness services to support people who are homeless or at risk of homelessness to access accommodation.<sup>34</sup>

### **Community and not-for-profit services**

Community and not-for-profit organisations provide a range of services to the community. Some provide services in specific regions (place-based services), and some provide services to specific cohorts or communities, including children and families, Aboriginal people, LGBTIQ+ communities, and culturally and linguistically diverse communities.

The extent to which community organisations provide support that is suitable to meet the needs of victim-survivors of historical child sexual abuse varies. Some provide broad wellbeing, counselling and information support that victim-survivors may access along with other members of the community. Others are funded by the Victorian or Commonwealth governments to provide services more tailored to victim-survivors of historical child sexual abuse or victims of crime more broadly, such as support to make an application to the National Redress Scheme (discussed later in this Chapter).

Descriptions of some services provided by community and not-for-profit organisations are given below.

### **Telephone and online helplines**

Victim-survivors can access a range of telephone and online helplines operated by not-for-profit organisations for advice and support.

While most of these are generalist mental health helplines, they can act as a gateway to other services and can offer advice about managing the mental health impacts of child sexual abuse. Telephone and online helplines include the following:

- Lifeline — This is a national charity providing crisis support and suicide prevention services via phone or online.<sup>35</sup> Lifeline receives funding from the Commonwealth and Victorian governments, as well as other state and territory governments.<sup>36</sup>
- MensLine (delivered by Lifeline) — This is a free, nationwide service providing telephone and online counselling support for Australian men.<sup>37</sup>

- Suicide Call Back Service (delivered by Lifeline) — This is a free, nationwide service providing telephone and online counselling to people affected by suicide.<sup>38</sup>
- Beyond Blue — This is a not-for-profit organisation providing free telephone and online counselling.<sup>39</sup> Beyond Blue receives funding from the Commonwealth and Victorian governments, as well as other state and territory governments.<sup>40</sup>

The above helplines all operate 24 hours a day, seven days a week.

### Services for Pre-1990 Care Leavers

Some community organisations are funded by the Commonwealth and Victorian governments to provide support to people who spent time in institutional or other forms of out-of-home care as children prior to 1990 — otherwise known as ‘Pre-1990 Care Leavers’ or ‘Forgotten Australians’.<sup>41</sup> This includes services that provide advocacy, case management, referrals and counselling, as well as assistance to access people’s records and ward files.

For the purposes of the Board of Inquiry’s work, the definition of ‘government school’ in the Terms of Reference ‘excludes schools that were historically attached to orphanages or group homes’.<sup>42</sup>

## Victim support services provided through the justice system

Victoria has several services for victims of crime and people engaging (or seeking to engage) in the justice system. Some of these services provide general support and referrals, while others are designed to support victims through specific processes, such as a criminal proceeding or seeking financial assistance.

### Victims of Crime Helpline

The Department of Justice and Community Safety delivers a Victims of Crime Helpline, which is available between 8am and 11pm, seven days a week.<sup>43</sup>

The Victims of Crime Helpline offers free information, support and referrals for victims of reported and unreported crime.<sup>44</sup> This can include information about victim entitlements, the criminal justice system and legal processes, and support to connect to other services.<sup>45</sup> The Victims of Crime Helpline can also provide information and advice about reporting a crime, court processes and applying for financial assistance.<sup>46</sup>

The Victims of Crime Helpline also acts as a central intake point for the Victims Assistance Program (discussed below), referring eligible people who require more intensive support.<sup>47</sup>

The Department of Justice and Community Safety told the Board of Inquiry that the Victims of Crime Helpline receives:

- referrals from Victoria Police on behalf of victims of crime, where the crime involved physical or mental harm to a person (often referred to as ‘crimes against the person’)
- referrals from Victoria Police on behalf of male victim-survivors of family violence
- referrals from community organisations
- calls from victims of crime and the general public seeking information and support (self-referral).<sup>48</sup>

The Commonwealth Government provides funding to the Victims of Crime Helpline to provide family violence specialists as part of the service.<sup>49</sup>



## Victims Assistance Program

The Department of Justice and Community Safety told the Board of Inquiry that the Victim Assistance Program (VAP), funded by the Victorian Government, provides flexible services that aim to meet the practical, emotional and psychological needs of victims of crime.<sup>50</sup> The support that the VAP provides is tailored to the individual, and can include:

- assistance with day-to-day needs
- support to communicate with police
- organising counselling, transport and medical services
- assistance to get ready for court or prepare a Victim Impact Statement
- support to apply for financial assistance.<sup>51</sup>

The VAP is available to primary, secondary and/or related victims of crimes against the person perpetrated in Victoria.<sup>52</sup> Crimes against the person include sexual assault (including historical child sexual abuse), family violence, physical assault and homicide.<sup>53</sup>

The VAP is delivered by a network of six community organisations.<sup>54</sup> VAP workers are also co-located in 39 police stations across the state, in both metropolitan and regional locations.<sup>55</sup>

The Board of Inquiry was told that, in order to determine client eligibility, organisations undertake an assessment process to reasonably establish that a victim-survivor has been a victim of crime against the person. There is no requirement for the victim-survivor to have reported the crime to police.<sup>56</sup>

The VAP receives most of its referrals through the Victims of Crime Helpline and from other justice agencies, such as the Office of Public Prosecutions, although victim-survivors can also self-refer.<sup>57</sup>

## Victims Legal Service

The Victorian Government funds the Victims Legal Service, which is delivered by Victoria Legal Aid, community legal centres and Aboriginal legal services.

The Victims Legal Service provides free legal advice and support to victim-survivors who need help to seek financial assistance through the Victims of Crime Assistance Tribunal or compensation from the person who committed the crime.<sup>58</sup> The Victims Legal Service Helpline, run by Victoria Legal Aid, is the primary entry point into the service.<sup>59</sup>

The Department of Justice and Community Safety told the Board of Inquiry that the Commonwealth Government has funded a pilot program that will expand the Victims Legal Service to support victim-survivors to prevent their confidential communications and health information from being used in criminal proceedings, and to support Aboriginal women to report sexual offences to police.<sup>60</sup> The program will run over a period of three years, until 2025–26.<sup>61</sup>

## Other criminal justice services

Other services available for victim-survivors who have been involved in criminal proceedings include the following:

- **Intermediary Program** — This assists certain vulnerable witnesses to give evidence to the best of their ability through support from trained communication specialists, known as intermediaries.<sup>62</sup> The program is available for eligible witnesses — children and young people aged under 18, and adults with a cognitive impairment — who are the complainants in sexual offence matters, or witnesses to homicide.<sup>63</sup> The program is available in several court and police locations across Victoria.<sup>64</sup>
- **Victims and Witness Assistance Service** — Operated by the Office of Public Prosecutions, this service provides adult victims and witnesses with information about court processes, and support them to give evidence.<sup>65</sup>
- **Victims Register** — This provides information to eligible victims of crimes against the person (including sexual offences) about an offender’s sentence, including when the offender is due to be released from prison.<sup>66</sup>

## Sexual assault and family violence support services

Sexual assault support services seek to address the impacts of sexual assault, including historical child sexual abuse, and provide a range of advocacy, support and therapeutic services.

Family violence services provide a range of supports for people experiencing family violence, including those who are in crisis and need immediate support.<sup>67</sup> Previous research has demonstrated that women who have experienced child sexual abuse are more likely to experience family violence than other women,<sup>68</sup> and thus may need support in this area.<sup>69</sup>

## Specialist sexual assault services

Specialist sexual assault services are available across Victoria for people who have experienced recent or historical sexual assault (including historical child sexual abuse).<sup>70</sup> These services are also available for non-offending family members and support people.<sup>71</sup> Many of these services are called Centres Against Sexual Assault. Specialist sexual assault services are funded by the Victorian Government.<sup>72</sup>

Victoria’s specialist sexual assault services provide free and confidential services to people who have experienced sexual assault, including:

- counselling and advocacy for victim-survivors and others affected by sexual assault. Approaches can include psychoeducation, cognitive behavioural therapy and group therapies.<sup>73</sup> They can also include eye movement desensitisation and reprocessing<sup>74</sup>
- assistance in managing the practical consequences of sexual assault (including support to access emergency housing or compensation), and support and information for non-offending family members and support people<sup>75</sup>
- brokerage funding, which is flexible funding that can be used to meet a victim-survivor’s basic material needs (including clothing and food), or to pay for services such as legal fees, and transport or childcare costs.<sup>76</sup>

Specialist sexual assault services also provide:

- immediate crisis response for people who have experienced a recent sexual assault, including crisis intervention, counselling, advocacy and liaison; for example, coordination of support and contact with child protection, police, and forensic and other medical personnel<sup>77</sup>
- support and services for children and young people exhibiting harmful sexual behaviours.<sup>78</sup>

In addition, specialist sexual assault services offer prevention activities, including community education, advocacy, and training and support for other professionals.<sup>79</sup>

Victim-survivors can self-refer to a specialist sexual assault service or may be referred to the service through a number of different agencies, including police.<sup>80</sup>

### **Multidisciplinary centres**

Some specialist sexual assault services are located within multidisciplinary centres. Multidisciplinary centres co-locate a range of agencies in one building to provide a victim-centred response to sexual assault and child sexual abuse.<sup>81</sup> Staff at multidisciplinary centres can include police, child protection staff, community health nurses and forensic medical officers.<sup>82</sup> Some multidisciplinary centres also provide a response to family violence.<sup>83</sup>

### **Aboriginal sexual assault support services**

The Victorian Government also funds four Aboriginal Community Controlled Organisations to deliver ‘culturally safe support to Aboriginal Victorians who are victim-survivors of sexual violence or harm’.<sup>84</sup>

The Department of Families, Fairness and Housing (DFFH), provided evidence to the Board of Inquiry that these ‘cultural models of support ... focus on safety, healing and wellbeing of Aboriginal people’.<sup>85</sup> The DFFH evidence also indicates that ‘Aboriginal people who have experienced sexual violence and harm’ can self-refer or may be directed to this support from other programs within the same Aboriginal Community Controlled Organisation.<sup>86</sup>

### **Sexual Assault Crisis Line**

The Sexual Assault Crisis Line is Victoria’s statewide, after-hours telephone line providing crisis counselling support, information, advocacy and referrals to anyone living in Victoria who has experienced past or recent sexual assault.<sup>87</sup> The Sexual Assault Crisis Line is also the central after-hours coordination centre for all recent sexual assaults.<sup>88</sup>

The Sexual Assault Crisis Line operates between 5pm weeknights through to 9am the next day, and across weekends and public holidays. Calls outside of those hours are directed to the relevant specialist sexual assault service.<sup>89</sup>

The Sexual Assault Crisis Line is funded by the Victorian Government.

### **1800RESPECT**

1800RESPECT is a national information, counselling and support service for people affected by domestic, family or sexual violence. 1800RESPECT is a confidential service, and operates 24 hours a day, seven days a week.<sup>90</sup>

1800RESPECT can provide information on domestic, family and sexual violence, as well as phone counselling and referrals to other agencies.<sup>91</sup>

1800RESPECT is funded by the Commonwealth Government.<sup>92</sup>

## Family violence support services

The Victorian Government also funds family violence support services, including the following:

- Specialist family violence services — These services are available across Victoria and provide a range of supports for victim-survivors of family violence. These can include case management activities, family violence risk assessment and management processes, safety planning, counselling and advocacy. Victim-survivors can self-refer to these services or they can be referred from an intake point such as The Orange Door or Safe Steps.<sup>93</sup>
- The Orange Door — The Orange Doors are located throughout Victoria and act as entry points into a range of services that victim-survivors may need.<sup>94</sup> Services available at The Orange Doors are directed to victim-survivors of family violence and families needing extra support to care for children, and include risk and needs assessment, safety planning and crisis support.<sup>95</sup>
- Safe Steps — Safe Steps is Victoria's 24/7 family violence response centre.<sup>96</sup> It is staffed by family violence crisis specialists and provides victim-survivors with a range of supports.<sup>97</sup>

## Redress and financial assistance schemes

Victim-survivors of historical child sexual abuse (and other forms of sexual assault) may be able to seek redress or access financial assistance. Two schemes that victim-survivors of historical child sexual abuse may engage with are the:

- National Redress Scheme
- Victims of Crime Assistance Tribunal (VOCAT).

Some of the services previously mentioned are involved in supporting victim-survivors engaging with these schemes.

### National Redress Scheme

The National Redress Scheme was established by the Commonwealth Government in 2018 in response to recommendations made by the Royal Commission. The National Redress Scheme provides support to people who have experienced institutional child sexual abuse through three components:

- a monetary payment of up to \$150,000
- a 'Direct Personal Response' (DPR) from the responsible institution or institutions under the DPR Program
- therapeutic support through the Counselling and Psychological Care Service (CPC Service).<sup>98</sup>

Victim-survivors can receive support before or during the application process, or as an element of redress. Table 5 summarises the primary supports victim-survivors can receive through the National Redress Scheme.

TABLE 5 SUPPORT THROUGH THE NATIONAL REDRESS SCHEME

Type of support	Description
Redress Support Services	<p>The Commonwealth Government funds Redress Support Services across the country. Redress Support Services provide free, practical and emotional support to those making, or considering making, an application for redress.<sup>99</sup> This can include referrals to knowmore for free legal advice and assistance, as well as to other community services.<sup>100</sup></p> <p>There are nine Redress Support Service providers in Victoria, and additional Redress Support Service providers that operate nationally.<sup>101</sup></p> <p>The Victorian Government also contributes funding to some of the Redress Support Services operating in Victoria, including the CPC Service and services for Pre-1990 Care Leavers.</p>
Legal advice and assistance	<p>The Commonwealth Government funds knowmore, a national legal service that provides free legal support for people considering applying for redress under the National Redress Scheme. knowmore can provide advice on how accepting an offer of redress may affect any future claims a victim-survivor may make.<sup>102</sup></p>
Counselling and Psychological Care Service	<p>Victim-survivors who receive an offer of redress are eligible to receive support through the CPC Service. The DFFH administers the CPC Service on behalf of all participating Victorian institutions.<sup>103</sup></p> <p>People who are family, extended family or close friends of, or have a family-like relationship with, a victim-survivor can also receive assistance under the CPC Service.<sup>104</sup></p> <p>The DFFH provides intake, assessment and navigation to services based on a person's request.<sup>105</sup></p> <p>Counselling and psychological care provided under the CPC Service are delivered by practitioners in private and non-government organisations. Support that victim-survivors can access includes:</p> <ul style="list-style-type: none"> <li>• counselling support from a psychologist, specialist community service organisation or other mental health professional</li> <li>• supportive group work</li> <li>• alternative supports, such as therapeutic case management, animal assisted therapy, mind–body somatic therapy, and art, music and dance therapy</li> <li>• cultural healing for First Nations people.<sup>106</sup></li> </ul>
Direct Personal Response Program	<p>The DFFH leads the Victorian Government's DPR Program.</p> <p>The DPR Program aims to provide recipients of redress with an opportunity to engage with the institution or institutions responsible for the child sexual abuse they experienced.</p> <p>This engagement 'can include sharing experiences of the abuse and its impacts, institutional acknowledgement, apology, and demonstration of accountability for the child sexual abuse, and an opportunity to hear what the institution is doing to prevent and improve responses to child sexual abuse'.<sup>107</sup></p> <p>A DPR can be delivered face-to-face, as a written response, or by any other agreed method.<sup>108</sup></p> <p>While the DPR Program is not a therapeutic service, it can support people's healing.</p>

## Victims of Crime Assistance Tribunal

Victims of violent crime, including sexual offences, may apply to VOCAT for financial assistance related to expenses actually incurred, or reasonably likely to be incurred, as a direct result of the crime. This includes financial assistance to access counselling and psychological treatment services.<sup>109</sup>

People eligible to apply to VOCAT are 'primary victims' (persons injured as a result of a violent crime), 'secondary victims' (persons injured as a result of being present at or witnessing the violent crime) and 'related victims' (family members, dependants or intimate partners of a primary victim who died as a result of the violent crime).<sup>110</sup>

The Victims Legal Service is available to assist victim-survivors seeking to make an application to VOCAT.

VOCAT is being replaced by a new Victims of Crime Financial Assistance Scheme, which is expected to commence in 2024.<sup>111</sup>

## The Department

The Department does not provide services directly to victim-survivors of historical child sexual abuse in government schools. However, it does support victim-survivors of historical child sexual abuse by:

- providing reimbursement for counselling and psychological services through Counselling Assistance Payments (as discussed further below)<sup>112</sup>
- providing information and advice to victim-survivors who have reported historical child sexual abuse to it (as discussed further below).<sup>113</sup> It has recently established a Sexual Harm Response Unit that receives these reports<sup>114</sup>
- being a ‘participating State institution’ under the National Redress Scheme. State institutions that participate in this Scheme will be liable for providing redress to a person eligible for redress.<sup>115</sup>

### Counselling Assistance Payments

The Board of Inquiry heard evidence from the Department that current and former students who have been sexually abused at a Victorian government school are able to receive limited financial assistance from the Department for counselling through Counselling Assistance Payments.<sup>116</sup> Counselling Assistance Payments were established in 2006, prior to the introduction of the National Redress Scheme in 2018.<sup>117</sup>

The Department’s evidence to the Board of Inquiry was that Counselling Assistance Payments enable victim-survivors to receive reimbursement or payment on invoice for sessions with private counselling or psychological services.<sup>118</sup> Victim-survivors identify the services they wish to access; the Department does not make referrals or recommend services to victim-survivors.<sup>119</sup>

The Department’s evidence was that applicants are eligible for reimbursement for up to 10 sessions, and may then apply for further assistance.<sup>120</sup>

In order to access Counselling Assistance Payments, victim-survivors must meet certain minimum evidentiary requirements. Victim-survivors need to provide supporting material from a treating medical practitioner, and there needs to be ‘some form of credible evidence to indicate that the applicant was sexually abused while at a government school’.<sup>121</sup>

The Board of Inquiry was told that ‘credible evidence’ can include ‘a statement from the victim-survivor indicating that the abuse occurred, and evidence that the teacher taught at the victim-survivor’s school at the same time the victim-survivor attended the school’.<sup>122</sup> The Department advised that it obtains this evidence through checking enrolment records to confirm that the person was enrolled at the relevant government school at the same time the alleged perpetrator was working there.<sup>123</sup>

Accepting a Counselling Assistance Payment offer does not prevent a victim-survivor from seeking compensation from or bringing a legal claim against the Department.<sup>124</sup>

At the Board of Inquiry’s public hearings, the Department noted that eligibility to access Counselling Assistance Payments had recently been expanded to include family members of victim-survivors as secondary victims.<sup>125</sup> At the time of writing this report, the Department was still developing internal guidelines and eligibility criteria for these secondary victims.<sup>126</sup>

The Department described Counselling Assistance Payments as a ‘stopgap measure’ because of the strengthening of services available since the introduction of the National Redress Scheme.<sup>127</sup> Since Counselling Assistance Payments were introduced in 2006, uptake has been low, with only 18 confirmed people accessing these payments.<sup>128</sup> The Department believes this could be due to a range of factors, including lack of awareness of Counselling Assistance Payments, and low trust in, and willingness of victim-survivors to engage with, the Department.<sup>129</sup>

## Sexual Harm Response Unit

The Department told the Board of Inquiry that in early 2023, it established the Sexual Harm Response Unit to support schools to respond to incidents of child sexual abuse.<sup>130</sup>

The primary role of the Sexual Harm Response Unit is to provide central oversight and coordination of existing functions within the Department involved in responding to allegations of recent child sexual abuse.<sup>131</sup> However, the Department told the Board of Inquiry that the Sexual Harm Response Unit also receives and responds to reports from victim-survivors of historical child sexual abuse in government schools.<sup>132</sup>

Since 30 June 2023, contact information for the Sexual Harm Response Unit has been available on the Victorian Government website.<sup>133</sup> As of 31 December 2023, 10 victim-survivors had contacted the Sexual Harm Response Unit to report historical child sexual abuse in a government school.<sup>134</sup>

In describing the Sexual Harm Response Unit’s response to reports from victim-survivors, the Department said that it takes ‘an individualised approach to each report’ and is guided by the victim-survivor’s needs.<sup>135</sup>

As part of its response to victim-survivors, the Sexual Harm Response Unit seeks to ensure the victim-survivor is aware of relevant support services.<sup>136</sup> The Department gave evidence that, given the small number of reports the Sexual Harm Response Unit has received to date, the unit has not yet provided ‘warm’ referrals to other agencies on behalf of victim-survivors of historical child sexual abuse, but that it has done so for cases of non-historical child sexual abuse.<sup>137</sup> A warm referral involves contacting a service on behalf of, or with, a person, rather than providing the person with contact information so they can contact the service directly.

The Department’s evidence was that the Sexual Harm Response Unit works collaboratively with the victim-survivor on any engagement with police; although at the time the Department made its statement to the Board of Inquiry, the Sexual Harm Response Unit had only received one report, where a report that had not been previously made to police.<sup>138</sup>

The evidence of the Department was that the Sexual Harm Response Unit’s involvement with historical cases is currently quite limited,<sup>139</sup> and the Sexual Harm Response Unit does not currently support victim-survivors who have lawyers representing them in civil claims or who are seeking redress under the National Redress Scheme.<sup>140</sup>

## Chapter 16 Endnotes

1. Transcript of Leah Bromfield, 24 October 2023, P-75 [38]–[44].
2. Statement of Leah Bromfield, 23 October 2023, 16 [82].
3. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, December 2017) vol 9, 101.
4. Order in Council (Vic), 'Appointment of a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools', *Victorian Government Gazette*, No S 339, 28 June 2023, cl 3(e).
5. See e.g.: Private session 18.
6. See e.g.: Private session 4.
7. See e.g.: Private session 24.
8. See e.g.: Private session 9.
9. See e.g.: Lived Experience Perspectives Roundtable, Record of Proceedings, 1 December 2023, P-16 [18]–[45].
10. See e.g.: Private session 23; Private session 14.
11. See e.g.: Private session 23.
12. See e.g.: Lived Experience Perspectives Roundtable, Record of Proceedings, 1 December 2023, P-23 [25]–[30].
13. See e.g.: Lived Experience Perspectives Roundtable, Record of Proceedings, 1 December 2023, P-18 [18]–[41].
14. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, December 2017) vol 9, 22.
15. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, December 2017) vol 9, 24.
16. *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, December 2017) vol 9, 24.
17. These complexities were noted in *Royal Commission into Victoria's Mental Health System* (Final Report, February 2021) vol 4, 65–7.
18. Statement of Joe Tucci, 21 November 2023, 7 [34].
19. Antonia Quadara et al, *Pathways to Support Services for Victim/Survivors of Child Sexual Abuse and Their Families* (Report, 2016) 30.
20. 'Hospitals & Health Services', *Department of Health* (Web Page) <<https://www.health.vic.gov.au/hospitals-health-services>>.
21. 'Primary & Community Health', *Department of Health* (Web Page) <<https://www.health.vic.gov.au/primary-community-health>>.
22. 'Primary Healthcare Explained', *Better Health Channel* (Web Page) <<https://www.betterhealth.vic.gov.au/health/servicesandsupport/primary-healthcare-explained#primary-healthcare-providers>>.
23. See e.g.: Private session 10; Private session 18; Private session 22; Private session 30.
24. 'Mental Health Treatment Plan', *Health Direct* (Web Page) <<https://www.healthdirect.gov.au/mental-health-treatment-plan>>.
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CHAPTER 17

# Support needs and challenges

17

## Introduction

Support services can help victim-survivors and secondary victims of historical child sexual abuse in government schools to cope with and manage the impacts of the child sexual abuse. These services can also help with the healing process.

Clause 3(e) of the Board of Inquiry's Terms of Reference required it to inquire into, report on and make any recommendations about 'whether there are effective support services for victim-survivors of historical child sexual abuse in government schools', while having regard to 'other inquiries and reforms that have taken place since the historical child sexual abuse occurred'.<sup>1</sup>

Pursuant to its Terms of Reference, the Board of Inquiry spoke to experts, government representatives, service providers, victim-survivors, secondary victims and affected community members about the effectiveness of support services for victim-survivors of historical child sexual abuse in government schools. The Board of Inquiry heard that victim-survivors have a range of support needs. It also heard that, despite there being a range of services in place, victim-survivors are experiencing barriers and challenges when trying to have their support needs met.

While some of the information received was specific to the cohort within the scope of the Terms of Reference, much of what the Board of Inquiry was told related to broader systemic issues that also affect multiple cohorts outside the scope of the Terms of Reference. These systemic issues have already been well canvassed in several reviews and inquiries over the past decade, including in the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), the Royal Commission into Victoria's Mental Health System and the Victorian Law Reform Commission's report *Improving the Justice System Response to Sexual Offences*.

This Chapter sets out the outcomes of the Board of Inquiry's examination of the effectiveness of support services for victim-survivors of historical child sexual abuse in government schools. In doing so, the Chapter traverses many of the systemic issues raised through the lenses and experiences of victim-survivors of historical child sexual abuse in government schools.

## Prevalence of child sexual abuse in institutional settings

Child sexual abuse is alarmingly widespread. In 2023, the Australian Child Maltreatment Study (ACMS), Australia's first nationally representative study measuring the prevalence of child maltreatment, released its findings.<sup>2</sup> This landmark study indicated that 28.5 per cent of the Australian population aged 16 years and older has experienced child sexual abuse.<sup>3</sup> The ACMS stemmed from the Royal Commission, which found there was a lack of relevant national data, and recommended a study on the prevalence of child maltreatment in both institutional and non-institutional settings in Australia over time.<sup>4</sup>

The ACMS findings show that the experience of child sexual abuse is more prevalent among girls, with 37.3 per cent of girls and 18.8 per cent of boys experiencing child sexual abuse.<sup>5</sup> The ACMS also reported that 78 per cent of people who were sexually abused as children said the abuse happened more than once.<sup>6</sup>

Further analysis of the ACMS findings indicated that 2 per cent of the population aged 16 years and older have experienced child sexual abuse in an institutional setting by a caregiver.<sup>7</sup> The ACMS identified four classes of adult perpetrators, including ‘institutional caregivers’. This class comprised 16 types of caregivers, including school teachers and sporting coaches.<sup>8</sup> The study did not include more detailed findings about the percentage of institutional child sexual abuse that occurred in a school or was perpetrated by a school teacher.

The prevalence of institutional child sexual abuse in Australia appears to be decreasing over time. This is consonant with increasing social awareness of child sexual abuse since the mid-1990s. The decrease in child sexual abuse is particularly discernible in institutional settings.<sup>9</sup> ACMS data illustrates this decrease. It shows that 0.5 per cent of people aged 16–24 have experienced child sexual abuse in an institution, compared to 1.2 per cent of people aged 25–44 and 2.8 per cent of people aged 45 years and older.<sup>10</sup>

Girls are more likely to experience child sexual abuse in all settings other than institutional settings. Non-institutional settings include child sexual abuse committed in the home by a parent, caregiver or sibling, by a known adult or by an unknown adult.<sup>11</sup>

Research suggests that boys are twice as likely to experience child sexual abuse in institutional settings than girls (2.7 per cent of boys compared to 1.3 per cent of girls).<sup>12</sup> Men are also more likely to have experienced child sexual abuse in institutional settings across all age cohorts, with 0.6 per cent of men aged 16–24, 1.5 per cent of men aged 25–44, and 4.2 per cent of men aged 45 years and older having experienced child sexual abuse.<sup>13</sup> This is compared to 0.5 per cent of women aged 16–24, 0.9 per cent of women aged 25–44, and 1.7 per cent of women aged 45 years and older having experienced child sexual abuse.<sup>14</sup>

This data suggests that there is a significant population group aged 45 years and older who reported having experienced institutional child sexual abuse.<sup>15</sup> Within that group, there are more men than women.<sup>16</sup>

Responding to institutional child sexual abuse requires trauma-informed approaches that address the common impacts of child sexual abuse more broadly, as well as the unique aspects of experiencing such child sexual abuse in an institutional setting.

## Impacts of historical institutional child sexual abuse

Child sexual abuse of any kind is a devastating experience. Child sexual abuse in all its forms involves a breach of trust, and can profoundly change a person’s life course.<sup>17</sup> It can result in lasting feelings of shame and vulnerability.<sup>18</sup> Child sexual abuse can also affect a person’s ‘psychological and physical well-being, family and intimate relationships, faith, education and career’.<sup>19</sup>

Historical child sexual abuse in an institutional setting adds further dimensions to a victim-survivor’s experiences and the impacts the child sexual abuse may have.<sup>20</sup> There are specific aspects of this type of sexual abuse that mean victim-survivors may experience unique impacts on their lives.<sup>21</sup>

Child sexual abuse in an institutional setting is a different type of breach of trust to other types of child sexual abuse.<sup>22</sup> Most institutions are places of authority, and children are meant to be safe within these settings and protected by those who embody the authority of the institution. This is especially the case in schools, where communities expect that children are being cared for,<sup>23</sup> and the very essence of the school institution is to help children to learn, grow and develop.<sup>24</sup>

Moreover, for most children, attending primary school is a matter over which they have little control. In Victoria, education is compulsory for all children.<sup>25</sup> Most parents and carers choose to send their children to school, and the selection of primary school is ordinarily a matter for the parents or carers. Accordingly, a child who is sexually abused by a teacher would ordinarily have had little choice about being at school in the first place, and, once sexually abused, would usually have very limited options for avoiding school as a way to prevent further abuse.

Each of these different aspects of child sexual abuse in an institutional setting contributes to the different nature and impact of such child sexual abuse.

When the institutions in which child sexual abuse occurs are primary schools, victim-survivors are — at the time the child sexual abuse takes place — of an age and developmental stage that puts them at high risk of experiencing neuro-biological impacts that can have life-long consequences. Research indicates that:

young children who experience trauma are at particular risk because their rapidly developing brains are very vulnerable. Early childhood trauma has been associated with reduced size of the brain cortex. This area is responsible for many complex functions including memory, attention, perceptual awareness, thinking, language, and consciousness.<sup>26</sup>

The trauma experienced can also be compounded when the child sexual abuse is physically invasive, the child is threatened, or the child sexual abuse becomes persistent and recurs over a period of time. Developmental trauma, which occurs as a result of complex and pervasive exposure to life-threatening events during childhood development, can disrupt interpersonal attachments, compromise a person's safety, and alter their capacity for cognitive, behavioural and emotional control.<sup>27</sup> It also contributes to complex issues experienced in adulthood.<sup>28</sup>

As previously outlined in Chapter 7, Experiences of sexual abuse and its impact in childhood and Chapter 8, Enduring impacts of child sexual abuse, victim-survivors who spoke to the Board of Inquiry shared experiences of child sexual abuse that reflected these features and impacts. Their stories mirror those told by victim-survivors of child sexual abuse to other inquiries. The Board of Inquiry heard that because of their young age, many victim-survivors were often confused by the sexual abuse that was allegedly being perpetrated against them.<sup>29</sup> While often aware that something was wrong, most victim-survivors lacked the knowledge and language to understand and verbalise what was happening to them.<sup>30</sup>

Many victim-survivors told the Board of Inquiry that this meant they struggled to process their experiences at the time. Often, they were also trying to comprehend what had happened to them in isolation.<sup>31</sup> While some victim-survivors were aware that other children may have gone through something similar, they did not know how to raise their own experiences or make sense of them.<sup>32</sup> Others thought that they were the only ones who experienced child sexual abuse.<sup>33</sup>

As children, the victim-survivors had no power to change anything themselves. This was particularly the case given how children were viewed in the 1960s and 1970s, as explored in Chapter 6, Time and place. The Board of Inquiry heard from some victim-survivors that when they tried to tell an adult about their experiences of child sexual abuse, they were not believed and no action was taken to protect them.<sup>34</sup> Instead, they were left to fend for themselves.

The impact of institutional child sexual abuse often results in deep trauma. Dr Rob Gordon OAM, Clinical Psychologist and trauma expert, gave evidence that when child sexual abuse is perpetrated by a teacher, it can create a 'deep sense of distrust for adults in positions of authority. And, of course, that's going to undermine relationships right through the rest of their educational life'.<sup>35</sup>



This shattering of a child’s trust in their school — a place that was meant to keep them safe — has left many victim-survivors with a deep fear of other institutions and of governmental systems. This, in turn, can prevent a victim-survivor from engaging fully in the world around them, and can deter them from obtaining the help they need over their life course.

Further, where an institution does not respond appropriately to the disclosure of child sexual abuse, there can be fresh trauma or re-traumatisation. This can give rise to feelings of betrayal.<sup>36</sup> The Board of Inquiry heard evidence from experts that the impacts of child sexual abuse in school settings can be profound and life-long, and can adversely affect many aspects of a person’s life.<sup>37</sup> Research indicates that victim-survivors of historical child sexual abuse in institutions experience impacts such as ‘psychological distress, trauma symptoms ... post-traumatic distress disorder (PTSD), depression, anxiety, personality disorders, suicidality and self-harm, obsessive compulsive disorder (OCD) and mood disorders’.<sup>38</sup> The experience of child sexual abuse can affect a victim-survivor’s capacity to trust people and to develop and maintain relationships, including relationships with partners, children and friends.<sup>39</sup> Relationships may break down as a consequence of the child sexual abuse, which can lead to social isolation.<sup>40</sup> These experiences and impacts are being increasingly acknowledged and understood over time.<sup>41</sup>

Victim-survivors and secondary victims who shared experiences of child sexual abuse with the Board of Inquiry described impacts that are consistent with this research. They included mental health struggles, experiences of complex trauma and alcohol and drug use, education and employment challenges, relationship and intimacy challenges, and feelings of shame, guilt, fear and isolation.<sup>42</sup> Most victim-survivors who engaged with the Board of Inquiry spoke of carrying the experience of the child sexual abuse with them in silence for many decades, further compounding their trauma and their ability to seek help.<sup>43</sup>

As a result, victim-survivors may need to engage with several different types of supports to manage the impacts of historical child sexual abuse over their life course. They may require specific supports to address their needs at a particular time, and different supports at another time. Of course, a victim-survivor may also need multiple supports at once.

## Insufficiently adequate support services

The Board of Inquiry found that, while there are some effective support services for victim-survivors of historical child sexual abuse in government schools in Victoria, the needs of this cohort are not always being met. Put another way, existing support services (looked at as a whole) are not sufficiently adequate to meet the needs of victim-survivors of historical child sexual abuse in government schools.

The Board of Inquiry’s Terms of Reference used the language of ‘effective support services’.<sup>44</sup> However, this language was not defined. The Board of Inquiry has found it helpful to assess the effectiveness of support services by considering the following matters:

- Ease of navigation — Can victim-survivors easily identify what services would best meet their needs? Are victim-survivors supported to navigate the range of services and systems they may need to engage with?
- Availability — Are there enough services to meet demand? Do the right services exist to meet the specific needs of victim-survivors?

- Accessibility — What are the criteria or personal circumstances necessary for victim-survivors to access services? What are the costs of services for victim-survivors? Can victim-survivors easily re-engage with services when needed and can they receive the right amount of support over time?
- Responsiveness to diverse needs — Do services understand and respond to the specific and diverse needs of victim-survivors?
- Trauma-informed and appropriately skilled — Are services appropriately trauma-informed? Do they have the appropriate knowledge and capabilities to support victim-survivors?

The Board of Inquiry learned that there are a range of existing services and schemes in place that offer various supports to victim-survivors. Many victim-survivors spoke of having positive experiences with support services, and the Board of Inquiry received information about a number of services that undoubtedly provide important assistance to victim-survivors.

Overall, the Board of Inquiry considers that existing support services in Victoria are not always adequate to meet the needs of victim-survivors of historical child sexual abuse in government schools. This is so for the following key reasons:

- lack of support to understand and navigate complex systems — which means victim-survivors may struggle to identify and access relevant supports and to navigate support services and systems
- poor collaboration between services — which can result in victim-survivors struggling to receive coordinated support
- limited service capacity — which can result in support being delayed, not being of sufficient duration for some victim-survivors, and being difficult to re-engage with over a person's life course
- system inequity — which means that some victim-survivors are not able to access help when needed, or are pushed into private services that can be unaffordable, due to limited capacity in public services
- need for greater inclusivity — including for male victim-survivors who may have particular needs due to the gendered impact of their abuse
- peer support service gaps — which means victim-survivors may miss out on valuable peer connection
- limited social and relational support and support for secondary victims — which means victim-survivors' main support networks may miss out on support
- inadequate number of professionals skilled in responding to trauma — which means support services are not always equipped to offer the right trauma-informed support to victim-survivors.

The Board of Inquiry notes that some of the evidence about support services received from victim-survivors relates to a period of time when little support existed. As part of its analysis and findings, the Board of Inquiry has considered the reforms that have since occurred and the introduction of a range of support services.

## Lack of support to understand and navigate complex systems

As outlined in Chapter 16, Where people can go for support, there are a range of services that victim-survivors may seek to access in order to manage the varied impacts of child sexual abuse. These services are part of broader, intersecting systems, including the justice system, healthcare system and sexual assault support service system. Victim-survivors may also engage in a range of processes, including the National Redress Scheme, civil litigation or criminal justice pathways.

Victim-survivors often need support to understand and manage this complex landscape. For some, information about services or one-off advice may be sufficient for them to be able to identify and access what they need. Others may need more support to navigate services and systems. For those with the most complex needs, this may involve case management approaches.

### Lack of clear and comprehensive information and advice

One victim-survivor told the Board of Inquiry that being able to access information and advice about available supports is important because engaging with the service systems can be ‘overwhelming for most people’.<sup>45</sup> They noted that there is a need for ‘someone that knows what your rights are, [including] counselling [and] other forms of therapy’.<sup>46</sup> Service providers similarly shared that it is important to give victim-survivors access to information and advice about their legal rights and processes they may wish to engage in, including around redress, civil and criminal proceedings.<sup>47</sup> The Board of Inquiry understands that accessible and easy-to-find information is important because, while services exist, ‘the capacity to go and find these is diminished by the effects of the abuse’.<sup>48</sup>

Due to the complexity of the system, with many diverse services offering different types of support, there are numerous sources of information that victim-survivors may seek to access. A range of government and service-specific websites provide information about the various support service offerings.<sup>49</sup> The many different sources of information can create complexity and sometimes confusion for victim-survivors.

LOUD fence Inc described how challenging it can be to try to assist victim-survivors and help them wade through the many information sources:

[I]n Victoria it is difficult to navigate the many pages on different government department websites that are set up to guide people with their many different needs when it comes to seeking support, seeking redress, reporting child sexual abuse and legal advice.<sup>50</sup>

The complexity is compounded by the fact that websites do not always provide clear guidance about what a service delivers and for whom.<sup>51</sup> A psychologist specialising in responding to trauma and child sexual abuse told the Board of Inquiry that there is a ‘lack of transparency’ in relation to justice pathways and support options.<sup>52</sup> They told the Board of Inquiry that this can mean both victim-survivors and professionals struggle to understand what is available, ‘making the process feel daunting and confusing for victim-survivors’.<sup>53</sup>

There are several websites and advisory services available that aim to help people to identify support services and reduce this confusion. For example, the Victims of Crime Helpline offers free information, support and referrals for victims of reported and unreported crime.<sup>54</sup> Blue Knot, a community organisation that specialises in complex trauma, also operates a helpline for adult victim-survivors of childhood trauma, including child sexual abuse.<sup>55</sup>

In addition, the Sexual Assault Crisis Line Victoria can provide statewide, after-hours, telephone counselling support, information, case work and referral services for people who have experienced sexual assault.<sup>56</sup>

While beneficial, these websites and advisory supports do not provide specific and tailored advice for victim-survivors of historical child sexual abuse in government schools in one easy-to-access location.

A participant in a Services Roundtable told the Board of Inquiry that ‘[t]here’s no ... authoritative information in one place’.<sup>57</sup> A victim-survivor echoed this point in their evidence, stating there was a need for ‘a single place to go to [where] you can ... seek some advice on your rights and ... [there is] someone that can triage you ... in respect to where you can go and people you can talk to and seek some help’.<sup>58</sup> They noted that ‘to my knowledge, there’s nowhere you can go’.<sup>59</sup> A participant in the Lived Experience Roundtable told the Board of Inquiry there is a need for ‘a much clearer direction or an opportunity to call on those services that are available without [victim-survivors] having to search for them themselves’.<sup>60</sup>

The Board of Inquiry notes that the Department of Education (Department) has recently made updates to the Victorian Government ‘Report abuse if you’re a current or former student’ web page to provide further information about support services and schemes that victim-survivors of historical child sexual abuse in government schools may wish to access.<sup>61</sup>

While an important improvement, the Board of Inquiry considers that there are several issues preventing the web page from fully meeting the needs of victim-survivors of historical child sexual abuse in government schools.

Previous reviews and inquiries have highlighted that help-seeking websites should be trauma-informed<sup>62</sup> and user-friendly.<sup>63</sup> It is the Board of Inquiry’s view that the current web page does not sufficiently meet these requirements. It is also not clear whether victim-survivors were consulted on its design.

The web page is not focused on or tailored to the specific needs of victim-survivors of historical child sexual abuse in government schools. While it contains information relevant to this cohort, the page is designed to provide information to current as well as former students, who will have different needs. It also contains information concerning the wellbeing of staff. As a result, an adult victim-survivor of child sexual abuse in a government school who reviews the web page needs to read information that is not relevant to them and may be confusing.

The web page also focuses on ‘reporting’ rather than presenting itself as a resource designed to more fully address the needs of adult victim-survivors who might turn to it for information. The Board of Inquiry is of the view that the current framing of the web page as a pathway to reporting the sexual abuse to the police or the Department means that victim-survivors who do not want to engage with a justice process may not consider the web page to be of relevance to them.

Further, the web page is not highly visible. At the time of writing, the web page was not accessible through other key government online resources that victim-survivors may access, including the Victims of Crime website,<sup>64</sup> the Victorian Government web page on the National Redress Scheme,<sup>65</sup> or the Department of Families, Fairness and Housing’s (DFFH’s) web pages on sexual assault.<sup>66</sup>

In addition, while the Department has established the Sexual Harm Response Unit, which recently began providing assistance to victim-survivors of historical child sexual abuse in government schools about services and referrals, the capacity of this function is currently quite limited and there remains no one organisation, service or entity that is able to provide comprehensive information and advice to victim-survivors of historical child sexual abuse in government schools.

Previous reviews and inquiries have identified a system gap in the provision of information and advice to victim-survivors of child sexual abuse and service users more generally. The Royal Commission found that the lack of accessible information about available supports was a barrier to victim-survivors and their families accessing the help they needed.<sup>67</sup> This can result in victim-survivors and their families feeling overwhelmed and frustrated, being unable to access the right service at the right time, or disengaging with services.<sup>68</sup> The Royal Commission into Victoria's Mental Health System found that people living with mental illness were having difficulty accessing and navigating suitable services, and lacked access to information about treatment, care and support.<sup>69</sup> The Victorian Law Reform Commission's report *Improving the Justice System Response to Sexual Offences* found that existing sources of information about justice pathways and support services for victim-survivors of sexual assault and abuse were 'limited' and 'difficult to navigate'.<sup>70</sup>

## Little navigation or case management support

While information and occasional advice can empower victim-survivors and secondary victims to identify supports and understand how to access them, some victim-survivors may need more active, ongoing or intensive support to navigate services and systems, as evidenced below.

A participant in a Services Roundtable told the Board of Inquiry that victim-survivors of historical child sexual abuse may struggle to identify and engage with appropriate service systems due to diminished help-seeking capabilities.<sup>71</sup> A participant in the Lived Experience Roundtable explained how challenging it can be to try to navigate service systems while grappling with trauma:

There are so many different aspects to try and find your way through. It's almost like walking through a trench and not knowing which corridor to go down, whilst dealing with incredible trauma and mental health challenges that you don't know how to handle either.<sup>72</sup>

The Board of Inquiry heard that some victim-survivors would benefit from a single point of contact that can provide practical support, including assistance to identify and access the services they need.<sup>73</sup> A participant in a Services Roundtable commented:

[S]ometimes what people also really benefit from is the really practical support of sitting with them and going through and getting an understanding for what their needs might be, and helping people navigate the service system ...<sup>74</sup>

The Board of Inquiry also understands that victim-survivors with more complex needs, who need to access a range of services simultaneously, can benefit from case management approaches, whereby a single point of contact actively engages with other services on the victim-survivor's behalf to ensure their needs are met and care is coordinated.<sup>75</sup>

There are some existing options that support victim-survivors to navigate systems or provide case management; however, the Board of Inquiry understands that these options may not be able to meet the needs of all victim-survivors of historical child sexual abuse in government schools.

The DFFH gave evidence that specialist sexual assault services play a critical role in advocating for victim-survivors to access the support that they need, noting that the professionals working in these services ‘are typically called counsellor advocates’ in recognition of this advocacy.<sup>76</sup> These specialist services help victim-survivors to identify their needs and put strategies in place to meet them, including through advocacy and assisting them to connect with other services.<sup>77</sup> Dr Gordon similarly gave evidence about the role that specialist sexual assault services can play in supporting victim-survivors using case management approaches.<sup>78</sup>

However, it can be challenging for specialist sexual assault services to manage this work. For example, the Board of Inquiry heard that these services are under considerable strain and can only spend a limited amount of time with each victim-survivor.<sup>79</sup> Because of this, their ability to provide the level of support victim-survivors need to navigate a range of services and systems may be limited.<sup>80</sup>

Similarly, while the In Good Faith Foundation offers navigation and case management support to a broad cohort of victim-survivors of historical institutional abuse, funding constraints limit the services it is able to provide.<sup>81</sup> The In Good Faith Foundation said that ‘there are no specialist-funded service streams that provide holistic case management services to people impacted by institutional abuse and sexual assault’.<sup>82</sup> It told the Board of Inquiry that provision of such services is needed because otherwise ‘this often defaults to the mental health practitioner an impacted person may be seeing. Consequently, rather than exclusively focusing on the delivery of much needed mental [health support], sessions are instead spent responding to other matters such as housing that are more appropriate for a case management setting’.<sup>83</sup>

Some victim-survivors may also be able to receive practical navigation support from Redress Support Services through the National Redress Scheme.<sup>84</sup> While support through the National Redress Scheme is likely to be helpful, it is the Board of Inquiry’s understanding that Redress Support Services are only available to victim-survivors who are participating in or seeking to participate in the scheme. This reduces choice and control for victim-survivors of historical child sexual abuse if they do not wish to use the Redress pathway.

The Board of Inquiry understands that the Victims Assistance Program (VAP) can support victim-survivors to navigate different services and provide case management support.<sup>85</sup> The Department of Justice and Community Safety (DJCS) gave evidence that it recently made changes to the VAP service model to allow for more ‘flexibility in the way [the VAP] provide[s] case management and case coordination’, in recognition that there are ‘some people that need a light touch and some people that have more complex needs over a longer period of time’.<sup>86</sup>

While eligibility for the VAP is not dependent on whether a victim formally reports a crime to the police, in reality most referrals are made through the Victims of Crime Helpline and received from justice agencies such as Victoria Police and the Office of Public Prosecutions.<sup>87</sup> The fact that victim-survivors only receive this support after contact with the justice system means that they may not have support when they need it most, such as when deciding whether to report to the police or when preparing to make a report. A participant in a Services Roundtable explained:

[S]ome of these systems are sort of doing it ... back to front ... We’re asking someone to describe what’s happened to them, et cetera, go through potentially horrendous processes like mandatory reporting, police reporting ... before they’ve had the ability to seek mental health care or support ...<sup>88</sup>

Previous reviews have called for more navigation support for all victims of sexual assault and abuse to address this support gap in the system.<sup>89</sup>

## Poor service coordination and collaboration

The Royal Commission found that '[n]o single service or service system has the capacity to respond to all the needs of every victim and survivor of child sexual abuse in institutions', and that many victim-survivors may have to engage with a range of services, often simultaneously.<sup>90</sup>

While the Board of Inquiry understands that, as noted above, it is important that victim-survivors are supported to navigate the range of services they need, the Board of Inquiry has also been told that victim-survivors receive optimal support when the various services they access are well connected and work collaboratively.<sup>91</sup> Collaboration would also mean that if a victim-survivor makes contact with a service that is not right for them, the service would put them in touch with an appropriate service rather than turning them away. The Board of Inquiry was told that there should be 'no wrong door' to receiving support.<sup>92</sup>

The Substance Abuse and Mental Health Services Administration (SAMHSA) has identified cross-sector collaboration as a key domain for services implementing a trauma-informed approach because of the wide range of needs that victim-survivors may have.<sup>93</sup> Previous research with victim-survivors of child sexual abuse who have complex needs relating to their mental health and alcohol or other drug issues found that, when services are siloed and do not work together, victim-survivors are likely to '[fall] through the cracks in service delivery'.<sup>94</sup>

Coordination and collaboration between services and systems can take many forms. These can include initiatives such as co-location, the development of protocols between key agencies, and ensuring there are clear referral pathways between services.<sup>95</sup>

The Board of Inquiry heard from a participant in a Services Roundtable that 'crossover' collaboration between services helps to better support victim-survivors and their needs.<sup>96</sup> The participant explained that collaboration between services enables victim-survivors to better understand the information they are receiving from multiple organisations, and discuss it from various perspectives, to ensure that 'everyone's operating as a team promoting the wellbeing of that individual'.<sup>97</sup> Good collaboration can also minimise the need for victim-survivors to 're-tell their story multiple times'.<sup>98</sup> One secondary victim told the Board of Inquiry that, for the victim-survivors they know, having to repeat their story to different services had acted as a barrier to accessing support.<sup>99</sup>

In addition, the Board of Inquiry heard that good service connectivity may assist victim-survivors to build the confidence to access some services, such as specialist sexual assault services. Sexual Assault Services Victoria explained that offering referrals for victim-survivors to specialist sexual assault services at multiple points in time (rather than only once) is important because it can take time for victim-survivors to feel sufficiently confident to reach out to such services, or because some victim-survivors may not feel deserving of support.<sup>100</sup>

The Board of Inquiry understands that changes have been made over the past several decades, and reforms have been introduced to improve service collaboration and coordination. For example, the first multidisciplinary centres were established in Victoria in 2007 and have continued to be established across Victoria. As described in Chapter 16, these centres co-locate a range of agencies to provide coordinated responses to sexual assault.<sup>101</sup>

However, as demonstrated below, the Board of Inquiry understands there continues to be room for improvement in how services work together to ensure the whole range of victim-survivor needs are met.

Participants across two Services Roundtables reflected that a key challenge is the lack of coordination and collaboration across services,<sup>102</sup> with one participant stating:

I think we can do better in terms of having a more joined-up systemic response to people ... because we're not going to be able to meet all their needs as one part of the response.<sup>103</sup>

Participants suggested there are issues with referral practices between various services, including across the justice, sexual assault support and health service systems.<sup>104</sup> For example, a participant in the Lived Experience Roundtable reflected that they did not think GPs know where to refer victim-survivors of historical child sexual abuse.<sup>105</sup>

The Board of Inquiry also understands that even when a referral is made, lack of communication between services may see victim-survivors needing to re-tell their story.<sup>106</sup>

Such issues may mean that victim-survivors struggle to move seamlessly between services, and may have to make repeated, often re-traumatising disclosures in order to commence a relationship with the next service provider.

Even when victim-survivors are connected with the range of supports they need, the Board of Inquiry understands that coordination and collaboration challenges affect the level of 'wrap-around' care that would constitute a trauma-informed way of working with victim-survivors.<sup>107</sup>

Dr Gordon gave evidence to the Board of Inquiry that victim-survivors are often 'referred to a number of different service providers for different aspects ... (e.g. educational, emotional, social) and it is then challenging to achieve coordination of services to effectively provide the required treatment'.<sup>108</sup>

Dr Joe Tucci, CEO, Australian Childhood Foundation, gave evidence that while '[v]ictim-survivors may need to engage with a number of services to manage the impacts of child sexual abuse ... often psychological support is the only support that victim-survivors are offered'.<sup>282</sup> He told the Board of Inquiry that even when victim-survivors are receiving broader support, this support might not be well integrated with psychological support.<sup>109</sup>

In contrast, the DFFH gave evidence that specialist sexual assault services do provide coordinated and integrated care,<sup>110</sup> stating that '[t]here are really clear referral pathways in and out of sexual assault support services'<sup>111</sup> and specialist sexual assault services work 'closely with the range of services to make sure the victim-survivor gets what they need'.<sup>112</sup>

The DJCS also stated that 'the referral systems work well', but noted that 'coordination and integration ... can always be improved'.<sup>113</sup>



## Limited service capacity

### Demand pressures reducing service capacity to provide timely support to people

Seeking help can take great courage for victim-survivors of historical child sexual abuse. One participant in the Lived Experience Roundtable told the Board of Inquiry: ‘the bravest thing to do is make that first contact’.<sup>114</sup>

As outlined below, there is no doubt that service responses need to be timely. Research indicates that a victim-survivor’s help-seeking is often precipitated by a personal crisis; for example, in their relationship or with their mental health.<sup>115</sup> Victim-survivors often require urgent support when they do reach out. Help-seeking and disclosure may also compound a sense of crisis for victim-survivors. They can make victim-survivors feel vulnerable, undermine feelings of safety and trigger memories of child sexual abuse.<sup>116</sup>

If victim-survivors do not receive a timely response, they may disengage from support services.<sup>117</sup> This risk was recognised by a participant in the Lived Experience Roundtable:

[W]e were sent to one location and that location gave a number for another location ... [which] was only available in two weeks’ time ... by that stage you might have lost them.<sup>118</sup>

A participant in a Services Roundtable told the Board of Inquiry of the damaging effect that a lack of available services can have on victim-survivors, noting that ‘we need to give them an access point into an unsaturated service system because otherwise we are running the risk of re-traumatising’.<sup>119</sup>

While the Board of Inquiry was unable to explore mainstream service availability in depth, it understands that people can experience lengthy wait times for some mainstream services, including for therapeutic supports. For example:

- The Royal Commission into Victoria’s Mental Health System found that people living with mental illness or psychological distress face long wait times to access public mental health services.<sup>120</sup> As a result, they are increasingly required to exhibit signs of major distress or crisis before treatment, care and support are provided.<sup>121</sup>
- In relation to private psychological services, Dr Tucci and Professor Daryl Higgins, Director, Institute of Child Protection Studies, Australian Catholic University, highlighted that there may be waitlists for these services.<sup>122</sup> A participant in a Services Roundtable explained that the service they work for provides referral pathways to private practice counselling practitioners to ensure clients have access to therapeutic support. However, they indicated that these practitioners now have waitlists.<sup>123</sup> In a 2023 Australian Psychological Society survey, 77 per cent of Australian Psychological Society members reported that wait times at their practice had increased or stayed the same compared to 2022.<sup>124</sup>
- There is evidence that some Australians, including those from disadvantaged cohorts, face long wait times to see a GP.<sup>125</sup> This may present challenges for victim-survivors trying to set up a mental health treatment plan or seek treatment for other health problems.

The Board of Inquiry did not seek detailed information about wait times in the community sector, noting the diversity of services it includes. However, the Board of Inquiry did hear from one community organisation that it has recently had to implement a waitlist for the first time due to increased demand.<sup>126</sup>

Waitlists for specialist sexual assault services are also extensive. From January 2022 to September 2023, the average wait time to access specialist sexual assault services for adults was 72 days.<sup>127</sup> However, the Board of Inquiry was told that some victim-survivors can be on a specialist sexual assault service's waitlist for up to 12 months.<sup>128</sup>

Professor Leah Bromfield, Director of the Australian Centre for Child Protection and Chair of Child Protection, University of South Australia, told the Board of Inquiry that 'demand outstrips capacity consistently and victim-survivors, particularly survivors of historical child sexual abuse, can face long waitlists to access specialist services'.<sup>129</sup>

One secondary victim described how their partner, a victim-survivor, reached out to a specialist sexual assault service and was told there was a 14-month waitlist.<sup>130</sup> The secondary victim described how this was a significant issue given that reaching out to the service in the first place was confronting and the victim-survivor had had to make himself vulnerable to do so.<sup>131</sup>

The Board of Inquiry also heard differing views about whether specialist sexual assault services prioritise victim-survivors of historical child sexual abuse. The DFFH advised that victim-survivors facing crisis or with high needs are prioritised regardless of whether the case is recent or historic, as informed by the National Association of Services Against Sexual Violence: Standards of Practice Manual for Sexual Violence Services.<sup>132</sup> The DFFH also gave evidence to the Board of Inquiry that, while a victim-survivor is on the waitlist for a specialist sexual assault service, the service 'will make contact with that person, [and] look at what immediate supports can be put in place whilst they are waiting for some of those deeper services'.<sup>133</sup> Professor Patrick O'Leary, Co-Lead of the Disrupting Violence Beacon and Director of the Violence Research and Prevention Program, Griffith University, told the Board of Inquiry that, in practice, a specialist sexual assault service will select victim-survivors of recent sexual assaults first 'because of [the] service's competing priorities and the practice of triage which places emergency, current or recent victims before historical ones'.<sup>134</sup>

Participants in a Services Roundtable discussed the reasons for capacity challenges across the community and specialist sexual assault services sectors. One participant noted that there is a 'sheer lack of funding' and that 'we will never meet demand with[in] the current service systems that we have in Australia with the current funding, compared to the prevalence of child sexual abuse'.<sup>135</sup> Another participant identified that their waitlist is an indicator that 'the system ... is becoming overwhelmed at the moment, simply by the level of demand'.<sup>136</sup> A third participant similarly reflected that 'we don't have the funding to employ the counsellors that we need to meet that demand, which means that we will never get through our waitlist'.<sup>137</sup>

In its submission to the Board of Inquiry, Sexual Assault Services Victoria described how:

[r]eforms arising from the national Royal Commission, growing community understanding about both the impact of child sexual assault and the existence of recovery support, combined with the historic underfunding of the specialist sexual assault sector, mean that service capacity is significantly outstripped by demand. At present, there are waitlists of up to six months for some member services.<sup>138</sup>

The Board of Inquiry also heard evidence from the DFFH that one of reasons for long waitlists for specialist sexual assault services is that funding constraints, meaning service demand is outstripping supply.<sup>139</sup>

In addition, the Board of Inquiry notes that workforce challenges are contributing to demand pressures. These are explored further later in this Chapter.

## Service duration often inadequate

It is well recognised that victim-survivors of child sexual abuse and other people who have experienced trauma should have access to long-term support if it is needed to support their recovery.<sup>140</sup>

Dr Gordon gave evidence that in a therapeutic setting, ‘it’s very important that there’s an open timeframe in which ... treatment can be offered’.<sup>141</sup> He explained that this is important because a trusted relationship where victim-survivors feel safe and are stabilised needs to be established before much important therapeutic work can begin.<sup>142</sup> Research also demonstrates that timeframes need to factor in the time it takes for practitioners to build trust with the victim-survivor, which can be considerable.<sup>143</sup> In addition, research with victim-survivors of historical child sexual abuse has confirmed the importance of ‘sustained and stable’ support.<sup>144</sup>

Some support and advocacy services told the Board of Inquiry that victim-survivors must be able to receive support for periods of time that are long enough to support their healing and recovery.<sup>145</sup> As one victim-survivor told the Board of Inquiry, many victim-survivors ‘are not going to be better in six sessions’.<sup>146</sup>

As outlined below, the Board of Inquiry received some information that suggests that the duration of support that some services — particularly specialist sexual assault services — are able to provide might not adequately meet the needs of victim-survivors of historical child sexual abuse in government schools.

Dr Tucci told the Board of Inquiry that most services are time-limited.<sup>147</sup> Dr Gordon’s evidence was that publicly funded services may only be able to provide a limited number of sessions and this may not allow victim-survivors to get to the ‘core of the experience’.<sup>148</sup> This can impact the long-term ability of victim-survivors to heal.<sup>149</sup> The Royal Commission also found that victim-survivors and service providers often feel that time-limited support is inadequate and that this can act as a barrier to victim-survivors seeking assistance.<sup>150</sup>

The DFFH gave evidence to the Board of Inquiry that specialist sexual assault services do not have limits on the amount of support they provide to victim-survivors.<sup>151</sup> However, Sexual Assault Services Victoria stated that the duration of support that these services can practically provide under the existing funding model is limited.<sup>152</sup> Western Region Centre Against Sexual Assault (WestCASA), a specialist sexual assault service, told the Board of Inquiry:

[A] lot of our victim-survivors who have experienced childhood sexual assault are needing years worth of counselling and therapy ongoing, and that’s not something that we can offer.<sup>153</sup>

The Board of Inquiry also heard that funding arrangements and demand pressures can impact the ability of these services to provide group therapies for the amount of time that victim-survivors have reported they want.<sup>154</sup>

More broadly, the Board of Inquiry understands that the duration of subsidised support through the private sector may not meet the needs of victim-survivors. Australians currently have access to 10 Medicare-subsidised individual mental health sessions per year under a mental health treatment plan.<sup>155</sup> During COVID-19, the Commonwealth Government increased this to 20 sessions annually, but decreased it back to 10 from 31 December 2022.<sup>156</sup> Dr Gordon emphasised to the Board of Inquiry that, while 20 sessions allow for victim-survivors to receive fortnightly sessions consistently throughout the year, 10 sessions make it difficult to ‘obtain the continuity of service that is ideal to effectively treat a patient’.<sup>157</sup>

## Support over the life course not widely available

The concept of ‘life-course impacts’ provides a lens through which to examine how sexual abuse affects a child not only at the time of the sexual abuse (taking into account their development stage at that time), but also how it continues to affect how a person functions through adolescence and into adulthood.<sup>158</sup>

While the nature of healing is different for all victim-survivors of historical child sexual abuse in government schools, many victim-survivors may experience impacts that abate, only to re-emerge or manifest at a later point (or points) in time in response to triggers or certain life events.<sup>159</sup> This means that victim-survivors will often need to re-engage with multiple support services at different times and in different ways over their life course, depending on how their impacts and trauma manifest.<sup>160</sup>

The life stages at which support is required will differ between individuals.<sup>161</sup> However, the Board of Inquiry heard evidence that victim-survivors often need to re-engage or seek additional support when the following life events occur:

- They have a child.<sup>162</sup>
- A child starts school.<sup>163</sup>
- A significant relationship begins or a marriage takes place.<sup>164</sup>
- A traumatic experience occurs, such as the death of a relative.<sup>165</sup>

In his evidence, Professor O’Leary told the Board of Inquiry that support service systems should have the ‘dexterity’ to allow for this re-engagement to occur quickly, easily and in a high-quality way.<sup>166</sup>

The Royal Commission also found that impacts of child sexual abuse can be experienced over a victim-survivor’s life course, and that support services should be responsive to victim-survivors’ multiple needs.<sup>167</sup>

As outlined below, the Board of Inquiry understands that the service system does not allow for easy re-engagement. Dr Tucci told the Board of Inquiry:

We have learnt from other experiences of trauma that we need a service system that provides victim-survivors with support over the course of their lives. This does not mean that they are always involved in counselling, but it means that the service is always available and actively checking in with them over the course of their lives.<sup>168</sup>

However, he noted that ‘[w]e are very far away from being able to offer this’.<sup>169</sup>

Professor O’Leary gave evidence that because victim-survivors can be triggered throughout their life at different stages due to the impacts of complex trauma:

it’s therefore really important ... that we are actually taking [a person’s] complex trauma and their needs across that whole span, and the current service system doesn’t really meet those requirements ...<sup>170</sup>

He also told the Board of Inquiry about the ‘continuity’ issue in the current system, observing that it does not readily allow for victim-survivors to re-engage with support as required.<sup>171</sup>

As mentioned above, many services are time-limited.<sup>172</sup> While some may allow the victim-survivor to ‘rejoin’ a service at the end of the original allotted sessions, the victim-survivor may then face a long waitlist, meaning they ‘don’t get consistency of care and continuity in their trauma healing journey which often means that it’s a stop-start process’.<sup>173</sup>

The Board of Inquiry understands that under current service arrangements, victim-survivors may face this issue at each life stage when they need support. The Board of Inquiry further understands that victim-survivors may disengage from support altogether if the barriers they experience when trying to re-engage are too high.<sup>174</sup>

## Inequity in accessing therapeutic services

As discussed in Chapter 16, there are a number of free services that victim-survivors of historical child sexual abuse in government schools may access, such as specialist sexual assault services. However, as outlined above there is considerable strain on public services. This may see victim-survivors seeking to engage private services for support,<sup>175</sup> unfortunately leading to inequities in service access.

The Board of Inquiry received evidence from Dr Gordon that the cost of private therapeutic services can create a ‘heavy financial burden for most victim-survivors’.<sup>176</sup> One victim-survivor described their experience in seeking support as ‘incredibly hard and incredibly expensive’.<sup>177</sup> A secondary victim described how the high cost of treatment for their partner, a victim-survivor, created financial hardship for the family, meaning the secondary victim could not afford their own support.<sup>178</sup> They described how they cancelled an appointment to see a psychologist because of the high out-of-pocket cost, stating: ‘I couldn’t justify that because the money isn’t there’.<sup>179</sup> A participant in a Services Roundtable reflected that ‘it’s all well and good to have services available but if people can’t afford to get them ... what’s the use then of that service?’.<sup>180</sup>

A 2016 research study also identified that victim-survivors of child sexual abuse want to attend more counselling sessions, but costs are prohibitive.<sup>181</sup>

Some victim-survivors who spoke to the Board of Inquiry noted that they have had the financial means to engage private therapeutic services, but they recognised that not all victim-survivors are able to do so.<sup>182</sup> This was a concern for these victim-survivors.<sup>183</sup> One victim-survivor described the high cost of private practitioners as ‘problematic’, given that victim-survivors of child sexual abuse may not have sufficient financial resources as a result of the ongoing effects of trauma on their lives.<sup>184</sup> The Royal Commission also found that some victim-survivors may experience financial hardship as an impact of child sexual abuse.<sup>185</sup>

As noted earlier, Medicare-subsidised psychological support is available to victim-survivors through a mental health treatment plan. However, there is often a ‘gap fee’ for services that victim-survivors may not be able to afford. A participant in a Services Roundtable observed that ‘a lot of our clients simply can’t afford that. They can’t afford the gap fee even if they can get Medicare ... That could be upward of \$100, \$150 [per session]. It’s significant’.<sup>186</sup>

Victim-survivors may be able to access free therapeutic support services through the National Redress Scheme.<sup>187</sup> They may also be able to receive financial assistance for therapeutic support services through the Victims of Crime Assistance Tribunal.<sup>188</sup> However, access to these supports requires victim-survivors to be eligible for and willing to engage in such schemes. As noted earlier, this reduces choice and control for victim-survivors.

The Board of Inquiry learned that victim-survivors of historical sexual abuse in government schools are able to receive reimbursement for sessions with private counselling or psychological services from the Department, as part of its Counselling Assistance Payment scheme, although the Department described this as a ‘stop-gap’ measure, with uptake of this option being very low.<sup>189</sup>

## Need for greater inclusivity and support for men

Victim-survivors of historical child sexual abuse in government schools are not a homogenous group. They are diverse, and their differences may affect how they experience institutional child sexual abuse and its impacts.

The Board of Inquiry considers it is important that support services be inclusive of and accessible for all victim-survivors. Inclusive services adopt an approach that acknowledges ‘multidimensional aspects of identity that are key to inclusivity and account for historical, structural and cultural factors’.<sup>190</sup> They also adopt person-centred practices tailored to individual needs.<sup>191</sup> This requires them to ‘have the skills and capacity to respond effectively to diverse needs or collaborate with other agencies to meet those needs’.<sup>192</sup>

However, the Board of Inquiry has heard expert evidence that some victim-survivors can face particular barriers to help-seeking, and may struggle to find and access services that meet their needs.<sup>193</sup>

As discussed earlier in this Chapter, research reveals that more men report experiencing institutional child sexual abuse than women. In keeping with this research, while the Board of Inquiry did hear from some women, the vast majority of victim-survivors who came forward to share their experiences with the Board of Inquiry were men.<sup>194</sup> Therefore, the Board of Inquiry heard about the responsiveness of the services primarily through the experiences of men.

The Board of Inquiry heard evidence and received information highlighting that victim-survivors need gender-sensitive responses.<sup>195</sup> Proponents of gender-sensitive responses contend that trauma can impact people in gender-specific ways and that gender can also impact the service responses that people find meaningful or effective.<sup>196</sup>

In his evidence, Professor O’Leary told the Board of Inquiry that because ‘[m]ost sexual abuse [against males] is committed by other males ... this can leave male victim-survivors questioning their identity as [a] man as well as their sexuality’.<sup>197</sup> Other gendered impacts for men can include an increase in risk-taking behaviours and fears they may go on to perpetrate sexual abuse.<sup>198</sup> The Board of Inquiry heard that men face particular barriers to disclosure and help-seeking, and may rely more heavily on their informal support networks.<sup>199</sup> Professor O’Leary also explained that gender identity can play a role in behaviours a therapist may need to address; for example, where a male victim-survivor is a perpetrator of family violence.<sup>200</sup>

The Board of Inquiry received some evidence suggesting that men may have difficulties engaging with existing specialist sexual assault services. In Victoria, specialist sexual assault services originated in the feminist movement, and were aimed at providing women with a place to seek help and support.<sup>201</sup> As a far greater proportion of women are sexually assaulted than men, specialist sexual assault services see more women than men as clients. Against this background, it is not surprising that the Board of Inquiry was told that men may not ‘feel welcome as clients’.<sup>202</sup> Professor O’Leary gave evidence that male victim-survivors may be disadvantaged by services that have, for good reasons, been ‘primarily geared for women’.<sup>203</sup> Bravehearts, an organisation that works with, and advocates for, victim-survivors of child sexual abuse, recognised that across the service system more broadly, there has been a lack of ‘focus’ on the provision of support to male victim-survivors.<sup>204</sup>

The DFFH, however, gave evidence that specialist sexual assault services are able to provide gender-sensitive responses to male victim-survivors of child sexual abuse, stating that these services:

bring clinical and practice expertise around the differential impacts of child sexual abuse for men and women. They will, from time to time, run men's groups or other services that are targeted at the particular experience of males that have experienced child sexual abuse. But all of their services, whether that's counselling or group work programs, are attuned to those different impacts for the different genders.<sup>205</sup>

A participant in the Lived Experience Roundtable reflected on the positive experience they had when taking part in a formal group program for men run by a specialist sexual assault service.<sup>206</sup>

However, a secondary victim, supporting their male partner who is a victim-survivor, suggested to the Board of Inquiry that some men may not consider specialist sexual assault services to be suitable for them, noting that 'a 60+ year old man doesn't want to be presenting himself to this type of service, with their big sign out front'.<sup>207</sup>

WestCASA highlighted that more men have been accessing its services since it made a deliberate move to position itself as being responsive to people of all genders:

[W]hat we've seen at CASA especially in the west is that we're seeing more men ... And I think that is with a change in the language that we have been using. So over the past kind of five-plus years we've shifted from being a women's organisation to being a sexual assault organisation that works with anybody who has experienced sexual violence within their life.<sup>208</sup>

The Board of Inquiry also understands that a range of communities may experience barriers to help-seeking and effective service responses, though the Board of Inquiry's scope meant it did not receive information to examine these issues in detail.

For example, Dr Gordon gave evidence that many victim-survivors who identify as LGBTIQ+ have often experienced 'judgement, rejection and criticism', including through their engagements with the health system.<sup>209</sup> These experiences make it difficult for LGBTIQ+ victim-survivors to 'seek out and accept support' from professionals in the health system.<sup>210</sup>

The Royal Commission identified that a responsive service system is 'inclusive of Aboriginal and Torres Strait Islander healing approaches'.<sup>211</sup> This need is underpinned by the historical context of collective trauma and the importance of culturally informed healing methodologies, 'beyond Western, clinical forms of therapy'.<sup>212</sup> However, the Board of Inquiry heard from Bravehearts that '[t] here are very few services that meet the needs of First Nations ... victims and survivors'.<sup>213</sup> The Board of Inquiry received evidence that the Victorian Government funds four Aboriginal Community Controlled Organisations to provide culturally safe sexual assault support services to Aboriginal people, which focus on safety, healing and wellbeing, and take a whole of community approach.<sup>214</sup>

The Board of Inquiry also heard expert evidence that victim-survivors from culturally diverse communities need access to culturally relevant and culturally safe services.<sup>215</sup> For some victim-survivors, the Board of Inquiry was told, this may mean receiving support from a person with a shared cultural background,<sup>216</sup> or from services that are based on the cultural values of the relevant group.<sup>217</sup> However, the Board of Inquiry heard there is a need for greater cultural competency across services.<sup>218</sup>

The Royal Commission found that disability services often do not have the skills and expertise to respond to experiences of sexual violence, and that therapeutic services for child sexual abuse are often not inclusive of or accessible to people with disability.<sup>219</sup> Consequently, victim-survivors with disability can be 'caught between services without receiving support'.<sup>220</sup>

Victim-survivors of all ages, including older people, should have access to services that meet their needs; for example, through ensuring responses are sensitive to how trauma manifests differently for people of different ages.<sup>221</sup> However, the Board of Inquiry was told that ageism can contribute to family members and professionals not believing victim-survivor disclosures.<sup>222</sup> The Board of Inquiry also heard from Professor Bromfield about a lack of specialised supports for older victim-survivors.<sup>223</sup>

## Peer support service gaps

Peer support involves a range of activities between people with similar lived experiences. Such a reciprocal relationship ‘promotes connection and inspires hope’.<sup>224</sup> As outlined below, the Board of Inquiry heard that creating spaces where victim-survivors can connect with one another is an important form of support for victim-survivors.

Professor O’Leary gave evidence of his opinion that there is ‘immense power in having connection between individuals who have experienced child sexual abuse’.<sup>225</sup>

Peer support can provide vital opportunities for victim-survivors to feel understood in a way they may not experience when engaging with professionals who have not lived through similar trauma.<sup>226</sup> As explained in Dr Tucci’s evidence:

The feeling that you are not the only one when you have felt like this your whole life can be very liberating for victim-survivors. Being able to share and be validated by people who have shared your experience can be positive and create real strength for victim-survivors.<sup>227</sup>

Dr Gordon similarly gave evidence about the importance of peer support networks in providing victim-survivors with a space where they will be understood.<sup>228</sup>

A participant in the Lived Experience Roundtable said:

[T]here ... is a different voice that comes from the survivors than ... from the non-survivors.<sup>229</sup>

Reflecting during the Healing Roundtable on his experience in providing support to male victim-survivors of child sexual abuse, Craig Hughes-Cashmore, CEO, Survivors & Mates Support Network, stated: ‘the amount of times when I said “Look, I’m not a counsellor, I’m certainly not a lawyer, but I am a survivor”. And you can hear them breathe out and just go, “Oh, so you get it”. And I’m like, “Yeah, I get it”’.<sup>230</sup>

Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University, gave evidence of her opinion that connection between peers is important because it can allow victim-survivors to make sense of their own experiences.<sup>231</sup>

Peer spaces can also make victim-survivors feel safe.<sup>232</sup> A victim-survivor who has participated in peer support groups for people experiencing suicidal ideation commented:

I think survivor spaces are really good for acknowledging and allowing people to be themselves and to feel heard. And when you’re feeling heard by another person ... you feel your words have meaning, you feel connected with other people, you feel there is more safety in those spaces than in some of the other spaces controlled by the mental health system.<sup>233</sup>

A Healing Roundtable participant explained that the value of peer support for many victim-survivors is in creating a sense that the victim-survivor is no longer alone.<sup>234</sup>



Peer support has been described as acting as a ‘protective factor’, providing space for victim-survivors to know they are believed, and that their experiences cannot be denied.<sup>235</sup> The Board of Inquiry heard during the Lived Experience Roundtable how peer support is particularly important when victim-survivors are first beginning to disclose their experiences, because the support they receive from peers may be more compassionate than the support they receive from other sources.<sup>236</sup> Through peer support, victim-survivors may be encouraged to seek professional help.<sup>237</sup>

The Board of Inquiry heard about positive experiences that victim-survivors have had while connecting with other victim-survivors within the Beaumaris community, although this is not a formal peer support group.<sup>238</sup>

The Board of Inquiry also heard that connection to peers can be particularly important for some groups of victim-survivors, including LGBTIQ+ people and people from culturally and linguistically diverse communities, who may not feel comfortable talking to professionals.<sup>239</sup>

Professor O’Leary gave evidence to the Board of Inquiry that when male victim-survivors are able to speak to people with similar experiences, it ‘can break that sense of isolation and shame, to know that the abuse isn’t about them, it’s all about the perpetrator’.<sup>240</sup> A participant in the Healing Roundtable reflected that peer support is particularly important for men who ‘just don’t feel comfortable going to a sexual assault service’.<sup>241</sup> Another participant in the Healing Roundtable highlighted that men can particularly benefit from the ‘collaborative process’ of peer support because men are more likely to ‘accept support if they’re also ... part of providing support’.<sup>242</sup>

In addition, connection to peers has been identified as important for secondary victims.<sup>243</sup> Peer support models enable secondary victims to have space for open discussion — where they can give and receive support from people with similar experiences,<sup>244</sup> and have their own experience acknowledged and validated.<sup>245</sup>

While the evidence base about the effectiveness of peer support for victim-survivors of child sexual abuse is currently limited, some research has found positive results for participants.<sup>246</sup> Positive psychological impacts include increased ability to accept and voice their experiences, with a reduction in self-blame.<sup>247</sup> Positive interpersonal impacts include reduced isolation, ‘shifts in relating to self and others’ and improved personal relationships.<sup>248</sup>

The Board of Inquiry was told that peer support should be available to victim-survivors in addition to therapeutic services.<sup>249</sup> However, despite the importance of peer support, Dr Tucci gave evidence that currently ‘the onus is on victim-survivors to generate these groups themselves’.<sup>250</sup> He told the Board of Inquiry that ‘[t]here is something very powerful about these groups coming from victim-survivors, but they could be better resourced’.<sup>251</sup>

One individual told the Board of Inquiry about her challenges in accessing peer support for women:

*I was made aware of a support group of survivors from Beaumaris Primary School, and when I contacted them to see if I could join, I was told, ‘We are all men and there isn’t really a place for women in our group’. So I have been alone in this.’<sup>252</sup>*

Maureen Hatcher, Founder, LOUD fence Inc, told the Board of Inquiry that LOUD fence Inc, a grassroots organisation, arranges peer support groups for victim-survivors of historical institutional child sexual abuse.<sup>253</sup> LOUD fence Inc has collaborated with The Survivor Hub, a Sydney-based organisation, to host peer support groups in Ballarat, known as ‘MeetUps’.<sup>254</sup> The Survivor Hub also runs independent MeetUps in Melbourne.<sup>255</sup>

In addition, LOUD fence Inc facilitates other opportunities for peer connection through arranging creative workshops for victim-survivors and their supporters.<sup>256</sup> In its submission to the Board of Inquiry, LOUD fence Inc noted that it would ‘like to see improvement in ... access for victim-survivor and community-led support’.<sup>257</sup>

Open Place operates monthly Social Support Groups for ‘Pre-1990 Care Leavers’ (also known as ‘Forgotten Australians’), meaning people who spent time in institutional or other forms of out-of-home care as children prior to 1990.<sup>258</sup> These groups provide opportunities for socialisation and group activities.<sup>259</sup> However, the Board of Inquiry notes that, for the purposes of its’ work, the definition of ‘government school’ in the Terms of Reference ‘excludes schools that were historically attached to orphanages or group homes’.<sup>260</sup>

The In Good Faith Foundation facilitates the Victorian Survivors’ Collective. This is not a peer support group, but a community action group focused on victim-survivor empowerment, ‘with the capacity to function as an education forum’.<sup>261</sup>

## Lack of social and relational support, and support for secondary victims

While clause 3(e) of the Board of Inquiry’s Terms of Reference did not require it to consider the effectiveness of support services for secondary victims, clause 3(d) required it to consider ‘[a]ppropriate ways to support healing for affected victim-survivors, secondary victims and affected communities’.<sup>262</sup> The Board of Inquiry considers that ensuring secondary victims are able to access supports is important to their healing.

The Board of Inquiry heard expert evidence that a victim-survivor’s family, including adult partners, can be their most significant type of support.<sup>263</sup> The Board of Inquiry heard that it is often a family member, partner or other supporter who first reaches out for support on the victim-survivor’s behalf.<sup>264</sup> Research has shown that disclosures of child sexual abuse in adulthood are mostly made to partners.<sup>265</sup>

Research has shown that secondary victims support victim-survivors with mental health and drug and alcohol challenges that arise from their experiences of child sexual abuse, and engaging with the criminal and civil justice systems.<sup>266</sup> The Board of Inquiry heard examples of secondary victims providing victim-survivors with emotional support, as well as practical support; for example, driving victim-survivors to appointments.<sup>267</sup> In his evidence to the Board of Inquiry, Professor O’Leary explained that victim-survivors’ supporters need support themselves.<sup>268</sup>

In addition, the Board of Inquiry understands that secondary victims may be managing the relationship impacts caused by the victim-survivor’s experience of abuse. The Board of Inquiry heard that relationships may experience strain due to anger issues, difficulties with intimacy, or financial or other challenges.<sup>269</sup> Secondary victims’ own wellbeing, including their mental and physical health, may also be affected.<sup>270</sup>

The Board of Inquiry heard that providing support to the whole family unit can improve outcomes for victim-survivors. A participant in a Services Roundtable explained: ‘It’s certainly better for the welfare of the primary survivor ... if we’re able to work together with a family group rather than divide them up’.<sup>271</sup> Dr Tucci gave evidence on the importance of supporting secondary victims to respond to disclosures from victim-survivors, noting that positive responses can ‘provide a significant opportunity for healing and transformation’.<sup>272</sup>

A participant in the Lived Experience Roundtable told the Board of Inquiry of the importance of a service response that ‘understands that we are all affected by the social environment in which we exist ... [and] supports the whole family’.<sup>273</sup>

Despite the important role that family and friends play in supporting victim-survivors, the Board of Inquiry heard that they are not always recognised as secondary victims by services. This is explored below.

Dr Tucci gave evidence to the Board of Inquiry that ‘there is little being offered to secondary victims’.<sup>274</sup> Dr Gordon agreed that secondary victims may miss out on support.<sup>275</sup> One secondary victim told the Board of Inquiry:

As secondary victims we too have been exposed to trauma, yet [the] reality is, we have NO voice in this mess. NO support and NO help.<sup>276</sup>

Secondary victims currently need to go through the same services as adult victim-survivors.<sup>277</sup> This means they face the same availability and accessibility challenges as victim-survivors.

Furthermore, secondary victims may find it difficult to receive support under existing support service models.<sup>278</sup>

While providing support to non-offending family members and support people of victim-survivors is within the scope of service delivery arrangements for specialist sexual assault services,<sup>279</sup> the Board of Inquiry heard that, in practice, these services have to limit the amount of support they can give to secondary victims because of competing priorities.<sup>280</sup>

In its submission to the Board of Inquiry, Sexual Assault Services Victoria noted:

Secondary victims of institutional child sexual abuse, such as parents and family members, may also need support ... Victoria’s specialist sexual assault services work both with victim survivors and non-offending family members and are well placed to provide information and support to secondary victims to support their relationship with the victim survivor, as well as ways to manage their own wellbeing. However, service demand pressures, including long waiting lists, mean that secondary victims often cannot access support services.<sup>281</sup>

WestCASA confirmed that its service is only able to offer up to three sessions to secondary victims, and the focus of those sessions is on education.<sup>282</sup> WestCASA noted that, while education is important, ‘a lot of the time secondary victim-survivors are also experiencing trauma’, and its service does not have the capacity to address this.<sup>283</sup>

For some services, secondary victims may not meet eligibility criteria at all. A participant in a Services Roundtable told the Board of Inquiry that their service’s government funding does not extend to secondary victims, but they try to find funding elsewhere to provide support for secondary victims.<sup>284</sup>

In contrast, a participant in a Services Roundtable from a VAP provider reflected that their service has ‘no barriers to supporting secondary or related victims to the primary victim’, including no limits in terms of timeframes for support.<sup>285</sup>

The Board of Inquiry understands that the Victorian Government’s changes to the Counselling and Psychological Care Service that took effect from 1 November 2023 now enable direct provision of counselling and psychological care services to a victim-survivor’s family members (including by birth or choice).<sup>286</sup>

Prior to these changes, secondary victims could only receive these services indirectly, through family therapy.<sup>287</sup> While beneficial, these offerings are only available to secondary victims if the victim-survivor is eligible for, and has accepted an offer of, redress under the National Redress Scheme.<sup>288</sup>

In addition, a victim-survivor's family members are able to receive reimbursement for sessions with private counselling or psychological services from the Department as part of its Counselling Assistance Payments.<sup>289</sup>

## Limited number of professionals skilled in trauma-informed responses

Victim-survivors need access to support services that make them feel safe, believed and understood.<sup>290</sup> Dr Gordon gave evidence that the establishment of a safe place and a trusted relationship is central to a best-practice response to child sexual abuse, by means of which victim-survivors can unpack their memories.<sup>291</sup> A participant in the Lived Experience Roundtable explained how important these types of responses can be:

If you get the right person at the beginning, whether it's your GP, whether it's a social worker, if it's the right person who takes on board what you're there for, you're on the road.<sup>292</sup>

Dr Gordon explained that best practice for professionals who are providing support services to victim-survivors is to have a sound education in trauma.<sup>293</sup> In addition, Professor Bromfield gave evidence that the way in which services engage with clients must not be traumatising for victim-survivors.<sup>294</sup> There is an increasing expectation that professionals working in social sector workforces and services have a baseline knowledge of trauma. In 2023, the National Office for Child Safety released new Minimum Practice Standards for specialist and community services responding to child sexual abuse.<sup>295</sup> These Minimum Practice Standards recognise that trauma-informed service delivery should be embedded in the practice of services responding to current and historical child sexual abuse.<sup>296</sup>

A trauma-informed approach means that all people in an organisation have a basic realisation about trauma and its effects, are able to recognise the signs and symptoms of trauma, can respond by applying trauma-informed principles, and actively seek to resist the re-traumatisation of clients.<sup>297</sup>

While trauma-informed responses from all support services are beneficial, different services will require different levels of organisational ability and workforce knowledge, capability and expertise, depending on the type of support they provide.<sup>298</sup>

Experts provided evidence to the Board of Inquiry that all support services should be able to work with trauma generally;<sup>299</sup> for example, by incorporating knowledge of trauma into ways of working, and ensuring links with services that provide trauma-specific services when needed.<sup>300</sup> Professor Bromfield provided evidence that this is important because victim-survivors are over-represented as users of a range of services.<sup>301</sup> Research confirms that victim-survivors of child maltreatment (including child sexual abuse) have a higher number of consultations with healthcare professionals of various types, including GPs.<sup>302</sup>

The Board of Inquiry also understands that knowledge and training in health services on sensitive ways of working with people who have experienced historical child sexual abuse is important, in light of the 'impact of childhood abuse on health and the healthcare experience'.<sup>303</sup> Similarly, research indicates that there is a need for professionals in aged care facilities to have education

and training in trauma-informed care.<sup>304</sup> This is particularly so for professionals providing support to victim-survivors of institutional child sexual abuse, who may fear entering such settings because of their previous traumatic experiences and feelings of powerlessness in institutions.<sup>305</sup> Needing to rely on an institution can trigger memories for these victim-survivors, increasing levels of anxiety and other mental health concerns.<sup>306</sup>

Professor Higgins gave evidence about the critical need for victim-survivors to have access to therapeutic support from ‘experienced practitioners who understand, and are experienced in working with, victim-survivors’.<sup>307</sup> Services also indicated that responding to historical institutional child sexual abuse requires specialised knowledge.<sup>308</sup> In addition, research shows that support services working with victim-survivors of crimes such as historical child sexual abuse require ‘a level of specialisation and a sophisticated understanding of trauma and its practice implications’.<sup>309</sup>

## Workforce supply and capability challenges

Unfortunately, some victim-survivors shared with the Board of Inquiry instances where they tried to disclose or seek help, but were met with inadequate responses.<sup>310</sup> Professor Bromfield gave evidence about the effect a lack of trauma-informed capability can have on a victim-survivor’s experiences with services:

I’ve been devastated when I read survivor accounts who talk about themselves as untreatable. ‘I’ve been to multiple services and I’m untreatable’. That is not on the survivor. That, to me, is a sign that that survivor has repeatedly experienced ineffective treatments that didn’t adapt to the way that their complex trauma was manifesting at that time.<sup>311</sup>

Others noted that finding these appropriate, trauma-informed professionals has been difficult.<sup>312</sup> Some experts told the Board of Inquiry that there are few services focusing specifically on historical child sexual abuse.<sup>313</sup> For example, Professor O’Leary gave evidence about the lack of therapeutic services that have a specialisation in historical child sexual abuse and experiences with complex trauma.<sup>314</sup> He said that while there are services that respond to sexual violence or child abuse more broadly, historical child sexual abuse in institutions may not be their primary focus.<sup>315</sup> Professor Bromfield also gave evidence that more capability is required across services to respond to complex, childhood trauma.<sup>316</sup> Dr Tucci acknowledged that progress is being made, but observed that ‘[a]ll services need to understand more about the impact of trauma on the capacities of victim-survivors’.<sup>317</sup> The Board of Inquiry was told that this lack of specific focus in services can make it difficult for victim-survivors to receive the support they need.<sup>318</sup>

However, the Board of Inquiry heard from others that Victoria has relatively good support services for victim-survivors of child sexual abuse compared to some other states and the territories.<sup>319</sup> Sexual Assault Services Victoria told the Board of Inquiry that specialist sexual assault services can ‘provide best-practice, evidence-informed approaches to providing effective support for adults who have experienced child sexual abuse at government schools’.<sup>320</sup> However, it outlined that constraints such as funding ‘limit full access to services’.<sup>321</sup> The DFFH gave evidence that specialist sexual assault services have ‘deep clinical and practice expertise in relation to ... trauma’, but acknowledged that ‘there is always further work to do to build the capability of the workforce around complex trauma’.<sup>322</sup> As described previously in this Chapter, these services are experiencing resource capacity challenges (with regard to funding and workforce supply) that limit people’s ability to access and receive timely support.

The Board of Inquiry received evidence that simply increasing funding for existing services, or introducing more support services, will not solve the problem.<sup>323</sup> There are issues with both the number of qualified workers available, and the capability of the existing workforce to respond to trauma.<sup>324</sup>

### Workforce supply challenges

The Victorian Skills Authority estimates that almost 4,000 additional welfare support and social workers will be required by 2025.<sup>325</sup> Victorian Government representatives told the Board of Inquiry at its public hearings that the social services sector has undergone a period of increased demand and expansion.<sup>326</sup> They commented on the workforce challenges associated with this expansion.<sup>327</sup> The DJCS acknowledged during its evidence that ‘the workforce is not always there’.<sup>328</sup>

There is increased demand for nursing, aged care, disability and mental health services, but these services draw on a similar pool of people and qualifications, and are all experiencing shortages.<sup>329</sup> This means they compete for workers.<sup>330</sup> At the same time, workforce attrition has increased. While in previous decades people would stay in the same profession for 20–30 years, this is no longer the case. Replacing professionals who leave a service with appropriately skilled staff can be a challenge.<sup>331</sup>

### Workforce capability challenges

The Board of Inquiry understands that workforce supply is not the only challenge affecting services. Capability challenges are also having a significant effect on workforces, both current and future.

In relation to the future workforce, the Board of Inquiry heard mixed views about the degree to which the impacts of child sexual abuse and working with trauma are taught in key courses. The DFFH gave evidence that ‘pre-service education, through social work and psychology’, has a focus on trauma-informed care.<sup>332</sup> In contrast, a participant in a Services Roundtable said that there is a lack of focus on trauma and the impacts of child sexual abuse in relevant university courses, including in social work, psychology and counselling degrees, which is contributing to low workforce capability.<sup>333</sup> Participants in the same Services Roundtable noted that services may find that the pool of applicants do not have the requisite skills in working with trauma and victim-survivors of child sexual abuse.<sup>334</sup>

In relation to the existing workforce, the Board of Inquiry heard that there is a need for ‘training and support for practitioners across a range of different systems about how to ... hear and hold these stories of trauma’.<sup>335</sup> The Board of Inquiry understands that ongoing professional development is important because the evidence base in relation to complex trauma continues to evolve.<sup>336</sup> The Board of Inquiry was told that professionals across key services, such as in specialist sexual assault services and the VAP, do receive opportunities for professional development.<sup>337</sup> However, demand pressures mean that workers do not always have the opportunity to engage in suitable levels of professional development that would continue to build their capability to provide trauma-informed responses.<sup>338</sup>

Bravehearts told the Board of Inquiry that the funding for services does not adequately cover professional development.<sup>339</sup> This sentiment was reflected by multiple participants in a Services Roundtable. One participant reflected that, across community and specialist services, there are:

not enough supports or funding for services to deliver things like therapeutic supervision ... [and other] appropriate tools to do the job; [such as] ongoing training and development to make sure they keep up with evidence-based practices.<sup>340</sup>

Another participant said that their service is experiencing:

contractual arrangements that are getting tighter and tighter and tighter, with very little capacity for ... therapeutic supervision, [and] capability development. All of those investments are required to be made out of increasingly constrained management and admin funding that is provided to services.<sup>341</sup>

A third participant observed that, while new professionals in their service do receive training, this is run infrequently and only provides a 'very brief overview' of working with victim-survivors.<sup>342</sup>

Professor O'Leary also gave evidence on the need to 'educate the broader health system about these specialist issues', including how to ask a victim-survivor about a history of abuse in a way that does not traumatise them.<sup>343</sup> He noted that 'there is much work to do in this space to ensure quality of service'.<sup>344</sup>

## On the way to healing

This Chapter has canvassed what the Board of Inquiry has learned about the support needs of victim-survivors and secondary victims of historical child sexual abuse in government schools.

It is clear that support services are an integral part of helping victim-survivors and secondary victims to understand and manage the impacts of historical child sexual abuse. The Board of Inquiry has learned that there are many service offerings that can help victim-survivors and secondary victims with these impacts.

However, a number of challenges are resulting in inconsistent and sometimes poor experiences across these services.

Many of these challenges are systemic in nature and affect not only victim-survivors of historical child sexual abuse in government schools, but may also affect victim-survivors of child sexual abuse and other types of sexual assault, as well as service users more broadly. This is seen in the reports of other inquiries and reviews, which, after significant and expansive consultation with a wide range of stakeholders, have found similar systemic challenges affecting other cohorts.<sup>345</sup>

The next Chapter, Chapter 18, Looking to the future, sets out the recommendations that the Board of Inquiry believes need to be implemented to help contribute to victim-survivor healing, including (but not limited to) recommendations to improve support services.

## Chapter 17 Endnotes

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CHAPTER 18

# Looking to the future

18

## Introduction

Despite the profound and long-lasting effects of historical child sexual abuse in government schools, it is possible for people and communities to heal. Chapter 15, Perspectives on healing, explored concepts of healing, and how people can heal from these impacts, both individually and as communities. It established that healing is a very personal, multidimensional experience, and there is no healing response that meets everyone's needs.

To understand the targeted responses that would best support healing from historical child sexual abuse in government schools, the Board of Inquiry engaged with victim-survivors, secondary victims and affected community members, as well as academic experts, service providers, and the State.

While there is no single solution that would help everyone heal, Chapter 15 highlighted four significant ways to contribute to healing:

- providing opportunities for recognition, reflection and acknowledgement
- ensuring people have safe spaces to share their experiences
- ensuring there is strong accountability for historical child sexual abuse, including transparency about what happened and about what has been done since to prevent further sexual abuse
- providing support services that can contribute to healing for victim-survivors.

Chapter 17, Support needs and challenges, explored in more detail the role support services play in helping victim-survivors to heal, and identified specific areas where changes could be made to improve victim-survivors' access to, and experiences of, support services.

In this Chapter, the Board of Inquiry sets out its nine recommendations. These take into account the objectives identified in the Order in Council that established the Board of Inquiry and the evidence and information the Board of Inquiry has received in the course of its work. Although the Board of Inquiry's recommendations are most closely connected to clauses 3(d) and (e) of its Terms of Reference, they also build on and relate to clauses 3(a), (b), (c) and (f).

Healing requires a holistic approach. Accordingly, the Board of Inquiry has made recommendations that complement, build on, and interact with each other. Although each recommendation has its own value, the positive impacts may not be fully realised if they are implemented in isolation.

## Recognising and acknowledging harm

Chapter 15 explored how acknowledging child sexual abuse in government schools and addressing past institutional failings are powerful ways to support healing, at both an individual and community level. Ways to do this include delivering public apologies to victim-survivors and creating memorials to acknowledge their experiences. These public responses can provide a platform for other healing responses of a more private nature.

### A public apology

Dr Hazel Blunden, Research Fellow at the Social Policy Research Centre, University of New South Wales, and colleagues usefully characterise public apologies as 'a recognition that wrong has been done to someone and that the institution takes responsibility for that wrong'<sup>1</sup>

It is becoming more common for institutions to make public apologies to people who experienced historical child sexual abuse while in their care.

On 28 June 2023, the then Premier of Victoria, the Hon Daniel Andrews MP, spoke at a media conference where he announced the Board of Inquiry.<sup>2</sup> Mr Andrews said the Board of Inquiry would ‘culminate in a ... full apology’.<sup>3</sup> As part of that announcement, Mr Andrews said the ‘unique circumstances at Beaumaris Primary School’ and the establishment of the Board of Inquiry warrant:

a separate apology that acknowledges the unique and evil goings on at that school, at that time ... we think doing that as a stand-alone acknowledgement — the most formal acknowledgement that we can make — is the appropriate thing to do.<sup>4</sup>

Both the Victorian and Commonwealth governments have made other apologies in recent years in relation to institutional abuse, but not specifically in relation to historical child sexual abuse in government schools.

On 8 February 2024, in a joint sitting of Parliament, the Hon Jacinta Allan MP, Premier of Victoria, apologised ‘unreservedly’ to the more than 90,000 people who were placed into institutional care as children between 1928 and 1990 (known as ‘Pre-1990 Care Leavers’ or ‘Forgotten Australians’).<sup>5</sup> The Premier said to victim-survivors, ‘[y]ou have met silence with truth’ and ‘I do want your contributions recorded in the history of [Parliament]’.<sup>6</sup>

On 27 November 2019, during his time as Premier, Mr Andrews apologised in Parliament to victim-survivors of child sexual abuse linked to Puffing Billy, a well-known steam railway and tourist attraction.<sup>7</sup> This followed a report from the Victorian Ombudsman in 2018 about volunteers who had used their position with the Victorian Railways, including Puffing Billy, to perpetrate child sexual abuse.<sup>8</sup> Mr Andrews also committed to victim-survivors that ‘we will not let this happen again’.<sup>9</sup>

On 22 October 2018, following the conclusion of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), then Prime Minister the Hon Scott Morrison MP made a national apology in Federal Parliament to victims and survivors of institutional child sexual abuse.<sup>10</sup> Another former Prime Minister, the Hon Dr Kevin Rudd AC, apologised in Federal Parliament to Stolen Generations on 13 February 2008.<sup>11</sup>

### **The role of public apologies in supporting healing**

For some, apologies can be part of an effective institutional response to wrongdoing.<sup>12</sup> They are seen as a means to engage with communities that have been harmed, and to address the harm caused by the institution in the past.<sup>13</sup> Apologies for historical institutional abuse have been described as ‘a potential means of acknowledging individual and collective wrongdoing, validating the suffering of victims, and furthering individual and societal healing by marking a symbolic break from the past’.<sup>14</sup>

However, some research suggests that while apologies can have ‘profound healing effects’, they are not always effective.<sup>15</sup> The Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations (often referred to as the Betrayal of Trust Inquiry) reported that many victim-survivors and their families felt that an apology that is not backed by action is inadequate.<sup>16</sup>

Bravehearts, an organisation that works with and advocates for victim-survivors of child sexual abuse, told the Board of Inquiry that while a ‘formal and public apology’ might be helpful for some victim-survivors, others may view it as tokenistic.<sup>17</sup> Research also suggests that formal apologies can be considered insincere if they are required as a result of a formal process such as an inquiry.<sup>18</sup>

Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University, gave evidence to the Board of Inquiry that views on apologies are mixed.<sup>19</sup> Dr Wright said:

For an apology to be meaningful, it needs to be accompanied with action. I think an apology that is not meaningful is one where a politician might apologise but nothing is done, and that, obviously, is very difficult for victim-survivors and can ring a bit hollow, perhaps. So the more successful approaches appear to be where an apology is one part of a broader process of redressing what has happened in the past.<sup>20</sup>

Similarly, Professor Leah Bromfield, Director of the Australian Centre for Child Protection and Chair of Child Protection, University of South Australia, gave evidence to the Board of Inquiry that apologies can be meaningful and contribute to addressing trauma, but can be harmful if they are not genuine and backed by action.<sup>21</sup>

For formal apologies made by government, acknowledgement of the wrongdoing is essential. However, the Board of Inquiry considers that a truly effective apology must go further and include a meaningful commitment to action.

### **Perspectives on the healing value of public apologies**

The Board of Inquiry heard a range of perspectives from victim-survivors, secondary victims and affected community members about formal public apologies. While views were mixed, most people were supportive of a public apology. Some people who did not feel an apology would be valuable to them, personally, did not oppose one being made on the basis that other victim-survivors may find such an apology meaningful.

Some victim-survivors expressed a clear view that an apology would not be helpful to them. One victim-survivor told the Board of Inquiry that they did not want an apology because ‘the damage has been done’ and ‘what good is an apology if nothing changes’.<sup>22</sup> A secondary victim said an apology would be problematic because an ‘apology is as apology does’, and any apology would need to be backed by action.<sup>23</sup> One victim-survivor said that an apology would be hollow in the absence of their abuser being brought to justice.<sup>24</sup> Another said that an apology from the State might be important to some people, but meant nothing to them; they considered making apologies to be a political process.<sup>25</sup> An affected community member said that a public apology would make no difference to them.<sup>26</sup>

Emphasising the significance of action, one victim-survivor told the Board of Inquiry that an apology was less important to them than knowing that the Department of Education (Department) is working to address child sexual abuse in government schools in an ongoing way. However, they were comfortable with an apology, knowing that other victim-survivors in the community want one.<sup>27</sup>

Other victim-survivors thought that an apology would be helpful. A victim-survivor said they liked the idea of an apology, and that it would be helpful if victim-survivors had input into its wording.<sup>28</sup>

Another victim-survivor told the Board of Inquiry that there should be an apology from the government, and that it should happen in Parliament.<sup>29</sup> A further victim-survivor said that an apology was important for some people, but acknowledged that the people who would be apologising were not in the Department at the time the child sexual abuse occurred.<sup>30</sup>

One victim-survivor said they would like an apology from the State, with full recognition that what happened was not right.<sup>31</sup> An affected community member said that a public apology from the State would be very healing for people.<sup>32</sup> A victim-survivor said that an apology was necessary, and that a lot of people would feel better if an apology was made. However, they were concerned about how some people may be affected by an apology.<sup>33</sup>

A victim-survivor told the Board of Inquiry that she thought apologies are very important and can be powerful. She described an apology as a way to acknowledge the truth and of not sweeping things under the carpet.<sup>34</sup>

Another victim-survivor told the Board of Inquiry he understood that for some, an apology would not do anything, but he was hopeful that it would give victim-survivors ‘somewhere to hang our burden’.<sup>35</sup> He said, however, that an apology for victim-survivors of the child sexual abuse that occurred at Beaumaris Primary School would not go far enough, and that any apology could not be genuine unless the Department knew the full extent of historical child sexual abuse in government schools.<sup>36</sup>

Similarly, another victim-survivor told the Board of Inquiry that a formal apology is important because it would give a voice to people who do not have one. He thought it is critical that an apology be made only once full details of the extent of child sexual abuse in government schools are known, and that the apology should be delivered in relation to all government schools, not just Beaumaris Primary School.<sup>37</sup>

A secondary victim said they thought an apology would feel very hollow to their partner if it was not a ‘whole-hearted’ one.<sup>38</sup> An affected community member said there needs to be a formal apology from the Department to everyone who was at Beaumaris Primary School at the same time as the relevant employees.<sup>39</sup> Another affected community member told the Board of Inquiry that apologies ‘mean something’.<sup>40</sup>

### **The Department’s apology**

The Board of Inquiry acknowledges the formal apology to victim-survivors of historical child sexual abuse in government schools made by Jenny Atta PSM, Secretary, Department of Education, on behalf of the Department at the Board of Inquiry’s public hearings, and the publication of the apology online the same day.<sup>41</sup> As part of that apology, Ms Atta said to victim-survivors: ‘I am profoundly sorry for the shocking abuse and injury inflicted upon you, abuse and injury that should never have occurred anywhere, especially in a place where you’re entitled to not only feel safe, a place where you should have been safest’.<sup>42</sup>

Ms Atta further acknowledged that she was ‘aware of evidence already before this Board of Inquiry ... that apology without a commitment and follow-through on a course of action carries the risk of further harm and an ongoing loss of trust’.<sup>43</sup>

Ms Atta committed to ‘fully engaging with the findings, conclusions and recommendations’ of the Board of Inquiry.<sup>44</sup> The Board of Inquiry considers that the Department can build on its apology by publicly committing to actions it has already taken and is taking to prevent child sexual abuse in government schools and respond to victim-survivors. This could include, for example, documenting these actions on the Department’s website.

The Board of Inquiry also acknowledges the apology to victim-survivors of historical child sexual abuse in government schools made by Dr David Howes PSM, Deputy Secretary, Schools and Regional Services, Department of Education, during his evidence in the public hearings. Dr Howes apologised ‘profoundly’ and expressed ‘ongoing regret’ that people working in the position equivalent to his at the time of the child sexual abuse did not take action. He said: ‘[W]e will do everything that we can, those of us who hold those offices now, to make sure those things ... do not happen again’.<sup>45</sup>

### **A public apology to all victim-survivors of historical child sexual abuse in government schools**

The Board of Inquiry acknowledges that victim-survivors who shared their experiences with the inquiry expressed mixed views about a public apology. It understands that no formal apology can or would fully meet the needs of all victim-survivors, secondary victims or affected community members. As stated above, the Board considers that any apology must happen alongside other action to acknowledge and address harm.

On the balance of the information before it, the Board of Inquiry considers that a formal and public apology to all victim-survivors of historical child sexual abuse in government schools should be a fundamental part of the Victorian Government’s response to the findings set out in this report.

The Board of Inquiry does not consider it would be appropriate for the Victorian Government to limit its apology to victim-survivors who attended schools that were the subject of this Board of Inquiry’s work, for two main reasons. First, the information available to the Board of Inquiry has revealed that historical child sexual abuse in government schools extended beyond Beaumaris Primary School and the other schools falling within the inquiry’s scope. On this issue, the Board of Inquiry does not anticipate the State would take a different view. In other words, the Board of Inquiry understands the State would not disagree that child sexual abuse in government schools during the relevant period extended beyond the schools within the inquiry’s scope. Second, victim-survivors who were not able to share their experiences with the Board of Inquiry due to its narrow scope could feel distressed, angry and in some cases re-traumatised if an apology did not recognise their experiences.

Therefore, the Board of Inquiry considers that the Victorian Government must publicly apologise for historical child sexual abuse that occurred in all government schools across Victoria.

However, the public apology should explicitly acknowledge the experiences reflected in this report and the failures of the Department’s response at the time of the sexual abuse, as identified in this report.

The Board of Inquiry heard from some victim-survivors who were concerned about the Victorian Government making an apology before the Department has undertaken work to understand the extent of historical child sexual abuse in all government schools, believing that an apology should not be made until this work is done. The Board of Inquiry has given careful consideration to this issue, acknowledging that there has not yet been full transparency about or accounting for historical child sexual abuse in government schools on a statewide basis.

The Board of Inquiry strongly supports the Department undertaking work to understand — then disclose to the public — the full extent of historical child sexual abuse in its schools. This is discussed later in this Chapter. As will be seen, the Board of Inquiry has taken the view that the Department should not stop working to understand the extent of sexual abuse in government schools at the conclusion of this inquiry.



The Board of Inquiry considers that a statewide public apology should be made, together with an offer to all victim-survivors of historical child sexual abuse in government schools of a genuine pathway to share their experiences by participating in a truth-telling process (see Recommendation 3).

### Recommendation 1: A statewide public apology

The Board of Inquiry recommends the Victorian Government formally apologise to all victim-survivors, secondary victims and communities affected by historical child sexual abuse in government schools. The apology should:

- be made in Parliament, with victim-survivors and secondary victims invited to be present
- specifically address the sexual abuse that occurred at Beaumaris Primary School and other government schools within the scope of the Board of Inquiry
- be accompanied by commitments to action from government.

### Delivering the public apology

It is important that the Victorian Government follow through on delivering a public apology in a timely manner. In her evidence, Dr Wright told the Board of Inquiry that ‘people want to see action quite quickly, and particularly when it’s government action and it’s deferred, that can be very difficult for survivors and undermine the trust that they might have in an inquiry or government action following an inquiry’.<sup>46</sup>

In delivering its public apology, the Board of Inquiry suggests the Victorian Government consider, to the fullest extent possible, the views and preferences of people affected by historical child sexual abuse in Beaumaris Primary School and other government schools within the scope of this inquiry — particularly with regards to the form of words used to describe and address their experiences.

The Board of Inquiry also considers the public apology should be published online, so that it remains accessible to people in the future.

Trauma-informed supports should be available at Parliament House for people who choose to attend on the day. The Victorian Government should also consider what temporary supports, such as telephone or online support, may need to be available to people who choose to watch the apology via live webstream.

The public apology must also be accompanied by government commitments to meaningful and tangible actions that aim to improve accountability for and responses to historical, contemporary and any future child sexual abuse in government schools. These commitments, including the timeframes within which actions would be taken, should be documented and published.

If the Victorian Government decides to implement the Board of Inquiry’s recommendation in relation to truth-telling (Recommendation 3), the public apology should include an invitation to all victim-survivors of historical child sexual abuse in government schools to participate in the truth-telling process.

## Memorialisation

Memorials can be understood as public symbols designed to ‘remember the wrongs of the past’, and can be either physical structures or activities.<sup>47</sup> Memorials can acknowledge the past, but they can also focus on ‘healing processes and rebuilding of trust between communities’ in the present, and raising awareness to avoid such wrongs in the future.<sup>48</sup>

Memorials are gradually being adopted as a way of acknowledging and commemorating lived experiences, rather than being reserved for memories of people who have passed away (such as war memorials).<sup>49</sup> They are a public and visible response that can support healing for victim-survivors, secondary victims and communities affected by historical child sexual abuse.

Memorials should not be approached in a one-size-fits-all way. They can and should be delivered in a range of formats and styles to suit the needs of the relevant community. They can be permanent, such as the memorial to victim-survivors of child sexual abuse at Trinity Grammar School, unveiled in June 2023.<sup>50</sup> They can also be temporary, such as LOUD fences — fences with colourful ribbons tied to them to represent the voices of, and show community support for, victim-survivors of child sexual abuse.<sup>51</sup> Memorials can be large, such as sculptures or park benches, but they can also be small, such as plaques.

Memorials have been established in Australia and overseas to recognise and publicly memorialise child abuse, including abuse experienced by Stolen Generations, and sexual abuse. Examples include:

- Colebrook Blackwood Reconciliation Park in South Australia — ‘Australia’s first memory space to acknowledge childhood trauma’.<sup>52</sup> This space is a memorial to the Stolen Generations at the site of the Colebrook Home for Aboriginal Children and includes two public artworks and a plaque.<sup>53</sup>
- Memorial plaques installed at Central Station in Sydney and five regional stations (with more planned) — These acknowledge the role Transport for NSW played in the removal of Aboriginal children from their families as part of the Stolen Generations.<sup>54</sup>
- Memorial to Survivors of Sexual Violence in Minneapolis, United States of America — This is the United States of America’s first permanent, public memorial for survivors of sexual violence. The memorial was initiated by a survivor who shared her story and mobilised other survivors to speak out publicly.<sup>55</sup> The memorial’s design and launch was enabled by local leadership and created community dialogue about sexual violence.<sup>56</sup>

The Royal Commission found that memorials can support victim-survivor healing and recommended the establishment of a memorial.<sup>57</sup> Specifically, the Royal Commission recommended that ‘[a] national memorial should be commissioned by the Australian Government for victims and survivors of child sexual abuse in institutional contexts. Victims and survivors should be consulted on the memorial design and it should be located in Canberra’.<sup>58</sup> More than six years after the recommendation was made, the national memorial is yet to be built.

In 2023, the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings recommended a memorial be established at the site of Ashley Youth Detention Centre once it is closed, to recognise the ‘protracted, widespread and systematic nature’ of child sexual abuse that occurred there.<sup>59</sup>

The Historical Institutional Abuse Inquiry in Northern Ireland and other inquiries into child abuse have also recommended memorials to acknowledge experiences of childhood abuse.<sup>60</sup>

Public art can also be used in memorials to convey meaning and evoke emotion. One of the public art works at the Colebrook Blackwood Reconciliation Park is a statue of a woman looking at her empty arms, representing a grieving mother.<sup>61</sup> The Memorial to Survivors of Sexual Violence includes seating and public art depicting a mosaic, to represent broken pieces that ‘can be put together to create something whole and beautiful’, and a ripple effect that represents ‘the multiplying power of breaking the silence’ about sexual violence.<sup>62</sup>

### **The role of memorials in supporting healing**

Memorials have the potential to create shared narratives that can promote reconciliation and healing.<sup>63</sup> Sexual Assault Services Victoria told the Board of Inquiry that, if sought by victim-survivors, memorials can be an important element of recovery, along with other factors such as therapeutic supports.<sup>64</sup>

The Board of Inquiry heard from a number of expert and community witnesses who spoke about using memorials to support healing from historical child sexual abuse.

Dr Rob Gordon OAM, Clinical Psychologist and trauma expert, provided evidence to the Board of Inquiry that publicly memorialising the experiences of victim-survivors of child sexual abuse can provide an opportunity for communities to come together with a focus on care and respect, to remember what happened and what has been learned, and to focus on healing.<sup>65</sup>

In her evidence, Dr Wright told the Board of Inquiry about a ‘Legacy Project’ at the conclusion of the Independent Inquiry into Child Sexual Abuse in England and Wales. Dr Wright described the challenges of memorialising difficult experiences, and how the Legacy Project was developed with victim-survivors.<sup>66</sup> The Legacy Project has seen more than 150 memorial benches and plaques displaying messages of hope installed across England and Wales, reflecting the breadth of engagement from victim-survivors across these countries.<sup>67</sup>

Maureen Hatcher, Founder, LOUD fence Inc, told the Board of Inquiry that LOUD fences in Australia, which are often located outside institutions where abuses have occurred, are designed to bring attention to the issue of sexual abuse, demonstrate support from the community, and provide a way for victim-survivors to connect with each other.<sup>68</sup> However, Ms Hatcher described how the fences sometimes receive a ‘hostile’ response from the public, and how she had on occasion been verbally abused while tying ribbons to fences.<sup>69</sup>

Place-based memorials can play a role in helping people heal from institutional historical child sexual abuse.

Adrian Farrer, Principal, Trinity Grammar School, Kew, Victoria, gave evidence to the Board of Inquiry about his experience establishing a permanent place-based memorial for victim-survivors of historical child sexual abuse at the school. The memorial, which is on school grounds but is visible and accessible to the public, consists of seating, a crepe myrtle tree and a slim, decorative design feature the school calls a ‘blade’ with a statement acknowledging the school’s past failures to care.<sup>70</sup> Mr Farrer gave evidence that establishing a meaningful and authentic memorial took three and a half years.<sup>71</sup> It required a strong commitment from both victim-survivors, who helped drive the process, and school leadership.<sup>72</sup> Mr Farrer described the school’s approach to addressing its past failings and history of child sexual abuse as open and overt, because ‘you can’t be a school that cares if you fail to care’.<sup>73</sup> The Trinity Grammar memorial was dedicated in June 2023.

A former student of Trinity Grammar School who has spoken publicly about his experience of sexual abuse as a child at the school (which is not within the scope of this Board of Inquiry) shared his views about the memorial at the school, saying: ‘In combination with the apologies I received, the memorial at Trinity Grammar has really helped my healing. Together, they say that people are listening and that they are genuinely sorry’.<sup>74</sup>

He told the Board of Inquiry that the school’s leadership culture has improved, and that he has a ‘real affinity and soft spot for the school now’.<sup>75</sup> He added: ‘I think a memorial is an important way for institutions to acknowledge the experience of survivors whose lives have been completely and utterly destroyed by things that happened to them in the institution’.<sup>76</sup>

The Board of Inquiry also heard evidence about how memorials can support communities to heal from other forms of trauma.

Bruce Esplin AM, former Victorian Emergency Management Commissioner and former Chair of Regional Arts Victoria, gave evidence to the Board of Inquiry about a memorial established in a small community in Gippsland following the Black Saturday bushfires. Mr Esplin described how the whole community was traumatised by the loss of community members in the fire, along with homes and community facilities.<sup>77</sup> The community engaged a local sculptor who worked with it to build a memorial arch from fire-damaged items donated by community members.<sup>78</sup> Mr Esplin explained that the contribution of the local community to the initiation, design and assembly of the memorial meant that the memorial was meaningful to the community.<sup>79</sup> Mr Esplin also gave evidence that the memorial had helped many people move forward from their trauma and face the future with confidence.<sup>80</sup>

### **The importance of co-design**

Based on the evidence it has heard and the information it has received, the Board of Inquiry understands that engagement with victim-survivors, secondary victims and affected communities is essential to ensure a memorial is meaningful and meets the needs of individuals and communities. Recent research by Alison Atkinson-Phillips, Lecturer in Community Development, Murdoch University, suggests that while there is no best-practice model for memorialising experiences, time, relationship building and communication with the people whose experiences are being memorialised are critical.<sup>81</sup>

Dr Wright gave similar evidence to the Board of Inquiry that ‘the question of how we remember difficult histories is complex. Successful approaches have foregrounded wide and meaningful engagement with victim-survivors and affected communities’.<sup>82</sup>

The Board of Inquiry also heard that while effective engagement is critical, there is no response that would satisfy or meet the needs of everyone who has experienced, or been affected by, historical child sexual abuse.<sup>83</sup>

### **Perspectives on the healing value of memorials**

The Board of Inquiry heard a range of perspectives from victim-survivors about using memorials to acknowledge historical child sexual abuse in government schools, including the need for memorials and their location. These views were expressed in relation to recognising historical child sexual abuse in Beaumaris Primary School, and Victorian government schools more broadly.

Some victim-survivors shared that they did not wholly support a memorial. A victim-survivor told the Board of Inquiry that they did not necessarily agree with a memorial, as it would be a constant reminder of the pain they had experienced.<sup>84</sup> Another victim-survivor was concerned that a memorial may be more of a political opportunity than a healing opportunity, but acknowledged that it may be meaningful for other people.<sup>85</sup>

A victim-survivor described how they did not like seeing ribbons on school gates (LOUD fences) because children at the school do not need to know about the sexual abuse that occurred at the school in the past.<sup>86</sup> Another victim-survivor described walking past Beaumaris Primary School regularly and feeling indifferent about the ribbons on display.<sup>87</sup>

An affected community member told the Board of Inquiry that memorials did not go deep enough, and made ‘no difference’ to her.<sup>88</sup>

However, other victim-survivors spoke more positively about the potential benefits of a memorial. For example, a victim-survivor described how a memorial and a space for reflection at Beaumaris Primary School would be very powerful.<sup>89</sup> He also expressed that he was open to a wider memorial in a central location.<sup>90</sup>

A participant at the Board of Inquiry’s Lived Experience Roundtable shared their view about the importance of memorialising what happened at Beaumaris Primary School, given the focus of the inquiry. They said:

As difficult as it is, it’s better ... for us as victim-survivors to see that [memorialisation of what occurred] reflected ... specifically in the school. And for others, children and parents now of the school, to understand that they are not part of what went on. In fact, they need to know that it’s a great school and that children are very well looked after there now and it’s a thing of the past. But it needs to be recognised.<sup>91</sup>

One victim-survivor shared his views about memorials with the Board of Inquiry in detail. He said that histories of abuse should be memorialised at individual schools with histories of child sexual abuse, and that this public acknowledgement could help prevent abuse in the future.<sup>92</sup> He said that if Beaumaris Primary School or other schools were memorialised, the focus should be on what has changed, along with a recognition of past failings.<sup>93</sup>

He recognised that the form of the memorial was not for him alone to determine, but shared his view that there should be a ‘public memorial in place in perpetuity in a public area — not on a school site, but a public memorial to historical childhood abuse’.<sup>94</sup> He believed this should be in a central location and be a memorial for all schools.<sup>95</sup>

The Board of Inquiry heard from a victim-survivor who said there is not a one-size-fits-all approach, but that memorials are ‘very good things’.<sup>96</sup> She said that a memorial would be a powerful way for the community to acknowledge that people in their community had suffered.<sup>97</sup> She also said that it would be a ‘healing process’ if victim-survivors contributed to establishing a memorial.<sup>98</sup>

One victim-survivor told the Board of Inquiry that he would like to see a memorial that recognises the suffering of victim-survivors at Beaumaris Primary School ‘as a strength’.<sup>99</sup> He said it would provide closure for victim-survivors and also be a ‘full stop’ for the school.<sup>100</sup> But he expressed concern about the impacts on the current school community, including students.<sup>101</sup>

Another victim-survivor told the Board of Inquiry they could understand that some people would like a memorial at Beaumaris Primary School, but that other people may not want that. They suggested that a reserve or foreshore may be a good place for a memorial in Beaumaris, rather than in the school itself.<sup>102</sup>

A victim-survivor shared views about the location of a memorial, and told the Board of Inquiry that there should not be a memorial to victims on the grounds of any primary school.<sup>103</sup> He described child sexual abuse as an ‘adult concept’ and said that a memorial at a primary school ‘creates something that young children cannot understand’.<sup>104</sup> He suggested instead that a memorial should be located on Department property, where senior bureaucrats would see it regularly.<sup>105</sup>

The Board of Inquiry heard from another victim-survivor that memorials are one way to support healing, but that they were also interested in other ways of honouring the experiences of victim-survivors, for example, through victim-survivor-led research in universities.<sup>106</sup>

### **A memorial in recognition of historical child sexual abuse at Beaumaris Primary School**

Evidence and information available to the Board of Inquiry indicates that memorials, including place-based memorials, can be an enduring public acknowledgement of past institutional harm, and can support healing for victim-survivors, secondary victims and communities affected by historical child sexual abuse.

While views shared with the Board of Inquiry by victim-survivors were mixed, most people were supportive of a memorial that acknowledges the experiences of victim-survivors at Beaumaris Primary School, or they considered that a memorial could help other people to heal, even if it did not do so for them personally.

Given the extent of information now known in relation to experiences of historical child sexual abuse at Beaumaris Primary School, and the general support victim-survivors expressed for a memorial, the Board of Inquiry considers that the creation of a memorial would be appropriate and meaningful. Consistent with the evidence the Board of Inquiry heard about the need for extensive consultation in designing memorials of this kind, it has not considered it appropriate to make recommendations about the design and location of such a memorial. It has, however, specified matters of process in Recommendation 2.

As explained below, while the Board of Inquiry has recommended creating a memorial acknowledging historical child sexual abuse at Beaumaris Primary School, it has not made such a recommendation in relation to other government schools within the inquiry’s scope. That is because, as previously explained, most of the victim-survivors who shared their experiences with the Board of Inquiry were from Beaumaris Primary School. Accordingly, while the Board considers it has a strong basis to recommend creating a memorial acknowledging historical child sexual abuse at Beaumaris Primary School, further consultation with victim-survivors, secondary victims and affected communities would be needed before embarking on a process to create a memorial with respect to historical child sexual abuse at other schools. As noted above, Recommendation 2 provides more detail as to process.

The Board of Inquiry notes that victim-survivors expressed some support for a broader, statewide memorial to acknowledge historical child sexual abuse in all government schools. However, the Board of Inquiry was not in a position to make recommendations about a statewide memorial, given consultation with victim-survivors from government schools across Victoria was not within its scope.

## Recommendation 2: A new memorial and a consistent process

The Board of Inquiry recommends the Department of Education:

- work with victim-survivors, secondary victims and affected community members to co-design the location and form of a memorial acknowledging historical child sexual abuse at Beaumaris Primary School
- consider, facilitate and fund requests for other memorials to acknowledge historical child sexual abuse in government schools in accordance with new policy guidance for memorials. This policy guidance should be trauma-informed and:
  - be developed in consultation with victim-survivors and secondary victims of historical child sexual abuse in government schools
  - provide for consistent assessment of requests for memorials, and
  - describe decision-making processes, types of memorialisation to consider and requirements for facilitating engagement with victim-survivors, secondary victims, local communities and other stakeholders.

### Establishing the memorial and developing a consistent process

The Board of Inquiry has deliberately not been prescriptive about the form or location of a memorial in relation to Beaumaris Primary School. This recognises that any memorial needs to be designed based on the needs and preferences of the victim-survivors, secondary victims and affected community members, and that it takes time to do this well.

However, the Board of Inquiry learned about the features of memorials that make them more likely to be meaningful and valued. While the memorial should be co-designed and the process trauma-informed, the Board of Inquiry suggests the following factors should be considered:

- Ensure the design process is accessible and widely communicated to maximise awareness and opportunities for participation for people who are affected.
- Afford victim-survivors choice about how they wish to participate and their level of engagement, including enabling them to provide one-off feedback or engage with the process along the way (for example, establishing a victim-survivor working group to co-design the memorial).
- Ensure participating victim-survivors and secondary victims are provided access to trauma-informed counselling and support during the co-design process.
- Adopt a broad view of ‘community’ when consulting, recognising that local community members may include (but are not limited to) representatives of local organisations, Bayside City Council and the existing school community. ‘Community’ may also include other public landowners, such as Parks Victoria.
- Be sensitive regarding the location of the memorial, recognising that the practical challenges associated with establishing memorials on public primary school grounds may make them unsuitable locations for memorials. Some of these challenges include restrictions on public access to primary schools.

The Board of Inquiry notes that the Department has acknowledged the importance of exploring a memorial on Beaumaris Primary School grounds as one option as part of a co-design process, as well as other options.<sup>107</sup> Other options may include locating a memorial nearby within the local government area.

As a starting point, the Victorian Government should look to recent examples of place-based memorials acknowledging historical child sexual abuse that have been established in non-government school settings in Victoria, including Trinity Grammar School, Kew, and St Patrick's College, Ballarat. These examples provide opportunities to learn about engagement and consultation processes, and design and implementation opportunities and challenges.

To facilitate an equitable approach to assessing any requests for other memorials, the Department must develop trauma-informed policies and guidelines to enable consistent assessment of requests. These should be developed in consultation with victim-survivors and secondary victims of historical child sexual abuse in government schools, to ensure that the perspectives of people with lived experience are incorporated from the beginning of the process.

The Board of Inquiry appreciates that the Department is already considering many of these matters, and the Department has informed the Board of Inquiry that it intends to develop policies related to memorials acknowledging child sexual abuse in government schools.<sup>108</sup>

## Reckoning with past failings

Truth-telling and accountability are key contributors to the process of healing for victim-survivors. The Board of Inquiry is addressing this through two recommendations:

- a statewide truth-telling and accountability process for all victim-survivors of historical child sexual abuse in government schools that documents their experiences and contributes to a public record of past failings of the Department (Recommendation 3)
- a new restorative engagement program for adult victim-survivors of child sexual abuse in government schools (Recommendation 4).

These recommendations serve two objectives: to improve recognition of all victim-survivors' experiences and to increase the Department's accountability.

The recommendations are intended for two different groups of victim-survivors. Recommendation 3 extends the opportunity that was afforded to victim-survivors of historical child sexual abuse who came within the scope of this inquiry to all victim-survivors of historical child sexual abuse in government schools and non-government schools where the alleged perpetrator previously worked at a government school and allegedly committed child sexual abuse at that government school. Consistent with the definition in the Terms of Reference, the recommendation applies to those victim-survivors who experienced abuse on or prior to 31 December 1999.

However, recommendation 4 is not an extension of the work undertaken by this inquiry. Further, there is no principled reason for limiting eligibility to participate in a restorative engagement process to adults who experienced child sexual abuse in a government school on or prior to 31 December 1999. Accordingly, recommendation 4 is not limited to victim-survivors of historical child sexual abuse in government schools, but applies to all adult victim-survivors of child sexual abuse in government schools.



The restorative engagement program, as the Board of Inquiry envisages it, would therefore be available to adult victim-survivors of child sexual abuse in government schools, irrespective of when the abuse occurred.

## A statewide truth-telling and accountability process and creation of a public record

Truth-telling is typically associated with justice and reconciliation in colonised countries, including Australia.<sup>109</sup> Truth-telling processes can, however, offer healing and acknowledgement for other people who have been failed or wronged by governments or institutions. There is no single definition, but Australians for Native Title and Reconciliation (ANTAR) describe truth-telling as follows:

Truth-telling, broadly speaking, encompasses any activity or process that exposes historical and/or ongoing truths. It often acts as a record of historical experience as part of a process of relationship-building, political transformation or reconstitution of political relations in divided societies. Truth-telling should be understood as a multifaceted and ongoing process (as opposed to a predetermined end) which deepens over time.<sup>110</sup>

The Board of Inquiry acknowledges that it has drawn on the experiences and expertise of First Nations communities to help it consider how truth-telling can support healing in the context of the inquiry.

Truth-telling processes can be facilitated through specially established bodies.<sup>111</sup> One such body is the National Centre for Truth and Reconciliation in Canada. The Centre was established as a place of dialogue with First Nations, Inuit and the Metis Nation peoples, who were forced to attend residential schools, where widespread abuse took place.<sup>112</sup> The Centre preserves the record of these human rights abuses, promotes continued research and learning, and educates Canadians on the profound injustices experienced by First Nations, Inuit and the Metis Nation peoples.<sup>113</sup>

Reconciliation Australia and The Healing Foundation convened a truth-telling symposium in October 2018, where participants noted that truth-telling plays a central role in healing, and has the ‘power to shape a better future’.<sup>114</sup> At the symposium, Professor Tom Calma AO, human rights and social justice advocate, said: ‘[t]ruth telling is about developing a shared understanding, which can serve as the basis for us all to move forward together. At its core, truth telling must be driven by the goal of recognising rights and driving reform’.<sup>115</sup>

According to Mick Gooda, former Aboriginal and Torres Strait Island Social Justice Commissioner:

We know that truth-telling is central to the healing we must all go through. Without the truth we will never heal properly ...<sup>116</sup>

The Royal Commission is one of a number of inquiries and royal commissions in recent decades that have incorporated truth-telling components.<sup>117</sup> Professor Helen Milroy, who was a Commissioner appointed to the Royal Commission, told the 2018 truth-telling symposium that ‘[p]eople came to us not because they wanted compensation, but they wanted their story to contribute to a positive future for children, and a safer future for children’.<sup>118</sup> She said the truth-telling aspect of the Royal Commission’s work allowed participants to feel that their story mattered and that they could move forward with their healing.<sup>119</sup>

Dr Gordon gave evidence to the Board of Inquiry that ‘such an important part of the healing of sexual abuse is the sense that this is coming into the open, that it’s realised that this is wrong and that the community at large is against it. So it means it needs to be acknowledged and talked about’.<sup>120</sup> Dr Gordon also said that ‘[v]ictim-survivors being able to tell their story is very important to healing from trauma’.<sup>121</sup>

Former Premier Daniel Andrews, when announcing this Board of Inquiry, said, '[t]his is principally a truth-telling process',<sup>122</sup> and that 'what's important is that we hear and believe victim-survivors, and we give them an opportunity to record their truth ... to take a step closer to that healing, and I think acknowledgement and belief and support and having your truth recorded forever is a very important thing. This will culminate in a full apology as well'.<sup>123</sup> These principles outlined by the former Premier — truth-telling and having that truth permanently documented — have been fundamental to the Board of Inquiry's work.

### Perspectives on truth-telling

For victim-survivors who engaged with the inquiry, the importance of truth-telling, or the opportunity to be heard and validated, emerged as a strong theme. The Board of Inquiry heard that truth-telling provides an opportunity for individual healing, and can also contribute to collective healing by creating safe spaces for victim-survivors to share their experiences and connect with other people with similar experiences. A victim-survivor told the Board of Inquiry:

[I]n my experience, silence is the enemy of the survivor.<sup>124</sup>

He went on to say: 'I understand why there are people that would remain silent and deal with the impacts of abuse themselves ... but I would encourage people to come forward and to, I guess, start with talking about this and coming forward to the inquiry and giving their evidence in whatever shape or form that they can'.<sup>125</sup>

Another victim-survivor said the biggest impediment to her healing was 'the silencing'.<sup>126</sup> She described the impact of this silencing as profound, but felt the Board of Inquiry enabled the silence to be broken, and that sharing her experience and feeling believed and validated was powerful for her.<sup>127</sup>

Another victim-survivor told the Board of Inquiry about the value of feeling heard:

I really appreciate and am really thankful to this inquiry for listening because I feel ... like I have been finally listened to ... after 48 years. I've finally been listened to and validated and my hope is that there's some other people who have read the newspapers ... like I did ... But I'm sure there's other people ... that might have some psychological benefit by someone else saying 'Yep, this happened, this stuff happened'.<sup>128</sup>

Another victim-survivor told the Board of Inquiry:

The important thing ... is that you're talking about it, and I think that in itself is, apart from being really courageous and strong, it's the single biggest thing that will help you in your journey ahead ... to keep communicating and talking about how you're feeling.<sup>129</sup>

A victim-survivor described how sharing his experience with the Board of Inquiry made him feel like he was able to move on with his life after suppressing his experiences for so long.<sup>130</sup>

The Board of Inquiry heard that victim-survivors should be supported to share their experiences and speak in their own time, with one victim-survivor stating the Board of Inquiry had given him 'space and a comfortable platform to talk about his experiences and he hopes it encourages others and assists with others in their healing process'.<sup>131</sup> A victim-survivor said that a fellow victim-survivor had told him he would know when he felt ready to come forward and share his experiences, which the first victim-survivor described to the Board of Inquiry as his 'dark story'.<sup>132</sup>

Participants at the Board of Inquiry's Lived Experience Roundtable also spoke about the importance of being heard when sharing experiences relating to sexual abuse. One participant described feeling waves of grief, hurt, shame and humiliation, and experiences of not being listened to.<sup>133</sup> Another participant said that 'being listened to is probably one of the most important things in my journey since [I was] a young [child] because I had a couple of goes at trying to be listened to and was absolutely not listened to at all'.<sup>134</sup>

A secondary victim described the opportunity to engage with the Board of Inquiry and share her experiences as a privilege and said of the process: 'Out of the sadness is going to come some goodness'.<sup>135</sup>

### **The importance of institutional accountability and transparency as part of truth-telling**

While truth-telling in its own right is important and can support healing, it often needs to be coupled with institutional accountability and transparency to contribute to individual and collective healing.

When information about the extent of institutional child sexual abuse is not made public, the lack of openness contributes to the silence around child sexual abuse that has endured for too long. It limits accountability. It prevents the institution from learning from its past action and inaction, and from taking steps to improve. Importantly, it also impedes victim-survivors' healing and ability to come forward to share their experience.

In his evidence, Dr Gordon told the Board of Inquiry that 'socially speaking, the solution to trauma is history, because history is in the past, but it also tells us ... what we might have learnt. And then we can actually take that learning into changing society for the better'.<sup>136</sup>

In Chapter 13, System failings, the Board of Inquiry set out a finding that the Department has never investigated historical child sexual abuse in government schools adequately or broadly enough to understand or publicly acknowledge the true extent of this abuse, meaning it cannot be fully accountable for past failings. While the work the Department has undertaken in support of this Board of Inquiry is substantial, further work is still needed to investigate and understand historical child abuse in government schools at a statewide level.

Victim-survivors told the Board of Inquiry that it was important for the Department to take steps to understand the full extent of historical child sexual abuse that has occurred in government schools and to be transparent about what it learns. A victim-survivor told the Board of Inquiry that the Department needs to 'clear the decks and put everything on the table' and understand the extent of historical child sexual abuse in government schools beyond Beaumaris Primary School and other schools within the scope of this inquiry.<sup>137</sup>

Another victim-survivor described being enraged by their belief that the Department had been trying to hide the truth and had not been open.<sup>138</sup> She described how it would be healing for institutions to publicly take accountability and would help to prevent further sexual abuse.<sup>139</sup>

Similarly, an affected community member said that public transparency would be helpful, and victim-survivors needed to not feel afraid of speaking up.<sup>140</sup> They said knowing the truth was out in the open was the most important thing to them.<sup>141</sup>

In private session after private session, it was made clear to the Board of Inquiry that knowing the 'full picture' was a vital part of many victim-survivors' personal healing journeys. For some victim-survivors, the fact that they were not the only person who had come forward with an experience of sexual abuse by a particular alleged perpetrator was a significant revelation. Until that point, many had thought they were the only one.

A victim-survivor said that when he saw media coverage of the Board of Inquiry, he felt it was an opportunity to speak the truth.<sup>142</sup> Another victim-survivor told the Board of Inquiry that since learning that other people at their school experienced sexual abuse, they were ‘happy to openly discuss’ their own experience ‘in the hope that it may help to prevent this sort of thing happening in the future’.<sup>143</sup> Another victim-survivor told the Board of Inquiry that they hoped their evidence ‘encourages other victim survivors to come forward and speak the truth about what happened to us’.<sup>144</sup>

For other victim-survivors, it was particularly important to know whether parents or other teachers had made complaints, or to understand how it came to be that the alleged perpetrator was moved to another school. These examples illustrate a broader point: victim-survivors would be in a better position to heal if they understand the entire picture of child sexual abuse at government schools.

Victim-survivors also spoke about recognition and change. One victim-survivor said that it is important to feel a sense of justice, but that justice ‘requires some kind of change [and] recognition of harm’, as well as making sure child sexual abuse in government schools does not happen again.<sup>145</sup> At the Board of Inquiry’s Lived Experience Roundtable, a victim-survivor said that they had been ‘hell-bent on trying to stop future abuse of other kids’.<sup>146</sup>

Another victim-survivor told the Board of Inquiry that there was a need for education about and recognition of the magnitude of the impacts of child sexual abuse in government schools.<sup>147</sup>

A victim-survivor told the Board of Inquiry that the most important thing to them was that the Department was working to address child sexual abuse in government schools in an ongoing way.<sup>148</sup>

Another victim-survivor said they hoped the Department had ‘improved its policies and procedures in handling, investigating and acting to remove these abusers from this environment and reporting information to the police so proper legal investigations and actions are taken’.<sup>149</sup>

### **The need for a statewide truth-telling and accountability process**

Through the course of its work, the Board of Inquiry has heard from victim-survivors about how valuable it has been to their healing to participate in a truth-telling process and contribute to a public record. The Board of Inquiry’s work has demonstrated the value in providing a truth-telling process for a particular group of victim-survivors of historical child sexual abuse in government schools — that is, victim-survivors of abuse at Beaumaris Primary School and other schools within the inquiry’s scope. However, the Board of Inquiry’s limited scope meant that many other victim-survivors have not had the same opportunity to participate in these processes or contribute to the public record.

As a participant at a Services Roundtable observed, the narrow focus of the Board of Inquiry’s Terms of Reference created ‘two classes’ of victim-survivors — those who had the benefit of the Board of Inquiry’s work, and those who did not.<sup>150</sup>

Victim-survivors do have some existing pathways to share their experiences. They can choose to access the National Redress Scheme or seek financial support through the Victims of Crime Assistance Tribunal (VOCAT). They can also choose to pursue a civil claim against the Department and, in recent times, have been able to seek information about the various support and healing options available to them through the Department’s Sexual Harm Response Unit.

While these pathways are helpful and accessible to some people, some victim-survivors may not be eligible for these pathways or some, for various reasons, choose not to engage in them. For example, a victim-survivor might not feel emotionally equipped to pursue a civil claim or might not be interested in pursuing financial assistance or redress. For people who are not eligible for or choose not to engage with these pathways, there is no formal opportunity to share their experience. In addition, some of these avenues require victim-survivors to navigate legal or other processes that can make them feel constrained when expressing their experiences or disappointed with the degree of recognition they receive.

Further, none of these processes directly contribute to a wider public record about the extent of historical child sexual abuse in government schools and the failings by the Department to prevent and respond to child sexual abuse at the time.

The work of the Board of Inquiry has been important. But there is more to be done. Based on the evidence and information before it, the Board of Inquiry considers that more comprehensive accountability is required, and all victim-survivors should have equitable access to share their experiences if they wish to do so. For these reasons, the Board of Inquiry considers that a statewide independent truth-telling and accountability process for all victim-survivors of historical child sexual abuse in government schools is required. A statewide process would enable the creation of a comprehensive public record of victim-survivors' experiences, as well as the Department's past failings.

This statewide process is needed to support full public awareness and individual and collective healing.

### Recommendation 3: A statewide truth-telling and accountability process

The Board of Inquiry recommends the Victorian Government establish a statewide truth-telling and accountability process for victim-survivors of historical child sexual abuse in all Victorian government schools that:

- is independent and time-limited
- is available to:
  - victim-survivors of historical child sexual abuse in any Victorian government school
  - victim-survivors of historical child sexual abuse in a non-government school where the alleged perpetrator previously worked at a government school and allegedly committed child sexual abuse at that government school
- results in an independent public record of victim-survivors' experiences shared through the truth-telling process, that includes recognition of past failings of the Department of Education.

## Establishing a truth-telling and accountability process for victim-survivors of child sexual abuse in government schools

The Board of Inquiry is of the view that a statewide truth-telling and accountability process would:

- provide all victim-survivors of historical child sexual abuse in Victorian government schools an opportunity for their experiences to be heard and acknowledged
- inform a public record of historical child sexual abuse in government schools and the failings of the Department of Education
- increase departmental accountability and transparency in relation to historical child sexual abuse in government schools
- allow the Government to learn from the experiences and information shared, in order to better prevent and respond to child sexual abuse in government schools into the future.

### Scope and access

It is recommended that the truth-telling and accountability process be open to:

- all victim-survivors of historical child sexual abuse in government schools up to and including 31 December 1999
- all victim-survivors of historical child sexual abuse in a non-government school up to and including 31 December 1999, where the alleged perpetrator had previously been an employee of a government school and allegedly committed child sexual abuse at that government school.

The Board of Inquiry considers it appropriate to expand the scope to non-government schools where an alleged perpetrator previously worked at a government school and allegedly committed child sexual abuse at that school. This is because any inaction by the Department against an alleged perpetrator while in the government school setting may have resulted in missed opportunities to prevent child sexual abuse from occurring in the non-government school setting. As the work of this inquiry demonstrates, there cannot be full accountability if it is not possible to inquire into circumstances where, for example, an employee with a known history of child sexual abuse convictions is able to move into the non-government sector and continue teaching. An example of this scenario is highlighted in Chapter 11, The alleged perpetrators.<sup>151</sup>

### Principles of the truth-telling and accountability process

For the independent truth-telling and accountability process to operate as the Board of Inquiry envisions, it proposes a number of principles to shape the implementation and delivery of the process. These are outlined below.

#### INDEPENDENCE

Independence would be critical to the success of any truth-telling and accountability process. It is likely that many victim-survivors would not choose to engage with a truth-telling process if it were not independent from the Victorian Government and the Department. In the Board of Inquiry's view, the ability of a truth-telling and accountability process to build trust with victim-survivors would be significantly impaired if it were not independent.

The Victorian Government may wish to consider a range of options to deliver the independent truth-telling process, such as establishing an independent statutory body, or establishing a time-limited inquiry.

#### **A TRAUMA-INFORMED APPROACH**

Every aspect of the truth-telling and accountability process must be delivered in a trauma-informed way. Trauma-informed approaches place an emphasis on the psychological, cultural and physical safety of victim-survivors.

To be delivered in a trauma-informed way, the truth-telling and accountability process should, at a minimum:

- maximise victim-survivors' choice in how they participate with the truth-telling aspect of the process; for example, they could be offered the option to take part in person, online or through written engagement
- offer free counselling to the victim-survivors and their supporters prior to, during and shortly after they participate in the process
- employ a continuity-of-care model; for example, victim-survivors and their supporters could be provided with a single point of contact and the same independent representative throughout the process
- provide physical locations for taking part in the process that feel safe and welcoming for victim-survivors and their supporters, and are not clinical or adversarial
- employ staff with skills, experience and training in trauma-informed approaches
- ensure equity of access to the process, and that victim-survivors and their supporters experience no financial disadvantage from taking part; for example, they could be reimbursed for costs they incur, such as travel or accommodation.

#### **CREATING A SAFE ENVIRONMENT FOR DIVERSE PARTICIPANTS**

The Board of Inquiry anticipates that in implementing a statewide truth-telling and accountability process, victim-survivors from a diverse range of backgrounds would be eligible to participate, including people from First Nations communities, people from culturally diverse communities, people with disabilities, people from LGBTIQ+ communities, and people of different genders and ages.

It is critical that the truth-telling and accountability process is designed so that it is accessible and safe for people of all backgrounds to participate.

#### **LEGAL RIGOUR**

The truth-telling process would need to consider and manage how it operates in the context of civil claims, redress and restorative engagement approaches. Consideration of relevant reporting obligations would also be important.

## Establishing a public record of historical child sexual abuse

Establishing a public record would help victim-survivors understand what happened and know that they are not to blame and may not be alone in their experiences. It may also encourage more people to come forward through the truth-telling aspect of the process or to seek justice or support through other pathways.

To support this, a public record that documents the experiences that are shared by victim-survivors through the process must be established by the entity responsible for the truth-telling and accountability process. This should be regularly updated as more people share their experiences.

The truth-telling and accountability process must also operate transparently. For example, the entity responsible may establish a dedicated website and publicly share information about the schools that victim-survivors have shared information on, how many people have participated in the process, and how information is being gathered.

While the Board of Inquiry recommends that the public record be established independently, it has a strong view that the Department should also proactively seek to understand the extent of its own failings and be transparent about its findings. For example, if the truth-telling and accountability process is not undertaken in the context of an inquiry, the Department should review its own records, document the action or inaction it took in response to any child sexual abuse identified (as well as the reasons for that action or inaction), and assess the effectiveness of any actions taken. This review should be provided to the entity responsible for the truth-telling and accountability process to contribute to the public record and to ensure a more complete understanding of the extent of historical child sexual abuse in government schools.

The Board of Inquiry is of the view that this action would support greater accountability, provide victim-survivors with a deeper understanding of what occurred and ensure recognition of their experiences.

## A new approach to personal responses

### The role of personal responses in supporting healing

Personal apologies or acknowledgements of harm can be important for individual healing from institutional abuse. These personal responses can contribute to healing in similar ways to public apologies, but in a private way.

Similar to public apologies, a personal apology must be sincere, empathetic, unconditional and freely given in order to be a helpful response for victim-survivors.<sup>152</sup> Meaningful apologies that include both personal and public acknowledgement of an institution's failures can have a healing effect for victim-survivors.<sup>153</sup> Any such responses should always be delivered in a trauma-informed way.<sup>154</sup>

Dr Judith Herman, a psychiatrist who has researched trauma and abuse extensively, suggests that many victim-survivors need '[a]cknowledgment of [their] truth, acknowledgment of the harm [they have] suffered, and [a] full apology'.<sup>155</sup> Dr Herman describes genuine apologies as personal and emotional, and as creating 'the possibility of repairing a relationship'.<sup>156</sup>



Actions that follow a personal apology can add to an apology's meaningfulness or undermine it. In her evidence to the Board of Inquiry, Professor Bromfield said that victim-survivors:

are entirely reasonable in their expectation that institutions should, of their own volition, feel that they ought to apologise, for that apology to be genuine, for that apology to be given by a person in a position of authority, and for that apology to be backed up with action that is congruent with the apology. So you don't say 'I'm sorry' and then in civil litigation you've got multiple techniques to deny the abuse or ... not be a model litigant.<sup>157</sup>

Dr Gary Foster, founder of Living Well, a service for men who have experienced childhood sexual abuse or sexual assault, has trained government executives in Queensland in apologising to victim-survivors of institutional abuse on behalf of government. Dr Foster told the Board of Inquiry's Healing Roundtable that an apology by a government or institutional representative should include the 'trifecta' — apologising personally, apologising in their role within the institution, and apologising on behalf of the government department or institution.<sup>158</sup>

Victim-survivors shared their perspectives with the Board of Inquiry about personal apologies and responses. Generally, people who shared their views were supportive of victim-survivors being able to seek an apology directly from the Department. One victim-survivor said he wanted an apology from the Department to recognise the years of torment he had experienced, and that no-one had done anything to help him.<sup>159</sup>

Another victim-survivor told the Board of Inquiry that after he disclosed his experience of sexual abuse, he would have liked someone from the Department and Victoria Police to contact him and say sorry.<sup>160</sup> He said: 'Of course, they have not done this, and I am left with the feeling that they did not listen or care then, and that they are not listening and they do not care now. No-one called.'<sup>161</sup>

Victim-survivors also spoke of the need for apologies to be genuine. One victim-survivor told the Board of Inquiry that after a civil claim is settled, there is 'an apology of sorts', but that it is not individual (that is, personalised) and that there should be a genuine apology made.<sup>162</sup> Another victim-survivor told the Board of Inquiry that people must be apologised to individually, and in person, not through a third party such as a solicitor.<sup>163</sup> A victim-survivor described a written apology he received after meeting with the Secretary of the Department, and his view that it was not personal. He noted that the apology 'is addressed to my lawyer. It's nice, no real complaints, except it's not personal. It's not to me.'<sup>164</sup>

Some victim-survivors spoke of receiving apologies from the school or the State. A victim-survivor told the Board of Inquiry:

It feels to me like schools, that there should be the capacity for a person, to go back to a school and say: 'Something happened when I was a student at school'. Even if it was 20 years ago ... I feel very much like schools, by embracing that responsibility around reporting or willing to report historical instances of abuse, that would change things over time. I think if that was embedded into the training of teachers and the system that would change things.<sup>165</sup>

Another victim-survivor described being asked, as part of a court proceeding, whether he would like an apology, and that he said he only wanted an apology from the State.<sup>166</sup>

Bravehearts told the Board of Inquiry that some victim-survivors might like individual apologies from the school where they were sexually abused.<sup>167</sup> Bravehearts said: '[v]ictims and survivors need to see the school or organisation where they were harmed state clearly that they acknowledge the harm done to children, that they unconditionally condemn the actions of the perpetrator or alleged perpetrator, and that they offer support to those harmed'.<sup>168</sup>

The Board of Inquiry notes that there is no legal distinction between schools and the Department, including for the purpose of delivering apologies. Despite this, victim-survivors may perceive them as different, and have preferences about who they would like to engage with and receive an apology from.

### **Restorative engagement as a good practice approach to delivering personal responses**

How personal responses are delivered, and whether they are considered authentic, can have an impact on their effectiveness.<sup>169</sup> It is important that the interaction between a victim-survivor and institutional representative(s) feels personal and genuine for it to contribute to healing. The Board of Inquiry heard that a representative giving a personal response needs to show empathy and compassion and be emotionally present.<sup>170</sup> One person at the Healing Roundtable emphasised the need for the person delivering an apology to be ‘seen as being fair dinkum and absolutely owning the apology’.<sup>171</sup>

The Board of Inquiry understands that a restorative engagement approach is considered good practice when it comes to supporting victim-survivors to engage with an institution to receive a personal response.

Restorative engagement is a process that ‘brings together the person harmed with a senior leader of the institution in which the harm occurred to outline their personal account of harm, its impact, the ongoing effects and to receive a personalised and genuine acknowledgement of the resulting harm’.<sup>172</sup>

Restorative engagement is a more structured form of personal response that can be used to support healing from institutional historical child sexual abuse. While a restorative engagement program may result in a personal apology or acknowledgement of harm from the institution, it is a much more trauma-informed and victim-centred process than an apology alone. Restorative engagement involves properly preparing everyone who participates in the process (for example, a victim-survivor, any support people they would like involved, and institutional representatives) to ensure they understand what the engagement would involve, what the victim-survivor hopes to achieve, and what arrangements are needed to support an optimal outcome for the victim-survivor.

Importantly, restorative processes often include a truth-telling element. The very nature of the process of an individual seeking recognition would often involve an element of sharing or telling one’s truth. Establishing a ‘healing and restorative truth’ provides acknowledgement of the broad facts, the harm suffered, accountability for wrong-doing and reparation, and can facilitate healing.<sup>173</sup> Unlike the truth-telling and accountability process outlined in Recommendation 3, restorative engagement processes are individual, private and do not result in public accountability by the responsible institution.

Restorative engagement processes are also guided by ethical values of voluntariness, safety, inclusion, dignity, respect, responsibility, accountability, truth-telling and honesty.<sup>174</sup> These processes seek to enhance mutual understanding and agreement, truth, trust, and participants’ healing and individual choice.<sup>175</sup>

An example of a restorative engagement program is the recently implemented Restorative Engagement and Redress Scheme, which supports former or current Victoria Police employees who have experienced sexual harassment or sex discrimination in the workplace.<sup>176</sup> This scheme, which is run independently of Victoria Police through the Department of Justice and Community Safety, enables people to share their experiences with a senior Victoria Police representative and access broader redress arrangements, including financial payments.<sup>177</sup>

A review of the Defence Abuse Restorative Engagement Program, ‘which gives complainants the opportunity to have their complaint heard, acknowledged and responded to by a senior Defence representative’,<sup>178</sup> found that the program offered profound value for victim-survivors by having their experiences listened to by senior representatives and acknowledged.<sup>179</sup> The review also found that the program was having significant positive cultural change within the organisation.<sup>180</sup>

### The timing of personal responses

The Department told the Board of Inquiry that victim-survivors of historical child sexual abuse in government schools may engage with the Department via two streams: by making an application under the National Redress Scheme or through a civil claim.<sup>181</sup>

The first of these — the National Redress Scheme — adopts a restorative engagement process that ‘is fundamental to [victim-survivors] achieving a sense of healing’.<sup>182</sup> Redress arrangements are outside the scope of the Board of Inquiry’s Terms of Reference and accordingly have not been examined. However, the Department provided information to the Board of Inquiry about ‘direct personal responses’, which are a component of the National Redress Scheme.<sup>183</sup> Under the National Redress Scheme, victim-survivors are offered the opportunity to receive a direct personal response from an institution for the harm they experienced as a child.<sup>184</sup> It can include an acknowledgement of the victim-survivor’s experience and of the impacts of the sexual abuse, an apology and an explanation from the institution about what it has done, or would do, to prevent further abuse. Direct personal responses can be made face-to-face, in writing or through other arrangements, dependent on a victim-survivor’s needs.<sup>185</sup>

The second — when a civil claim is concluded — currently has no program or process to enable someone to then seek a personal response, other than making a separate application through the National Redress Scheme (which can be made concurrently with a civil claim).<sup>186</sup> However, not all victim-survivors would be eligible to make a claim through the National Redress Scheme. For example, if a victim-survivor has previously been awarded compensation or damages by a court they are not eligible to apply to the scheme and cannot access a direct personal response, unless another institution was also responsible for the abuse they experienced.<sup>187</sup>

An example of how this situation can affect victim-survivors was shared with the Board of Inquiry through a submission. The submission described how a victim-survivor’s request for a direct personal response from the Department at the conclusion of a civil matter was refused on the basis that he needed to make an application through the National Redress Scheme.<sup>188</sup> The victim-survivor decided not to pursue this application due to the need to provide further legal documentation about the sexual abuse he experienced, as well as long wait times.<sup>189</sup>

The Department gave evidence to the Board of Inquiry that it is open to a new program for victim-survivors to access a ‘direct personal engagement’ with the Department at the conclusion of a civil matter, without having to make an application through the National Redress Scheme.<sup>190</sup> In relation to victim-survivors who would like an acknowledgement from the Department but pursue neither a civil nor redress claim, the Department gave evidence indicating that the Sexual Harm Response Unit could facilitate and arrange this type of engagement.<sup>191</sup> The Board of Inquiry considers each of these steps, if taken, to be positive developments.

When describing the possible new program in the Board of Inquiry’s public hearings, the Department gave evidence that it ‘would need very skilled and trained facilitators ... because a trauma-informed approach to direct personal engagement would necessarily involve it being very, very victim-centred’.<sup>192</sup>

The Board of Inquiry welcomes the Department's willingness to establish an additional avenue for victim-survivors to seek a personal engagement with the Department at the conclusion of a civil claim, without having to make a separate application through the National Redress Scheme.

However, the Board of Inquiry understands that even with this positive change, victim-survivors who do not make a civil claim or apply through the National Redress Scheme would still not have a pathway to seek a personal response from the Department. The Board of Inquiry considers that this gap should be addressed.

In addition, people who finalised their civil claim with the Department some time ago may not have had the option of seeking a personal response at the time. These people should also be eligible to seek a personal response from the Department now.

The Board of Inquiry is of the view that the Department should implement a restorative engagement program for all adult victim-survivors of child sexual abuse in government schools, recognising that the restorative engagement model is a good practice approach to delivering personal responses. The Board of Inquiry is of the view that the process should be open to all adult victim-survivors of child sexual abuse in government schools, not just victim-survivors of historical child sexual abuse, as victim-survivors may benefit from this healing response irrespective of when the sexual abuse occurred. While victim-survivors of historical child sexual abuse in a government school would also be eligible for the truth-telling and accountability process outlined in Recommendation 3, if they choose not to participate in that process, they can participate in the restorative engagement program instead.

#### Recommendation 4: A restorative engagement program

The Board of Inquiry recommends the Department of Education establish a restorative engagement program for adult victim-survivors of child sexual abuse in government schools who:

- cannot or do not wish to make a civil claim or National Redress Scheme application, or
- have finalised a civil claim against the Department of Education, without the need to make a separate application through the National Redress Scheme, or
- finalised a civil claim before Direct Personal Responses were available.

This program would allow these victim-survivors to safely share their experience of child sexual abuse and the harm caused, and receive a personal response from the Department of Education.

#### Introducing a restorative engagement program in the Department

The restorative engagement program must be designed and established so that it:

- is trauma-informed and based on best-practice and current evidence on effective restorative engagement practices
- is victim-survivor-led in a way that maximises choice and flexibility, including methods of participation (for example, in person or in writing) and timing

- involves expert and independent facilitators with appropriate training, skills and expertise to sensitively support the victim-survivor, the Departmental representative, and the response victim-survivors receive through the process
- builds existing capability within the Department (including executive leaders who would be providing responses) to participate in restorative engagement
- introduces the necessary new capability into the Department to directly support victim-survivors to understand and participate in the process in a safe, trauma-informed way
- creates opportunities for continuous improvement in current approaches to the prevention of and response to child sexual abuse in government schools.

The restorative engagement program should be designed in consultation with victim-survivors of historical child sexual abuse in government schools, including people who have previously participated in a comparable restorative engagement process (such as receiving a direct personal response through the National Redress Scheme).

Regardless of the pathway a victim-survivor chooses to use to seek a personal engagement with the Department, the quality of the engagement process and any personal response should be the same. To do this, it is critical that the Department introduces and builds the necessary existing and new capability to effectively deliver the restorative engagement program so that:

- All executives involved in restorative engagement and personal responses have undertaken training on how to communicate with victim-survivors in a trauma-informed way and deliver personal responses in line with good practice.
- Support staff have the clinical experience, expertise and capability to support victim-survivors to make an application for the pathway, move through the pathway safely, change processes or pause the process if required and facilitate access to additional supports if needed.
- Skilled and independent facilitators are available to conduct trauma-informed personal engagements.<sup>193</sup>

For people pursuing civil claims, the Board of Inquiry understands that the restorative engagement program cannot run concurrently and would need to be undertaken after a claim has concluded. However, victim-survivors should still have appropriate access to information and initial assistance through the online hub and telephone line proposed in Recommendation 6.

The success of the restorative engagement program would also be supported by other processes recommended by the Board of Inquiry. Improved records management processes, including digitising and cataloguing records (Recommendation 5) would be essential to better equip the Department to quickly respond to victim-survivors' requests, and identify and produce the information and files necessary to support engagement in a personalised way.

## Information access to aid healing

As described throughout Part B, victim-survivors of historical child sexual abuse in government schools are often left searching for understanding. Why were they sexually abused? Who else was sexually abused at their school? What was known at the time? What action was taken, or not taken, by those in charge?

Access to transparent and centralised information about historical child sexual abuse in government schools is essential to help victim-survivors and secondary victims understand what happened to them or their loved one. This understanding contributes to their healing and sense of recognition and holds the Department accountable.

The Board of Inquiry understands that there are two key problems with the Department's approach to sharing information.

The first problem is the lack of publicly available information from the Department about the extent of historical child sexual abuse in government schools or its past failings. This makes it very difficult for victim-survivors to identify and understand what they have experienced in context. This is addressed earlier in this Chapter in Recommendation 3, about the establishment of a public record of child sexual abuse in government schools.

The second problem relates to personal access to information, such as individual school records or general information about schools. This is discussed in more detail below.

## Better information-sharing practices and processes for individuals

### The role of information-sharing and access in supporting healing

Victim-survivors and secondary victims of historical child sexual abuse often seek out information, such as school records, to try to understand what happened to them. The response they receive from an institution is very important. While not all information can be shared, institutions need to provide a sensitive and transparent response about what is (and is not) available and why.

A study into victim-survivors' perceptions of institutional responses to child sexual abuse suggests that helpful responses occurred when '[t]he institution provided information freely and did not try to close down investigations'.<sup>194</sup>

The Department provided evidence about the importance of access to information during the Board of Inquiry's public hearings, saying 'what we've heard through correspondence with the victim-survivors at Beaumaris is that truth-telling and information is really critical to healing'.<sup>195</sup> The Department acknowledged that access to information is limited by poor historical records and past record-keeping practices.<sup>196</sup>

To further inform its understanding of these issues, the Board of Inquiry has drawn on examples from other historical contexts.

Many people who grew up in out-of-home care search for records and information to help them better understand their identity and reconnect with family. Processes to do this 'can be frustrating, complicated, time-consuming, expensive and traumatic'.<sup>197</sup> Find & Connect is a web resource created by historians, archivists and social workers with funding from the Commonwealth Government. It launched in November 2011 and contains publicly available records and information about institutional care in Australia, such as records and information about orphanages and children's homes.<sup>198</sup>

Finding Records is another web resource, developed by the then Victorian Department of Health and Human Services, to support former 'wards of the state', Pre-1990 Care Leavers ('Forgotten Australians') and Stolen Generations to find and access historical records.<sup>199</sup> The website contains more than one million historical records that have been indexed, as well as guides to help people find records.<sup>200</sup>

The Department gave evidence to the Board of Inquiry that it would like to commence a reform project related to the digitisation of school records so that they can be catalogued and, depending on the nature of the record, publicly shared via the Public Record Office Victoria or the Department's school history website.<sup>201</sup> The Department indicated that this project would also support requests for records that are not publicly available, by enabling quicker access to records and greater responsiveness to requests.<sup>202</sup>

Access to information, including initiatives planned or underway to digitise and improve access to records, was also discussed during the Board of Inquiry's Government Roundtable.<sup>203</sup>

### **Challenges accessing information for victim-survivors and secondary victims**

The Board of Inquiry heard that victim-survivors and secondary victims currently struggle to access information relevant to the child sexual abuse they or their loved ones experienced.

A victim-survivor told the Board of Inquiry that he had sought information to support a potential civil claim and to prevent his alleged abuser having further access to children.<sup>204</sup> He described how a Freedom of Information (FOI) request to Victoria Police, made years after he had initially reported the sexual abuse to the police, resulted in him receiving a one-page document that was largely redacted.<sup>205</sup>

A secondary victim related how they had engaged with the Department and Victoria Police to obtain a teacher's employment records, describing the FOI processes they had to follow as 'very difficult'.<sup>206</sup>

Another secondary victim told the Board of Inquiry about the challenges she experienced when seeking her now deceased brother's police records from Victoria Police, and how she eventually had to apply to the Victorian Civil and Administrative Tribunal for their release.<sup>207</sup>

An affected community member familiar with Beaumaris Primary School described how former students had approached the school seeking records and validation of their experiences, but that the school had kept no records related to its history of child sexual abuse.<sup>208</sup>

## **Recommendation 5: Improving information access**

The Board of Inquiry recommends the Department of Education implement:

- trauma-informed practices for responding to requests for information and records that are related to historical child sexual abuse in government schools (including requests identified as such while being processed), including through:
  - delivery of trauma-informed training for archivists and staff in Freedom of Information units
  - development of information materials that provide transparency to people seeking records about what records may or may not be available and why
  - provision of individualised information and support to people seeking records
- a program of work to improve its records management processes, including digitising and cataloguing records to support ease of access, and publishing school records that are able to be released publicly.

## Introducing trauma-informed responses to requests for records and information

The Board of Inquiry acknowledges the challenges people have faced in seeking to access information to better understand the circumstances of experiences of child sexual abuse (whether as a victim-survivor or as a secondary victim). It also acknowledges how these challenges may have re-traumatised them.

The Board of Inquiry recommends an improved process to support and respond to information requests, along with the capability within FOI units to deliver this, in order to:

- respond to individuals in a trauma-informed way
- better support individuals to access information that enables them to understand what occurred and what contributes to their healing.

A trauma-informed response would include, at a minimum:

- clear processes and guides for accessing information
- clear information on what information is available and why
- timely responses to information requests
- trauma-informed training for all archivists and staff within FOI units in departments likely to receive requests for information (for example, the Department and Victoria Police)
- individualised support from the same member of the FOI team when it is known that a person is seeking records related to historical child sexual abuse in a government school.

The Victorian Government can draw from and build on trauma-informed responses already in place elsewhere in Victoria. For example, the Department of Families, Fairness and Housing (DFFH) responds to requests for information from Pre-1990 Care Leavers ('Forgotten Australians') using trauma-informed practices.<sup>209</sup>

The Board of Inquiry also notes that a person requesting information will not necessarily disclose that their request relates to historical child sexual abuse in a government school. Nevertheless, staff in FOI units should be aware that such requests are possible and respond to all requests with this possibility in mind.

The Board of Inquiry also recommends that the Department implement a program of work to review, identify, catalogue and digitise (where appropriate) all school records that may be relevant to victim-survivors of child sexual abuse in government schools. This may include teacher records, student records and class records.

The Board of Inquiry also recommends that the Department publish records that are able to be released publicly in a central online location. Existing platforms, such as Find & Connect, should be considered when designing this repository. Publication of records of this kind differs from the process of establishing an official public record of child sexual abuse in government schools (which is addressed in Recommendation 3).



## Meeting the support needs of victim-survivors

In Chapter 17, the Board of Inquiry recognised that eight key challenges adversely impact victim-survivors of historical child sexual abuse in government schools' experiences of accessing and receiving support services.

Some of these challenges are systemic in nature, including services' limited capacity to see people quickly and to provide the necessary duration of support. Systemic challenges also include service inequity, the need for greater inclusivity, and inadequate numbers of professionals skilled in responding to trauma. The Board of Inquiry heard different ideas about how best to address these systemic issues.

On the one hand, there are those who say there may be benefit in creating stand-alone services to support victim-survivors of historical child sexual abuse, including institutional child sexual abuse. Professor Patrick O'Leary, Co-Lead of the Disrupting Violence Beacon and Director of the Violence Research and Prevention Program, Griffith University, provided evidence that a new national service that responds to historical child sexual abuse through a gendered approach may benefit victim-survivors.<sup>210</sup> In her evidence, Professor Bromfield told the Board of Inquiry that, for male victim-survivors, those who identify as LGBTQIA+, victim-survivors with disability or those in prison, 'specialist services ... may be worth considering'.<sup>211</sup> Some advocates have gone a step further, calling on the Commonwealth and Victorian governments to introduce a service model specifically for victim-survivors of institutional child sexual abuse.<sup>212</sup>

On the other hand, the Board of Inquiry heard concerns about introducing new services. Concerns included the potential to further fragment services,<sup>213</sup> issues with setting up high-quality stand-alone services given the expertise that this requires,<sup>214</sup> and financial and practical difficulties with scaling new services to a state level.<sup>215</sup> Discussing the need for dedicated services for male victim-survivors as one example, a participant in one of the Board of Inquiry's Services Roundtable reflected on the potential for a new service to exacerbate existing demand issues:

[W]hen we don't have the capacity to currently meet the demand that we're needing, how would we have the capacity to add another service into a sector that is struggling already?<sup>216</sup>

Instead, some Services Roundtable participants explained that it could be beneficial to expand the capacity and capability of existing services to better respond to historical child sexual abuse.<sup>217</sup> Sexual Assault Services Victoria recognised that many victim-survivors of historical child sexual abuse are older adults who may not easily engage with services and recommended resourcing specialist sexual assault service clinical leads for older adults specifically.<sup>218</sup> A participant in a Services Roundtable suggested embedding specialist workers in diverse access points across the service system that victim-survivors are likely to access, including in health services.<sup>219</sup> They recognised that for many victim-survivors, particularly men, approaching a specialist sexual assault service can be confronting and indicated that this could help reduce this barrier.<sup>220</sup>

Participants in the Board of Inquiry's Government Roundtable shared similar views. The view was expressed that the existing specialist sexual assault support sector has the scale and expertise to respond effectively to victim-survivors of historical child sexual abuse, including male victim-survivors.<sup>221</sup> Participants stressed that rather than developing new services, opportunities to leverage existing services and systems should be explored.<sup>222</sup>

On the balance of information before it, the Board of Inquiry agrees that there are opportunities to leverage existing services and systems to meet many of the support needs of victim-survivors. However, as previously discussed in Chapter 17, the Board of Inquiry understands that existing services are under considerable strain as a result of resource pressures. The term ‘resource’ in this section covers both the level of funding available to a service and the extent of its workforce.

## Addressing resource pressures in a strategic and coordinated way

### Funding for specialist sexual assault services

The Board of Inquiry understands that more funding is needed to enable specialist sexual assault services to meet the needs of adult victim-survivors of child sexual abuse. For example, a participant in a Services Roundtable told the Board of Inquiry that services do not lack the ability or inclination to support this cohort, but that they lack the resources.<sup>223</sup> The Board of Inquiry heard that additional resourcing and revised service delivery targets would allow support services to provide a broader range of supports to victim-survivors.<sup>224</sup>

Sexual Assault Services Victoria stated that a new funding model would enable services to have greater flexibility in the duration and types of support that they could offer victim-survivors.<sup>225</sup> It recommended establishing a ‘new long-term funding model that enables the full scope of the work that specialist sexual assault services undertake to support victim-survivor recovery’.<sup>226</sup>

The Victorian Law Reform Commission (VLRC), in its 2021 report *Improving the Justice System Response to Sexual Offences* (VLRC report), stated that ‘[t]he first and most crucial task of reform is to invest in sexual assault support services’.<sup>227</sup> It recommended addressing the resourcing needs of specialist sexual assault services as a priority, and significantly increasing their resources to meet demand.<sup>228</sup>

While the Board of Inquiry agrees that funding challenges need to be resolved, it understands that funding alone would not solve the strain experienced by existing services. As described in Chapter 17, workforce supply and capability challenges also make it difficult for services to meet demand and address people’s needs.

### Workforce supply and capability

In her evidence, Professor Bromfield explained that more needs to be done to grow the existing pool of skilled workers and build existing workers’ capability to respond to complex trauma:

We really need to look at how we develop statewide workforce capacity-building initiatives to build the capability of both the existing workforce in responding to complex trauma and to grow the number of people who can respond to childhood trauma.<sup>229</sup>

Professor Bromfield noted that, given that the evidence base on responding to historical child sexual abuse continues to evolve, ‘an expectation around continuous professional development would be helpful in this sector’.<sup>230</sup>

Bravehearts specifically identified the need to address gaps in specialised training to ensure therapeutic and support service professionals understand the nature of child sexual abuse (including grooming), effective interventions, and how to minimise the toll that working with those who have experienced child sexual abuse can take on workers.<sup>231</sup>

A participant in a Services Roundtable told the Board of Inquiry that capability could be improved through training and upskilling staff, as well as through developing communities of practice, which allow for expertise to be shared across services.<sup>232</sup> Another participant in a Services Roundtable highlighted the need for ‘widespread ... training and support for practitioners across a range of different systems’.<sup>233</sup>

Dr Gordon also gave evidence that there is a need for ‘strong investments in supporting the clinicians so they have good supervision, [and] good opportunities for debriefing and reflective practice’ to reduce the risk of practitioner burnout.<sup>234</sup>

In 2021, the Royal Commission into Victoria’s Mental Health System recommended structural workforce reforms to ensure expanded mental health services have the necessary size and composition.<sup>235</sup> The Victorian Skills Authority, which provides advice to the Victorian Government and departments on current and future skills needs, has also produced research indicating that there is a significant need for more social sector workers.<sup>236</sup>

### **Reforms underway to address resource pressures**

The Board of Inquiry has been told that the Victorian Government is introducing a range of reforms to help address workforce supply challenges. The DFFH advises that it is adopting strategies to increase and upskill the social services workforce. This includes offering incentives to increase the number of workers in the sector and investing in retention and skills development for existing workers.<sup>237</sup> The DFFH told the Board of Inquiry that it is engaging with the Commonwealth Government to advocate for reforms that reduce barriers to workforce entry, such as providing more financial assistance for students on placements and increasing Commonwealth Supported Places ‘for post-graduate short courses ... to build more agile specialist pathways, including for career changers’.<sup>238</sup> It is also implementing specific workforce development activities targeted to the sexual assault support sector. For example, it is implementing funded attraction and recruitment campaigns to fill vacancies, continuing to build the longer-term pipeline of skilled workers through graduate and trainee programs about dealing with sexual assault, and reducing barriers to mobility across sectors.<sup>239</sup>

The DFFH also told the Board of Inquiry that it is ‘working to secure additional funding to services across Victoria in response to demand’ and has introduced flexible funding to meet the immediate needs of victim-survivors and remove practical barriers to accessing support (such as transport costs).<sup>240</sup>

Publicly available information reveals that work is also underway at the Commonwealth and state levels to build workforce capability to respond to child sexual abuse. The National Centre for Action on Child Sexual Abuse is promoting best practice and providing education and training to workforces. It is also undertaking a baseline analysis of the new *Minimum Practice Standards for Specialist and community support services*, to support their implementation.<sup>241</sup>

Another development is the funding of Sexual Assault Services Victoria to play a role in driving improvement and consistency across the sexual assault support sector. Sexual Assault Services Victoria is leading research, commissioned by the National Centre for Action on Child Sexual Abuse, to understand the specialist sector’s knowledge gaps in providing trauma-informed support for victim-survivors of child sexual abuse and to identify the training needed to address these.<sup>242</sup>

More broadly, the Victorian Government is supporting the establishment of a new Mental Health Statewide Trauma Service which would be responsible for researching trauma-informed care and practice, and disseminating its findings. It would train and provide multidisciplinary specialist trauma practitioners to work in Area Mental Health and Wellbeing Services and assist other mental health practitioners to better understand trauma-informed care.<sup>243</sup>

The Victorian Government is also introducing new reforms to improve access to services. The Victorian Government is implementing mental health reforms to improve the access of all Victorians to publicly funded therapeutic support. According to publicly available information, this includes rolling out new mental health and wellbeing services for adults and older adults, known as Mental Health and Wellbeing Locals, across Victoria.<sup>244</sup>

In the justice sector, the new Victims of Crime Financial Assistance Scheme will replace the current VOCAT in 2024. The new scheme is designed to be more victim-centric and is intended to make it easier for all victims of violent crime to receive financial assistance, including access to counselling.<sup>245</sup>

The DFFH is also working to tailor approaches for victim-survivors who experience structural barriers to seeking support or reporting. The DFFH's evidence to the Board of Inquiry is that it is funding specialist sexual assault services and multicultural, faith-based and ethno-specific organisations to work in partnership to improve the accessibility and cultural safety of specialist sexual assault services.<sup>246</sup> It is also funding Sexual Assault Services Victoria to improve access to services for people with disability and people from LGBTQIA+ communities.<sup>247</sup>

Further, the Australian Law Reform Commission has commenced an inquiry into justice responses to sexual violence in Australia. Under its terms of reference, the Australian Law Reform Commission will have regard to 'support and services available to people who have experienced sexual violence, from the period prior to reporting to the period after the conclusion of formal justice system processes'.<sup>248</sup> It will provide a final report to the Commonwealth Attorney-General by 22 January 2025.<sup>249</sup>

### **Realising the effects of the reforms**

It is the Board of Inquiry's view that resource pressures affecting support services must be addressed to give services the capacity, capability and flexibility to deliver appropriate supports to adult victim-survivors of historical child sexual abuse in government schools. Expanding and strengthening existing public support services would make support more accessible and reduce the number of people being forced into the private system, which may be unaffordable to them. To do this, services need to be adequately funded and there needs to be enough professionals in the specialist sexual assault sector, mental health sector (public and private) and in some community organisations with the specific knowledge and capability to effectively respond when adults disclose institutional child sexual abuse.

The Board of Inquiry recognises that the Victorian Government is trying to address complex funding and workforce challenges in a coordinated and strategic way through its reform agenda. It will take time to implement these reforms, for them to take effect and for their effectiveness to be evaluated. Given this, and given the limited scope of this inquiry, the Board of Inquiry decided not to make specific recommendations to address resource pressures.

Even so, the Board of Inquiry notes that there may be opportunities to ensure community and specialist sexual assault sector workforce reforms include training and skills development in responding to adult victim-survivors of institutional child sexual abuse. Existing mental health workforce reforms could also include training that builds practitioner capability to respond to adult disclosures of institutional child sexual abuse, given its prevalence and that many victim-survivors often engage first with mental health services.

The Board of Inquiry also notes that existing services need to be supported to use learnings from research and translate knowledge into practice. This includes ensuring there is investment in ongoing professional development, which services need the capacity for their workers to be able to undertake without compromising the duration or time they can spend delivering support to victim-survivors and other consumers.

## Targeted supports

Aside from the systemic challenges described earlier, the Board of Inquiry believes that there are specific and targeted improvements that can be introduced into existing systems to better meet the needs of victim-survivors. They involve improving:

- access to information and advice to assist victim-survivors to understand the available options
- support to navigate services to assist victim-survivors to access support more easily
- ensuring victim-survivors can receive timely support from specialist sexual assault support services and these services are seen as accessible to all genders.

The Board of Inquiry's recommendations are directed towards helping adults who have experienced child sexual abuse in government schools. However, the Victorian Government may find some of these improvements could meet the needs of other adults who have experienced sexual assault. In some instances, the information received by the Board of Inquiry has allowed it to recommend targeted service improvements that expand beyond supporting only victim-survivors of historical child sexual abuse in government schools, to include adults who have experienced child sexual abuse in any institution or in any setting. However, while there are common needs in some areas, some responses need to be specifically focused on victim-survivors of child sexual abuse in government schools. In its recommendations, the Board of Inquiry has therefore been specific about which cohort the advised service improvements should target.

## Strengthening access to information and assistance

Service providers told the Board of Inquiry that all victim-survivors would benefit from information sources that demonstrate a deep understanding of historical child sexual abuse and provide advice and tools to manage its impacts.<sup>250</sup> Specifically, the Board of Inquiry heard that victim-survivors of historical child sexual abuse in government schools should have access to targeted information and advice that reflects their experience and needs.<sup>251</sup>

The Board of Inquiry notes that work is already underway at the national level to help victim-survivors of child sexual abuse to access better information and advice. The Commonwealth Government is establishing a national point of referral to assist victim-survivors of child sexual abuse.<sup>252</sup> Its aim will be to help victim-survivors, practitioners and the general public to 'navigate the service system and access information, resources and support services'.<sup>253</sup>

While it is likely to be beneficial, the national point of referral is not targeted to address the specific information needs of victim-survivors of historical child sexual abuse in government schools. Some of these needs are unique to this cohort. For example, victim-survivors in this cohort may require specific information or advice about how to access and interpret their school records, or how to access the Department's Counselling Assistance Payments. They may need information tailored to their needs about how to pursue civil claims or how to participate in redress schemes.

A participant in a Services Roundtable told the Board of Inquiry they have the capability to create and provide information and resources for all Victorian victim-survivors of historical child sexual abuse, but that a lack of funding was a barrier to doing so.<sup>254</sup> Sexual Assault Services Victoria recommended that the Victorian Government fund it to develop a website that includes practical information and resources for current and historical survivors of child sexual abuse, informed by VLRC report recommendations.<sup>255</sup> The VLRC recommended the establishment of a central website to provide people with practical information on sexual violence and their options for support, reporting and justice.<sup>256</sup>

The Board of Inquiry notes that such a website could be helpful for victim-survivors, but considers that adult victim-survivors of child sexual abuse in government schools should have access to centralised information and assistance that is specific to their needs. The Board of Inquiry also understands that the Victorian Government is still considering the VLRC report recommendations.

As discussed earlier in the Chapter, in early 2023, the Department introduced the Sexual Harm Response Unit to better support schools in responding to instances of alleged child sexual abuse perpetrated against current students and former students.<sup>257</sup> Since then, the Department has expanded the Sexual Harm Response Unit's scope so that it can receive reports of historical child sexual abuse via a direct telephone line and email address.<sup>258</sup> The Department advised that the Sexual Harm Response Unit can now provide assistance to victim-survivors of historical child sexual abuse in government schools about services and referrals through this telephone line.<sup>259</sup> The Department has also updated the Victorian Government website to include more information about support services, the National Redress Scheme, VOCAT, apologies and acknowledgements, as well as information about making a legal claim against the Department to seek compensation.<sup>260</sup>

The Department advised the Board of Inquiry that the Sexual Harm Response Unit's involvement in historical child sexual abuse matters is currently quite limited and it is not involved in the majority of cases.<sup>261</sup> However, the Department's evidence was that the expansion of the Sexual Harm Response Unit to receive historical reports of child sexual abuse in government schools provides an opportunity for the Department to support these victim-survivors.<sup>262</sup>

The Board of Inquiry is supportive of the Department's work to expand the Sexual Harm Response Unit's function to better support schools to respond to allegations of current and historical child sexual abuse in government schools. The Board of Inquiry considers that this work needs to continue to expand to ensure that all students, current and former, are well supported and that schools have the capability to respond to allegations of child sexual abuse safely, consistently and appropriately.

The Board of Inquiry acknowledges and supports the Department's recent steps to establish and improve access to information and assistance for victim-survivors of historical child sexual abuse directly through the Sexual Harm Response Unit. The Board of Inquiry is of the view that further opportunities exist to build on this work and ensure adult victim-survivors' access to information and assistance continues to improve.

The Board of Inquiry considers that the Department is best placed to be the central point of information and initial assistance for adult victim-survivors of child sexual abuse in schools. This is because the Sexual Harm Response Unit already has an existing function assisting this cohort, and the Department holds a substantial amount of information that may be useful to victim-survivors.

Being responsible for the centralised information and assistance point also affords the Department the opportunity to build its capability to directly engage with victim-survivors and flexibly support them to access support and pathways that best meet their needs. This also provides the basis for the Department to start building the necessary new functions and capabilities needed to undertake personal responses as part of restorative engagement pathways. These actions together would help to build trust in the Department over time, as the Department continues to hold itself accountable for past harms and takes responsibility for restorative engagement with victim-survivors.

To do this, the Board of Inquiry sees value in the Department broadening the existing remit of the Sexual Harm Response Unit to provide a more centralised information and initial assistance hub and telephone line for adult victim-survivors of child sexual abuse in government schools, as well as to provide support and advice to engage with the Department's processes, such as the process for seeking records. The information and evidence received by the Board of Inquiry suggests that the online hub and telephone line would be beneficial for all adult victim-survivors of child sexual abuse in government schools, not just victim-survivors of historical child sexual abuse. This is because all adult victim-survivors of child sexual abuse in government schools may struggle to find information about supports, experience trauma that impacts their ability to navigate complex systems, and may benefit from having a centralised place to seek information and assistance about their specific needs.

### **Recommendation 6: A new online hub and telephone line providing information and assistance for adult victim-survivors**

The Board of Inquiry recommends the Department of Education establish an online hub and telephone line for adults who are victim-survivors of child sexual abuse in government schools to seek information and initial assistance.

## **Components of implementation**

### **PROVIDING INFORMATION IN AN EASILY ACCESSIBLE AND TRAUMA-INFORMED WAY**

In establishing the online hub, the Department should seek to ensure that the information provided is comprehensive and tailored to adult victim-survivors of child sexual abuse in government schools. This means it should provide information that addresses the wide range of support needs that victim-survivors have and options available to them. This includes information about:

- available support services across the different systems
- justice pathways, including the National Redress Scheme and civil litigation
- financial assistance schemes such as VOCAT (and the new Victims of Crime Financial Assistance Scheme when it replaces VOCAT)

- reporting alleged child sexual abuse in government schools (current and historical) to police
- how to engage with the Department to request information and records related to child sexual abuse in government schools
- how to engage with the Board of Inquiry's recommended truth-telling process and new restorative engagement program from the Department.

The Victorian Government already has an existing 'Report abuse if you're a current or former student' webpage which could be expanded and amended to build the online hub. Regardless of whether this page is amended or a new website is created, the online hub and its information should be trauma-informed, welcoming and accessible to victim-survivors. This includes making it clear that the online hub is for all adult victim-survivors of child sexual abuse in government schools, regardless of whether they want to directly engage with the Department, report their experience to police or choose not to take further action. It should also be clear about what options are only available to victim-survivors of historical child sexual abuse in government schools (for example, the recommended truth-telling and accountability process) and those that are available to all adult victim-survivors of child sexual abuse in government schools. The information should also be inclusive and meet the diverse communication needs of victim-survivors.

The Board of Inquiry considers that designing the online hub in close consultation with victim-survivors is important to ensuring these objectives are met.

#### OFFERING INITIAL ASSISTANCE

While online information on supports and schemes alone may be sufficient for some people, others may also need some initial assistance to help them understand the options available to them. A telephone helpline accessible through the online hub should be offered for this purpose.

The Board of Inquiry considers that the Sexual Harm Response Unit is well placed to provide initial assistance to victim-survivors, given that the Unit already plays a role in supporting adult victim-survivors of child sexual abuse in government schools to understand their support options. The Sexual Harm Response Unit should continue to expand this function to ensure it has the capability to provide initial high-level assistance to victim-survivors about their options. This could include explaining how to contact a support service or access a scheme, or helping someone to understand the difference between support options. The Sexual Harm Response Unit would not be responsible for providing detailed and comprehensive advice about options in the service system more broadly that would best meet an individual's needs. This responsibility would sit with the coordination, navigation and advocacy function recommended in the next section (Recommendation 7).

In addition to providing information and initial assistance, the Sexual Harm Response Unit should also continue to build its capability and capacity to provide more detailed advice and support to victim-survivors who wish to engage in any processes administered by the Department. This includes seeking information and records from the Department (Recommendation 5), seeking a direct personal response from the Department (Recommendation 4) or reporting allegations of child sexual abuse to the Department. Importantly, the function should be independent of other parts of the Department (such as the area responsible for civil claims) to ensure it is safe for victim-survivors. The Board of Inquiry notes that the Unit's role in supporting people while they are participating in a civil claims or redress process would be more limited, but it would still be available to direct them to information as needed.



## ENSURING THE ONLINE HUB AND TELEPHONE LINE ARE SAFE, TRAUMA-INFORMED AND TRUSTED

To ensure victim-survivors are aware of the online hub and telephone line, these services should be well publicised through departmental channels, including school communications, and through advocacy and support organisations. Other relevant Victorian Government websites should also reference the online hub and include links for victim-survivors. This includes websites such as the DFFH webpages on sexual assault and supports, the Victims of Crime website and the Victorian Government webpage on the National Redress Scheme.

The Sexual Harm Response Unit should make sure that it can provide assistance in a trauma-informed way. Staff tasked with supporting this work should have training to understand the particular trauma impacts experienced by adult victim-survivors of child sexual abuse in government schools. They need a basic working understanding of the service systems and options available for victim-survivors and have the knowledge and skills to be able to explain these options to victim-survivors clearly and compassionately. Staff providing initial assistance should also build the capability and flexibility to support victim-survivors to change pathways where needed.

Recognising that staff would need to refer some victim-survivors to specialist sexual assault services for support, the Department and the DFFH should develop new protocols between the online hub and telephone line and specialist sexual assault services to support smooth referral pathways for victim-survivors and access to timely support.

Public-facing material should also be clear about who the online hub and telephone line services are for, to avoid confusion for other victim-survivors. Staff would also need to have the capability to sensitively redirect other cohorts who may contact the telephone line (for example, an adult who has experienced familial child sexual abuse) to more suitable entry points and refer them to appropriate services where necessary.

## KEEPING UP TO DATE

The Board of Inquiry notes that service systems are constantly changing, as are service responses to child sexual abuse and sexual assault more broadly. The Sexual Harm Response Unit should stay informed about existing and proposed new service offerings, and raise awareness of them through the online information and advice hub. For example, and as indicated earlier, the Board of Inquiry notes that a national point of referral is being established. While the online hub and telephone line would not seek to replicate this initiative, once it is established there would be opportunities to ensure victim-survivors are aware of the national point of referral and are engaged with the best supports available to them.

## Improving coordination, navigation and advocacy supports

As discussed in Chapter 17, some victim-survivors require more than just episodic assistance to move through complex systems and services. They need informed advice, help navigating processes and services, and support to complete forms. Some people would also benefit from a consistent point to which they can return in order to re-engage with services over their life course when the need arises.

Other cohorts who have experienced institutional child sexual abuse already have access to dedicated coordination, navigation and advocacy support. For example, the Victorian Government funds statewide advocacy and support services for Pre-1990 Care Leavers ('Forgotten Australians').<sup>263</sup> The support these services provide can include assistance with locating family members and

support to access records and ward files.<sup>264</sup> They also include coordinated support that assists with service referrals, casework, exploring support options, completing forms and advocacy.<sup>265</sup> The Commonwealth Government funds Find & Connect support services, including the website discussed earlier in this chapter, to provide information for Pre-1990 Care Leavers ('Forgotten Australians') and support for them to access their records.<sup>266</sup>

Dr Joe Tucci, CEO, Australian Childhood Foundation, gave evidence to the Board of Inquiry recommending the introduction of a new stand-alone service that would provide a single point of contact for victim-survivors that could directly link them with the range of supports they need over their life course.<sup>267</sup> Dr Tucci's evidence set out how this would be different to what the specialist sexual assault services currently provide, noting their services are generally therapeutic and they do not provide 'more general support over the life course'.<sup>268</sup>

This type of solution to address coordination and navigation challenges is not new. Other reviews have previously recommended introducing new coordination, navigation and advocacy supports for broader cohorts who have experienced sexual abuse or assault. In 2017, the Royal Commission recommended new community-based supports for victim-survivors of institutional child sexual abuse that can provide navigation support, among other things.<sup>269</sup> Recent advocacy and petitions have called for governments to implement the Royal Commission's reforms and ensure a 'no wrong door' support.<sup>270</sup>

In 2021, the VLRC recommended a model of independent advocates to provide continuous support to victim-survivors of sexual violence navigating legal and service systems.<sup>271</sup> The VLRC's recommendation was informed by broad consultation and research and its findings suggest that the independent advocate model (or something similar) is widely supported by stakeholders.<sup>272</sup> The VLRC suggested that such a model could be introduced into specialist sexual assault services as a starting point, but noted their role in providing this type of function has decreased over time as waitlists and referrals have increased.<sup>273</sup>

The Board of Inquiry is of the view that adult victim-survivors of child sexual abuse in schools should have access to a service or function that provides dedicated coordination, navigation and advocacy support, equivalent to supports offered to other institutional child sexual abuse survivors. The information and evidence received by the Board of Inquiry suggests all adult victim-survivors of child sexual abuse in schools would benefit from this function for the same reasons as they would benefit from the online hub and telephone line (Recommendation 6). The Board of Inquiry has therefore not limited the recommendation to victim-survivors of historical sexual abuse in government schools only.

### **Recommendation 7: Improved coordination, navigation and advocacy support**

The Board of Inquiry recommends the Victorian Government, in consultation with victim-survivors, develop and trial a coordination, navigation and advocacy function for adult victim-survivors of child sexual abuse in schools.

## Components of implementation

The coordination, navigation and advocacy function would be responsible for assisting adult victim-survivors of child sexual abuse in schools to engage with and move between support services and systems. This may include the following:

- light-touch support, to help connect people with a support service or system, including assisting them with completing application forms for schemes, making warm referrals to services, helping people to re-engage with a service that they have previously used or supporting victim-survivors to understand and exercise their rights
- more intensive support, to help people with complex needs engage with services or systems where required; for example, supporting them to report to police or make a civil claim, liaising and advocating on behalf of a person to access services, or completing application forms on a person's behalf.

The Board of Inquiry acknowledges that over time, existing capability and capacity within services to deliver this type of coordination, navigation and advocacy function has eroded due to demand pressures and workforce constraints. While parts of this function still exist — such as the counsellor advocates role in specialist sexual assault services — the capability to deliver the broader function has diminished across services. The Board of Inquiry therefore recommends that the Victorian Government undertake the following steps to design and implement the new function:

- As a starting point, work in consultation with service providers, victim-survivors and peak bodies to design the function, including identifying the contemporary capabilities and skills needed to successfully deliver the function within current system settings.
- Identify appropriate existing services (or if necessary, introduce a new stand-alone service) that have the right skills, expertise and capabilities to deliver the function.
- In consultation with stakeholders, develop and deliver appropriate training to these services that would grow and embed capability to deliver the new function successfully.
- Trial the function and evaluate how effective the function is over time for adult victim-survivors of child sexual abuse in schools. If the function is providing positive outcomes for victim-survivors, the Board of Inquiry considers that there could be merit in the Victorian Government exploring opportunities to expand the offering to other cohorts (noting the value of such a function for wider cohorts has already been evidenced in previous reviews).

The Board of Inquiry is not in a position to recommend the specific service provider that would be responsible for delivering the function, given the specific capabilities and skills needed to deliver the function have yet to be designed. The Victorian Government should explore which services already have some existing capability and skills that could be used to deliver the function. For example, specialist sexual assault services already provide counsellor advocates.<sup>274</sup> Similarly, some services funded to deliver the Victims Assistance Program (VAP) may also have some of the capability and expertise necessary to deliver the function. While unable to recommend a specific provider, the Board of Inquiry considers that the function should be designed in line with the following minimum features:

- The service delivering the support should be appropriately trained and skilled in working with adult victim-survivors of child sexual abuse in a trauma-informed way, and have a deep, broad and technical understanding of what service offerings are available, how they meet people's needs, and how to move between and around services and systems.

- The chosen service also needs to be recognised and respected by other services and systems in order for the function to be able to successfully provide advocacy, liaison and referral support when required.
- Victim-survivors should be able to refer themselves to the function. Other agencies or services should also be able to refer people to the function.
- Victim-survivors should be able to easily re-engage with the function over their life course if symptoms of their trauma re-emerge, enabling them to quickly and easily seek necessary supports. The Board of Inquiry acknowledges that this does not mean a victim-survivor would be able to re-engage with the same staff member every time, but would have a single service they could contact when their needs change.
- The function should not duplicate work already undertaken by existing services, such as the VAP's role in helping people to navigate justice pathways; rather, it should collaborate with existing services to better coordinate the support provided by services and systems.
- The function should be located within a service or services where people are most likely to engage early. Access should not be conditional on a person using that service for any other support. Consideration should be given to offering the function through a range of different services to provide diverse access points.
- The function should be independent from formal reporting mechanisms for the investigation of sexual abuse.

In designing the model, the Board of Inquiry considers it would be beneficial for the Victorian Government to consider the features of similar proposed models canvassed in the VLRC report.<sup>275</sup>

#### **STRENGTHENING COLLABORATION AT THE SAME TIME**

To ensure the coordination, navigation and advocacy function is as effective as possible, the Board of Inquiry notes that successful collaboration and coordination between support services and systems is also essential.

Some reforms have already been implemented or have been recommended to help improve service collaboration. For example, in response to the Royal Commission into Victoria's Mental Health System, the Victorian Government has introduced new guidance for Victorian mental health and wellbeing and alcohol and other drug services to ensure coordinated treatment, care and support for people with co-occurring mental illness and substance use or addiction.<sup>276</sup> The model is based on the 'no wrong door' principle discussed above.<sup>277</sup>

The DFFH's evidence during the public hearings was that it is also addressing challenges the specialist sexual assault sector and the community services sector have collaborated with each other by 'doing some work to strengthen partnerships across sexual assault services and disability services, multicultural services and LGBTIQ[A+] services'.<sup>278</sup> Sexual Assault Services Victoria recommended to the Board of Inquiry that the Victorian Government also fund a collaborative project between sexual assault support services and services in the mental health and alcohol and drug sectors.<sup>279</sup>

The DFFH also gave evidence that a new multidisciplinary centre in Shepparton was scheduled to be opened in December 2023.<sup>280</sup> While the VLRC report found that multidisciplinary centres are achieving their aims, it also noted that there are opportunities for further improvements and that they should not be the only collaborative model used.<sup>281</sup>

The VLRC report also found that, in general, collaboration between services responding to sexual violence could be improved.<sup>282</sup> It recommended several ways to improve coordination and collaboration across the system. This included conducting an independent review of collaboration between those working to respond to sexual violence and a statewide, multi-agency protocol for responding to sexual violence.<sup>283</sup> The Board of Inquiry understands these recommendations have not yet been implemented.

The Board of Inquiry agrees that an independent review of collaboration, as recommended in the VLRC report, is needed. The Board of Inquiry also supports the introduction of multi-agency protocols to improve service connectivity and collaboration across the service systems responding to sexual violence, including institutional child sexual abuse.

The Board of Inquiry considers that conducting a review and introducing multi-agency protocols would help improve referral processes, clarify roles and responsibilities, and identify and address gaps in responsibility, all of which could also help to improve the navigability of services over time.

## Improving service responses for adult victim-survivors of child sexual abuse

The Board of Inquiry has identified two areas where service responses for adult victim-survivors of child sexual abuse can be improved in the short term, while larger-scale systemic reform is underway.

First, it is important to resolve the lack of formalised peer support for adult victim-survivors of child sexual abuse outlined in Chapter 17. As explained in that Chapter, peer support groups that allow people to connect with others who have gone through similar experiences help people to heal or seek further support. Dr Tucci gave evidence that while there is power in peer support groups being self-generated, integrating them into the service system could ensure that they are better resourced.<sup>284</sup>

Formalised peer support models have already been introduced in at least one other jurisdiction. The Survivors & Mates Support Network (SAMSN) is a peer support model based in New South Wales that provides support for male victim-survivors of child sexual abuse. SAMSN provides professionally facilitated peer-to-peer connection through eight-week support groups, as well as a Peer Support Line through which victim-survivors can ‘talk to a mate who can relate’.<sup>285</sup> Participants in the Lived Experience Roundtable spoke positively about SAMSN’s model.<sup>286</sup>

A victim-survivor told the Board of Inquiry that they would like to see the establishment of peer support groups for female victim-survivors who have experienced historic child sexual abuse at school.<sup>287</sup>

The Board of Inquiry considers that peer support programs are a significant form of support for many adult victim-survivors of child sexual abuse. Introducing a more formalised peer support program for this cohort in Victoria would be likely to provide victim-survivors with more targeted support that directly addresses some of their needs.

Further, the Board of Inquiry considers that there are two opportunities to improve some victim-survivors’ ability to access specialist sexual assault services in a timely way. The first of these is developing a consistent approach to the ways in which adult victim-survivors of child sexual abuse can access specialist sexual assault services in a timely way, based on their needs.

The second of these opportunities is reviewing and updating public information about specialist sexual assault services to grow awareness that these services are available and responsive to all genders. As discussed, while specialist sexual assault services are already inclusive and responsive to all genders, they are not always visible to, or seen as appropriate by, male victim-survivors. This is particularly important in view of the significant cohort of older men in Australia who report having experienced sexual abuse as a child in an institution.<sup>288</sup>

During the Government Roundtable, State representatives noted that updating the public-facing material of sexual assault services could facilitate better communication about what the services deliver and how they respond to diverse communities, including men.<sup>289</sup> A participant in a Services Roundtable similarly highlighted that services could provide clearer information to communicate that their services are also available for men, but that this would require resourcing.<sup>290</sup>

### Recommendation 8: A targeted program of work to improve service responses

The Board of Inquiry recommends the Victorian Government design and implement a targeted program of work to improve service responses to adult victim-survivors of child sexual abuse. This includes:

- in consultation with victim-survivors, designing, developing and implementing a formal peer support program for adult victim-survivors of child sexual abuse
- in consultation with sexual assault support services and Sexual Assault Services Victoria, develop a consistent approach to how adult victim-survivors of child sexual abuse may access sexual assault support services in a timely way
- reviewing and updating public-facing information of sexual assault support services to grow awareness that services are available for and responsive to people of all genders.

## Components of implementation

### A FORMAL PEER SUPPORT PROGRAM

The peer support program should be co-designed with adult victim-survivors of child sexual abuse to make sure it meets their needs. The program should be:

- available and accessible to people in multiple locations across Victoria, noting that victim-survivors may live regionally
- accessible in person or online, as informed by the needs of victim-survivors
- inclusive and providing support options that meet the diverse needs of victim-survivors. The program should be developed with clear eligibility guidelines that consider and cater for cohort needs. For example, some victim-survivors may benefit from gender-specific peer support options, or from groups that allow them to engage with others who have experienced child sexual abuse in similar settings or ways. The Board of Inquiry has therefore not limited the recommendation to victim-survivors of historical sexual abuse in government schools only.

- developed and implemented in a way that is trauma-informed, safe and is appropriately connected to and overseen by clinical professionals who can offer therapeutic guidance and provide education, advice and to support to peer groups as needed
- facilitated by peer leaders who have been supported to access trauma-informed training and peer facilitation training to ensure they have the capability and confidence to safely lead the program.

The Board of Inquiry notes that there are several peer support models already in existence that could inform the design of a Victorian peer support program. This includes SAMSN, as discussed above, and The Survivor Hub. These programs provide peer support for people impacted by sexual abuse in Sydney. Any implementation of similar models should be informed by evaluations of such programs.

#### **IMPROVED ACCESS TO SPECIALIST SEXUAL ASSAULT SERVICES**

The Victorian Government should examine how long adult victim-survivors of child sexual abuse are currently waiting to access specialist sexual assault services, in order to:

- understand what barriers or challenges might be preventing victim-survivors from receiving support in a timely way
- identify opportunities and solutions to ensure that adult victim-survivors of child sexual abuse can access sexual assault service supports when they need them.

Solutions should be designed in consultation with Sexual Assault Services Victoria and specialist sexual assault services so that a consistent approach to how victim-survivors access these services is implemented — and in a way that does not disadvantage other cohorts.

In developing the solutions, the Board of Inquiry considers that it is appropriate and necessary for adult victim-survivors to have to wait for a reasonable period of time to access a service if they are not in crisis. However, no-one should have to wait for long periods of time even if they are ‘coping’, as quick responses might mean a person does not experience a crisis in the first place. During any waiting period, victim-survivors should be provided with a ‘holding service’ that can provide a quick check-in or referrals to other relevant services, so they are not left waiting on their own for the entire period of time.

#### **GENDER-INCLUSIVE PUBLIC FACING INFORMATION**

To ensure specialist sexual assault services are readily recognisable as gender-inclusive and to mitigate any perceptions that services are for women only, existing public-facing information, such as colour palettes, logos, language and imagery, should be reviewed and amended. Changes need not be made to the names of existing services.

This work should be accompanied by raising awareness — including in organisations that provide referrals to specialist sexual assault services — aimed at increasing understanding of the supports these services can provide to people of all genders.

The work should also extend to online information, including the information on the DFFH’s website, and the Victorian Government should work with Sexual Assault Services Victoria to ensure that any public material it produces about support services has gender-neutral information, language and branding.

The Board of Inquiry was told about at least one specialist sexual assault service that has positioned itself to be responsive to men through language changes, and that as a result the service has seen more male victim-survivors access its supports.<sup>291</sup> The Board of Inquiry considers this a positive step and believes there is merit in ensuring that all specialist sexual assault services adopt a consistent approach to language that is gender-inclusive.

The information and evidence received by the Board of Inquiry suggests that all adult victim-survivors of child sexual abuse would benefit from improved access to specialist sexual assault services and gender-inclusive public-facing information. The Board of Inquiry has therefore not limited the recommendation to victim-survivors of historical sexual abuse in government schools only.

## Ensuring a joined-up and strategic approach to implementation

### Additional funding to enable implementation

As discussed in Chapter 17 and further reiterated in this Chapter, services are facing significant capacity challenges which are leaving them stretched and struggling to meet growing demand for supports.

In line with the Order in Council, the Board of Inquiry's report aims to help develop a shared understanding, among all Victorians, of the impact of that historical child sexual abuse on victim-survivors, secondary victims, affected communities, and society.<sup>292</sup> To do this, it raises awareness about the issue of historical child sexual abuse in government schools, and also discusses the available support services available to victim-survivors. It is highly likely that services would experience a demand peak as a result of the Board of Inquiry's work, and the associated public commentary.

Further, the Board of Inquiry anticipates that specialist sexual assault services would experience additional time-limited demand peaks as a direct result of its recommendations, if implemented. This includes:

- introduction of a statewide truth-telling and accountability process that would likely see new waves of victim-survivors coming forward to access support for the first time or again
- more victim-survivors assisted to access support services as a result of the new online information and assistance hub and the coordination, navigation and advocacy function
- new protocols between the Department and the DFFH to help victim-survivors receive timely access to specialist sexual assault support services once referred
- improved awareness of the inclusivity of specialist sexual assault services for all genders.

The Board of Inquiry does not think it is appropriate or possible to expect existing services to provide these new functions or meet increased demand within their current budgets. To do so would be likely to result in unsuccessful implementation, see more people referred to specialist sexual assault services with six- to 12-month waitlists, or the redirection of resources away from other critical and important support offerings to enable implementation. The Board of Inquiry is of the view that additional funding is needed to implement services and make sure that services have the capacity to respond to the associated demand peaks.



## Strong oversight and governance

The Board of Inquiry is aware that its recommendations, if implemented, would be introduced into an already complex system.

To avoid fragmentation, and to ensure collaboration and coordination of effort, the Board of Inquiry sees merit in establishing a governance mechanism to oversee implementation of recommendations or using an existing mechanism for that purpose. This governance mechanism could include all departments and agencies responsible for implementing the various components of the recommendations. It would be responsible for:

- developing a strategic roadmap to ensure that reforms are implemented in a joined-up way, that their implementation is properly sequenced and that collaboration in the service system is strengthened
- developing a service and system implementation plan, in consultation with relevant services, to ensure implementation does not inadvertently cause service challenges for adult victim-survivors of child sexual abuse in government schools or other cohorts.

The governance mechanism could also be responsible for:

- designing and implementing a work program
- ensuring that service improvements are informed by reform directions and improvements happening across service systems more broadly, and are integrated with these reform plans where appropriate.

## Protection of personal information

Throughout its work, the Board of Inquiry has committed to conducting itself in way that is inclusive and sensitive to the trauma that is associated with child sexual abuse. In doing so, it has endeavoured to place the needs and preferences of victim-survivors at the centre of its work, while complying with its procedural fairness obligations.

The choice and control of victim-survivors, secondary victims, affected community members, and organisations who chose to engage with the Board of Inquiry was paramount to how personal information provided to the Board of Inquiry was treated. These participants could choose to have their information treated confidentially, anonymously or publicly. The Board of Inquiry respected those preferences, including in its public hearings and report.

This was an important feature of the Board of Inquiry's conduct — some victim-survivors were disclosing child sexual abuse for the first time in their lives, others were involved in criminal and civil proceedings or may be in the future; all were sharing deeply personal information. Choice and control over how personal information was shared supported individuals to engage with the Board of Inquiry in a safe, open and trauma-informed way. The information provided was fundamental to the Board of Inquiry's work.

Treatment of information was also important in relation to the Board of Inquiry's procedural fairness obligations, noting that the Board of Inquiry received information about the alleged perpetrators which has not been legally tested in court.

As explored in Chapter 2, Operations, since its establishment the Board of Inquiry has been mindful of decommissioning the inquiry in a considered way. Importantly, this includes how personal information shared with the Board of Inquiry is managed after the inquiry ends.

Some of the records held by the Board of Inquiry are subject to restricted publication orders it made under section 73 of the *Inquiries Act 2014 (Vic)* (Inquiries Act). As explained in Chapter 1, Establishment and approach, these orders limit the publication of information that could identify victim-survivors or alleged perpetrators. The Board of Inquiry expects these orders will continue to have effect after it ceases to exist, although these orders will only apply in accordance with their terms.

In considering its decommissioning approach, the Board of Inquiry was aware of a gap in current legislation that may be relevant to how its information is treated after the inquiry ends.

For example, at the conclusion of the Board of Inquiry, its records will transfer to the Department of Premier and Cabinet and then onto the Public Record Office Victoria for archiving.<sup>293</sup> At that time, relevant ministers may declare the records to be ‘closed’ from general public access for certain reasons, including that the records contain matters of such a private or personal nature that they should not be open for public inspection.<sup>294</sup> In practice, the most sensitive records are closed for periods of 75 to 99 years.<sup>295</sup>

Despite this, the Board of Inquiry’s transferred records will be subject to the *Freedom of Information Act 1982 (Vic)* and accordingly may be requested by, and in certain circumstances released to, the public (subject to the provisions of that Act). While the Board of Inquiry expects that some of its records may be withheld from release on the basis of relevant exemptions, these decisions will be made by the Victorian Government (not the Board of Inquiry).

While section 80 of the Inquiries Act prevents certain uses of information provided to the Board of Inquiry in criminal and civil proceedings, questions arise in relation to the scope of section 80,<sup>296</sup> including the ways in which the information may still be permissibly used (for example, informing the development of a defence to a proceeding). Further, section 80 does not preclude access to the information, including under the Freedom of Information Act.<sup>297</sup>

Other inquiries established under the Inquiries Act have also identified the need for legislative reform, including the Yoorrook Justice Commission. The Yoorrook Justice Commission found that there is no mechanism for it to guarantee the information shared with it will be kept confidential once it finishes its work.<sup>298</sup> The Yoorrook Justice Commission recommended that, by 29 February 2024, the Victorian Government create new statutory protections for public records that ensure that information shared on a confidential basis remains confidential for a minimum of 99 years once they are transferred to the Victorian Government.<sup>299</sup>

While the gaps in current legislation are small, and while the Board of Inquiry considers the risk of confidential and anonymous information being released to be remote, this is a risk that should not exist.

Similar concerns were raised at the Commonwealth level in relation to the treatment of information in national commissions, inquiries and truth-telling processes. In response, the *Royal Commissions Amendment (Enhancing Engagement) Act 2023 (Cth)* was introduced to ensure that personal or confidential information disclosed to royal commissions is protected after the life of a commission. This includes exempting documents received from a royal commission from the Commonwealth’s freedom of information legislation.<sup>300</sup>

The Board of Inquiry has consulted at length with the Victorian Government, the future custodian of its records once the Board of Inquiry ceases to exist, to ensure as far as possible under Victorian law that the preferences of those who provided personal information to the Board of Inquiry are respected. This seeks to ensure that personal information that is confidential, anonymous or sensitive remains confidential. In February 2024, the Chair wrote to the Premier, The Hon Jacinta Allan MP, outlining these matters.

The Board of Inquiry recommends legislative reform to the *Inquiries Act* to ensure that personal information that an inquiry identifies as confidential, anonymous or sensitive and is transferred to the Victorian Government, remains confidential for a minimum of 99 years after the records are transferred to it.

Given the Board of Inquiry's recommendation relates to all future Victorian inquiries, the precise scope of application of such a mechanism would be a matter for the Victorian Government to consider in the design of any legislative reform. In this Board of Inquiry, personal information that is sensitive included, for example, information that may prejudice a criminal or civil proceeding. In designing any legislative reform, the Victorian Government would also need to balance the benefits of such a mechanism with maintaining appropriate accountability, transparency and scrutiny of inquiries themselves.

This legislative amendment should apply to all Victorian inquiries and should be applied retrospectively to this Board of Inquiry's records (without affecting the continued application of any restricted publication orders made by the Board of Inquiry). This would ensure that all future inquiries, especially those with a truth-telling focus, can uphold the needs, preferences and choices of participants and all people are empowered to safely share their experiences.

### **Recommendation 9: Legislative reform to ensure the enduring protection of personal information provided to boards of inquiry**

The Board of Inquiry recommends the Victorian Government amend the *Inquiries Act 2014* (Vic) to ensure that personal information identified by the relevant board of inquiry as confidential, anonymous or sensitive:

- is kept confidential for a minimum of 99 years following the end of a board of inquiry
- be exempted from the application of the *Freedom of Information Act 1982* (Vic) for a minimum of 99 years following the end of a board of inquiry.

These changes should apply retrospectively to this Board of Inquiry.

## Conclusion

The Board of Inquiry has heard extraordinary stories of resilience in the face of child sexual abuse and recovery from the damaging effects of this abuse. However, it is clear that many victim-survivors continue to suffer in silence or fail to be provided with the support and acknowledgement they deserve.

The Board of Inquiry was established — in part — to begin a process of healing. It worked to contribute to this by ensuring that victim-survivors, secondary victims and affected community members experienced its own processes and people as validating and compassionate. The Board of Inquiry has been heartened by those who have recognised these efforts and found them thoughtful, affirming or empowering.

However, healing is a long journey for many. People who shared their experiences with the Board of Inquiry are at different stages of this journey. The recommendations set out in this Chapter are intended to ensure that they — alongside other victim-survivors of child sexual abuse — can continue to move towards a life that is not defined by the sexual abuse they experienced.

Initiatives aimed at acknowledging the prevalence and impact of child sexual abuse in government schools, and accepting accountability for the harm done, are critical. However, these initiatives must be accompanied by a support services system that is equipped to respond to the unique needs of these adult victim-survivors of child sexual abuse as they process their experiences and reclaim their hope for the future.

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PART E

# Appendices



# Appendix A

## Order in Council

### Inquiries Act 2014

#### APPOINTMENT OF A BOARD OF INQUIRY INTO HISTORICAL CHILD SEXUAL ABUSE IN BEAUMARIS PRIMARY SCHOOL AND CERTAIN OTHER GOVERNMENT SCHOOLS

#### Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council, on the recommendation of the Premier under section 53(1) of the **Inquiries Act 2014**, appoints Kathleen Foley SC to constitute a Board of Inquiry to inquire into, report on and make any recommendations considered appropriate in relation to the terms of reference specified in this Order.

This Order comes into effect on the date it is published in the Government Gazette.

#### 1. BACKGROUND

- a) The **Victorian Charter of Human Rights and Responsibilities Act 2006** (the Charter) recognises that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. All forms of child sexual abuse are a gross violation of a child's right to this protection.
- b) The State is committed to the protection of all children and to uphold the rights of every child under the Charter and this commitment is demonstrated through the framework of the Child Safe Standards made under the **Child Wellbeing and Safety Act 2005**.
- c) The Victorian Government acknowledges the substantial work undertaken by the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse and the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations. The Victorian Government continues to take action to implement recommendations made by the Commonwealth Royal Commission, including the recommendations made regarding schools.
- d) The Victorian Government and its schools share a commitment to, and responsibility for, the learning and development of children and young people. All government school staff have a duty of care to take reasonable steps to protect children in their care from harm. However, the State recognises that some government schools have failed to protect children attending government schools from child sexual abuse, and this inquiry is being established as a mechanism for victim-survivors to speak to their experiences and also to document the experiences of such abuse.
- e) The Victorian Government acknowledges that at times there was child sexual abuse involving multiple teachers who allegedly harmed multiple victim-survivors in Beaumaris Primary School during the 1960s and 1970s, and that these relevant employees worked and allegedly perpetrated abuse towards students in other government schools. Given the egregious nature of such circumstances, the Victorian Government has determined these circumstances should be the subject of this Board of Inquiry, as detailed in its terms of reference below.

- f) The Victorian Government acknowledges that any child sexual abuse is a serious crime and that this criminal activity has occurred in many different circumstances in the Victorian community, including schools. This inquiry will not specifically examine historical child sexual abuse in other contexts or inquire into or investigate generally allegations of sexual abuse in government or other schools or settings. The Government recognises and acknowledges those who have suffered such abuse in other contexts. The Government otherwise encourages those who have not previously raised allegations of sexual abuse to approach and report the abuse to Victoria Police.

## **2. OBJECTIVES**

The objectives of this Board of Inquiry are to:

- a) Establish an official public record of victim-survivors' experiences of historical child sexual abuse by relevant employees in Beaumaris Primary School and by the same relevant employees at other government schools;
- b) Develop a shared understanding, among all Victorians, of the impact of that historical child sexual abuse on victim-survivors, secondary victims, affected communities, and society;
- c) Support the healing of the affected victim-survivors, secondary victims, and affected communities;
- d) Reiterate the State's commitment that such abuse must not happen again;
- e) Review the effectiveness of support services that are provided to support victim-survivors of historical child sexual abuse in government schools;
- f) Understanding that some time has passed since the historical child sexual abuse, review the Department of Education's knowledge and response to any of the abuse at or around the time of the abuse.

## **3. TERMS OF REFERENCE**

Having regard to the objectives set out above, you are required to inquire into, report on and make any recommendations considered appropriate in relation to the following terms of reference:

- a) The experiences of victim-survivors of historical child sexual abuse who were abused by a relevant employee at Beaumaris Primary School during the 1960s and/or 1970s;
- b) The experiences of victim-survivors of historical child sexual abuse who were abused by a relevant employee in any other government school;
- c) The response of the Department of Education in relation to the historical child sexual abuse described in clauses (3)(a) and (b) above, including the Department of Education and its officers' state of knowledge and any actions it took or failed to take at or around the time of the abuse;
- d) Appropriate ways to support healing for affected victim-survivors, secondary victims and affected communities including, for example, the form of a formal apology, memorialisation or other activities;



- e) Having regard to other inquiries and reforms that have taken place since the historical child sexual abuse occurred, whether there are effective support services for victim-survivors of historical child sexual abuse in government schools;
- f) Any other matters related to these Terms of Reference necessary to satisfactorily inquire into or address the Terms of Reference.

#### 1. Reporting dates

You must report your findings and any recommendations to the Governor as soon as possible, and not later than 28 February 2024.

#### 2. Conducting the inquiry

Without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, you are directed to:

- a) Conduct your inquiry as you consider appropriate, subject to the requirements of procedural fairness, including by adopting any informal and flexible procedures and practices;
- b) Provide a safe, accessible, supportive and culturally safe forum for victims-survivors and secondary victims to participate in the inquiry, including accommodating their choices in how they wish to participate in the inquiry, while recognising that some people may not wish to share their experiences;
- c) Provide sensitive, culturally safe and appropriate trauma informed outreach, mental health and counselling supports for victim-survivors and secondary victims. For any person who approaches the inquiry and wishes to be heard but whose story is not within the scope of clause 3(a) or (b) above, direct the person to an appropriate external mental health, counselling or support service;
- d) Have regard to the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- e) Have regard to the findings and recommendations of previous relevant reports and inquiries, including the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse and the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, including any implementation of recommendations directed to supporting victim-survivors of historical child sexual abuse;
- f) Regularly communicate with the Victorian community on the progress and conduct of your inquiry;
- g) Have regard to the desirability of conducting your inquiry without unnecessary cost or delay; and
- h) Conduct your inquiry in accordance with this Order, the **Inquiries Act 2014**, and all other relevant laws.

The following matters are outside the scope of your inquiry and you should not inquire into:

- a) The response of the State (including the Department of Education and its staff) to any complaints, legal proceedings or legal claims in relation to incidents of historical child sexual abuse in a government school, except insofar as the inquiry may establish a factual record of the state of knowledge of the Department of Education and its staff and the actions taken or not taken by the Department and its staff at or around the time of the historical child sexual abuse referred to in clauses 3(a) and (b) above; and
- b) Compensation and/or redress arrangements, including settlement of any civil claims, for victim-survivors of historical child sexual abuse.

### 3. Definitions

In these terms of reference, for the purpose of this inquiry:

**child** – means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

**Department of Education** – means the Department with primary responsibility for the employment of teachers in government schools at the relevant time, including the current Department of Education’s predecessors over time.

**government school** – has the same meaning as ‘Government school’ in the *Education and Training Reform Act 2006* but excludes schools that were historically attached to orphanages or group homes.

**historical child sexual abuse** – means sexual abuse of a child in a government school by a staff member employed by the Department of Education in a government school, where that abuse occurred on or prior to 31 December 1999.

**in a government school** – means in a government school context. Child sexual abuse happened in a government school context if, for example:

- a) it happened on the premises of a government school, where activities of that school took place, or in connection with the activities of that school; or
- b) it was engaged in by a relevant employee in circumstances (including circumstances involving settings not directly controlled by the government school) where you consider that the government school had, or its activities had, created, facilitated, increased, or in any way contributed to (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk.

**relevant employee** – means a teacher or other government school employee or contractor who sexually abused a student at Beaumaris Primary School during the 1960s or 1970s.

**secondary victim** – means a person who is affected by the abuse perpetrated against

the primary victim-survivor. For example, secondary victims can include partners, children, parents, siblings and extended family.

4. Exercise of powers

You may exercise the powers of a Board of Inquiry in accordance with the **Inquiries Act 2014**.

You may engage one or more Australian legal practitioners to assist the Board as counsel.

5. Expenses and Financial Obligations

You are authorised to incur expenses and financial obligations to be met from the Consolidated Fund up to \$4,500,000 in conducting this Inquiry.

27 JUN 2023

Dated:

Responsible Minister:

**The Hon Daniel Andrews MP**  
**Premier**



Clerk of the Executive Council

## Appendix B

# Amended Terms of Reference

### Inquiries Act 2014

#### AMENDED TERMS OF REFERENCE FOR THE BOARD OF INQUIRY INTO HISTORICAL CHILD SEXUAL ABUSE IN BEAUMARIS PRIMARY SCHOOL AND CERTAIN OTHER GOVERNMENT SCHOOLS

#### ORDER IN COUNCIL

The Governor in Council on the recommendation of the Premier under section 53 of the **Inquiries Act 2014** amends Order in Council dated 27 June 2023 establishing the Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools by:

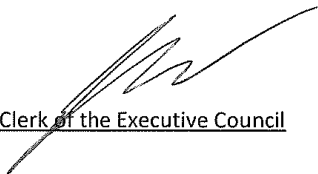
1. for the word "\$4,500,000" under the heading "5. Expenses and Financial Obligations" substituting "\$5,400,000".

This Order comes into effect on the date it is published in the Government Gazette.

Dated: 30 JAN 2024

Responsible Minister:

Hon Jacinta Allan MP  
Premier

  
Clerk of the Executive Council

# Appendix C

## Glossary

Term	Definition
advocacy	A wide range of activities to promote, protect and defend victim-survivors' human rights and their rights to services and information. It may involve assisting victim-survivors to express their own needs, access information, understand their options and make informed decisions.
alleged perpetrator	The term used in this report to refer to a person who has been accused of committing an act of child sexual abuse, regardless of whether they have been charged or convicted.
brief intervention care	A model of defined and time-limited therapeutic intervention that supports victim-survivors and their families, friends and loved ones through the process of sharing their story and re-living the experiences of child sexual abuse.
certain other government schools	Victorian government schools where relevant employees of Beaumaris Primary School also worked and allegedly perpetrated child sexual abuse.
child	Defined in the Terms of Reference to mean 'a child within the meaning of the [United Nations] Convention on the Rights of the Child of 20 November 1989'. This definition includes every human being below the age of 18 years unless, under the law applicable to the child, they attain majority earlier.
child protection	Defined by the United Nations as 'above all ... protecting [children's] physical, mental and psychosocial needs to safeguard their futures'.
child safety	Defined in the Victorian Child Safe Standards as 'matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse and responding to suspicions, incidents, disclosures or allegations of child abuse'.
child sexual abuse	Any act that exposes a child to, or involves a child in, sexual processes beyond their understanding or contrary to accepted community standards. Sexually abusive behaviours can include the touching of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, the touching of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in child exploitation material. It includes grooming, which is defined below.
complaint	<p>The term used in this report to mean any disclosures made to an institution related to child sexual abuse in a government school context. It also includes any allegation, suspicion, concern or report of a breach of an institution's code of conduct.</p> <p>A complaint may be made about an adult allegedly perpetrating child sexual abuse. A complaint may also be made as a result of observations, including observations of behavioural indicators; for example, a child exhibiting harmful sexual behaviours.</p> <p>An institution may receive a complaint:</p> <ul style="list-style-type: none"> <li>• directly or through a redress scheme</li> <li>• from anyone; for example, a child victim-survivor, an adult victim-survivor, a parent, a trusted adult, an independent support person, a staff member, a volunteer or a community member.</li> </ul> <p>A complaint can be made in writing or verbally, and may become a 'report' to an external authority or agency.</p>
culturally appropriate	A term used to describe an approach to policy, intervention, service delivery and inter-group interaction that is based on the positive acceptance of the cultural values and expectations of a particular cohort.
culturally diverse	A term used to describe diversity within a population. In this report, it is used in reference to the diversity of the Victorian population, and to acknowledge that culture and language can influence people's needs and their access to support services that meet those needs.
culturally safe	A term used to describe an environment that is safe for people, where there is no assault against a person, and no challenge to or denial of a person's identity, who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning, living and working together with dignity, and truly listening.

Term	Definition
Department of Education	Defined in the Terms of Reference to mean ‘the Department with primary responsibility for the employment of teachers in government schools at the relevant time, including the current Department of Education’s predecessors over time’.
disciplinary offences	May be seen to constitute any act (or omission) involving a breach of discipline under an Act, code of conduct, workplace policy or other regulation. A disciplinary offence is usually concerned with a person’s fitness for employment and, in determining how to punish an individual’s behaviour, non-criminal sanctions may be considered.
disclosure	<p>A process by which a child conveys or attempts to convey that they are being or have been sexually abused, or by which an adult conveys or attempts to convey that they were sexually abused as a child. Disclosure may take many forms, and may be verbal or non-verbal. Non-verbal disclosures are more common among young children and children with cognitive or communication impairments. Non-verbal disclosures may include painting or drawing, or gesticulating. Children in particular may disclose sexual abuse through emotional or behavioural changes, such as heightened anxiety, withdrawal or aggression.</p> <p>Disclosures can be intentional or accidental, partial or complete, and they might be prompted by questions from another person or triggered by a memory of child sexual abuse. A disclosure may also become a ‘complaint’ when made to an institution or a ‘report’ when made to an external authority or agency.</p>
experience	A person’s account or recollection of their experience of child sexual abuse and the impact of their experience of child sexual abuse.
government school	Defined in the Terms of Reference as having ‘the same meaning as “Government school” in the Education Training and Reform Act 2006 but exclud[ing] schools that historically were attached to orphanages and group homes’.
grooming	Behaviours that manipulate and control a child, their family, their communities or institutions with the intent of gaining access to the child, obtaining the child’s compliance, maintaining the child’s silence and avoiding discovery of the sexual abuse.
historical child sexual abuse	Defined in the Terms of Reference to mean ‘sexual abuse of a child in a government school by a staff member employed by the Department of Education in a government school, where that abuse occurred prior to 31 December 1999’.
impact	The physical, emotional, psychological, social and economic consequences that child sexual abuse has had and may continue to have on a person, their family, their friends and the wider community.
offender	The term used in this report to refer to a person who has been convicted of committing a criminal offence relating to child sexual abuse.
officer	When used in the context of ‘the Department of Education and its officers’ state of knowledge’ in the Terms of Reference, refers to a person employed or engaged in, or appointed to, a position in the Department of Education, whether on an ongoing basis or otherwise, and includes (without limitation) teachers, principals, inspectors, supervisors and lecturers.
organisational culture	The assumptions, values, beliefs and norms that distinguish appropriate from inappropriate attitudes and behaviours demonstrated by people within an organisation (for example, teacher and student attitudes and behaviour in a school).
prep	The first year of primary school.
relevant employee	Defined in the Terms of Reference to mean ‘a teacher or other government school employee or contractor who sexually abused a student at Beaumaris Primary School during the 1960s or 1970s’. The Board of Inquiry found that six individuals fell within the definition of ‘relevant employee’.
report (of child sexual abuse)	Where concerns relating to child sexual abuse are notified to an authority or agency external to the relevant institution; for example, where a person or institution notifies the police, a child protection agency, an oversight agency or a professional or registration authority.
secondary victim	Defined in the Terms of Reference to mean ‘a person who has been affected by the abuse perpetrated against the primary victim-survivor’. A secondary victim may include partners, children, parents, siblings or extended family. A person who witnessed the child sexual abuse may also be a secondary victim.

Term	Definition
sexual assault	Any behaviour of a sexual nature that makes someone feel uncomfortable, frightened, intimidated or threatened. It is sexual behaviour that someone has not consented to. It does not always include physical harm.
support	Emotional and practical assistance provided to victim-survivors to reduce their feelings of isolation, and promote connections and trusted relationships to aid in healing and recovery.
support service	A service that provides advocacy, support or therapeutic treatment.
therapeutic treatment	An overarching term covering a range of evidence-informed interventions that address the psychosocial impacts of child sexual abuse. Therapeutic treatments seek to improve victim-survivors' physical, psychological and emotional wellbeing, and to enhance their quality of life.
trauma-informed approach	An approach to work that is centred on the needs of victim-survivors. The approach emphasises psychological, cultural and physical safety, and is underpinned by six internationally recognised principles: <ul style="list-style-type: none"> <li>• safety</li> <li>• trustworthiness and transparency</li> <li>• peer support</li> <li>• collaboration and mutuality</li> <li>• empowerment, voice and choice</li> <li>• cultural, historical and gender issues.</li> </ul>
victim-survivor	The term used in this report to refer to a person who identifies as having experienced child sexual abuse.  In line with a trauma-informed approach, the Board of Inquiry acknowledges that individuals have the right to define their identity and that some may consider the terms 'victim' and 'survivor' to exist on a continuum of recovery. The Board of Inquiry also recognises that some people may not identify with either of these terms.

## Appendix D

### Acronyms

Acronym	Full meaning
AC	Companion of the Order of Australia
ACCO	Aboriginal Community Controlled Organisation
ACMS	Australian Child Maltreatment Study
ALRC	Australian Law Reform Commission
AM	Member of the Order of Australia
AO	Officer of the Order of Australia
CASA	Centre Against Sexual Assault
CPC	Counselling and Psychological Care
DFFH	Department of Families, Fairness and Housing
DJCS	Department of Justice and Community Safety
DPR	Direct Personal Response
FOI	Freedom of Information
FVRJ	Family Violence Restorative Justice service, Department of Justice and Community Safety
KC	King's Counsel
LGBTIQA+	Lesbian, gay, bisexual, trans and gender diverse, intersex, queer and asexual
MP	Member of Parliament
NOCS	National Office for Child Safety
OAM	Medal of the Order of Australia
PAL	Policy Advisory Library, Department of Education
PSM	Public Service Medal
PROV	Public Records Office Victoria
PTSD	Post-traumatic stress disorder
RSS	Redress Support Services
SAMHSA	Substance Abuse and Mental Health Services Administration
SAMSN	Survivors & Mates Support Network
SC	Senior Counsel
SECASA	South Eastern Centre Against Sexual Assault
UNESCO	United Nations Educational, Scientific and Cultural Organization
VACCHO	Victorian Aboriginal Community Controlled Health Organisation
VAP	Victims Assistance Program, Department of Justice and Community Safety
VIT	Victorian Institute of Teaching
VLRC	Victorian Law Reform Commission
VOCAT	Victims of Crime Assistance Tribunal



## Appendix E

### Private sessions

This appendix comprises the guide that was provided to participants who engaged in private sessions with the Board of Inquiry Chair or Counsel Assisting. An explanation of the private session process can be found in Chapter 1, Establishment and approach.

#### A guide to your private session

##### What is a private session?

A private session is a face-to-face or online meeting with a host from the Board of Inquiry where you can tell your story in a private and safe environment.

We will ask for your consent to record audio, so we can create a transcript that will help the work of the inquiry. We will also take notes during your session. You can decide if the information we gather is used anonymously or kept entirely confidential. You may also opt out of having your session audio recorded.

A private session usually runs for up to one hour.

##### Who will be there?

A private session will usually include the following people in the room:

- yourself
- any support person you bring (in addition to a legal representative)
- the host
- a Board of Inquiry staff member, who will take notes.

Counsellors will be available for you both before and after your private session if you wish to speak with them. Our schedule allows 10 minutes for a check-in before the session, and 45 minutes for a post-session debrief.

Please contact us if you require any further support.

##### Can I bring a support person?

Yes, you can bring a support person to your private session.

Your support person could be a family member or friend, in addition to your own counsellor or lawyer. They can come into the session or wait for you in a room close by.

If you decide to bring a support person into the room, their role will be to support you while you share your experiences with the host.

## What do I need to prepare?

Before you attend your private session, it can help to prepare and think through what you would like to talk about. It can also be helpful to think about what you do not want to talk about. The host may ask questions to prompt you to share your story, but you are not obligated to answer or speak about anything you do not want to discuss.

You might like to think about:

- what happened
- if and how you reported the abuse
- what the response to your report was
- whether you accessed any support services
- what has helped with your healing or would help you with it now.

## How can I share information with the Board of Inquiry?

You can choose to share information with the Board of Inquiry on the basis that it may be:

- **Public** — The information shared may be published, including the name of the individual, group or organisation.
- **Anonymous** — You can request to provide information anonymously or using a pseudonym (a made-up name). The Board of Inquiry will keep a record of your identity, but it will not name or identify you as being the source of any information that it decides to make public (including in its report).
- **Confidential** — You can request to provide some or all of your information confidentially. While your information will generally inform the Board of Inquiry's work, the Board of Inquiry will not publish or quote the confidential information (including in its report). The Board of Inquiry may still be required to disclose confidential information if it is required to do so by law.

## Can I bring documents with me?

Yes. If you have documents you would like to share with us, they can be provided prior to your session via email or you can bring them on the day.

Examples of supporting documents are:

- police statements
- letters
- school reports
- photographs.

If the documents are originals, copies will be made and the originals will be returned to you on the day of your private session. Electronic documents can be emailed to [contact@beaumarisinquiry.vic.gov.au](mailto:contact@beaumarisinquiry.vic.gov.au)

If you wish to speak to any lawyer you might have before bringing documents, you are welcome to do so. You also do not need to give us the documents on the day if you do not wish to do so. You are welcome to attend the session and decide afterwards if there are any documents you wish to provide.

## Information about your private session

### Where can I find details about my private session?

Please refer to the email that was sent to you titled 'Private session confirmation' for the date, time and location of your session. If you are unable to find the email or have further questions, please contact us via phone on (03) 8301 0102 or email [contact@beaumarisinquiry.vic.gov.au](mailto:contact@beaumarisinquiry.vic.gov.au).

### Private session rooms

Private sessions are held in a small room around an oval-shaped table. The room is intended to make you feel safe and comfortable as you share your story.

### What support is available to help me attend my private session?

If you need any financial assistance to travel to your private session, or for any other related expenses, please do not hesitate to contact us.

### What will happen when I arrive?

When you arrive, walk down the brick pathway and enter the elevator lobby through the main entrance. Take an elevator up to Level 9, and when you exit a Board of Inquiry staff member will be waiting to greet you.

Water, tea and coffee will be available for you.

## Contact us

If you have any questions at all about attending your private session or wish to discuss your specific needs, please contact us via phone on (03) 8301 0102 or by email on [contact@beaumarisinquiry.vic.gov.au](mailto:contact@beaumarisinquiry.vic.gov.au).

For more information about the inquiry, please visit our website: [beaumarisinquiry.vic.gov.au](http://beaumarisinquiry.vic.gov.au)

## Appendix F Submissions

The Board of Inquiry was open to receiving submissions from individuals and organisations encompassing all experiences, views and ideas within the scope of its Terms of Reference.

This appendix contains details of the submission process. This guidance was available on the Board of Inquiry's website to assist individuals and organisations in developing their submissions.

This appendix also contains the names of people who made public submissions, as well as a list of those professionals and organisations that made public submissions within scope of the inquiry. The Board of Inquiry is grateful to those who provided submissions, and acknowledges their generosity in sharing their experiences, knowledge and expertise. More information about submissions received by the Board of Inquiry can be found in Chapter 1, Establishment and approach.

### Submission process

Submissions could be any length and shared in any format, such as online, via mail, or in audio or audio-visual formats. For those uncertain about whether to share their experiences, they were guided to contact the Board of Inquiry.

Submissions could be made on a public, anonymous or confidential basis:

- Public submissions could be published or referred to in the Board of Inquiry's work.
- Anonymous submissions could be published or referred to in the Board of Inquiry's work but with all identifying information removed.
- Confidential submissions would inform the Board of Inquiry's work but would not be published or referred to publicly in the Board of Inquiry's work (even in a de-identified way).

Questions were provided on the Board of Inquiry's website to guide the development of the submissions, but those making submissions were not required to answer all or any of the questions. The questions were:

- What is your experience of child sexual abuse between the 1960s and 1970s by a teacher, employee or contractor of Beaumaris Primary School, or by a teacher, employee or contractor connected to Beaumaris Primary School (for example, because they previously worked at Beaumaris Primary School)?
- If you are uncertain about whether to share your experience with the inquiry, please contact the inquiry via telephone on (03) 8301 0182 or via email at [contact@beaumarisinquiry.vic.gov.au](mailto:contact@beaumarisinquiry.vic.gov.au).
- Was the abuse reported to the school, the Department of Education, an officer of the Department, or any other authority, at the time, or in subsequent years? If the abuse was reported, what was the response and what did you think or feel about the response?
- How has the abuse affected your life and the life of your family, friends, loved ones and other supporters?

- Do you have any experience with, or ideas about, appropriate ways to support healing (in particular, ways to support those who disclose child sexual abuse as an adult)?
- Do you think support services for adult victim-survivors of child sexual abuse in government schools are effective? Please explain your response.
- Please share anything else about your experience you would like the inquiry to know and that is relevant to the inquiry's Terms of Reference.

You may wish to comment on findings and recommendations relevant to this inquiry's Terms of Reference; the implementation of relevant recommendations; what impact previous related inquiries have had on child safety in Victoria; or what impact they have had on you.

## Submissions received

Several submissions were received from victim-survivors, secondary victims, affected community members and members of the public. Those who indicated a preference for their submissions to be made public were Kym Marriot, Matthew Grey, Simon McGarvie, Lucy Cuzzupe, David Henthorn, Lionel Mrocki and David 'Macca' McCarthy.

The Board of Inquiry also received submissions from a range of professionals and organisations. Submissions were received from Bravehearts, Sexual Assault Services Victoria, Angela Sdrinis Legal, In Good Faith Foundation, LOUD fence Inc and Maurice Blackburn Lawyers. Where appropriate, these submissions were published on the Board of Inquiry's website (noting that some professionals and organisations requested that their submissions, or elements of their submissions, be kept anonymous or confidential).

## Appendix G

### Information about public hearings

The Board of Inquiry held seven days of public hearings, inviting a range of people to participate. Some gave oral evidence, some provided a witness statement, and some did both.

This appendix comprises:

- the public hearings timetable, which lists the dates, witnesses who appeared, and topics
- a list of individuals who provided witness statements or written narratives of their experiences
- the guide to public hearings provided to victim-survivors and secondary victims who appeared as witnesses giving oral evidence, or for whom a narrative was read out by Counsel Assisting.

The Board of Inquiry is grateful to those who gave oral evidence, provided witness statements or allowed their narratives to be read out by Counsel Assisting, and acknowledges their generosity in sharing their experiences. An explanation of the public hearings process and approach to witness statements can be found in Chapter 1, Establishment and approach.

### Public hearings

The following table lists hearing dates, witnesses and topics for the Board of Inquiry's hearings.

Date	Witness	Topic
23 October 2023	Tim Courtney, victim-survivor	
24 October 2023	'Bernard' (a pseudonym), victim-survivor  Dr Katie Wright, Associate Professor, Department of Social Inquiry, La Trobe University  Professor Leah Bromfield, Director of the Australian Centre for Child Protection and Chair of Child Protection, University of South Australia (remote)	Experience  Focus on understanding the effects of historical child sexual abuse in government schools, and the individual and shared experiences of victim-survivors, secondary victims and affected community members
15 November 2023	Dr David Howes PSM, Deputy Secretary, Schools and Regional Services, Department of Education	
16 November 2023	Dr Howes (continued)  Professor Patrick O'Leary, Co-Lead, Disrupting Violence Beacon and Director of Violence Research and Prevention, Griffith University Criminology Institute and School of Health Sciences and Social Work	Accountability  Focus on the accountability of the Department of Education in relation to the allegations of historical child sexual abuse in government schools
17 November 2023	Jenny Atta PSM, Secretary, Department of Education	

Date	Witness	Topic
23 November 2023	<p>Government panel:</p> <ul style="list-style-type: none"> <li>• Kelly Stanton, Executive Director, Program and Services Development, Family Safety Victoria, Department of Families, Fairness and Housing</li> <li>• Jane Sweeney, Executive Director, Family Services, Evidence and Quality Improvement, Department of Families, Fairness and Housing</li> <li>• Bill Kyriakopoulos, Deputy Secretary, Police, Community Safety and Corrections, Department of Justice and Community Safety</li> <li>• Wendy Sanderson, Acting Director, Victim Support, Department of Justice and Community Safety</li> <li>• Kate Rattigan, Deputy Secretary, People and Executive Services, Department of Education</li> </ul> <p>Dr Rob Gordon OAM, Clinical Psychologist</p>	<p>Support services and healing</p> <p>Focus on support services and healing through the evidence of a range of witnesses from government agencies and community organisations, as well as relevant experts, and the experiences of victim-survivors</p>
24 November 2023	<p>Maureen Hatcher, Founder, LOUD fence Inc</p> <p>Adrian Farrer, Principal, Trinity Grammar School, Kew, Victoria</p> <p>Bruce Esplin AM, former Victorian Emergency Management Commissioner and former Chair of Regional Arts Victoria</p>	

## Witness statements and narratives

In addition to the witnesses who appeared during the public hearings, the Board of Inquiry also relied on witness statements from experts and written narratives from victim-survivors and secondary victims. People who provided a witness statement or for whom a narrative was read out during the public hearings are listed below.

Witness statement	Narrative
Professor Lisa Featherstone, Head of School, School of Historical and Philosophical Inquiry, University of Queensland	'Casey' (a pseudonym)
Professor Daryl Higgins, Director, Institute of Child Protection Studies, Australian Catholic University	'Dennis' (a pseudonym)
Professor Michael Salter, Professor of Criminology, School of Social Sciences, University of New South Wales	'Samuel' (a pseudonym)
Dr Joe Tucci, CEO, Australian Childhood Foundation	'Paula' (a pseudonym)
	'Hank' (a pseudonym)
	'Christie' (a pseudonym)
	Grant Holland

## A guide to public hearings for victim-survivor participants

This guide is to support victim-survivors, secondary victims and affected community members who are attending a public hearing.

### Overview

#### What is a public hearing?

Public hearings are formal proceedings where witnesses give evidence under oath or affirmation about the events and issues that are relevant to the Board of Inquiry's Terms of Reference.

The Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools (the inquiry) is holding a series of public hearings in Melbourne. The focus of the public hearings will be in relation to the inquiry's Terms of Reference, including:

- the experiences of victim-survivors of historical child sexual abuse who were abused by relevant employees at Beaumaris Primary school and other government schools
- the response of the Department of Education in relation to the historical child sexual abuse
- the appropriate ways to support healing for victim-survivors, secondary victims and affected community members
- whether there are effective support services for victim-survivors of historical child sexual abuse in government schools.

All public hearings will be streamed on the inquiry's website.

#### Who will be there?

At a public hearing, the following people will be in the room:

- the Chair, Kathleen Foley SC
- Counsel Assisting, Fiona Ryan SC and/or Kate Stowell
- members of the inquiry's Legal team
- witnesses and their legal representative(s)
- inquiry staff members, including members of the Support team
- the media
- members of the public.

#### Where can I find details about the public hearings?

Details about the public hearings, including daily schedules, will be available on the inquiry's website: [beaumarisinquiry.vic.gov.au](http://beaumarisinquiry.vic.gov.au).

If you are unable to find these details or have further questions, please contact us via phone on (03) 8301 0102 or by email at [contact@beaumarisinquiry.vic.gov.au](mailto:contact@beaumarisinquiry.vic.gov.au).



## Attending a public hearing

### Location

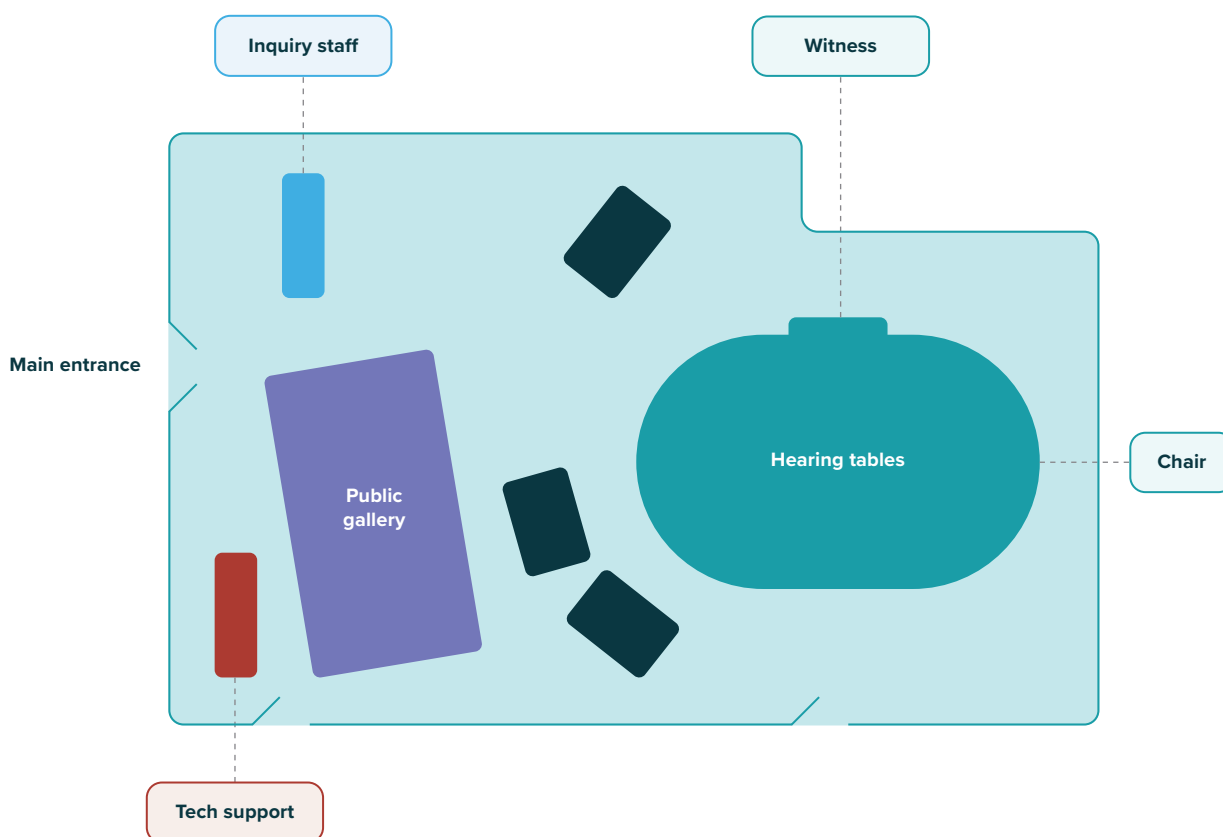
The inquiry is holding its public hearings at Level 9, 54 Wellington Street, Collingwood. More information about the location appears later in this document.

### What will happen when I arrive?

When you arrive at 54 Wellington St, walk down the brick pathway and enter the elevator lobby through the main entrance. Press the keypad to call the lift to take you to Level 9. On exiting the lift, turn left towards reception, where a Board of Inquiry staff member will be waiting to greet you.

Tea and coffee facilities will be available, and toilets are also available on Level 9.

DIAGRAM 9 THE PUBLIC HEARING ROOM



Areas in the hearing room include:

- hearing tables — where the witness, the Chair of the Board of Inquiry, and legal personnel including Counsel Assisting will be seated
- the public gallery, with seating for up to 40 people
- separate desks or working areas for inquiry staff, legal personnel, media and technical support.

## Giving evidence at a public hearing

### Witnesses

People who give evidence at a hearing are called witnesses. The Chair and Counsel Assisting will determine who is to be called as a witness at a public hearing, the questions the witness will be asked and the order in which those witnesses are called and examined.

Witnesses may be identified by Counsel Assisting from public submissions, consultations, private sessions, other Board of Inquiry research activities and submissions made by people or organisations granted leave to appear.

If you have been called to appear as a witness, you will be contacted by the inquiry's Legal team in advance of the public hearing. The Legal team will be your primary point of contact, and this team will guide you through your public hearing appearance.

### Witness statements

The Board of Inquiry may require witnesses to complete a witness statement. These statements may be read aloud during the public hearing on behalf of the witness by Counsel Assisting. They may also form the basis of any questions Counsel Assisting puts to the witness.

The witness may be assisted to complete a statement by their legal representative or, if they are not legally represented, the witness may be assisted by Counsel Assisting to prepare their witness statement.

### Quotes

During a public hearing, Counsel Assisting may read aloud quotes from victim-survivors, secondary victims or affected community members provided during private sessions or as part of a submission to the Board of Inquiry. The identity of the author of these quotes may be restricted at the request of the author.

### Can I bring a support person?

Yes, you can bring a support person to the public hearings.

Your support person could be a family member or friend, as well as your own counsellor or lawyer. They can come into the public hearing room or wait for you in a room close by.

### Counselling and support for victim-survivors and secondary victims

The inquiry has a team of counsellors who can provide support to victim-survivors and their family or other support people ahead of, during and after a public hearing.

### Pre-hearing support

Prior to a public hearing, our support team will be connecting with victim-survivors or secondary victims who are already engaged with the Board of Inquiry.

The support team will be available to assist victim-survivors or secondary victims who have previously not had counselling.

For victim-survivors and secondary victims who have previously declined the offer of support, the support team will be available to assist if they wish to re-engage.

### **On-the-day support**

The support team will also attend all public hearings to provide counselling and support to witnesses and attendees on the day.

There will be several private rooms available for discreet conversations with members of the support team. If you require support on the day, please speak to a member of the Board of Inquiry team.

Please contact us if you require any further support on (03) 8301 0102 or email [contact@beaumarisinquiry.vic.gov.au](mailto:contact@beaumarisinquiry.vic.gov.au).

### **What happens after I have given evidence?**

Once you have given your evidence, you are welcome to re-join your family or supporters in the public gallery. If you wish to speak with a member of our support team, they will be available to conduct a debrief session in one of the nearby rooms.

A few days after your appearance at a public hearing, a member of the support team will conduct a post-appearance check-in to see if you would like any additional supports.

If you do not wish to stay for the remainder of the public hearing, you are free to leave.

## Appendix H Roundtables

In late November and early December 2023, the Board of Inquiry hosted five roundtables to gather additional information after the public hearings. A roundtable is an organised discussion between a moderator and several participants who bring a variety of perspectives to a specific topic.

This appendix provides details of the roundtables, including the list of attendees for each.

The Board of Inquiry is grateful to those who participated in the roundtables, and acknowledges their generosity in sharing their knowledge and expertise. Information about how roundtables were conducted can be found in Chapter 1, Establishment and approach.

### Roundtable 1: Support Services

Date	Location	Attendees
29 November 2023	Online	<p>Amanda Paton, Deputy Director of Practice, Australian Centre for Child Protection, University of South Australia</p> <p>Helen Consta, Manager of Trauma Services and New Initiatives, Windermere</p> <p>Clare Leaney, CEO, In Good Faith Foundation</p> <p>Allison Wainwright, CEO, Family Life</p> <p>Victoria McIntyre, Community Counselling Team Leader, Western Region Centre Against Sexual Assault</p>

### Roundtable 2: Healing

Date	Location	Attendees
29 November 2023	Online	<p>Carol Ronken, Director of Research, Bravehearts</p> <p>Craig Hughes-Cashmore, CEO, Survivors and Mates Support Network</p> <p>Fiona Cornforth, inaugural head, National Centre for Aboriginal and Torres Strait Islander Wellbeing Research, Australian National University</p> <p>Dr Gary Foster, founder, Living Well, and former Practice Manager, Queensland Department of Child Safety, Youth and Women</p> <p>John Crowley, former school principal, St Patrick's College Ballarat, and PhD candidate, La Trobe University</p>

### Roundtable 3: Lived Experience Perspectives

Date	Location	Attendees
1 December 2023	Hybrid — online and in person	Seven people attended the roundtable, representing the experiences of victim-survivors and secondary victims

## Roundtable 4: Support Services

Date	Location	Attendees
1 December 2023	Online	<p>Jane Barr, CEO, Gippsland Centre Against Sexual Assault</p> <p>Cameron Boyd, Coordinator, Counselling and Redress Support Service, Open Place, Relationships Australia Victoria</p> <p>Meaghan Courtney, General Manager, Quality and Review, and Manager of the Heritage Services Team, Anglicare Victoria</p> <p>Professor Daryl Higgins, Director, Institute of Child Protection Studies, Australian Catholic University</p> <p>Kathleen Maltzahn, CEO, Sexual Assault Services Victoria</p> <p>Amanda Whelan, Director of Client Services, knowmore legal services</p> <p>Caroline Whitehouse, Manager, Northern Centre Against Sexual Assault</p>

## Roundtable 5: Government

Date	Location	Attendees
14 December 2023	In person	<p>Deputy Secretary, People and Executive Services, Department of Education</p> <p>Director, Knowledge, Privacy and Records, Department of Education</p> <p>Director, Survivors Inquiry Unit, Department of Education</p> <p>Executive Director, Program and Service Development, Family Safety Victoria, Department of Families, Fairness and Housing</p> <p>Executive Director, Family Services, Evidence and Quality Improvement, Department of Families, Fairness and Housing</p> <p>Director, Victim Support, Department of Justice and Community Safety</p> <p>Superintendent, Serious Crime Division, Crime Command, Victoria Police</p>

## Appendix I Consultations

As discussed in Chapter 1, Establishment and approach, the Board of Inquiry engaged directly with several individuals and organisations through a series of targeted consultation meetings.

Those who participated in these targeted meetings were generous in sharing their knowledge and expertise with the Board of Inquiry.

### Individuals

- Associate Professor Joanne Evans is an archival and record-keeping researcher and educator in the Department of Human-Centred Computing, in the Faculty of Information Technology at Monash University. Associate Professor Evans established the Archives and the Rights of the Child Research Program, which supports projects focused on improving record-keeping and access to information for people who lived in out-of-home care as children.
- Associate Professor Graham Gee is an Aboriginal clinical psychologist and is employed at the Murdoch Children's Research Institute. Associate Professor Gee has 15 years' experience working in the Aboriginal community-controlled health sector. He currently provides supervision and leads research with a focus on supporting the workforce and victim-survivors of child sexual abuse.
- Dr Cate O'Neill is the National Editor and Research Coordinator of the Find & Connect web resource and Kirsten Wright is the Program Manager of Find & Connect. Both Dr O'Neill and Ms Wright are based in the Faculty of Arts at the University of Melbourne. Find & Connect brings together historical resources relating to institutional care in Australia, including information about children's homes. It helps individuals to find personal records, and provides information on support groups and services.

### Organisations

- The Blue Knot Foundation provides advocacy and support for people who have experienced complex trauma. The Board of Inquiry consulted with Blue Knot due to its leadership and expertise in the field of complex trauma and its extensive work with victim-survivors of child sexual abuse. The Board of Inquiry engaged with Dr Cathy Kezelman AM, the President and Executive Director of Blue Knot.
- The Centre for Innovative Justice was consulted with regard to its research that seeks to expand the capacity of the justice system to meet and adapt to the needs of its diverse users, with a primary focus on restorative justice. The Board of Inquiry engaged with Stan Winford, Associate Director, Centre for Innovative Justice and Renee Handsaker, Open Circle Practice Lead.
- The Heal For Life Foundation was consulted to discuss victim-survivors' healing. Heal for Life delivers peer-led programs to support survivors heal from childhood trauma, as well as providing training for therapists in trauma-informed practice. The Board of Inquiry engaged with Liz Mullinar, who is a survivor of childhood trauma and abuse, and the founder of Heal for Life.

- The Social Research Centre and the Australian Catholic University were consulted to discuss their development of the Evaluation Framework for the Royal Commission into Institutional Responses to Child Sexual Abuse, which sought to evaluate the implementation of the Royal Commission's recommendations, 10 years after the Royal Commission's conclusion. The Board of Inquiry engaged with Sue Khor, the then Director of Evaluation at the Social Research Centre, Pam Muth, the then Executive Director at the Social Research Centre, and Professor Daryl Higgins, Director, Institute of Child Protection Studies at the Australian Catholic University.
- The Board of Inquiry consulted with staff of the Victorian Aboriginal Health Service to learn more about how they run the Garra Kombrook Cultural Healing Program for Aboriginal people who have experienced sexual abuse or assault. The Victorian Aboriginal Health Service provides medical, dental and a range of social services to Victorian Aboriginal communities, and is one of four Aboriginal Community Controlled Organisations funded by the Victorian Government to provide Aboriginal community-led sexual assault support services.

## Appendix J

### Department of Education apology

On 17 November 2023, Jenny Atta PSM, Secretary, Department of Education, appeared before the Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools. During this appearance, Ms Atta provided an apology to victim-survivors of historical child sexual abuse at Beaumaris Primary School and other schools within the Board of Inquiry's scope. This apology is available on the Victorian Government website and is reproduced below.

#### Apology

I want to say on behalf of the Department, to victim-survivors of child sexual abuse in Victoria's government schools, that I am profoundly sorry for the shocking abuse and injury inflicted on you.

Abuse and injury that should never have occurred anywhere, but especially in a place where you were not only entitled to feel safe, but where you should have been safest.

I understand, and acknowledge, that harm is not just caused by the abuser, but harm is also caused, and is compounded, by a lack of an appropriate response by those in authority. I acknowledge and deeply regret the catastrophic failings of the government school system and the Department of Education over the period of time being examined by this Board of Inquiry.

Our schools and the Department failed to protect you at a time when you were most vulnerable, when you were a child. I acknowledge this without qualification and genuinely believe that institutions, particularly public institutions, must own and be accountable for their history.

I have heard how many victim-survivors felt unable to disclose their abuse. The education system did not arm them, as children, with the knowledge to know the abuse was wrong, or the language or processes to assist them in disclosing. It did not arm teachers with the skills to recognise the signs to identify and intervene to prevent further abuse. For those children who disclosed to an adult, they were often not believed. If they were believed, the response was woefully inadequate or inappropriate. The response left the victims and those seeking to protect them powerless, and enabled the abuse of children to continue and spread.

The failings of the system are many. They include the following.

- There were no policies or processes to prevent abuse or guidance on how to respond to allegations when they were made.
- There was no training of teachers to be able to identify the warning signs of child sexual abuse.
- While there were processes that could have been used to remove the perpetrator from the teaching service, those processes were not/rarely used.
- Teachers were able to remain in their role or transfer to other schools and continue the abuse.

It is utterly unacceptable that a child should suffer sexual abuse while they are under the care and supervision of a Victorian government school.

In relation to Beaumaris Primary School, and other schools examined through this inquiry, I want to say that it is profoundly troubling that multiple students were sexually abused at a similar time.



These were not one-off incidents. Between the Department's records and those of Victoria Police, we now know of at least 44 victim-survivors of four perpetrators across multiple schools. I understand that more have come forward to this Board of Inquiry and there are likely to be more still. Some will have lived their whole lives in silence, dealing with the trauma of what happened to them on their own.

I am deeply sorry for the psychological trauma and injury suffered by former students of our schools as a consequence of this abuse, and the deep impact and harm that this has caused victim-survivors throughout their lives.

I want to acknowledge the far-reaching impacts of this abuse on parents, spouses, partners, children and other family members, which is significant, enduring and often unacknowledged.

And I recognise the strength and courage of the victim-survivors who have come forward to advocate on behalf of other victim-survivors, and the bravery and resilience required of any victim-survivor to come forward.

And finally, in making these acknowledgements and offering my genuine apology on behalf of the Department of Education, I am acutely conscious of the calls from victim-survivors for not only apology, but for a commitment to action. I am aware of the evidence already before this Board of Inquiry that goes to this point, that without a commitment and follow-through on a course of action, there is risk of further harm, and an ongoing loss of trust.

There have been many changes to prevent the abuse of children in schools, to ensure child safety is a priority. We have taken steps not only to change the way in which we respond to allegations of abuse, but also to prevent it from happening in the first place. I hope to be able to talk about some of those today.

As Secretary of the Department of Education I genuinely welcome the establishment of this Board of Inquiry. On behalf of the Department, I commit to fully engaging with the findings, conclusions and recommendations so that they can inform tangible steps and actions for the Department, and across government, to ensure that there are effective supports and services available to victims of historical sexual abuse in government schools — and to inform our continued work to ensure that the safety of children in our schools is our highest priority.

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