

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 3 May, 2013

Members

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Witnesses

Mr S. Elder, Executive Director, Catholic Education Commission of Victoria Ltd and Executive Director of Catholic Education in the Archdiocese of Melbourne and

Mr D. Torpy, Manager, Wellbeing and Community Partnerships, Catholic Education Office Melbourne.

The CHAIR — On behalf of the committee, I welcome from the Catholic Education Commission Victoria Mr Stephen Elder, Executive Director of the Catholic Education Commission of Victoria Ltd and the Catholic Education Office Melbourne, and Mr Dennis Torpy, Manager, Wellbeing and Community Partnerships, Catholic Education Office Melbourne. I welcome you both, and thank you very much for your appearance before the Inquiry this afternoon. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required to do so. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript, and please note that these proceedings are not being broadcast.

The committee has been asked, under our terms of reference, to look at policies and processes within religious and other non-government organisations and whether there are systemic practices within those organisations that have contributed to child abuse in Victoria. We are particularly interested to hear from organisations such as yours to understand whether changes in the law are required to help prevent further criminal abuse of Victorian children.

Following questions from the committee you will have an opportunity to make a statement to the committee, so again thank you very much for being before us. I would like to first ask if you could just explain to the committee the structure of the Catholic Education Commission and the Catholic Education Office.

Mr ELDER — The Catholic Education Commission of Victoria is the office that is in receipt of both commonwealth and state funding, and the commission distributes that funding to the four dioceses and Catholic education offices here in Victoria, being the dioceses of Ballarat, Sale, Sandhurst and Melbourne. That is what it is responsible for, broadly, and also in respect of generic policies that are used across all Catholic education offices, and also compliance against commonwealth and state acts for the compliance of that funding.

As Executive Director of the Catholic Education Office Melbourne I am responsible for the operational day-to-day matters in respect of that office. There are 486 Catholic schools in Victoria which sit under the Commission, and in the Archdiocese of Melbourne there are 326 Catholic schools. That is broadly the two roles and structures. I am happy to give to the committee a copy of our structure plan for each individual office and for the Catholic Education Commission of Victoria if that helps.

The CHAIR — Thank you very much, Mr Elder. Could I go to the question that we are looking at in relation to abuse within organisations. Can you explain or confirm to the committee how many complaints have been received by your office regarding the conduct of the parish priest in a primary school?

Mr ELDER — In what time frame?

The CHAIR — I will go to that question, which was going to be one of my questions in relation to records of abuse or complaints. Can you confirm to the committee your record system or files that you keep on complaints that are made to your office?

Mr ELDER — We do keep an adequate filing system in respect to complaints that are made to our office. Fundamentally most of those complaints predated legislation that was brought in. Under such things as mandatory reporting most of those complaints now either go directly to one of the statutory bodies or the Department of Human Services, Child Protection; the Victorian Registration and Qualifications Authority; or the Victorian Institute of Teaching.

The CHAIR — Prior to mandatory reporting coming in, could you clarify again what happened with those complaints that your office received, and do you still have records of those complaints?

Mr ELDER — Yes, we do. We have roughly 152 files relating to matters discussed today, but I want to make it clear that just because we have a file on a matter does not mean that an investigation or subsequent action has been taken. It simply means a collection of files and notes, because some of the complaints fundamentally were at the bottom end.

The CHAIR — At the ‘bottom end’, what does that mean?

Mr ELDER — Fundamentally, if you are talking about complaints, they may be complaints of a nature on which after preliminary investigation no further action was taken. So we have around 152 files relating to these matters.

The CHAIR — To get some confirmation then, those 152 complaints are of a various nature?

Mr ELDER — Yes.

The CHAIR — Within our terms of reference, are they 152 complaints that would fit what we are looking at with this Inquiry?

Mr ELDER — Probably not.

The CHAIR — Do you have a rough assessment of how many perhaps would fit?

Mr ELDER — What I can tell you is exactly the number of complaints in the last 11 years, because in the last 11 years these matters have been subject of reporting to the Victorian Institute of Teaching. Do you understand ‘discretionary’ and ‘non-discretionary’ matters that are then reported to the Victorian Institute of Teaching?

The CHAIR — I will get back to that, because I know you do have an obligation, but if you could briefly explain to committee members.

Mr ELDER — As they sit under matters of misconduct, or matters of a sexual nature in the last 11 years, across Victoria 35 investigations of a discretionary matter have been referred to the Victorian Institute of Teaching. The outcomes of those matters are that 13 registrations of teachers have been cancelled and 10 registrations have been suspended — that is, 13 registrations cancelled and 10 registrations suspended. These matters include, but are not limited to, inappropriate relationship with a student, inappropriate text messages and emails, sexual harassment and inappropriate touching.

Of investigations that have been undertaken by the VIT for non-discretionary matters, 18 registrations have been cancelled without a formal hearing due to the person concerned being convicted of a sexual offence against a child. Some of these cases would have involved such things as child pornography. Some but not all of these cases would have been known by the Catholic Education Office Melbourne, because as you know when the legislation was introduced, then fundamentally there is no reporting through my office, but it is direct to that authority.

The CHAIR — Thank you very much for that clarification. You have said 35 cases have been reported in the past 11 years to VIT; is that correct?

Mr ELDER — Of the 35 discretionary matters, 13 registrations were cancelled; that is correct.

The CHAIR — How many involved primary schools and how many secondary schools? Have you got a breakdown of the differentiation?

Mr ELDER — I have not. Most are where there have been non-discretionary matters, where they have been cancellations. These are on the Victorian Institute of Teaching website. Victoria Police contacted us; in fact they contacted us on a number of occasions. We have pulled those matters together in a form that they could use, and I am happy to make that available to this committee.

The CHAIR — Just to confirm again, prior to mandatory reporting coming in, those files that you have got are incomplete or — —?

Mr ELDER — It depends what you mean by ‘incomplete’.

The CHAIR — I am just trying to ascertain in relation to our terms of reference, child abuse, whether any complaints were made to your office prior to the mandatory reporting legislation coming into place.

Mr ELDER — I have not been through those files. When you say ‘incomplete’, I do not know what you mean. If you are saying out of those files have we followed it through to a point of conclusion prior to the

introduction of mandatory reporting and other legislation, the answer is yes. Those files are available to this committee. You have not as yet asked for any, but let me make it quite clear to you that those files are there.

For my own comfort and the comfort of this Inquiry I have looked through those files because the issues that I need to be assured of myself are, firstly, given there was no legislative framework and no real protocol at the time, were the investigations carried out in a manner that was satisfactory at the time? Secondly, I have since interviewed a number of the staff who undertook some of those investigations to assure myself as the Director that there was no undue influence put on them by the office at the time and no undue influence put on them by church officials other than to report back their findings and the truth of those findings.

The CHAIR — Thank you very much for the offer for us to access those files and your cooperation in that matter.

Can I move to the code of conduct that was introduced, I think, in 2011, *May Our Children Flourish*. Could you explain to the committee what existed prior to that code of conduct coming into force?

Mr ELDER — *May Our Children Flourish*, if you go to paragraph 10 on page 4 — —

The CHAIR — Of the document you handed us?

Mr ELDER — Of the document *May Our Children Flourish*. You will note that it says that that policy does not apply to the Catholic Education Office or our schools. I think it is page 4, item 10. Therefore your next question I am sure, Chair, would be what code of conduct and ethics do we operate within our office?

The CHAIR — Thank you for pre-empting that question, Mr Elder. Would you like to answer it?

Mr ELDER — I am happy to. In fact I will get my colleague Mr Torpy, who has been part of the process, to run you through that.

Mr TORPY — We have a range of policies and protocols in place that reflect a variety of responses meeting obligations, legal and regulatory. They are in direct response to the Education and Training Reform Act 2006, the Children Youth and Families Act 2005, the Working with Children Act 2005 and the Charter of Human Rights and Responsibilities Act 2006 as well as the requirements of the Victorian Institute of Teaching (VIT) and the related code of conduct that sits with the VIT. The whole range of policies we have set out are set out in two broad documents. One would be the Catholic Education Commission of Victoria's *Catholic Schools Operational Guide*, which is probably the equivalent of the *School Policy and Advisory Guide* for the Victorian government schools sector. It is akin to that. It sets out the legal obligations relating to all the acts and regulations for all Catholic schools to make sure all the dioceses are aware.

Beneath that each of the dioceses have their own set of policies, and the Catholic Education Office Melbourne has a whole range of policies within its subset of the *Catholic Schools Operational Guide*. Policies in that would include policy 2.19, which relates to the requirements of mandatory reporting, and policy 2.2, which relates to details and policy on allegations of misconduct involving staff or lay employees within the Catholic Education Office Melbourne. There is the working-with-children check policy and 2.26, is the pastoral care policy. They are some examples of what sits within the CEO Melbourne policy document itself beneath the CECV overall document.

It is fair to say that the overall policy guide for the CECV sets out responses to ensure that all schools are meeting all their legal obligations regardless of acts and regulations. It then also refers directly to the *School Policy and Advisory Guide* of the Victorian government whenever there is any detail missing, so there is a very strong correlation between the two. In extension of that in terms of professional conduct of staff all staff teaching in schools, lay or religious based, are obliged under the code of conduct set down by the VIT, which includes detail around professional competence as well as personal and professional conduct.

Mr ELDER — It would be fair to say the code of conduct is a document that has been brought together by the VIT in conjunction with human services and all education sectors that operate in Victoria. That also has the code of conduct and a code of ethics attached to that.

The CHAIR — Thank you very much for that clarification.

Mr ELDER — It is sector blind; it operates across all education sectors.

The CHAIR — Can I just get some confirmation in relation to priests actually having responsibility for some Catholic schools?

Mr ELDER — Of course.

The CHAIR — Could you clarify to the committee whether that is the case or not?

Mr ELDER — Schools in the Catholic sector in Victoria are owned either by the parish or congregations. In respect of most parish primary schools the owner is the parish priest and in respect of congregation schools, mainly some secondary colleges, the owner will be a congregation and/or the Archbishop under delegated authority to the canonical administrators, which can be a group of laypeople or others.

The CHAIR — Thank you. So if a complaint — —

Mr ELDER — I understand it is a complex structure and I have been picking up while sitting here earlier the complexity of trying to get around the church and how it operates.

The CHAIR — Indeed. So if a complaint is made to the head of the school that a priest is responsible for, what happens to the complaint, or what does that priest do in that instance? Does he report to your office?

Mr ELDER — If it is of a sexual nature, then there is an obligation to report it directly to the Department of Human Services.

The CHAIR — That is right.

Mr ELDER — So that is an obligation that has been laid down by Parliament, and that is a legislative requirement of every teacher in every school — state, independent or Catholic — in Victoria.

The CHAIR — And the complaint would come to your office as well as to the appropriate authority?

Mr ELDER — It may not. It will on occasions because a teacher will lay a complaint, and this is their obligation. I want you to understand — —

The CHAIR — I do understand.

Mr ELDER — They have no flexibility around this. Their obligation is to report any offence of a sexual nature directly — this is after. The legislation is little bit weak in some areas of this, which I would be happy to talk to you about as to how you may strengthen it, but they have an obligation to report it directly to the Department of Human Services' child protection. It may then be on advisement to my office that that complaint has been laid, but fundamentally, if your question is, 'Is there any opportunity for interference in that process?', there is none allowed under the legislation.

The CHAIR — Our terms of reference cover all forms of abuse, not just sexual abuse, so there are those aspects we are considering as well, but I will pass on to Mr McGuire. Thank you for that clarification.

Mr McGuire — Thank you both for making a contribution today. I would like to raise with you, Mr Elder, what protection, if any, is offered to an individual who reports concerns regarding a teacher or a priest at a school?

Mr ELDER — It depends what those concerns are. As I said, if the concerns are of a sexual nature, then the report is sector blind, and I will not know about it. If you want to talk about, 'Do we have in place a whistleblower policy?', absolutely, and I can provide it.

Mr McGuire — Yes. Can you just elaborate on what a whistleblower policy is?

Mr ELDER — A whistleblower policy is a standard policy where people can make an anonymous complaint to the designated whistleblower person within the office, and that can be dealt with. That is policy 2.23, which I am, again, happy to table, along with the non-discretionary registrations and cancellations, for your perusal.

Mr McGuire — Thank you.

Mr Torpy — If I could just add, Mr McGuire, to that, if you do not mind. In addition to that, the other two avenues that are available any day of the week to any staff member or other individual associated with the school are as Mr Elder has suggested: the use of mandatory reporting, or protective reporting if they are not obligated. Under that process anonymity is assured through DHS child protection, to whom the report is made directly; and in addition to that, within the internal procedures that we have to uphold professional conduct at all times, if an allegation or a concern is raised via a principal and then is also reported to central officers, under our policy of allegations of misconduct against lay employees there is clear detail about what processes should be followed hand in hand with mandatory reporting. They include clear steps around maintaining confidentiality, as well as appropriate documentation, reporting, and careful listening and understanding of the allegation at the same time. So that is set out as well to ensure confidentiality.

Mr McGuire — Does the office play any other role in supporting the family of the whistleblower? How do you manage that?

Mr Elder — We do, and that varies depending on the individual case. I have noted that there have been some complaints laid here. This is just to give you an example, and I could give you a number of examples, if you like. One complainant who laid a complaint here against Catholic education and the Archdiocese concerning the inability to investigate and act upon the complaint, that person currently has had within the same school four other siblings. We have given additional support to them because of the trauma the older sibling experienced within and at that school. That is one example.

We have access to visiting teachers. We have trained psychologists and other professionals who operate in that space, and a determination is then made as to the support we can give to the child. In part that support also assists the broader family. We take this very seriously.

Mr McGuire — Understood. One of the biggest issues that has been raised with us is the issue of grooming. How do you deal with this, given that it is highly manipulative in its nature and it is secret? Can you give us an understanding of what attempt you make to deal with this issue?

Mr Elder — Yes. Grooming is definitely a societal problem, and all education sectors are aware of it. Fundamentally not only do you need the legislation, not only do you need the regulations and not only do you need the policy, the reality is that if you have them sitting there, then on top of that you must have a concerted effort where you deliver professional development to teachers within schools to enable them to be aware of these instances, to be aware of the behaviour and to be aware of their obligations under the act. So we do that, and there is no specification in the act about professional development and how it applies in a school setting. We have taken that to be done on an annual basis, and that is where we apply that — where we have professional development on an annual basis to reinforce this issue with our teachers and our staff within our schools. That could be one recommendation to come out of here, because the reality is, as you know, that legislation does not necessarily deliver an outcome unless it is acted on within the school by informed professional development.

Mr McGuire — So just to complete that point you are making there, you would like us to recommend that there is annual professional development for teachers throughout the system to be aware of grooming. ‘Here is what we know and understand about it. Here is what to look out for’. Is there anything else you want to add?

Mr Elder — Absolutely, and also their obligations. This is a matter that continually needs to be reinforced. You cannot just have the legislation; you actually need to follow up with the actions under that and reinforce that at a school level. We have taken that to mean on an annual basis. It is something that you do not just have as a book on a shelf and gathers dust; it must be actionable underneath that. The best way to do that is through professional development. We offer that through different models — online, in seminar sessions et cetera. Mr Torpy’s office is responsible for the delivery of that.

Mr McGuire — Thank you. Mr Torpy, do you want to add something?

Mr Torpy — I could add that at this current day we are being very proactive in both our policy and professional development to raise understanding and awareness around the protection of children, be it related to physical injury or risk from abuse, sexual or otherwise. I would say that in trying to raise that level of

awareness and understanding, it is at a point now where it has been heightened probably more than ever before, and we are continually trying to heighten that even more. We are being proactive on a number of fronts with our professional learning and the updating of our policies in areas where we are not obligated to, but we are doing that. We are doing that in full partnership with the Victorian Department of Education and Early Childhood Development (DEECD) and have been for some time, for a number of years — indeed since the early 2000s; probably the start of 2000, 2001, when a joint protocol was first initiated. This protocol — Protecting the Safety and Wellbeing of Children and Young People, signed off on by the Department of Human Services Child Protection, Department of Education, all school sectors and licensed children's services — took that collaboration to a new level, and we are continuing to work under that banner. Any moves by external bodies or otherwise to continue to enforce that or to enshrine that can only enhance what we are currently doing.

Mr McGUIRE — Thank you.

Mrs COOTE — Mr Elder, Mr Torpy, thank you very much indeed for being here today. I have questions for you both. I think I may start with one for Mr Torpy, which is to deal with the relationship with VIT and the Catholic education offices. In the *Facing the Truth* document, which is the document that was given to this Inquiry from the Catholic Church, the subheading is *Learning from the past — how the Catholic Church in Victoria has responded to child abuse* on page 98 it says:

The establishment of a memorandum of understanding between VIT —
the Victorian Institute of Teaching —
and the Catholic education offices of Melbourne, Ballarat and Sale resulted from the regular meetings —
that had been conducted between the VIT and the Catholic education offices.

I just want to know did that actual memorandum happen?

Mr TORPY — Yes.

Mrs COOTE — And it is operable?

Mr TORPY — Yes, that is correct.

Mrs COOTE — So how often do these meetings happen?

Mr TORPY — I must admit I am not an expert in that area. Other staff in the office at our headquarters are, but I can say that it is active in terms of following up on matters of concern or our professional conduct. That was the basis on why the memorandum was laid down. Mr Elder probably knows a little bit more about that than me.

Mr ELDER — Yes. I meet with the Victorian Institute of Teaching on a monthly basis, both with their chairperson, Mr Don Paproth, and with Ms Melanie Saba, who is their CEO. I understand — not because I have read transcripts but because they have informed me at the last meeting I had only, I think, a week ago — that they made comments favourable to the way that MOU was working between that organisation and us. It fits in with what happens in modern management practice, where people like psychology boards, medical institutes et cetera are engaged through a memorandum of understanding others to undertake investigations, which primarily is a gathering of information, and report that information back to the Victorian Institute of Teaching. The Victorian Institute of Teaching, through that memorandum of understanding, has a clause in that that if, for example, an individual does not want the Catholic education offices investigating their complaint or their story, they can make a representation to the institute and tell them that they do not want us to investigate it. That has happened in the life of the current agreement only once.

Mrs COOTE — Without going into the details of people's names, could you give that example? What was it? How did it happen?

Mr ELDER — It was where that person had come to us in the first instance, and we had investigated it and did not deliver a finding that they wanted. They then applied directly to the Victorian Institute of Teaching.

They investigated the matter and came to the same conclusion as we did in the preliminary investigation, so it was a non-referral matter.

Mrs COOTE — All right. So in this MOU, if in fact there had been an issue that you had looked at and the person concerned had been unhappy and it went to VIT, how would that be thrashed out, so to speak, between you under this MOU?

Mr ELDER — Our investigation is done on the protocols that are laid down by the VIT. We just do not go off and investigate it as we see fit; we investigate it under the protocols that they lay down for us to investigate it. They have a right at any time to allow us to do the investigation or to do it themselves. But as I said, to date they are reasonably happy with the way the MOU has been going. I think off the top of my head we have re-signed another MOU to continue it, but I just need to check that. But nevertheless the power is not ours to investigate; it is given to us under the MOU, which they can take back at any time or determine that a particular case not be investigated by us but them.

Mrs COOTE — How long had the previous MOU been in place?

Mr TORPY — It was during the 90s; I do not know — —

Mr ELDER — Yes, during the 90s; I think basically since the establishment of that.

Mrs COOTE — Okay. So if there is a new one, will it be for another 10 years, or how will it operate?

Mr ELDER — I will take that on notice and report back.

Mrs COOTE — I would be very interested to see what any variances there were between the original one and the one that has just been signed. I would be very keen if this committee could have an understanding of what the differences were between the two.

Mr ELDER — I would be happy to. Do not take as categorical what I am saying to you.

Mrs COOTE — No, no, I shall not.

Mr ELDER — I think there was one just signed, but I am happy to go and check and report back.

The CHAIR — Does any other independent school group have a similar MOU with the VIT that you are aware of?

Mr ELDER — Yes, the Victorian Department of Education and Early Childhood Development has, I understand, an identical MOU. It is a common practice across institutions where this happens, but at the same time it is independent in that the Victorian Institute of Teaching sits outside all the education sectors, both state and Catholic, in respect of the conduct of the work that the MOU engages us to provide and the protocols by which we undertake that investigation.

Mr TORPY — It is fair to say that both our office and the Victorian Department of Education and Early Childhood Development have a Conduct and Ethics Branch, or a Conduct and Ethics Unit, if you like, for professional conduct, that refers and liaises directly with VIT.

Mrs COOTE — Along a slightly different line, I just want to talk about risk management, the identification of your areas that you feel have got high risk and if that is documented. Are risk assessments for activities with children conducted and are they documented and responded to, and what do you see as a high-risk area?

Mr ELDER — Sorry, can I have that again? When you are talking about risk, we have risk registers across both the CECV and the CEOM. Those risk registers run from anything — —

Mrs COOTE — Could you tell me what the acronyms stand for?

Mr ELDER — Catholic Education Commission of Victoria and, CEOM, Catholic Education Office Melbourne. I am sorry. Educators are prone to use acronyms.

Mrs COOTE — Politicians are not good.

Mr ELDER — I apologise.

Mrs COOTE — My issue is that I would like you to detail some of that risk assessment and how you actually apply that through the Catholic schools and through the Catholic Education Office as to how the risk management is assessed, how you apply it to the children, if it is recorded and dealt with and what areas you have identified as high risk.

Mr ELDER — Particularly around?

Mrs COOTE — Child abuse.

Mr ELDER — Child abuse.

Mrs COOTE — I do not just mean sexual abuse, I mean child abuse altogether.

Mr TORPY — That is a difficult question to answer in that format, but I will try to give some descriptions as best I can and hopefully they will hit the mark. There is no set plan put in place around risk management for child abuse; more so it is the proactive and preventive measures that are put in place and what teachers and other staff or volunteers get involved with them knowing what their obligations are every minute of the day. It stems from the most basic, being the duty of care and the supervision requirements that they are obligated to uphold from the minute a parent drops their child off at a school on any given day through to the time that mum and dad come to pick their child up. That is probably the requirement that is most paramount in any teacher's mind throughout the day: that they have ultimate duty of care and supervision of students at all times.

Around that, regardless of who the teacher is, they are also highly aware of their mandatory reporting requirements, safety ratios with the activities they are undertaking for students, whether it be an in-school activity in the classroom through to a high-risk adventure activity outdoors, so there is certain ratios of parents and trained staff to students and so on. In addition to that there is the working-with-children check procedures that do not relate to teachers because they are covered under their teacher registration, but there are working-with-children check mechanisms that our office has in place for other non-mandated staff and indeed other parents and volunteer staff that may get involved in activities, so those things are ticked off at a school level as well to provide some form of risk management, if you like. So there a range of mechanisms going through those levels.

Mrs COOTE — That is along the lines that I am interested in. I am interested that you raised the issue of parent involvement. Do you make all of the parents who come to your school have working-with-children checks? I am talking about parents. I am not talking about external volunteers, I am talking about parents of children currently at the school.

Mr TORPY — I will try if I can, Mr Elder, make it clear that parents are certainly under no obligation to have a working-with-children check in their daily engagement with the school — taking their student to and from school. All our staff are covered under VIT. Other non-mandated staff, be it educational support staff, others working in the school in non-teaching roles or contractors that may come in and be working on IT systems for six months, our systems will ensure they get working-with-children checks. In relation to that, extended clergy and priests as well are obligated under our protocol and policies to have working-with-children checks. We do go above and beyond the minimum legislative requirements for working-with-children checks in requiring of any individuals that we get as volunteers and parental support to actively help activities with teachers we require that before they become involved in those, as part of our processes, that they have working-with-children checks.

Mr ELDER — Just to add to that, including contractors who are continually working within the school as well.

Mrs COOTE — That talks about all of the non-teaching staff. Do you go beyond the call of working-with-children checks to have a really robust recruitment process for teachers in your schools?

Mr ELDER — In respect of?

Mrs COOTE — You have the working-with-children check, but are you actually also really vigorous and robust in your recruitment program in making quite certain not only do they have working-with-children checks

but that you have got proper psychological looks at these people and a whole range of other safeguards in place to screen the teaching staff that you have?

Mr ELDER — No, we do not have psychological tests for those people who are coming into our schools on an ad hoc basis.

Mrs COOTE — You do not have any other sort of screening processes at all?

Mr TORPY — If I could add, I would certainly say we screen our staff in a whole range of ways, like any other organisation would, during the recruitment process to try to get the best individual we can for the role we are asking them to fulfil, particularly in environments where at the most fundamental level we are all about creating safe and supportive environments for children. As far as I understand, our teachers are not obligated to have working-with-children checks because they have to fulfil a whole range of parallel obligations as part of their VIT teaching registration. So it is through those processes and meeting the requirements of the VIT that they are also screened in addition to the screening we do through our rigorous interview and selection processes within our school communities.

Mr ELDER — The other part of the risk assessment is also working with government and the Victorian Registration and Qualifications Authority, the Victorian Institute of Teaching and others about continually assessing policies, regulations et cetera as they apply in this particular area. There is always a working party going somewhere that is continually looking at legislation et cetera. We are part of that process.

Mrs COOTE — You spoke before about professional development and how you conduct that on the annual basis, I think it is, talking about the awareness of child abuse. What other things do you do to actually nurture and foster a child safe culture? You have talked about various programs, and you tick all those boxes, but how do you actually encourage a child safe culture across the Catholic education system?

Mr ELDER — That goes down in part to the culture that exists within a school. If you want, I can tell you that our schools are very safe and supportive environments, but fundamentally, if you want to look at some research, there a number of pieces of research. One was put out recently that fundamentally says a child in a Victorian Catholic school is 1.7 times less likely to be racially abused than another.

Mrs COOTE — Who did that? Who conducted that?

Mr ELDER — I will come back and tell you that.

Mrs COOTE — The Catholic Church?

Mr ELDER — No, no, no, it was not. This was a study that was undertaken by one of the federal government departments.

Mrs COOTE — Okay; thank you.

Mr ELDER — If I put up research to you, it will be strong research that is done by an independent body outside of us. There is other research that has been done by the Victorian Health Promotion Foundation that talks about the safe and secure environment that exists within Catholic schools and how that impacts on performance. We have done some of our own research that has been done by other individuals that basically shows that. And we have record enrolments, I might tell you, and insufficient places to cater for the record number of enrolments. If I can make a plug for additional funding, I am happy to do that, particularly capital. The reality is that — —

The CHAIR — It is budget week next week.

Mr McGUIRE — A pre-budget pitch there, we know.

Mr TORPY — I add that at an operational level there is a lot of work that stems from my unit, the wellbeing and community partnerships unit, but also more broadly that contributes to creating the safest schooling environments for students possible. A lot of the work that we do again runs parallel with what DEECD — the Department of Education and Early Childhood Development, I should say — is doing. For us, a lot resonates from our pastoral care of students policy, which begins by talking about the need for our Catholic communities

to be based on love, respect, tolerance, compassion, forgiveness, repentance, reconciliation and justice. But then the activities that we have that flow from that include practical activities such as our antibullying strategies, our cyber-safety strategies and our positive behaviour support, which is trying to create an entire positive culture in a school community. We are working in that space on an ongoing basis, the same as our department colleagues. There continues to be research and innovation going on there, looking at how it works across the world, with the US, and so on.

There is also work that is happening not only under the cross-government *Protecting the Safety & Wellbeing of Children Protocol* but under a Council of Australian Governments national framework that was signed off for protecting Australia's children. Parallel to that, at what was previously MCEETYA — I am sorry, the Ministerial Council at the federal level — now called SCSEEC, going back more than a decade to about 1997, the Ministerial Council signed off on a national strategy to enhance protection of children. That followed not long after the introduction of mandatory reporting. That national strategy to address child abuse and raise awareness in schooling then linked into what became the *National Safe Schools Framework*, which has applied to all schools for more than a decade, since the late 1990s. Under the *National Safe Schools Framework*, all schools in Australia were reporting annually to the commonwealth government on what activities they were putting in place around codes of conduct, student safety and antibullying, and they were doing that for some time. While some of those reporting procedures have changed in recent years, up to this minute we still work under the umbrella of the *National Safe Schools Framework* with our sister states and territories and education sectors to roll out a whole lot of activity under the banner of the *National Safe Schools Framework*.

Mr O'BRIEN — I just want to follow on a bit in relation to child safe culture. You mentioned your whistleblowers policy. Do you accept that a very encouraging and welcoming approach to whistleblowing is essential if one is to ensure a cultural change?

Mr ELDER — Correct.

Mr O'BRIEN — And that is why you have put your whistleblowers policy in place?

Mr ELDER — Correct.

Mr O'BRIEN — Are you aware in your review that you outlined to the Chair that there has been some historical — some so-called historical, I do not want to use that term pejoratively — cases back at least in the 80s where whistleblowers, or people who believe they were whistleblowers, do not believe they received a sympathetic hearing, from the Archbishops, the church or your office?

Mr ELDER — I have seen some of that information that has been put before this committee. I am not in a position to determine whether or not that information is correct or not. The only thing that I have to satisfy myself is, again, a review of the files. I have reviewed a number of those files where those claims were made. Further to that, because one of the people who undertook the initial investigation still works for me, I have then interviewed them on two occasions to determine, one, whether or not their career was impacted on because they had made allegations, and two, whether or not, as I said earlier, they were under pressure from either high church authorities or people within the Catholic Education Office to not deliver a proper and truthful finding. On those occasions that I have gone back to those staff members — and they take it, as an aside, that they have been slurred here — they have committed to me that they were under no pressure in either of those cases and in terms of those people who alleged that their careers were stopped as a result of them whistleblowing, they deny that.

Mr O'BRIEN — Were you involved at the time?

Mr ELDER — No, I was not. That is what I say to you: I can only rely on files because I do not know. I do not know the veracity of either claim except that, to satisfy myself as the Director of Catholic education and to search for any holes in processes that previously were in place or processes that we have going forward, we need to ensure that that does not happen. Just to give you an example, can I tell you that employment is not done centrally. Under a central employment policy you could, if you wanted to, take action against someone if you saw fit. In the Catholic —

Mr O'BRIEN — I want to pause you there, because I want to take you to these cases, if I could, and then I will let you answer them. Two people who have come before us are Graeme Sleeman and Carmel Rafferty.

Both of them came in relation to Doveton. Both of them were recommended to go into Doveton by either other schools or your office — are you aware of that?

Mr ELDER — Yes.

Mr O'BRIEN — For their credit, because of the difficult situation that had occurred in Doveton with Vic Rubeo and Billy Baker, at least, being previous paedophiles in that school and parish. Are you aware of that?

Mr ELDER — Yes.

Mr O'BRIEN — Let us start with Graeme Sleeman. He came before this committee, and at Doveton he initiated a number of programs that he says he received commendations for that sounded sensible to me — kids learning how to behave in farms and learning to shear and do things that he was familiar with. Are you aware of those programs?

Mr ELDER — Generally; all I can rely on is what is in the file. If the man walked in here now, I would not know him, so mine is an unemotional view of this situation based on the files and the interviews of the people within my office who undertook the investigation at the time.

Mr O'BRIEN — The man did walk in here, and he sat in your seat, and I am going off what he said to us. I will put it very simply. He surely became a whistleblower on this Father Searson. Now this Father Searson seems like an extraordinary priest. He had guns on his side, he was obsessed with confession, he was one of these priests who was moved around and, most importantly, Graeme Searson found evidence which he reported to the Catholic Education Office that this priest had taken \$40 000.

Mrs COOTE — Sleeman.

Mr O'BRIEN — Sleeman — Sleeman found evidence that Searson had taken \$40 000. This was a principal who had been brought in as a troubleshooter with a previously good reputation. To cut a long story short, he ends up resigning — this is Graeme Sleeman — before this priest is effectively convicted, which happens later, but this is the bit that I find extraordinary. Notwithstanding that resignation and the dispute that goes on, his role that he comes before this committee in is to say that his name in the public domain as a whistleblower has not been cleared, when in fact he was right. He did whistleblow on Searson, who turned out to be a paedophile.

Now how he went about that may have some issues, but why has the Catholic Education Office or the Archbishop not sought to simply seek what that man sought before this committee: someone of previous good reputation, to come back and have his name cleared as a whistleblower?

Mr ELDER — As I said to you, all I know is what is on the file and the people who undertook the investigation at the time. That is the only evidence I can rely on. It would be fair to say, and I agree, from the accounts that I have heard from others, that Father Peter Searson was a very strange individual. Everything that you have said about him is absolutely correct based on the files and the knowledge that I know. I accept that. But when this matter first presented, it was a matter of a breakdown in the relationship between the employer and the employee.

Let me make it quite clear to you from people who I have spoken to in my office who did the investigation. There was no love lost between the Catholic Education Office Melbourne and Father Peter Searson. In fact the behaviour that he exhibited towards his employee was similar to the attitude that he employed towards our office. Let me tell you, when we went out there, there was no — — if you would like to cut in?

Mr O'BRIEN — I want to cut in there because, specific to Mr Searson's evidence, he says — —

Mr ELDER — You mean Mr Sleeman?

Mr O'BRIEN — It is Mr Sleeman's evidence; thank you for that correction. This is about the \$40 000 in 1986:

I reported that through the educational consultant to the Catholic Education Office. After many weeks and months of me pestering about what was the outcome, they came back to me and told me that Father had made a mistake, and he would pay it back.

These are his next words:

When I found the money stuff, I thought we had him on toast and we could get him out the door, because up until then I was being told that I did not have concrete evidence ...

This is about the paedophilia and the young girls, and being sure:

Part of the culture that went on was that in the end you almost came to be doubting your own intelligence and your own understanding of young people, how kids function and how they see things.

That is the start of the dispute. He has got him actually on toast, on a \$40 000, which a sympathetic — —

Mr ELDER — He has got him on toast, if what you say is correct.

Mr O'BRIEN — If what he says is correct.

Mr ELDER — If what he says is correct.

Mr O'BRIEN — But what turns out to be correct is that he was a paedophile.

Mr ELDER — Correct.

Mr O'BRIEN — This priest.

Mr ELDER — Correct.

Mr O'BRIEN — And that was at the heart of this efforts to remove — —

The CHAIR — Put your question please, Mr Obrien.

Mr O'BRIEN — I believe I put a few, but I am happy to put another one.

The CHAIR — I will move on. If you do not put a question, I will move on.

Mr O'BRIEN — I will put another one. In relation to this little interaction about the \$40 000, as concrete evidence that there was now concrete grounds to remove Searson, as opposed to innuendo about sexual assault, he actually had concrete grounds, but instead the church chose to call it a mistake. Do you accept that?

Mr ELDER — No.

Mr O'BRIEN — Okay.

Mr ELDER — I mean, I do not know, but the only thing I am relying on — and I am not the most involved here — all I am relying on is what Graeme Sleeman said to this Inquiry and what the independent investigator said at the time.

Let me tell you, I am not across all the detail in the file, but one of the things that did come to mind here, which was brought to my attention, was the \$40 000. On going back to the files, we see that it was not \$40 000. It was a sum of money, but it was in respect to petrol purchased for Father Searson's motor vehicle, so that is what is on the file. Was the investigator right or was Graeme Sleeman right? I do not know, except to say that is the evidence that has been put forward by two separate parties.

It is fair to say, and I support the position of Graeme Sleeman, that Peter Searson was an extremely difficult employer and absolutely was a paedophile. That is very clear. But can I say, quite often when these matters present themselves, they do not present themselves as a paedophile matter. They present themselves, in the first instance, as a breakdown in the relationship between the employer and the employee. He further says that there was no support given to him in his role of principal, which the file version would say is incorrect and that the Catholic Education Office supported him strongly in his role, including with the school financially and educationally, and support to him as the leader.

Who is telling the truth? As in many of these issues, I do not know, Mr O'Brien, except to say that this is a matter that happened a long time ago and there are two versions of the truth as they come forward.

Mr O'BRIEN — If you are trying to encourage whistleblowing, because we can then go to Carmel Rafferty, who was at the same school, who also was brought into the school — and I will go to that in a second — would you agree that you should be bending over backwards to ensure that someone like Graeme Sleeman, who did whistleblow, is looked after, and to ensure that those who are thinking about it do not feel like he did, even if you say he is wrong in his feelings?

Mr ELDER — Can I say to you: at the time he made allegations in respect to paedophilia at the school, which was investigated, and on which at that time, because there was no legislative framework, the parent would not take the matter forward to the police. I understand also, just off the top of my head, that the matter was further investigated at a later stage by the police. In that instance, they laid no charges and did not pursue it as well. There is no doubt that there were mistakes made in dealing with that. On the veracity, the truth, I suspect there is an element of truth in both stories that are put forward, and under some other process it may be able to attempt to verify what is the truth.

The CHAIR — Have you got a final question, Mr O'Brien?

Mr O'BRIEN — One of the things that is unusual about Graeme Sleeman's case is that he ended up being paid out not by the Catholic Church, in the sense of compensation payment under Towards Healing in its total; he ended up getting paid by Peter O'Callaghan personally. That was the evidence we received. There may have been some payments from the church, but Peter O'Callaghan paid him personally. He had a conversation with George Pell, which I will not go into; it is on the record. But in his words to this committee, in his submission, which I drew out from him, he said, 'It appears that once again the church is only concerned with the words and not the actions of justice'. That was his key point: that all the apologies, if you are not prepared to look after him and do your best to reinstate his name or give whatever financial compensation as a whistleblower — yes, you have looked through the historical, retrospective scope — you are only concerned with the words but not the actions of justice. Do you accept that?

Mr ELDER — The bottom line is that if you are putting to me that his name is mud within Catholic education or education circles generally, I would say that is not correct.

Mr O'BRIEN — Then that is something. What about Carmel Rafferty? She also lost her job, and her evidence was that she was advised not to seek another job in the Catholic system.

Mr ELDER — Okay. I think part of the thing that this Inquiry has done, which has been very good, is that it has given an opportunity for people to present their story, seen through their lens. Now, the reality is that quite often there are different lenses that look at things in a different way. I am not here today, which I could do, to raise some of the other side of the story that came out of investigations that were undertaken by my office which present a different story and I will not do that because —

Mr O'BRIEN — I understand. I do not want you to do that.

Mr ELDER — that would create damage —

Mr O'BRIEN — Sure.

Mr ELDER — which I think this committee has done a great job in repairing. But fundamentally the truth is in the eye of the beholder, and somewhere between the different lenses that are put forward there are varying degrees of the truth.

Mr O'BRIEN — A final question: do you think the church can do better with whistleblowing than it did back then?

Mr ELDER — The church is doing better than it did with whistleblowing then. Might I say to you as legislators: if we were legislators and we were concerned about the people who we look after and we knew that paedophilia was going on — and I put myself in the same category as you as legislators — why did we not do something earlier to bring in legislation that protected the young people within our schools? If we were aware of this problem, then we should have acted earlier, because the one thing that it has proved is that since we have introduced legislation in respect of mandatory reporting and other things, there is no doubt that in respect to stats and data the amount of abuse is fundamentally on the decrease within our schools.

Mr O'BRIEN — Perhaps we need to look at how we treated our whistleblowers.

The CHAIR — Thank you, Mr O'Brien.

Mr WAKELING — Gentlemen, thank you very much your attendance. Can I just firstly clarify the process with respect to a teacher in a Catholic school where an allegation is made against them of potential criminal action in child abuse? Who is it referred to?

Mr ELDER — Well, the legislation is quite clear.

Mr TORPY — If an allegation is made about a teacher, you say?

Mr WAKELING — About a teacher in a school. A parent makes an allegation — —

Mr TORPY — A parent?

Mr WAKELING — By a parent to the principal. That is referred to your office. What is the process? Who do you refer that to?

Mr TORPY — There are two processes that can happen at once if an allegation is raised with a staff member or the principal by another staff member or an individual in the community. Those two parallel processes are the mandatory reporting procedure, which can happen in its own right and nothing else need happen. If an individual wants to go down that path, whether they are mandated or not — the teacher and the principal are mandated— then under the Mandatory Reporting obligations they may choose to pull this lever only, and in reference to the earlier questions, that has inherent whistleblower protections because it is an anonymous reference to DHS Child Protection.

Mr WAKELING — Okay.

Mr TORPY — In parallel with that, there is the fully documented policies and procedures around allegations of misconduct against the lay employee in Policy 2.20, which has full details on how an allegation is followed up if the referral goes to the principal. There are notes in here on the procedures that principal should go through in listening carefully to the allegation, collecting initial information, and taking it forward to the central office. It includes reference to engaging the police in the investigation as well as mandatory reporting if that is required at the same time, and steps to go through to ensure confidentiality as part of that process. So they go hand in hand.

Mr WAKELING — Mr Torpy, if I can just drill down. At first instance, the matter is always referred to DHS under mandatory reporting?

Mr TORPY — Under mandatory reporting, the matter is referred to DHS Child Protection by an individual. They can do it at any time of day or night.

Mr WAKELING — Okay. Is it referred to the VIT?

Mr TORPY — If it is brought to the attention of a school and the principal then brings it to the attention of the Catholic Education Office Melbourne's Professional Conduct area, our Conduct and Ethics unit, that could invoke the process to engage police and other organisations such as VIT. But if it is purely under a mandatory report to DHS Child Protection, what processes they take and how long they take to get in touch with police and any other party such as VIT is entirely up to them.

Mr WAKELING — So it may?

Mr TORPY — It may.

Mr WAKELING — Is it referred to the police, or it may be referred to the police?

Mr TORPY — DHS Child Protection makes that call in its own right. From my practical experience, they work very closely at an operational level, as indeed we do with the Sexual Offences and Child Abuse (SOCA) Unit of the police.

Mr WAKELING — In regard to the allegation against the individual, is the teacher or layperson stood down during the investigation?

Mr TORPY — Again, if the report was made, we would be under the direction of both DHS Child Protection and police, and we would be taking relevant actions in response to what they require of us.

Mr WAKELING — And VIT, do they have requirements in regard to this, of standing the person down?

Mr TORPY — Certainly. I do not have all the detail on how and when a teacher is stood down, but again within our policies – Policy 2.20 - when there is an allegation of misconduct I have recollection of detail within the documentation of VIT being involved and what processes around when staff members are stood down either with pay or without pay or suspended and so on, and VIT provides a lot of direction in that regard.

Mr WAKELING — So that is with regard to a teacher. If an allegation is raised with your office with regard to a priest who is non-educational, so therefore does not fall within the ambit of education, and the office receives that complaint, who do you refer that matter to?

Mr TORPY — It is the same process again within our overall *Catholic Schools Operational Guide*. Under the Catholic Education Commission of Victoria banner, the policy is quite clear. There is some detail, under the *Care & Responsibility - Mandatory Reporting* heading, around what mechanisms should be invoked, should it involve a member of the diocesan clergy within the Archdiocese. So that does include going through both processes of mandatory reporting procedures, as well as notification to the Catholic Education Office Melbourne's Professional Conduct area.

Mr WAKELING — So a priest would be referred by your office to DHS?

Mr TORPY — More than likely by us, or through our office's involvement there it would be a directive to make a mandatory report.

Mr WAKELING — Would they be referred to the Archdiocese?

Mr ELDER — Let me give you a case that has come before the Inquiry so that this gives you a recollection of it. A teacher at Portland made a claim to this committee that he saw a priest abuse a child. Okay. So under mandatory reporting he has an obligation to report that. He said that he reported that to the Catholic Education Office in Ballarat and others. Looking back over files and file notes there is no record of that. Regardless of that he has an obligation that is unequivocal under the Act to report that himself to the Department of Human Services Child Protection. There is no escape room on this. The legislation is unequivocal.

Mr WAKELING — But in regard to your office receiving that complaint, do you report that information to the priest's employer if you wish, the Archdiocese, or in that case, Ballarat?

Mr ELDER — So the question you are putting to me is: if we get a complaint coming to our office from whoever that a priest has abused a child?

Mr WAKELING — Yes.

Mr ELDER — The legislation is quite specific about who reports that. If the allegation came to us through another person, as it has in recent times, we have reported that directly to the police. Let me give you an example: I think it is out at Healesville. Some others have been here before you. In that case an allegation was made through a third person to our office, not in the first instance, of abuse but in the first instance of the priest and his influence — and this happened outside of a school, not within. It concerned a priest having undue influence over the child and a mother who had the child at the school.

That matter was investigated by a person in my office. We suspected grooming. That was reported even though we did not have an obligation to the employer who was the Archbishop. The parish priest was stood down, the police were called to investigate and charges were laid some weeks later. So we acted decisively in the first instance.

Mr WAKELING — What if the conduct concerned was not sufficient to fall under mandatory reporting?

Mr ELDER — The points you are getting at are some of the inadequacies that exist with respect to the current mandatory reporting system which I suspect will be picked up by this Inquiry. So in the absence of a road map, that leaves too much discretion at a state, independent and Catholic school. I look forward to your recommendations in tightening that up.

Mr WAKELING — Can I then clarify that if there is an allegation against a priest — and I appreciate your organisation is not responsible for priests if they are not performing an educational function — you can provide that information to the Archdiocese, but you have no opportunity to ensure that the alleged perpetrator is removed from the parish school for which you are responsible during this process?

Mr ELDER — Under the legislation the obligation is on the person who is laying the complaint. But proper practice would involve us. If that came to my office, we would have our own internal practices where we would investigate that. If the direction of your question is whether there is opportunity for the clergy above me in the Archbishop's office to interfere in what is good practice in mine, the answer to you is absolutely not.

Mr TORPY — Can I just clarify, in addition to that, in matters such as you are describing generally, any parties, whether it be our office or others, would be taking direction most likely from key parties such as DHS Child Protection and Victoria Police. But just to provide crystal clarification, if you do not mind, I will read an extract from the *Victorian Catholic Schools Operational Guide*, referring to the alleged Misconduct of School Personnel Policy under the *Care & Responsibility* section. It hopefully gives the answer to what you are looking for in a couple of lines. If an allegation is made against a member of a clergy within our Archdiocese, as we indicated there, the policy does clearly state the triggering of mandatory reporting, but it also sets down quite clearly 'Notification of both the Catholic Education Office Melbourne and the Archdiocesan Independent Commissioner is necessary'.

Mr WAKELING — And just one final question, if I may: if you are aware that an independent commissioner was dealing with a matter relating to an alleged perpetrator, would you provide records of complaints to the Independent Commissioner? Are you aware of that occurring?

Mr ELDER — We have in the past. That is fundamentally about compensation. I would make a call on that as the Director around what information I would give to the Independent Commissioner. If it was in respect to, I suspect, determining compensation and it may assist in that case, that would be a decision that I would make.

The CHAIR — Thank you very much, Mr Elder, for that clarification. I will now ask you to make a brief statement to the committee.

Mr ELDER — Thank you, Chair. Firstly, I want to congratulate the Victorian government and the Family and Community Development Committee for taking the national lead on this important discussion. I am pleased to have the opportunity, as is my colleague, to appear before the Committee today. I am also pleased that the Australian government has broadened the focus of its Royal Commission to look at all institutional responses to child sexual abuse, so that our children can be protected from this evil. As we all know, these shocking and vile crimes are a national disgrace that were not confined to religious organisations but have been a blight across all levels of society.

I began as a youth worker in 1975. I graduated as a teacher in 1980. I was a member of the Victorian Parliament for 11 years and Parliamentary Secretary for Education for 7 years. I have been the Executive Director of Catholic Education for the past 7 years. My life's work and professional duty has been dedicated to the education and development of Victoria's young people.

I have witnessed immense change in the child protection landscape since I embarked on my career in education some 38 years ago. We live in a very different world today than when I first began in education. Back then certain figures in society carried unquestionable authority — teachers, police and indeed some religious figures. A socio-cultural shift has occurred and those figures are now being held to account for their actions and ethical standards. This cultural shift has also been matched by a dramatic strengthening of the legislative framework, so that our children are protected by the law. I am proud of the work that I have done as a legislator and as an educationalist to influence these legislative requirements. But the insidious and devious nature of paedophilia means that we all must continually examine and strengthen the safeguards for the protection of our children. This Inquiry and the Royal Commission are clearly integral to this.

As the Executive Director of Catholic education I can say to the families of the more than 200 000 young people in our care: your child is as safe in a Catholic school as they are in any other school. I take this commitment as seriously as I have the safety of my own two children. I can say this confidently because all schools in Victoria operate under common regulatory requirements in this area. They are all the same — government, Catholic and independent. The legislative framework that applies to all Victorian schools to ensure the protection of children comprises the Children, Youth and Families Act 2005 — in particular section 182 details mandatory reporting requirements; the Education and Training Reform Act 2006; the Education and Training Reform Regulations 2007; the Charter of Human Rights and Responsibilities Act 2006; and the Working with Children Act 2005.

In addition there are regulatory and policy requirements, including the Victorian Institute of Teaching requirements established in 2001; the Victorian Registration and Qualifications Authority requirements of 2012; a joint protocol protecting the safety and wellbeing of children and young people, which was updated in May 2010; a joint government and education protocol *Protecting the Safety & Wellbeing of Children & Young People* and the Council of Australian Governments' *National Framework for Protecting Australia's Children 2009*.

Mandatory reporting legislation was first introduced in Victoria in 1994. Any person who is a registered teacher with the VIT, including a principal, is mandated to report to the Department of Human Services Child Protection if they form a 'reasonable belief' that a child is in need of protection from physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child. Staff members in all schools, mandated or not, need to report a 'reasonable belief' when this belief is formed in the course of their professional duties. Mandatory reporting requires the individual staff member to immediately refer the matter to the Department of Human Services, Child Protection. Once the matter has been reported to DHS Child Protection, an appropriate investigation of the complaint is to be conducted by DHS Child Protection and Victoria Police, as appropriate.

In addition to mandatory reporting requirements, all teachers must be registered with the Victorian Institute of Teaching. If there is a substantiated allegation of serious misconduct against a Catholic school teacher or principal, the matter is referred to the VIT, which investigates the matter in the first instance. This advice is provided to schools and is publicly available on the Catholic Education Office Melbourne website under policy 2.20. The Catholic Education Office Melbourne conducts annual training on mandatory reporting processes for all staff in Catholic schools in the Archdiocese of Melbourne. Finally, the joint protocol *Protecting the Safety and Wellbeing of Children* between DHS Child Protection and all Victorian schools has been in place since 2001 to facilitate effective responses to protect children from harm. This protocol was updated in May 2010 and has been updated online to include national legislation updates.

The requirements for Catholic education in Victoria in relation to working-with-children checks go beyond the minimum requirements of government. There are more children in Catholic education now than ever before in the history of this state and our enrolments are growing at unprecedented rates, with Catholic schools currently attracting more than 50 per cent of all new enrolments across all sectors. Principals in our schools, their staff and I are proud of our vibrant Catholic schools, which hold themselves to the highest ethical, academic and professional standards. But, more importantly, Victorian parents continue to trust Catholic schools to provide a safe environment in which to educate their children. They recognise that the structures, checks and balances in place today reflect the latest legal and community expectations.

Recent research on parental attitudes toward schools found that parents highly value the pastoral care of Catholic schools and believe Catholic schools are ahead of other sectors in this area in their care for the wellbeing of students. This is very important to me because our community is indebted to our parish priests, principals, teachers and staff, and members of religious congregations who have contributed to the legacy of Catholic education and have helped develop generations of fine young people who are now shaping the world for our common good.

I would also like to take this opportunity to recognise the many wonderful priests and religious who have dedicated their lives to assist the education of our young people. They have been affected very deeply by the crimes that are the subject of your inquiry and are also determined to see this blight removed from the Church. The vibrancy of Catholic education says to me that the life's work of these educators has not been undermined by the evil crimes. Most importantly I publicly state my shame, anger and sorrow that children in our Catholic

schools have been abused. Any minimisation of the severe damage that has been done in the past to innocent children is abhorrent to us. I hope I am right in my belief that society no longer holds an unquestioning trust in those positions of authority, that culturally it is more difficult for these devious crimes to go undetected and that our children are safer through legal protections.

I hope this process will show that lessons have been learnt for the betterment of the whole community. It is our firm pledge to assist, as much as is possible, anyone hurt in the past. The great opportunity for this Parliamentary Inquiry is for the Church's failings to be a lightning rod to expose the great evil of child abuse and sexual abuse which continues to plague our society today. I am especially convinced that the wisdom and experience of parents are indispensable for the protection and nurturing of all of our children. Our capacity to respond has been bolstered by the insights shared with us by parents. I hope the deliberations and recommendations of this Inquiry further enhance and strengthen the safety and welfare of children.

The CHAIR — Thank you, Mr Elder. On behalf of the committee can I thank you both for your appearance this afternoon. Your evidence has been most helpful.

Mr TORPY — Thank you.

Mr ELDER — Thank you.

Witnesses withdrew.