

Inquiries Act 2014

APPOINTMENT OF THE FORUM FOR TRUTH AND RECOGNITION: VICTIM-SURVIVORS OF HISTORICAL CHILD SEXUAL ABUSE IN VICTORIAN GOVERNMENT SCHOOLS

Establishing Instrument

I, Jacinta Allan, the Premier of Victoria, appoint Angela Connors to constitute a Formal Review to inquire into and report on the terms of reference specified in this instrument under section 93(1) of the *Inquiries Act 2014*.

This instrument comes into effect on the date it is executed.

1. BACKGROUND

- a) The *Charter of Human Rights and Responsibilities Act 2006* (Vic) (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 of Victoria is committed to the protection of all children in Victoria and to uphold the rights of every child in Victoria under the Charter.
- c) The Victorian Government acknowledges the substantial work undertaken by the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse, the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations and the Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools (the Board of Inquiry).
- d) The Victorian Government and its schools share a commitment to, and responsibility for, the learning and development of children and young people in Victoria. However, the State recognises that some government schools have historically failed to protect children attending government schools from child sexual abuse. The Board of Inquiry was established as a mechanism for certain victim-survivors to speak to their experiences and to document the experiences of such abuse.
- e) On 26 February 2024, the Board of Inquiry delivered its report to the Governor in accordance with its Terms of Reference. On 19 June 2024, the Victorian Government released its response to the report, accepting all nine recommendations, either in full or in principle.
- f) In particular, in response to Recommendation 3 of the Board of Inquiry's report, the Victorian Government has committed to establish a State-wide independent truth-telling function to afford victim-survivors an opportunity to share their experiences of historical child sexual abuse in government schools and relevant non-government schools. This inquiry is being established as a trauma-informed and independent forum for victim-survivors of historical child sexual abuse to share their experiences in a safe environment, and for their experiences to be documented.
- g) The Victorian Government has established a separate systemic review of the State's past responses to child sexual abuse in government schools in response to the matters raised in the Board of Inquiry's report.

2. OBJECTIVES

The objectives of this Formal Review are to:

- a) Provide a State-wide forum that provides victim-survivors of historical child sexual abuse suffered at government schools and certain non-government schools an opportunity to share their experiences in a safe environment, and in turn create an independent public record of their accounts;
- b) Support the individual and collective healing of the affected victim-survivors;
- c) Contribute to a shared understanding, among all Victorians, of the significant and far-reaching impacts of historical child sexual abuse in Victorian schools; and

- d) Allow the Victorian Government to learn from the experiences and information shared, to better prevent and respond to child sexual abuse in government schools now and into the future.

3. TERMS OF REFERENCE

- 3.1 Having regard to the background and objectives set out above, you are required to inquire into and report on the following terms of reference:
- a) The experiences of victim-survivors of historical child sexual abuse who were abused by a relevant employee in any Victorian government school; and
 - b) The experiences of victim-survivors of historical child sexual abuse in a Victorian non-government school where the alleged perpetrator was previously a relevant employee of a Victorian government school and allegedly committed child sexual abuse while employed at that government school.
- 3.2 Consistently with the objectives of the inquiry, you may make recommendations on the form of any restrictions to be placed upon public access to the report and any records of your inquiry.

4. CONDUCT OF THE FORMAL REVIEW

- 4.1 Without limiting your powers under Part 4 of the *Inquiries Act 2014*, you are directed to:
- a) Conduct your inquiry in accordance with this instrument, the *Inquiries Act 2014*, and all other relevant laws;
 - b) Conduct your inquiry with a focus on providing a forum for victim-survivors of historical child sexual abuse suffered at government schools and certain non-government schools to share their experiences of historical child sexual abuse and documenting (in an appropriate manner) such experiences;
 - c) Provide a safe, accessible, supportive, appropriately trauma-informed and culturally safe forum and environment for victim-survivors to participate in your inquiry, including:
 - i. accommodating their choice as to how they wish to participate in your inquiry to the extent it is practicable to do so and without limitation to the powers of the Formal Review set out in the *Inquiries Act 2014*;
 - ii. employing or engaging staff with appropriate training and expertise; and
 - iii. recognising that some people may not wish to share their experiences;
 - d) Adopt practices and approaches to minimise harm and re-traumatisation for victim-survivors;
 - e) Provide sensitive, culturally safe and appropriately trauma-informed community outreach, mental health and counselling supports for victim-survivors, including referring victim-survivors to the appropriate support service. For any person who wishes to be heard but whose experience is not within the scope of the terms of reference at clause 3.1 above, direct the person to an appropriate external mental health, counselling or support service;
 - f) 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, disciplinary actions or other contemporaneous inquiries;
 - g) Assist victim-survivors to report incidents of child sexual abuse to Victoria Police, if desired by the victim-survivor;
 - h) 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, the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, and the Board of Inquiry, including any implementation of recommendations directed to supporting victim-survivors of historical child sexual abuse.
 - i) Regularly communicate with the Victorian community on the progress and conduct of your inquiry;
 - j) Where there is some doubt about whether a victim-survivor is within scope of your inquiry, you may request information from the Department of Education. The Department of Education will use reasonable endeavours to search for the information in centrally held records to advise on:

- i. a victim-survivor's attendance at a government school, in the period identified by your inquiry and with the consent of the victim-survivor;
- ii. whether the alleged perpetrator was or is an employee at the relevant government school, and whether allegations had been made against the alleged perpetrator for historical child sexual abuse committed while they were employed at the relevant government school, limited to information centrally held in employee statements of service, personnel and disciplinary files;
- k) For any evidence received by you involving historical child sexual abuse, notify:
 - i. the Department of Education where the alleged perpetrator is a current employee of a government school;
 - ii. the Commission for Children and Young People and the Victorian Institute of Teaching where the alleged perpetrator is a current employee of a non-government school;
- l) Without limiting the obligation set out in section 108 of the *Inquiries Act 2014* in relation to any adverse findings, provide the draft report of your inquiry to the Department of Education and the Department of Premier and Cabinet for an opportunity to respond to any matters raised in the report at least one month prior to the delivery of this report under clause 5.
- m) Have regard to the desirability of conducting your inquiry and producing your report without unnecessary cost or delay; and
- n) Otherwise conduct your inquiry as you consider appropriate, subject to the matters set out in section 99 of the *Inquiries Act 2014*. This may include but is not limited to obtaining and considering verbal and/or written information, documents and evidence from victim-survivors, and adopting any informal and flexible procedures and practices.

4.2 Other than as set out in clause 4.1(j) above, consistently with the objectives of the inquiry, you should not request information or documents from the State, including the Department of Education, relating to allegations of historical child sexual abuse.

4.3 The following matters are outside the scope of your inquiry. You should not inquire into or make findings or recommendations on:

- a) The management and resolution of any legal claims or applications under the Commonwealth redress scheme by victim-survivors of historical child sexual abuse;
- b) The response of the State (including the Department of Education and its staff) to any allegations, complaints, legal proceedings or legal claims in relation to incidents of historical child sexual abuse in a government school, except insofar as those matters are relevant to recording a victim-survivor's account of their experience of historical child sexual abuse referred to in clauses 3.1 above, and recording any response from the Department of Education as referred to in clause 4.1(l) above;
- c) Matters which were the subject findings by the Board of Inquiry, including:
 - i. departmental child safety policies and practices;
 - ii. guidance and training for staff to manage and prevent child sexual abuse; and
 - iii. investigation, record keeping and disciplinary processes,
 noting that a victim-survivor is not prevented from referring to these policies and practices as part of the victim-survivors' accounts of historical child sexual abuse referred to in clause 3.1 above; and
- d) The State's systemic response to historical child sexual abuse matters, as may be identified through civil claims records and other disclosures made to the Department of Education.

5. REPORTING

You are required to deliver a report of your inquiry to me by 29 May 2026.

6. DEFINITIONS

In these terms of reference, for the purpose of this inquiry:

child – means a person under 18 years of age.

Commonwealth redress scheme means the National Redress Scheme established on 1 July 2018 under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) in response to the

recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse's Redress and Civil Litigation Report released in September 2015.

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 attached to orphanages or group homes at the relevant time.

non-government school – has the same meaning as 'non-Government school' in the *Education and Training Reform Act 2006* but excludes schools that were attached to orphanages or group homes at the relevant time.

historical child sexual abuse – means sexual abuse of a child in a school by a relevant employee which occurred prior to 1 January 2000.

in a school – means in a school context. Child sexual abuse happened in a school context if, for example:

- a) it happened on the premises of a 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 school) where you consider that the 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) in relation to a government school, a teacher or other government school employee or contractor; or
- b) In relation to a non-government school, a teacher or other non-government school employee or contractor who was previously a relevant employee of a government school and allegedly committed child sexual abuse while at that government school.

victim-survivor – means a person who is a victim of child sexual abuse:

- a) in government schools prior to 1 January 2000; or
- b) in a non-government school prior to 1 January 2000, where the alleged perpetrator was previously a relevant employee of a government school and allegedly committed child sexual abuse while at that government school.

7. EXERCISE OF POWERS

You may exercise the powers of a Formal Review in accordance with the *Inquiries Act 2014*. You may enter into agreements or arrangements for the provision of services to support your inquiry, including, without limitation, any agreements or arrangements with one or more Australian legal practitioners for the provision of legal services.

8. EXPENSES AND FINANCIAL OBLIGATIONS

You are authorised to incur expenses and financial obligations up to a maximum amount of \$7,800,516 in conducting this inquiry, including to make any payment of reasonable expenses and allowances to persons who attend the Formal Review at the request of the Formal Review.

Dated: 9/6/2025

Responsible Minister:



HON JACINTA ALLAN MP
Premier