



Victoria Government Gazette

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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.

SPECIAL

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.

Dated: 27 June 2023

Responsible Minister:

THE HON DANIEL ANDREWS MP

Premier

ANGELA SMITH
Clerk of the Executive Council

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