

Discussion Paper 3 - Women and girls' experiences across the criminal justice system as victim survivors of sexual violence and also as accused persons and offenders.

April 2022

Introduction

The Queensland Catholic Education Commission (QCEC) provides this response to *Discussion Paper 3 - Women and girls' experiences across the criminal justice system as victim survivors of sexual violence and also as accused persons and offenders*.

QCEC is the peak strategic body with state-wide responsibilities for Catholic schooling in Queensland. This response is provided on behalf of the five Diocesan Catholic school authorities and 17 Religious Institutes and other incorporated bodies which, between them, operate a total of 313 Catholic schools that educate more than 156,000 students in Queensland.

Queensland Catholic Schools recognise that the wellbeing of children and young people is improved, and their learning outcomes optimised, when they feel connected to others and experience safe and trusting relationships¹. QCEC is pleased to provide this response to questions raised in *Discussion Paper 3 - Women and girls' experiences across the criminal justice system as victim survivors of sexual violence and also as accused persons and offenders* (Discussion Paper 3) and specifically focuses on matters arising from the impact of pornography, consent and reporting and the four additional questions raised by the Honourable Margaret McMurdo in correspondence dated 9 March 2022 (**Attachment 1**).

Questions posed in correspondence dated 9 March 2022

1. *The results of your review of whether respectful relationships education in Queensland adequately addresses sexual harassment, assault and consent (announced by the Honourable Grace Grace MP, Minister for Education Minister for Industrial Relation and Minister for Racing on 10 March 2021).*

¹ [20200818-Position-Statement-Student-Wellbeing.pdf \(qcec.catholic.edu.au\)](https://www.qcec.catholic.edu.au/20200818-Position-Statement-Student-Wellbeing.pdf)

QCEC commends the Queensland Department of Education on the extensive stakeholder consultation and cross-sectoral, collaborative approach it took to the review of consent and reporting in Queensland schools as part of the review of the implementation of respectful relationships education. QCEC was pleased to facilitate Catholic sector engagement with this extensive stakeholder consultation. The results of the review include an increased awareness of the importance of this issue across Queensland Catholic School Authorities and their communities, a workforce keen to engage with the new material and resources, consideration of professional development needs of staff and an eagerness to further review and engage with the research and resources once released. Practical tools and culturally appropriate resources will be especially welcomed.

2. *How the February 2022 agreement of state and Federal Government education ministers to enshrine education on consent in the Australian curriculum will be implemented in Queensland state, independent and catholic schools.*

As required under legislation, Queensland Catholic Schools deliver the approved Australian Curriculum Version 8.4. Within the Australian Curriculum, Health and Physical Education (HPE) is the main curriculum area to address consent. The recently endorsed revisions to the Australian Curriculum Version 9.0² are understood to contain a strengthened focus on consent as part of HPE³. The inclusion of consent in the curriculum aligns with the recommendations of a [2021 study](#) conducted by researchers at the Kirby Institute and the School of Population Health at UNSW Medicine and Health. The Queensland Catholic sector looks forward to accessing and considering the Australian Curriculum Version 9.0 and welcomes the opportunity to undertake an analysis of the revised curriculum inclusions, attending to those additions that support age-appropriate, context sensitive delivery of consent education.

3. *The manner in which consent is currently taught in Queensland state, independent and catholic schools and any updates that will occur as part of a revised curriculum.*

The explicit requirement to ensure the “teaching of consent and respectful relationships from F–10 in age-appropriate ways”⁴ within the revised Australian Curriculum 9.0 has been a welcome development as this ensures age-appropriate consent education for students across these year levels, within the school environment. In addition, the anticipated release of the enhanced Respectful Relationships Education Program (RREP) resources developed by the Queensland Department of Education is expected to provide access to resources for teachers and parents of all educational sectors. Noting that Queensland Catholic sector schools also deliver consent education as part of respectful relationships education within pastoral and wellbeing programs, many Catholic School Authorities are already reviewing their consent education to see where enhancements can be made. Specific examples of the programs currently referenced by Catholic schools include [Queensland Department of Education’s RREP](#), [Our Watch’s Respectful Relationships Education](#), [Daniel Morcombe Child Safety Curriculum](#) and [The Victorian Resilience Rights and Respectful Relationships](#), amongst others. The diversity of offerings ensures that schools can provide context specific responses aligned to the mission and values of each school.

² <https://ministers.dese.gov.au/robert/education-ministers-agree-new-australian-curriculum>

³ [Education and Employment Legislation Committee 2022 02 17.pdf;fileType=application/pdf \(aph.gov.au\)](#)

⁴ [endorsement-ac-media-release-2022.pdf \(acara.edu.au\)](#)

4. *The manner in which respectful relationships education in Queensland currently deals with pornography and the non-consensual sharing of intimate images and any updates that will occur as part of a revised curriculum.*

The Queensland Catholic sector engages with a range of respectful relationships education programs, as described above. Programs such as the Daniel Morcombe Child Safety Curriculum, Our Watch Respectful Relationships Education and the [Student Wellbeing Hub](#) represent examples of publicly available resources that inform the delivery in Catholic schools of respectful relationships education specific to pornography and the non-consensual sharing of intimate images.⁵⁶⁷

QCEC is a member of the Queensland Online Safety Cross-Sectoral Reference Group which includes government and non-government schooling sector representatives. The reference group has been established to share issues, responses and solutions to inappropriate online behaviours which impact on school communities. The establishment of the reference group addressed recommendation 6.23 of the Royal Commission into Institutional Responses to Child Sexual Abuse. The reference group seeks to establish appropriate levels of escalation and effective engagement with relevant entities, such as the Office of the eSafety Commissioner, technical and social media service providers and law enforcement.

QCEC has established social media escalation protocols based upon the model implemented by the Queensland Department of Education. These protocols refer in the main to cyberbullying related activity and advise that online content related to child exploitation or child pornography must be reported directly to the police. In particular, QCEC maintains a Social Media Escalation Reporting Protocol: Queensland Catholic Education Sector which outlines the steps to escalate and report inappropriate social media material to nominated social media organisations. The QCEC social media protocols are only enacted where there is a serious incident requiring urgent attention and the Catholic School Authority or school has already undertaken a series of steps to address the issue independently such as online reporting to the relevant social media organisation. As such, generally there are only a small number of incidents requiring escalation. QCEC has been successful with requests to remove inappropriate content in the past though in some cases the response has been that the content does not breach the community standards of the relevant social media organisation.

**Community understanding of sexual offending and barriers to reporting.
Attitudes to consent including impacts of pornography.**

20. *Do community attitudes and rape myths impact women and girls' experience of the criminal justice system? If so, how?*

Proactive responses

Queensland Catholic schools employ a range of strategies that seek to create safe environments for all young people. These include annual mandatory student protection training of all staff; clearly identified

⁵ [Daniel Morcombe Child Safety Curriculum - Parent guide Year 7-9 \(education.qld.gov.au\)](#)

⁶ [Love and sex in the age of pornography | Tools and resources - Our Watch](#)

⁷ [Children and young people's exposure to pornography \(studentwellbeinghub.edu.au\)](#)

and designated Student Protection Contacts; policies, procedures, processes, and systems to receive, respond and report abuse/harm to students and behaviour of staff that a student considers inappropriate. These strategies seek to mitigate the risk of undesirable behaviours going undetected or being overlooked or unreported and ultimately, they seek to prevent the abuse of young people and/or the identification of a young person at risk within a school setting.

The recent review of consent and reporting, led by the Queensland Department of Education as part of a cross-sectoral response to gendered violence, seeks to provide young people with informed, age-appropriate and relevant information within and additional to the approved curriculum. This supports young people to understand consent issues in a more detailed and appropriate manner. Ultimately this deeper understanding of consent issues should not only assist in reducing gendered violence but also support victims to report the incidence of sexual offences. QCEC strongly endorses the strengthening of resources that support schools to communicate and educate that violence against any young people including women is preventable, and the importance of gender equality⁸. A QCEC Student and Staff Wellbeing Forum held on 18 March 2022 highlighted the high level of interest from staff in the development and release of these resources.

Reactive responses

Currently school staff and/or teachers have obligations to report sexual abuse, child sexual offences or significant harm, under a range of different legislation as follows:

- Sexual abuse or likely sexual abuse committed against a student in accordance with the provisions of the *Education (General Provisions) Act 2006*
- Significant harm or an unacceptable risk of significant harm caused by physical or sexual abuse in accordance with the *Child Protection Act 1999* (where the young person may not have a parent able and willing to protect the child from the harm)
- Information that causes an adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult in an institutional setting (including a school) in accordance with the *Criminal Code Act 1899*

While the legislative frameworks are well intentioned and their purposes strongly supported by Catholic education, the intersecting obligations regarding reporting are complex for school staff (or teachers where reporting only applies to teaching staff) to manage. Recognising that the majority of school staff dedicate their professional lives to the wellbeing of young people, the complexities that accompany forming a suspicion and the implications of reporting this concern can at times divert the focus of staff away from supporting young people in the most optimal manner. Harmonisation of the existing legislative regimes, without removing any of the safeguards that they currently provide, may provide an opportunity for young people suffering abuse or harm to be better supported. Ultimately this may enhance approaches to student wellbeing in this area and better support victims, which will in turn support reporting by young people.

⁸ [The issue | Our Watch | Preventing violence against women - Our Watch](#)

Support in instances of disclosure

In instances of disclosure, Queensland Catholic schools seek to work collaboratively with parents/carers unless unsafe or inappropriate to do so. Queensland Catholic schools highly value those services which assist them to provide support to victims of harm. These include the Queensland Police Service which often sends officers with specific skill sets in interviewing young people to respond to a disclosure. [DV Connect](#) also provide accessible and expert advice for victims and staff seeking to support the student. Providers of emergency accommodation and food (e.g., St Vincent De Paul) may be contacted by the school counsellor in instances in which a student is no longer a minor. These services and their expertise are often called upon by Queensland Catholic school counsellors, guidance officers and/or other staff seeking to support a young person navigating the 'next steps' after disclosing instances of abuse.

21. How is consent understood in the community and how does this impact behaviour?

Queensland Catholic schools draw from a range of experts and resources when seeking to provide students with an understanding of consent. Availability of resources pertaining to consent is not a new phenomenon. For example, in 2015 consent was the subject of a [video](#) created by Blue Seat Studios as part of a campaign by Thames Valley Police. The short YouTube clip has had over 6 million views, now includes an [Australian version with a female voice](#) and features in the well-regarded [Our Watch Respectful Relationship Education tools and resources](#). Hence, it is not the lack of available resources that presents the greatest challenge but rather, the willingness and confidence of school staff to engage with the resources and have these discussions with students in an age-appropriate, respectful, honest, accurate and compassionate manner. In particular, there is a need to ensure that these conversations engage men as well as women in an effort to ensure that both men and women have a robust understanding of consent. Discerning the appropriateness of available resources, in line with contemporary and evolving community attitudes and environments (e.g., social media) remains a focus for schools seeking to support young people in navigating challenging situations which may put their safety and wellbeing at risk.

22. Is there a need to improve the general understanding of consent in the community? If so, how?

As part of cross-sectoral consultations undertaken during 2021 as part of the Queensland Department of Education's review of the RREP, stakeholder consultations suggested that there is a need to improve the general understanding of consent by young people in the context of the broader discussion of these issues throughout the communities in which our schools operate. Central to improving this understanding is the importance of having explicit discussions in school/parent forums, explicit inclusion in the curriculum delivered in the classrooms and as part of school pastoral and wellbeing programs. Parent engagement with these issues in a supportive, evidence-informed context, is critical. The Queensland Catholic sector would welcome greater promotion of existing resources such as the [Block. Report. Support](#) website created by the Queensland Department of Education, as well as the new resources expected to be available as a result of the review of respectful relationships education. QCEC recommends consideration be given to a public awareness campaign aimed at informing the broader community regarding consent.

23. Are current school and community education programs about consent effective? What is working well? What needs to be improved?

Queensland Catholic Schools value consent education resources that are both accessible and appropriate to need. Inclusion of consent in the Australian Curriculum: HPE supports the delivery of this content to all Queensland students Prep to Year 10 (noting the focus area of Relationships and Sexuality currently applies to Year 3 to Year 10⁹). In addition, the delivery of respectful relationships education content across Prep to Year 12 as part of the Queensland Department of Education RREP is advantageous as it ensures age-appropriate material is available for students of all year levels. Finally, the capacity to deliver consent as part of respectful relationships education programs that are context specific is highly valued. This enables Catholic Schools Authorities to align content delivery with the learning needs of individual students, the mission and values of the school, and with sensitivity for cultural or community influences.

QCEC understands that like all schooling sectors, teachers in Queensland Catholic schools can at times feel challenged in terms of knowledge, confidence and capability to deliver accurate and correct information regarding consent. This highlights the importance of appropriate professional development to ensure that teachers have the correct information (i.e., content knowledge), and are supported to deliver this information in a sensitive and age-appropriate manner (i.e., capability and confidence). It is also important for school and sector leaders to be cognisant that the material can be challenging for teachers on a personal level as they may themselves have been victims of rape and/or sexual abuse. Support for teachers is critical to ensuring that the consent message is delivered accurately, sensitively and in a timely and age-appropriate manner.

25. Is the current approach in Queensland to the non-consensual sharing of intimate images striking the right balance between criminalising non-consensual behaviour and community education?

In Queensland a person under 16 years of age cannot consent to the sharing of an intimate image¹⁰. In practice this has meant that young people may have unknowingly committed a criminal act on account of taking and/or possessing a photograph of a circulated image in order to 'prove' that a peer is sharing their image or the image of a friend. Indeed, staff are challenged in instances in which potential evidence is likely to be deleted before police are able to attend and review the device or platform holding the image. Situations have emerged whereby students (under the age of 16 years) were groomed to provide their image to online adult perpetrators and reported feeling ashamed and even more fearful once the illegal nature of the provision of their photo was explained. These laws are complex to explain to any student but more so in instances of students with special needs and/or from culturally and linguistically diverse communities. Ideally an individualised response begins with investigation by the appropriate agency and action where required (i.e., in instances of revenge porn). It is important to ensure that there is a capacity to consider the non-consensual sharing of intimate images in a criminal context as this has potential to inform choices made by individuals in this space. However, respecting that this is the first generation to have such accessible social media, anecdotal

⁹ [Respect matters | The Australian Curriculum \(Version 8.4\)](#)

¹⁰ [Sharing intimate images without consent | Your rights, crime and the law | Queensland Government \(www.qld.gov.au\)](#)

feedback suggests that more is required to be done in educating not only students but the broader community in relation to the implications of sharing intimate images online.

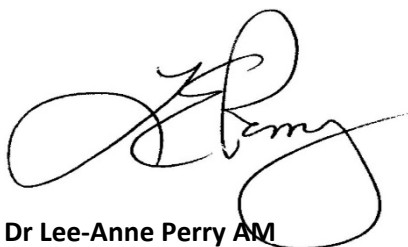
26. How do pornography, sexting, dating apps or other emerging uses of technology influence community understanding of consent?

The early exposure to pornography and engagement in sexting appears to contribute to an unhealthy and undesirable community view of what constitutes consent. It confuses young people and often their parents/caregivers and/or teachers also have a confused view as to what consent is and what it is not, as their own views have been shaped and influenced by their experiences and what they potentially consider to be 'normal' behaviour. A recent study found that "one in eight titles shown to first-time users on the first page of mainstream porn sites describe sexual activity that constitutes sexual violence"¹¹.

Technology now exists for young people to easily record unsuspecting peers (i.e., in bathroom/change room) and once this material is 'viral' it is extremely difficult, if not impossible, to retract even with the very best social media escalation protocols in place. In the context of the increasing online platforms that may be incorporated into sexualised behaviour, there is a need for informed conversations promoting healthy sexual relationships and clarifying the limits of appropriate behaviour. These conversations need to be delivered in a multitude of contexts from adults deemed 'credible' and as such there is a need to ensure that adults are also provided with access to consent education and training. The importance of ensuring parents are equipped to have these conversations and can access evidence-based resources about respectful relationships was a key consideration within the Department of Education's recent review of consent and reporting in Queensland schools.

Conclusion

QCEC has appreciated the opportunity to respond matters arising from Discussion Paper 3 and the four additional questions raised by the Honourable Margaret McMurdo. As a sector, we have welcomed the review and strengthening of consent and reporting both within the Australian Curriculum and the anticipated resources to be released by the Department of Education, accessible to all sectors. Should you wish to discuss any aspect of the responses, please contact Dr Shannon O'Gorman, by email to shannono@qcec.catholic.edu.au.



Dr Lee-Anne Perry AM
Executive Director

¹¹ [Sexual violence as a sexual script in mainstream online pornography | The British Journal of Criminology | Oxford Academic \(oup.com\)](#)



Women's Safety and Justice Taskforce

In reply please quote:6126187

Level 19, 50 Ann Street Brisbane Q 4000
GPO Box 149 Brisbane Q 4001
Email taskforce@womenstaskforce.qld.gov.au

9 March 2022

Michael De'Ath
Director-General
Department of Education
michael.de'ath@ged.qld.gov.au

Dear Mr De'Ath

The Women's Safety and Justice Taskforce (the Taskforce) released its third discussion paper seeking community input on the second stage of its terms of reference exploring the experience of women across the criminal justice system on Tuesday, 22 February 2022. A link to our discussion paper can be found on our website at: womenstaskforce.qld.gov.au

The third discussion paper touches on some issues relevant to the Department of Education's portfolio responsibilities including:

- respectful relationships education in Queensland schools, and
- access to education for women and girls who are incarcerated.

The Taskforce would welcome a submission in response to the discussion paper from the Department of Education. Submissions in response to the discussion paper close on Friday 8 April 2022.

I would also be grateful if you could provide the following information to assist the Taskforce with its examination:

- the results of your review of whether respectful relationships education in Queensland adequately addresses sexual harassment, assault and consent (announced by the Honourable Grace Grace MP, Minister for Education Minister for Industrial Relation and Minister for Racing on 10 March 2021),
- how the February 2022 agreement of state and Federal Government education ministers to enshrine education on consent in the Australian curriculum will be implemented in Queensland state, independent and catholic schools,
- the manner in which consent is currently taught in Queensland state, independent and catholic schools and any updates that will occur as part of a revised curriculum, and

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- the manner in which respectful relationships education in Queensland currently deals with pornography and the non-consensual sharing of intimate images and any updates that will occur as part of a revised curriculum.
- Any other information you consider relevant to the Taskforce's work.

I would appreciate your response to this request by **Friday, 8 April 2022**.

I would also welcome the opportunity to meet with you to discuss the information requested. Please contact the Taskforce Business Officer at admin@womenstaskforce.qld.gov.au or on 3738 9015 to arrange a mutually convenient time.

Should you require further information, please contact Ms Megan Giles, Executive Director, Secretariat to the Women's Safety and Justice Taskforce on (07) 3738 9042, or at megan.giles@womenstaskforce.qld.gov.au.

Yours sincerely



The Honourable Margaret McMurdo AC
Chair – Women's Safety and Justice Taskforce