

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 15 April 2013

Members

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Witnesses

Ms M. Saba, Chief Executive Officer,

Ms B. Carter, Group Manager, Registration and Accreditation, and

Mr C. Enright, Group Manager, Inquiries and Litigation, Victorian Institute of Teaching.

The CHAIR — On behalf of the committee, I welcome from the Victorian Institute of Teaching Ms Melanie Saba, CEO; Ms Barbara Carter, group manager, registration and accreditation; and Mr Chris Enright, group manager, inquiries and litigation. Thank you all for being before us 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. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

Thank you for being before us, and thank you also for providing the submission, which we have received just recently. I would like to first ask of you if you would not mind describing the function of the Institute, to give committee members just a bit of a perspective of what you actually do and who you represent.

Ms SABA — The Victorian Institute of Teaching is the independent statutory authority responsible for registering teachers who work in Victorian schools. The Institute was formed on 31 December–1 January 2003, and it was the first statewide regulator, if you like, to register all teachers. We have four main functions: register teachers to allow them to teach; accredit programs that lead to registration; perform disciplinary functions for teachers about whom there are complaints, whose conduct falls below the standard expected; and set the standards for teachers. So we are an independent statutory authority; we report to the Parliament via Minister Hall, the Minister responsible for the Teaching Profession; and we are self-funded out of teachers' registration fees.

The CHAIR — In relation to the issue that we are looking into in this inquiry, do you oversee or do you have any reported incidents that come to you from various teachers? Could you explain that reporting process, if you like?

Ms SABA — I think we have provided in our material to you that one of the functions or powers we have is that if a teacher is charged with or convicted of a sexual offence related to children, there is an automatic suspension and then, if convicted, an automatic cancellation of registration. Since the inception of the Institute, there have been 62 cases of teachers whose registration has been cancelled for sexual offences related to children.

On top of that, we have a formal hearing or investigative function. So if people make complaints around the conduct of a teacher, we have a power to investigate those complaints and then take action in regard to the registration of the particular teacher.

The CHAIR — Did all those 62 cases go to the police?

Ms SABA — They are convictions, so they are actually criminal convictions for offences related to children.

The CHAIR — In relation to that, what does the Institute do, therefore, to assist in ensuring children are not subject to sexual abuse?

Ms SABA — We have outlined there that one of the key functions in the establishment of the Institute was that we set up a code of ethics and a code of conduct for the profession. The code of ethics was introduced in 2005 and the code of conduct in 2007. I have put particular sections in there for you. It makes clear what is considered a breach of the professional relationship and also the requirement for teachers to understand the legal framework they work within, including mandatory reporting.

That code of conduct was provided to every teacher who was registered at the time that that started. It is given to every teacher on their registration as a teacher in Victoria. We have educated over 20 000 teachers since that time on their entry into the profession and as mentors. As well as that, we speak to every graduating course at universities, talking about the code of conduct. Part of the accreditation of education

programs that leads to registration includes that they must cover the code of conduct and code of ethics. I guess what we have done is set that profession-wide baseline that is fairly clear about that.

The other thing we have is the investigative power, so that if there are breaches of behaviour between teachers and students, we are the agency that can investigate those complaints, even if they are not matters that end up with the police. If they are referred to us, we will refer them to the police, or if they are not criminal matters but are still breaches of the relationship, like inappropriate messaging and so on, we can investigate those, hold hearings and if needs be cancel the registration of the teacher.

The CHAIR — In relation to that aspect of supplying information to students in universities undertaking their teacher training — in relation to the code of conduct, I think you said —

Ms SABA — Yes, that is right.

The CHAIR — do you think that is enough for those teachers who are being trained?

Ms SABA — That is what we can do as an Institute. We are not an employer. I suppose the other bit which I did not touch on is that there is a requirement for teachers to do 20 hours of professional development every year. It moves to annually, but at the moment it is 100 hours per five years. That needs to be PD that is based on the standards for the profession and also the standards outlined, understanding that legal framework that you work in.

The expectation from our end is that teachers source PD that is relevant to them. I do not have powers over employers to make them deliver a certain type of PD. I suppose what we do is give teachers that baseline framework that we expect them to operate on.

Mr McGUIRE — Thank you very much for your presentation today. I would like to ask you a little bit about the memorandum of understanding that your organisation has with the Catholic education system.

Ms SABA — Sure.

Mr McGUIRE — Could you please outline how that came about and how it works, particularly in regard to complaints of child sexual abuse?

Ms SABA — Sure. Mr Enright will start talking about that.

Mr ENRIGHT — In terms of the history, or when it came into the organisation, I can say in general terms that the Institute does have a memorandum of understanding with the Catholic Education Office, and it relates principally to the investigation of complaints that are made to the Institute about registered teachers within the Catholic education system. The memorandum sets out the terms under which the Institute will call on the Catholic Education Office to assist in conducting investigations on its behalf. We provide the Catholic Education Office with our guidelines, we oversee the investigations that we allocate to the Catholic Education Office and then we review in some significant detail the investigations that are conducted on our behalf, and the Institute makes its own decisions about the outcomes of those investigations. In terms of the time, as I understand it the memorandum of understanding has been in place for some two or three years.

Ms SABA — It is based on a similar MOU with the department of education, and if, say, the notifier of the complaint was unhappy for that to be investigated under the memorandum or if we felt the matter was sensitive enough that it should not be done under the MOU, then it will not be.

Mr McGUIRE — Thanks for that. And what brought this about? How did this MOU come to fruition?

Ms SABA — It predates me. I will probably need to take that on notice and write you some background on that one if that is helpful.

Mr McGUIRE — No problem. Thank you. And how do you see that working? Has this been successful? How do you rate it? What is your view?

Mr ENRIGHT — It does work very effectively, and the reason it does is because the Institute, both with the Department of Education and Early Childhood Development and the Catholic Education Office, takes an active role in the oversight and the guidance around investigations. Teachers within the Catholic system are employed by the Catholic system of course, but it works really well when we actively monitor the progress, and we stay in constant contact when investigations are conducted. We review in very significant detail the outcomes of those investigations and make our own decisions about them and ensure that the investigations are conducted within our guidelines. We think it works very well; it is very effective.

Ms SABA — And remember, all our investigations can be subject to review. So if anybody is unhappy with an investigation, they can take that to the Ombudsman. If they are unhappy with the outcome of a hearing, they can take that to VCAT. We do not operate without some oversight of what we do and of where people are unhappy with how that is progressed.

Mr McGUIRE — In how many cases has this been employed?

Ms SABA — We would probably need to bring those numbers back to you.

Mr McGUIRE — Okay. We are just trying to establish the facts of these sorts of issues.

Mr ENRIGHT — It is a very small number of cases — a handful of cases. I have been with the Institute for less time than the CEO, but in the last year it may have been one or two cases perhaps, and in the years before that that I have reviewed, and I have reviewed all of our cases, we are talking about a very small number.

Mrs COOTE — Thank you very much indeed, Ms Carter, Ms Saba and Mr Enright, for being here today. I would like to bring to your attention something I am sure you know about. In 2012 the president of the Australian Principals Federation, Mr Chris Cotching, said publicly that the Victorian Institute of Teaching's registration system is 'chaotic and poorly administered, with many teachers confused or unaware that they needed to regularly update their registration status'. In light of those comments that he made, can you assure us that, particularly in the area of child abuse and anything that may be affiliated or associated with any abuse of children, we can feel confident that it does not come under that category that he was criticising?

Ms SABA — Sure. I would probably direct you to the Victorian Auditor-General's review of the Institute that was tabled in Parliament in December 2011 in which the Auditor-General said:

The community can be confident that teachers in Victorian schools are appropriately qualified, suitable to teach and competent in the English language. VIT is a sound regulator and its registration practices give a high level of assurance that only those teachers who meet the regulatory standards are registered and that any unregistered practising teachers are identified.

Mrs COOTE — With all due respect, that was 2011; this is 2012.

Ms SABA — This was December 2011.

Mrs COOTE — Yes.

Ms SABA — The Auditor-General did a full review of us for the last six months of 2011. Without knowing what Mr Cotching based that on, the feedback we get, and we survey teachers regularly — I am just waiting for the results of the most recent survey — in 2009 and 2011 teachers indicated that they understand the registration requirements for them. In terms of assuring you, what I can say is that all the cases that come to us are thoroughly investigated. As I said, there is a model for people to seek review if they are unhappy with that. There have only been, I think, two cases in the last 10 years where VCAT has altered the decision of the Institute, and in both of those cases they still found serious misconduct, but altered the determination against the teacher. I am not sure if I am necessarily answering what you are after — —

Mrs COOTE — I think he said specifically that they needed to regularly update the registration status, and you were explaining about child abuse — that that is part of the registration and you give them information when they register et cetera — —

Ms SABA — Sure.

Mrs COOTE — I just need assurance that in fact the child abuse segment of that registration process is covered as adequately as it possibly can be.

Ms SABA — Teachers in Victoria undergo a five-yearly national criminal record check, and that is repeated on a five-yearly basis. In between that, due to legislative changes from 2011 — it commenced in early 2012 — we run the whole teacher database against the Victorian LEAP database every eight days.

Mrs COOTE — Sorry, could you just repeat that?

Ms SABA — Yes, sure. We run our teacher registration database against the Victorian LEAP database every eight days, so we can track if there are any current investigations, charges and, obviously, convictions against teachers. I think there is a whole lot of oversight we do to really track if there are any issues going on with registered teachers.

Mrs COOTE — And the teachers themselves know what their obligations are — —

Ms SABA — Yes.

Mrs COOTE — And that is updated on a regular basis as well?

Ms SABA — Yes, that is right.

Mrs COOTE — So that they are very aware through — what, workshops or — —

Ms SABA — Most of our communication is through writing to teachers. We run newsletters, we do email blasts, and we write to teachers on their annual requirements. We have just been doing a new communication strategy since that time to update them on changes to the legislation and, as I said to you, I am waiting for the next round of review from teachers about understanding their requirements, for example, around the code of conduct that was introduced in 2007. The 2009 knowledge of the code was at 49 per cent; in 2011 it was up to 83 per cent, and some recent work that a PhD student has been doing with us indicates a knowledge and understanding of the code and those ethical requirements at over 90 per cent. I think we can demonstrate that teachers are aware of their compliance requirements.

The CHAIR — It is our information that, I think, you processed 23 857 — —

Ms SABA — We did.

The CHAIR — national checks in the last 12 months. Is that correct?

Ms SABA — That is right. That was five-yearly checks as well as about another 5000 to 6000, which were new registrants as well. So we have done about 30 000 checks in the last year. Of that 23 000-odd that were repeat five-yearly checks, there were no incidences of any sexual charges against teachers in Australia — of those 23 000.

The CHAIR — That was my next question.

Ms HALFPENNY — Going back to the issue of the relationship with the Catholic Education Office, the VIT looks after teachers both in the independent school sector — —

Ms SABA — All teachers in any Victorian schools, so government, independent and Catholic.

Ms HALFPENNY — In terms of codes of conduct and regulations and everything else it applies to all teachers — —

Ms SABA — All teachers in all sectors.

Ms HALFPENNY — Except for investigating complaints about teachers, which is the memorandum of understanding. In all areas other than investigating complaints — is that the only thing that you do not do?

Ms SABA — No, we still do that, but at times, if a case is suitable, as we do with the department, we will get that investigation commenced under an MOU with the Catholic Education Office in the same way as we might with the department of education. But the power to investigate remains with the Institute.

Ms HALFPENNY — Okay, so when is it suitable or not suitable to have somebody else do the investigation?

Mr ENRIGHT — With our routine matters, for example, if an allegation is made against a teacher for something — competency, for example; we investigate matters of serious incompetence — that may be a matter that the Catholic Education Office would be better placed to investigate under our supervision. But for a matter that the Catholic Education Office might already have been involved in at that point, it would not be appropriate to refer that to the Catholic Education Office. In my particular branch of the Institute, I would conduct that investigation or my staff would conduct that investigation.

Ms SABA — I will give you an example. If a parent came to complain to us and they were unhappy with how a school had responded to a complaint, then we would not refer that back to the Catholic office to do.

Ms HALFPENNY — Do the complaints also go to the independent commissioner at the Catholic Church?

Ms SABA — Remember that the independent sector is not one group of schools, so there is not a single body per se that would do that function.

Ms HALFPENNY — Who would conduct an investigation, or have there been any investigations conducted, around allegations of child abuse against teachers or staff within a Catholic school?

Mr ENRIGHT — There have certainly been investigations conducted.

Ms HALFPENNY — Has that been done by the VIT or the Catholic Education Office?

Mr ENRIGHT — As I said to Mr McGuire, there has not been a significant number of them — there has been a very small number of them — but without going back and reviewing each particular case —

Ms HALFPENNY — I am not asking about the individual details, just who investigated it on your behalf.

Mr ENRIGHT — They would generally be conducted by the VIT.

Ms SABA — We can take that on notice and get specific details back to you, if that is helpful.

Ms HALFPENNY — About who actually did the investigation?

Ms SABA — Yes, we can do that.

Ms HALFPENNY — In terms of the other independent schools, do you conduct the investigations there or do they also somehow do the investigation?

Ms SABA — They are done by us because they are individual schools rather than a sector. Does that explain the difference?

Ms HALFPENNY — Yes, that makes sense.

Mr O'BRIEN — To clarify your answer to one of those questions, are you saying that investigations have been conducted as to, in a sense, the handling of the child abuse at the school or an issue beyond the actual police investigation in a particular case?

Mr ENRIGHT — Not if you are referring to the handling of the investigation. The question that was asked was whether there have been investigations conducted around child abuse, and without going into any particular case the response would be yes, but not in relation to the conduct of the investigation, but a complaint about — —

Ms SABA — We probably need to clarify, Mr O'Brien. Are you talking about criminal abuse?

Mr O'BRIEN — Yes, absolutely, and other abuse, but I am happy to clarify. We are investigating the systemic handling of child abuse and particular defects in that, and part of that obviously is looking at individual cases of child abuse. There would be police investigations when there has been a conviction on an individual case, and I will not comment too much further about that. We have not really been provided with much evidence of systemic investigations across a sector or even across a school or a particular religious order, for example, where there has been a problem. If there had been a broader investigation as to whether there is a problem in that school or that type of sector that you have access to — and we could receive it on a confidential basis initially, but it is subject to committee members as to what we receive — I am interested to know whether you are aware of any such systemic types of investigations.

Ms SABA — Our relationships and our powers relate to individual teachers, not being able to investigate a system or a school. Am I answering what you are asking?

Mr O'BRIEN — You are. Keep going.

Ms SABA — We can only deal with complaints about an individual, not necessarily about a school or a sector per se. What I need to make clear is that, if a matter is brought to us and we believe that it should have gone to the police, we will refer that to the police. We do that as a first port of call. Then the police obviously go forth and do their processes, and we await those and deal with that under, as I talked about, the conviction powers that we have. If the police look at a matter and decide that it does not fit as something they can take action about, then we will look at the conduct of that teacher in regard to how it relates to the code and so forth. Does that assist you?

Mr O'BRIEN — I think it does, and perhaps it answers Ms Halfpenny's question going back, because that arose out of a suggestion of where the school would not be the appropriate place to conduct the investigation, and you started to give an answer, saying, 'No, we'd have something else'. It may be the easiest way if you provide us with those records and then we can have our very busy secretariat look at what they can, if they can, and that might take it from there.

I would like to ask you about some other matter that I want to follow up, if I could, which was a partial answer to Mrs Coote's question. You indicated a process of checking the database. We have been made aware of a case where a teacher in 2009 was registered and then underwent a national police check that identified no adverse findings. His registration application was granted, and that was valid for five years. While at a teaching post in New South Wales he committed a sexual offence against a child in New South Wales, and in February 2010 he was found guilty of the New South Wales offence and given a non-custodial sentence. He did not advise the VIT, which I understand is an offence under the act, but it did not happen. In terms of our safety procedures, the teacher continued to teach for the remainder of the registration, which I understand was three years and 11 months. In your answers about checking the LEAP database — forgive me, I am not totally au fait with what it covers — are there issues that revolve around a national scheme? Does that problem raise scenarios?

I am advised that that might be a potential case; I thought it was an actual case. Thank you for that clarification, Chair.

Ms SABA — It does not necessarily ring a bell with me. I am not aware of something like that. I will correct a couple of things. Registration is annual. Somebody pays an annual fee, so we do not register

people for five years. At the moment, teachers renew every five years, but that is coming down to an annual process, so that tightens that up in terms of us being able to look at them annually around their suitability.

It is an interesting question about whether someone were to commit an offence in another jurisdiction. We would normally get those results only every five years. I suppose the challenge for us is similar to working-with-children checks, because that is what our model is based on — a five-yearly national check and a weekly run against the LEAP database. What we do know is this: as we have just done, we have run 23 000 teachers through a repeat five-yearly check, and none of those teachers came up with any sexual offences that occurred in the country in the previous five years. We also know that we have a small number of teachers who work in a cross-border situation. For example, at the moment we have fewer than 20 teachers who seek a waiver of their fees because they work in New South Wales.

All teacher regulatory authorities do the same thing that we do. For example, if we cancel the registration of a teacher for a sexual offence, we notify all the other jurisdictions, and the other teacher regulatory authorities do the same thing. We went back to check the ones we had even over the last three years, and none of those teachers held registration in Victoria. As much as we can, within the limits of it being a national criminal record check that is done on a five-yearly basis, I think we have as much in place as we can have to identify that.

Mr O'BRIEN — Do you get notified if a teacher is convicted of an offence anywhere — for example, or charged? Is there a flag that comes back the other way?

Ms SABA — From the other teacher regulatory authorities?

Mr O'BRIEN — Or from the courts or whoever issues — —

Ms SABA — No, the relationship we have is with VicPol. We do not get notifications from police in other jurisdictions.

Mr O'BRIEN — So everything comes from VicPol, never from the courts on a charge or anything?

Ms SABA — To some extent the weekly wash-through, if you like, against the Victoria Police database almost supersedes VicPol notifying us, because we can follow anything. We literally know that if they are interviewing somebody they are likely to charge. Once we have identified somebody as a teacher in that situation, we make contact with Victoria Police and follow that matter through. We are probably as up to date as the person who is subject to the investigation in terms of that progress.

Mr O'BRIEN — You draw our attention to a requirement, and that is where my example was drawn to direct you. You say:

... the Institute is vigilant ... there is no requirement for teachers to inform the Institute if they are working in another jurisdiction.

Ms SABA — That is right.

Mr O'BRIEN — Are there issues there that we need to look at it from a national point of view or a cross-border point of view? If there are issues, can you tell us what they are?

Ms SABA — The act does not require a teacher to tell us where they are teaching, so there is no power for me to compel that from a teacher. It is not a necessary piece of information that they have to give us. Other jurisdictions, I believe, have that as a requirement of registration. Clearly, if we knew where everybody was teaching, it would probably make it easier to follow people up.

Mr O'BRIEN — Would you be seeking that power, for example? If there are any other powers, we are always looking out for detailed recommendations.

Ms SABA — Sure. It obviously makes it easier to follow somebody if you know where they are working. With an annualised renewal, it might make it easier for a teacher to have to declare to us annually where they are employed, remembering that from what we understand not all teachers are working as teachers. Out of the approximately 120 000 teachers, around 80 000 are working in schools, so some of them are not teaching, are doing other things and so on. However, obviously if you know where somebody works, it might reduce some of those risks that you identify.

The CHAIR — Can I just clarify that the case Mr O'Brien cited earlier as an example of these cross-border issues was a potential scenario that he was referring to. It is not an actual case.

Mr O'BRIEN — No. Lucky I did not name them as Mr Smith, which I refrained from doing.

Mr WAKELING — Thank you very much for your presentation. Can I, firstly, take you to the document that you have provided to us?

Ms SABA — Sure.

Mr WAKELING — On page 6 you talk about cancellation of registrations. My understanding is that 62 teachers have been deregistered, and that is in accordance with section 2.6.29 of the act, which allows you to cancel the registration of a teacher who has been convicted of an offence.

Ms SABA — In fact, Mr Wakeling, it is not even allows — they must be cancelled. If convicted, their registration must be cancelled. There are no hearings; there is no right of appeal. A conviction for an offence results in cancellation of registration.

Mr WAKELING — So that is 62 who have been deregistered?

Ms SABA — Yes.

Mr WAKELING — Have there been other teachers who have been deregistered as a consequence of sexual abuse of children where there has not been a conviction?

Ms SABA — Yes. There have been 136 formal hearings into registered teachers since the inception of the Institute. Of those there have been 30 — —

Mr ENRIGHT — About 47 in total.

Ms SABA — Forty-seven cases that relate to either some form of inappropriate physical relationship or SMSing communication and so on. Of those 47, virtually all of their registrations were cancelled.

Mr WAKELING — So their registration was cancelled?

Ms SABA — Correct.

Mr WAKELING — So that is 47 in addition to the 62?

Ms SABA — That is right.

Mr WAKELING — Can you perhaps then just explain how the process works, say, with the 47? Obviously the allegations are raised within the school. At what point does it get escalated to yourselves?

Ms SABA — There are several ways it can come to us. Under the act, if an employer takes an action against a registered teacher, they are to notify the Institute. That is a requirement in the Education and Training Reform Act; if they have essentially taken action against an employee, they must send that to us.

We can also get complaints from any source. It could be a parent, a member of the public — anybody can come and raise a matter with us. That is then looked at to see if there is enough evidence there for us to commence an investigation, or over the last year the council now even has a power to create their own motion, if you like, so start an investigation even without a complaint. We go through an investigative

process, the outcome of that evidence is looked at, and if it meets the threshold for serious misconduct, a formal hearing panel is formed and essentially then we move into a quasi-judicial role, hear that evidence in front of a panel and then that decision is made.

Mr WAKELING — So in regard to Catholic schools — parish schools — where an allegation is raised against a teacher, is their obligation to go straight to the VIT or is their obligation to go to the Catholic Education Office first?

Ms SABA — If they take action as an employer, they need to advise the Institute.

Mr WAKELING — What happens in circumstances where that does not occur, where they go directly to the CEO without involving yourselves?

Ms SABA — I suppose unless that then comes through to me I might not necessarily know that has happened.

Mr WAKELING — So you do not know what you do not know in that circumstance?

Ms SABA — Correct.

Mr WAKELING — Finally, if an allegation has been made by a teacher about the activities of a non-teacher within a school environment — and obviously in the Catholic system you would be aware of allegations against priests — is there any opportunity for that person to have the issue raised with yourself?

Ms SABA — I do not have power over anybody but teachers.

Mr WAKELING — Right.

Ms SABA — So I do not have power to investigate the clergy. If a teacher contacted us and asked what to do, we would talk to them about their mandatory reporting requirements, but I do not have a power to investigate anybody who is not a registered teacher.

Mr WAKELING — So in that circumstance you do not have the power. You indicated before in an earlier answer that you would report a matter to the police. If it involved a person who was not a registered teacher, in that circumstance would you refer that matter to the police, or you would not have the power to?

Ms SABA — We would encourage the person who raised it with us to go to the police.

Mr WAKELING — Right. But on your own motion you would not do that yourself?

Ms SABA — No. It has not been something that the Institute has had to do, from my awareness.

Mr ENRIGHT — No, but it would depend on the seriousness.

Ms SABA — Yes. If somebody came to us with a whole lot of evidence and did not know what to do, we would support them in going to the police. But it has not been something that anybody has come to us with anything of significance that has probably made us look at enacting that.

Mr WAKELING — Finally, if I may, back to this situation with the Catholic Education Office where the matters are not referred to you, if you then became aware that that had occurred, what would happen in that circumstance?

Ms SABA — The Institute has powers. For example, if they found that a principal had not done what they are supposed to do under the act, then in fact the Institute could investigate that principal for failing to meet their legislative requirements.

Mr ENRIGHT — And we would consider that to be a potential breach of the code of conduct and potentially take action.

Ms SABA — Yes, the council would.

Mr WAKELING — And if the matter was referred to the Catholic Education Office and was not then escalated to yourself, what would happen in that respect?

Ms SABA — I suppose, coming back to what you were saying, it would be if we then found out that that matter existed — —

Mr WAKELING — Assuming you had found out?

Ms SABA — Yes. I would envisage my board taking that seriously back to the Catholic Education Office and asking about the process that had gone on there and really raising some pretty hard questions, because regulatory systems rely on everybody playing their role. If there was a sense that that was not happening, that would be something we would be needing to take up directly with them.

Ms HALFPENNY — I have a quick question. In light of what is coming out in terms of child abuse in religious and other organisations, within the code of conduct or whatever would it be seen as a breach if a teacher were to allow children to leave the classroom during school hours without the knowledge of the parent to go with the clergy or some other person, even off the school grounds? Would that be considered a thing to investigate?

Ms SABA — That is hard. Without probably looking at the full scenario, which is the context — —

Mr ENRIGHT — Yes, context.

Ms SABA — Yes.

Ms HALFPENNY — The other quick question was — —

Ms SABA — I guess what I would say to you is if somebody raises a matter with us, we will look at it. Then it is a question of is it a breach of the standards? I would not say to you we would discount anything. We would take anything that came to us on its face value and look at that.

Ms HALFPENNY — So in light of the reports that have come out about abuse, do you think you would like to maybe review the MOU where other organisations could conduct their own investigation, even though it is under your organisation's auspice?

Ms SABA — I would see us looking at the findings of this inquiry and looking at all of our practices in light of that to see whether we are delivering the best that we can within our regulatory framework to maximise protection.

Mrs COOTE — You have obviously got a very thorough understanding of your organisation and of the teachers involved. What would you say would be areas of improvement within the reporting of child abuse within the teaching system?

Ms SABA — I have a list of these things; let me find if it is there. I think it is important for us to table — —

I sat in and listened to some of the sessions on Friday from Child Care Victoria. It should be stated that the government is considering options for the registration of early childhood teachers. I think if that happens it would be a very useful adjunct because it increases the mandatory reporting to teachers for that full gamut.

Mrs COOTE — That is quite interesting and quite contentious.

Ms SABA — It is considering that. As I think we pointed out in there, there has been a use of suppression orders by the courts in things with some of the teachers. Five of that 62 have had suppression orders issued. Whilst I understand that the courts may do that, I would like to see an improvement of consideration of the outcome for regulators such as ours if they do that. I understand there is that balance

between protecting the people involved, but then also the other side of the protection is the fact that we do publish this and it is available for people.

There is that issue around how you create a complete national system in a country that is made of a federation of states, and whether under the mutual recognition acts there are broader powers for us under mutual recognition to look at some of those checks. I think whatever comes out of all of this is we are consistent with what the working with children unit does, but I suppose it is making sure that there is a consistent approach across all agencies that are involved in some way or another in child protection. So it is to make sure that we all maintain high standards and look at what information sharing is available. I think sometimes information sharing can get quite difficult, and we need to make sure there is a way for us to be able to share that with that common goal of child protection.

The CHAIR — I do not believe there are any further questions, but before we do conclude would you like to make any final comments to the committee?

Ms SABA — I do not believe so. Since 2003 — and we need to remember teacher regulation has only been in now for 10 years — I think it has made a significant impact in having a single point of registration for all teachers across all sectors, so that there is a single organisation to be responsible for that.

I think the code of conduct and ethics has been important, and the probity checks we do, but I suppose we believe as well that there is not one body that can be responsible. I think the more work we can do as an agency with teachers, employers, parents and government to innovate the system to make sure it is as solid as it can be is good. Obviously we are very happy to have contributed here and look forward to the findings to see what we can reflect into our practices to make them the best they can be.

The CHAIR — Thank you very much. On behalf of the committee I thank the three of you for being with us this afternoon and for providing the evidence that you have. We do appreciate your time. Your evidence has been most helpful.

Committee adjourned.