

# INQUIRY INTO THE SYSTEMS OF THE DEPARTMENT OF EDUCATION IN RELATION TO THE RISK OF CHILD SEX ABUSE

## TERMS OF REFERENCE

The Tasmanian Government is establishing an inquiry into the systems (including legislation, policies, practices and procedures) of the Department of Education in relation to the risk of child sexual abuse as a result of the child's attendance as a student at a Tasmanian Government School.

The purpose of the Inquiry is to:

- a. Examine what, if any, additional actions and/or changes to the current systems applicable to, or utilised by, the Department of Education should be made to minimise the risk of child sexual abuse within Tasmanian Government Schools; and
- b. Complement, not substitute, the work of the Royal Commission into Institutional Responses to Child Sexual Abuse;

The Inquiry will address the following matters:

- a. What, if any, past systems applicable to, or utilised by the Department of Education and/or Tasmanian Government Schools may not have operated to require or encourage persons to report and/or appropriate authorities to investigate, or respond to the risk of child sexual abuse occurring in Tasmanian Government Schools;
- b. What, if any, past systems applicable to, or utilised by, the Department of Education and/or Tasmanian Government Schools may not have operated to alleviate to the best extent possible the risk of the repetition of child sexual abuse by an employee who is alleged to have perpetrated, or is under investigation for, child sexual abuse in Tasmanian Government Schools;
- c. What systems applicable to, or utilised by, the Department of Education and/or Tasmanian Government Schools have been introduced that require, or encourage persons to report and/or appropriate authorities to investigate, or respond to, the risk of child sexual abuse in Tasmanian Government Schools;
- d. What systems applicable to, or utilised by, the Department of Education and/or Tasmanian Government Schools have been introduced that are likely to alleviate to the best extent possible the risk of the repetition of child abuse by an employee who is alleged to have perpetrated, or is under investigation for, child sexual abuse in Tasmanian Government Schools;
- e. In light of c. and d. above and the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse already agreed to by the Tasmanian Government, what, if any, additional actions and/or changes to the current systems applicable to, or utilised by, the Department of Education should be made to minimise the risk of child sexual abuse within Tasmanian Government Schools.

The following definitions apply to the matters for inquiry:

*Department of Education* includes the Teachers Registration Board, and the Office of the Education Registrar;

*Child* means a person under the age of 18 years;

*Child sexual abuse* means any act which exposes a child to, or involves a child in, sexual processes beyond their understanding or contrary to accepted community standards. Sexual abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, and exhibitionism and exposing a child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child;

*Employee* includes an individual who is not a State Servant but whose role within the school or the Department of Education gives that individual authority, power or control over a child or enables the individual to achieve intimacy with, or the trust of, a child.

*Systems* includes legislation, policies, practices and procedures.

The Inquiry will:

- a. Limit findings or recommendations to matters of systems utilised by the Department of Education;
- b. Not make any findings or recommendations about individual cases, or circumstances of alleged child sexual abuse, including the identification of victims or perpetrators;
- c. Not make any findings, recommendations, or comments about any potential legal liability of the State of Tasmania; and
- d. Not make any findings, recommendations, or comments about the expenditure of State funds for the purposes of compensation or damages.

The Department of Justice will provide administrative support for the conduct of the Inquiry.