



**Commission of Inquiry into
the Tasmanian Government's
Responses to Child Sexual
Abuse in Institutional Settings**

WITNESS STATEMENT OF MICHAEL GUERZONI

I, Dr Michael Andre Guerzoni of [REDACTED], in the State of Tasmania, Indigenous Fellow – Academic Development, University of Tasmania and [REDACTED] [REDACTED], do solemnly and sincerely declare that:

1. I make this statement in my personal capacity.
2. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

BACKGROUND AND QUALIFICATIONS

3. I have the following qualifications:
 - (a) Bachelor of Arts (Honours) from the University of Tasmania, awarded in 2014;
 - (b) Graduate Certificate in Research from the University of Tasmania, awarded in 2018;
 - (c) Graduate Diploma of Divinity from the Australian College of Theology, awarded in 2022; and
 - (d) Doctor of Philosophy (Society and Culture) from the University of Tasmania, awarded in 2018.
4. My previous roles have included:
 - (a) Indigenous Higher Education Curricula Officer, Aboriginal Research and Leadership, University of Tasmania, Australia, from 2019 to 2020. In that role I was responsible for assisting the Pro-Vice Chancellor of Aboriginal Leadership in the preparation of policy documents and draft reports, and providing support to research candidates; and
 - (b) Research Assistant and Tutor (Casual), College of Arts, Law and Education, University of Tasmania, Australia, from 2015 to 2019. In that role I was responsible for undertaking research-related activities (literature reviewing), report writing, facilitating tutorials and marking assessments.

5. I am a member of the following committees and societies:
 - (a) University Research Committee, University of Tasmania, Australia;
 - (b) Australian and New Zealand Society of Criminology; and
 - (c) Understanding, Preventing and Responding to Sexual Violence and Abuse Thematic Group, Australian and New Zealand Society of Criminology.
6. Attached to this statement and marked **MG-1** is my curriculum vitae.

Current role and research

7. I am currently employed as an Indigenous Fellow – Academic Development, at the University of Tasmania. I commenced employment at the University of Tasmania in January of 2021.
8. In this role, I teach in the field of criminology, encompassing lecturing on criminal justice, juvenile justice, child protection, Aboriginal and Torres Strait Islander justice issues, and research methods. I predominantly teach undergraduate students. I am currently supervising one Masters and four PhD candidates, in the fields of criminology, sociology and political science.
9. In this role, 40% of my time is apportioned to research. I undertake criminological and sociological research relating to the three broad areas of organisations, crime prevention, and the wellbeing of children. My current research foci includes:
 - (a) the safeguarding of children within religious institutions;
 - (b) organisational culture and deviance;
 - (c) crime prevention; and
 - (d) the identity, wellbeing and educational outcomes of Tasmanian Aboriginal and Torres Strait Islander students.
10. I am also interested in the wellbeing of Aboriginal and Torres Strait Islander children, the Indigenising of curricula, and Anglican studies.
11. I have authored or co-authored approximately 28 journal articles, reports, conference papers, opinion pieces, and book chapters on various aspects of child sexual abuse in religious institutions (particularly in Tasmania and

Victoria), Indigenisation of curricula, Aboriginal and Torres Strait Islander students and policy in higher education, and the education and wellbeing of Aboriginal and Torres Strait Islander children.¹

12. Specifically, I have authored or co-authored the following four works relating to child sexual abuse and its prevention in religious institutions:

- (a) Michael Andre Guerzoni, 'A situational crime prevention analysis of Anglican clergy's child protective practices' (2018) *77 Child Abuse and Neglect* 85;
- (b) Michael Andre Guerzoni, 'The sacrament of confession and child sexual abuse: reported practise of Tasmanian Anglican clergy navigating the confidentiality dilemma' (2017) *30(3) Journal for the Academic Study of Religion* 258;
- (c) Michael Andre Guerzoni and Hannah Graham, 'Catholic Church responses to clergy-child sexual abuse and mandatory reporting exemptions in Victoria, Australia: A discursive critique' (2015) *4(4) International Journal for Crime, Justice and Social Democracy* 58, a copy of which is attached to this statement and marked **MG-2**; and
- (d) Michael Andre Guerzoni, 'Using critical discourse analysis to examine cultures of denial in the Roman Catholic Church' (2018) *SAGE Research Methods Cases Part 2*, 2.

13. In 2021, Routledge published a book I authored titled *Child Protection in the Church*, which investigates contemporary organisational culture, attitudes and practice concerning safeguarding of children from child sexual abuse, and the extent of reform occurring within Christian churches to bring about "safe church" policies and procedures. It centres on a case study of the Anglican Diocese of Tasmania.²

14. I have also co-authored the following works in relation to Aboriginal and Torres Strait Islander children education and wellbeing:

- (a) Huw Peacock and Michael A Guerzoni 'Kids Feeling Good About Being Indigenous at School and Its Link to Heightened Educational

¹ Throughout this document the term 'Indigenous' is used to refer to Aboriginal.

² Michael Andre Guerzoni, *Child Protection in the Church: An Anglican Case Study* (Routledge, 2021).

Aspirations' in Maggie Walter et al (eds), *The Oxford Handbook of Indigenous Sociology* (Oxford University Press, 2022);

- (b) Huw Peacock et al, 'Upholding heightened expectations of Indigenous children? Parents do, teachers do not' (2021) 50(2) *The Australian Journal of Indigenous Education* 331;
- (c) Jacob Prehn, Michael A Guerzoni and Huw Peacock, "Learning her culture and growing up strong': Aboriginal and/or Torres Strait Islander fathers, children and the sharing of culture' (2021) 57(3) *Journal of Sociology* 595;
- (d) Jacob Prehn, Huw Peacock and Michael A Guerzoni, 'Academic self-concepts of Aboriginal and/or Torres Strait Islander children from the Longitudinal Study of Indigenous Children' (2021) 50(1) *The Australian Journal of Indigenous Education* 186;
- (e) Jacob Prehn et al, 'Virtual tours of Country: creating and embedding resource-appropriate Aboriginal pedagogy at Australian universities' (2020) 3 (Sp. Is) *Journal of Applied Learning & Teaching* 1; and
- (f) Sharon Barnes et al, IPSOS Aboriginal and Torres Strait Islander Research Unit, *Evaluation of Murri Court* (Report, 2019), a copy of which is attached to this statement and marked **MG-3**.

15. This statement is informed by my expertise and research in the field of criminology and in particular the organisational culture pertaining to child sexual abuse and abuse prevention within religious institutional settings (the Anglican Church and the Roman Catholic Church). I consider that there are important and useful parallels to be drawn between the experience of child sexual abuse in religious institutions and the institutions that are the subject of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. I also make comments in relation to Aboriginal and Torres Strait Islander wellbeing and education, which are informed by my research and teaching in these areas (noting that it is not my main area of expertise).

UNDERSTANDINGS OF CHILD SEXUAL ABUSE CAUSATION

Traditional understandings of child sexual abuse causation

16. Society has typically understood the occurrence of child sexual abuse as offending primarily linked to a deviant sexual interest in, or a paraphilic orientation towards, children. That is, the typical understanding of child sexual abuse is that it is perpetrated by a paedophile. In this view, perpetrators of child sexual abuse are understood as sexual deviants and 'bad apples', and may be readily distinguished from other, 'normal' people. It is my opinion that this view likely persists as the dominant societal view in Tasmania and Australia more broadly. I base this view on the fact that studies have shown the misconception about child sexual abusers and paedophiles, alongside the fact that the conflation of paedophiles and child molesters is not uncommon in media reporting on incidents of child sexual abuse.³ For the average citizen, my understanding is that the 'paedophile' is seen as synonymous with 'child abuser', even though the former is a clinical diagnosis with specific interest in pre-pubescent children as opposed to all children. Another misconception is that paedophiles will always offend against children, which has too been shown to not be the case.⁴
17. In terms of the profile of a paedophile, according to the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (**DSM5**) the criteria for paedophilia includes the following:
- A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
 - B. The individual has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
 - C. The individual is at least age 16 years and at least 5 years older than the child or children in Criterion A.

³ Sandy K Wurtele, 'University students' perceptions of child sexual offenders: Impact of classroom instruction' (2018) 27(3) *Journal of Child Sexual Abuse* 276; Kelly Richards, 'Born this way? A qualitative examination of public perceptions of the causes of pedophilia and sexual offending against children' (2018) 39(7) *Deviant Behavior* 835.

⁴ Kelly Richards, 'Misperceptions about child sex offenders' (2011) 429 *Trends and issues in crime and criminal justice* 1.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.⁵

18. There is a distinction between 'paedophilic disorder' (distress and/or response to these desires) and 'paedophilic sexual interest' (absence of responding to or distress from the aforementioned predispositions).
19. In its criteria for paedophilia, the DSM5 identifies victims as 'generally age 13 years or younger'. This has received criticism from a number of academics as puberty typically commences between the ages of 11 and 15.⁶ Michael Seto notes that difficulty arises for researchers in respect to understanding offending, because of the need for data pertaining to the stage of development of the type of child who was victimised or subject of attraction, rather than age alone.⁷ We typically have information about the age of the child, as shown in crime data pertaining to the age of victimisation, but not their stage of maturity (see the Tanner Stages).
20. The literature also describes paedophiles as 'fixated offenders', intentionally selecting and grooming children for victimisation.⁸ Paedophiles have also been shown to be users of child exploitation material.⁹

The limitations of the traditional understanding of child sexual abuse causation

21. The typical understanding of child sexual abuse, centred on a narrative of only being linked to paedophilia, represents a fundamental misunderstanding of abuse causation. Child molesters are a broad group of offenders and are not homogenous. Instead, they are heterogeneous. There are distinctions in

⁵ Association of American Psychiatrists, *Diagnostic and Statistical Manual of Mental Disorders* (American Psychiatric Publishing, 2013).

⁶ Charles Moser 'DSM-5, Paraphilias, and the Paraphilic Disorders: Confusion Reigns' (2019) 48(3) *Archives of Sexual Behavior* 681.

⁷ Michael C Seto, *Pedophilia and Sexual Offending against Children: Theory, Assessment, and Intervention* (American Psychological Association, 2nd ed, 2018).

⁸ Keith Kaufman et al, *Risk Profiles for Institutional Child sexual Abuse: A Literature Review* (Report, October 2016); Michael Proeve, Catia Malvasso and Paul DeFabbro, *Evidence and Frameworks for Understanding Perpetrators of Institutional Child Sexual Abuse* (Report, 2016).

⁹ Ethel Quayle, 'Online sexual deviance, pornography and child sexual exploitation material' (2020) 14(3) *Forensische Psychiatrie, Psychologie, Kriminologie* 251.

attractions to minors, and not all are paedophiles.¹⁰ Accordingly, not all offenders meet the clinical criteria for paedophilia.¹¹

22. There are a wide range of theories explaining abuse causation, not all linked to sexual interest. Other theories point to deficiencies in empathy, abnormal thinking, absence in intimacy, amongst other multi-factorial perspectives.¹² There remains debate within the field as to the causation question.
23. Notably, the age of victims of child abuse do not always align with the criteria for paedophilia. As aforementioned, a paedophile is someone who has a fixed deviant sexual interest in pre-pubescent children (those under the age of 11). In terms of my area of research on religious institutions, the evidence we have on church abuse suggests that children were, on average, within the pubescent years at the time of victimisation. Data gathered by the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**) found that the average age of a child at victimisation was 11.8 years within the Anglican Church and 11.4 years within the Roman Catholic Church.¹³ This has been shown in other large-sample studies such as that undertaken in the United States (10,505 persons, average age of 12.6)¹⁴ and Germany (3,677 cases, average age of 12).¹⁵ Further, in its Nature and Cause report, the Royal Commission indicated that of private session-reported cases, 51.5% of institutional victimisations had occurred when the survivor was aged between 10 and 14 years, though it did not specify the average age of victimisation.¹⁶
24. I consider that the evidence concerning the age of victims should lead us to question the paedophile-only argument for child sexual abuse offenders.¹⁷

¹⁰ Michael C Seto, 'The puzzle of male chronophilias' (2017) 46(1) *Archives of Sexual Behavior* 3; Ray Blanchard et al, 'Pedophilia, hebephilia, and the DSM-V' (2009) 38(3) *Archives of sexual behavior* 335.

¹¹ Richard Wortley and Stephen Smallbone, 'A Criminal Careers Typology of Child Sexual Abusers' (2014) 26(6) *Sexual Abuse* 569; Seto (n 7); Stephen Smallbone, William L Marshall and Richard Wortley, *Preventing Child Sexual Abuse: Evidence, Policy and Practice* (Routledge, 2011).

¹² Beth Dangerfield, Gaye Ildeniz and Caoilte Ó Ciardha, 'Theories That Explain the Sexual Abuse of Children' in Jean Proulx et al (eds), *The Wiley Handbook of What Works with Sexual Offenders: Contemporary Perspectives in Theory, Assessment, Treatment, and Prevention* (John Wiley & Sons, 2020) 23.

¹³ Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of Complaints of Child Sexual Abuse Received by Anglican Church Dioceses in Australia* (Report, April 2017); Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of Claims of Child Sexual Abuse Made with Respect to Catholic Church Institutions in Australia* (Report, June 2017).

¹⁴ John Jay College, 'The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950–2002' (Research Report, United States Conference of Catholic Bishops, February 2004).

¹⁵ Harald Dressing et al, 'Child Sexual Abuse by Catholic Priests, Deacons, and Male Members of Religious Orders in the Authority of the German Bishops' Conference 1946–2014' (2019) 33(3) *Sexual Abuse* 1.

¹⁶ Royal Commission into Institutional Responses to Child Sexual Abuse, *Nature and Cause* (Report, 2017).

¹⁷ Wortley and Smallbone (n 11).

25. Some common factors in the characteristics of perpetrators of child sexual abuse can be observed in the evidence. A portion of such offenders may be described as 'generalist' rather than 'specialist' offenders on the basis that they:
- (a) are generally older at the time of their first instance of recorded abuse (in their 30s);
 - (b) have few convictions of a sexual nature against children (a single victim being the majority);
 - (c) typically have a criminal record, which is not related to sexual offending (for instance a history of property and violent crimes);
 - (d) do not have a history of using child exploitation materials; and
 - (e) if they have more than one victim, have victims of varied classes, such as age group or gender.¹⁸
26. Criminologists consider that these features in the profile of some perpetrators of child sexual abuse demonstrate that the class of child sexual abuse offenders is, in fact, heterogeneous. The generalist offenders, whose characteristics are outlined in paragraph 25, are said to have a lesser likelihood of re-offending as they are not motivated by a recurrent sexual interest in children.¹⁹
27. Attention to the diversity amidst child sexual offenders is important not only to prevent a simplistic understanding of offending and offenders, but also in that it demonstrates, situational crime prevention academics would argue, effective ways of reducing the likelihood of child abuse within organisations.²⁰

A situational perspective of child sexual abuse causation

28. One of the criminological paradigms I use in my work is called situational crime prevention. Situational crime prevention is a theory of criminology that argues that crime occurs due to the interconnection of individual and environmental

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Keith L Kaufman et al, 'Recommendations for preventing child sexual abuse in youth-serving organizations: implications from an Australian Royal Commission review of the literature' (2019) 34(20) *Journal of interpersonal violence* 4199.

factors; it is not solely a matter of premeditated desires of the offender. In this view, crime occurs when there is both premeditated desires and a target that is suitable, where there is the absence of a guardian (one to intervene) and where the environment provides the opportunity to undertake that crime.²¹ Uniquely, an environment itself may give rise to the desire to commit a crime (for instance noticing that no one is present to witness a crime), which is distinguished from awareness that a pre-existing motivation to offend can be executed.²²

29. A situational perspective of child sexual abuse offending recognises that child sexual abuse is not solely the result of a particular type of offender or offender profile. Rather, there is the acknowledgement of the role of situational factors in enabling and/or contributing to criminal decision-making.
30. Some offenders are influenced by strains and stressors which, over time, lead to a breach of the boundaries between the offender and the child, and result in offending when situational factors manifest (namely, being alone with a child where there is no one to intervene). This perspective argues that the underlying variable for why a person engages in child sexual abuse is not always a matter of sexual interest in a child or children, but rather the result of a series of factors, including situational factors.²³
31. Personal circumstances of the offender can make them more susceptible to offending against children where opportunity is present. That is, offending is not always the result of pre-existing desires to abuse children. For example, persons can be led to offending due to feelings of loneliness. In such instances, the offender may start to socialise themselves with young people and find emotional support in the friendship of the child. Another example might be substance use by the offender that causes the offender to blur their decision making as to what is appropriate conduct and what is criminal.

²¹ Ibid.

²² Ronald V Clarke, 'Situational Crime Prevention' in Richard Wortley and Michael Townsley (eds), *Environmental Criminology and Crime Analysis* (Routledge, 2017) 286; Benoit Leclerc, Richard Wortley and Stephen Smallbone, 'Getting into the script of adult child sex offenders and mapping out situational prevention measures' (2011) 48(2) *Journal of research in crime and delinquency* 209.

²³ Kaufman et al (n 8); Andrea Celenza A, *Sexual Boundary Violations: Therapeutic, Supervisory, and Academic Contexts* (Jason Aronson, 2007).

Relationship difficulties can too contribute to seeking emotional support from children.²⁴

32. It is important to stress that this situational perspective of offending does not suggest that offenders are not responsible for their actions. They do willingly choose to abuse children. Rather, a situational perspective of child sexual abuse causation acknowledges that while there is no 'typical' offender, there are situational markers or strains that help explain why a person might offend in this way and, in turn, who might be at risk of such offending.
33. The situational factors that are external to the offender that can contribute to the perpetration of child sexual abuse include, then, the physical and operational environment in which the person works and in which the offending takes place. For instance, environments where few other persons are present, rooms without surveillance, professions which enable isolated interactions with minors, or remote locations. Such situational factors tend to manifest in the circumstances of the profession. For example, helping the child change after sport, a consultation with a child in one's office, staying behind after class, or driving a child home. These isolated environments are known to both create opportunity for offending, as well as precipitate thoughts of offending amongst perpetrators.
34. There are a number of physical or architectural features of institutions such as educational, healthcare and justice facilities that may contribute to the perpetration of child sexual abuse causation in these settings. These facilities are typically housed in older structures, built at a time when a focus on surveillance was not considered necessary. For example, these include classrooms in a school, or offices or other small rooms that are not open to surveillance such as through a glass door or wall. They also include environments where a child can be isolated, placing them in a position where they can be offended against, for instance a teacher's office. Such isolated environments are not uncommon in justice facilities. There is a higher likelihood of offending in these kinds of environments which are not open to surveillance. That said, I understand that there is an increasing movement within organisations which provide services to children to use more transparent

²⁴ Ibid; Karen J Terry and Alissa Ackerman, 'Child sexual abuse in the Catholic Church: How situational crime prevention strategies can help create safe environments' (2008) 35(5) *Criminal justice and behavior* 643.

materials and layouts in the physical spaces of the facilities. I know this is particularly so with churches, such as in the Anglican Diocese of Tasmania. I also understand that some private Tasmanian schools have moved in recent years to ensure that glass is placed on doors and offices to achieve this effect in response to concerns about child safety. I do not know whether this is the case within criminal justice institutions.

35. Beyond these architectural dimensions, there are operational dimensions of an institution that may contribute to the perpetration of child sexual abuse. For example, the degree of staff presence and supervision is relevant. If there are few or no staff within a building or on the grounds of the institution, it does not matter whether every single wall panel of an office or classroom is made of glass; abuse can still take place in those settings due to the absence of surveillance. In this way, certain operational features such as the presence of staff on campus, the use of hall monitors, or the setting of expectations of staff checking in with others after a class, will shape the environment around a potential offender in a way that can minimise the risk of offending.²⁵
36. One of the benefits of the situational crime prevention approach is that it moves consideration away from endless debates about abuse causation and the difficulties therein, to emphasise on what can be done by organisations to prevent abuse based on empirical criminological research.²⁶ As shown by Professor Keith Kaufman's situational prevention approach, these strategies can be readily integrated into organisations.²⁷

APPROACHES TO CHILD SAFETY

37. The understanding of abuse causation has implications for an institution's child safety practices.

²⁵ Benoit Leclerc, Jessica Feakes, Jesse Cale, 'Child sexual abuse in youth-oriented organisations: Tapping into situational crime prevention from the offender's perspective' (2015) 4(1) *Crime Science* 1.

²⁶ Nadine McKillop, 'Understanding the nature and dimensions of child sexual to inform its prevention' in India Bryce, Yolande Robinson and Wayne Petherick (eds), *Child abuse and neglect: Forensic issues in evidence, impact and management* (Academic Press, 2019) 241.

²⁷ Keith L Kaufman et al 'Integrating Child Sexual Abuse Prevention Strategies into Youth-Serving Organizations' in Jean Proulx et al(eds), *The Wiley Handbook of What Works with Sexual Offenders: Contemporary Perspectives in Theory, Assessment, Treatment, and Prevention* (John Wiley & Sons, 2020) 455.

The approach to child safety in the context of a traditional understanding of abuse causation

38. Where an organisation understands child sexual abuse as the offending of paedophiles or 'bad apples', in my opinion this encourages a narrow approach to child safety and the prevention of child sexual abuse within the organisation. In this setting, organisations are usually on the lookout for individuals with certain characteristics that are understood to align with paedophilia, and rely on a criminal record check. By extension, persons who do not fit that understood profile would be assumed or understood to be 'safe' or not presenting a risk to children.
39. This misunderstanding of abuse causation can lead to a culture where everyone on the inside of the organisation is considered 'safe' and the only thing necessary is to monitor new staff who join the organisation. This shift in focus from the people within the organisation to those that are coming into the organisation can cause a person to drop their guard with their colleagues. Yet, as discussed above, a situational perspective of child sexual abuse argues that offending can be brought about as a result of a range of situational factors. Accordingly, the traditional alignment of child sexual abuse and paedophilia has a real and potentially detrimental effect on the way in which an organisation constructs its child safety practices.

An approach to child safety that aligns with a situational perspective of abuse causations

40. Reflecting a situational lens, the preferred approach to child safety in an institution requires a focus both on institutional policy and institutional culture.
41. Taking a policy perspective, we have seen improvement in the kinds of policies and procedures in place to identify potential offenders. Generally, to my understanding, there has been an improvement in screening and criminal record checks. There is an increased use of character assessments and psychological assessments. I know this is particularly the case in the various dioceses of the Anglican Church of Australia. However, there is room for these kinds of practices to become more normalised across organisations, and for a better understanding that while a criminal record check may be clear, this does

not confirm that the applicant is not a risk to children. Indeed, interviews should not be reserved for assessing competence to undertake the position, but also, whether they would be a risk for children.²⁸ My opinion is that policy should draw attention to the plurality of offenders (debunk the paedophile-only understanding) and the role of situational factors in child sexual abuse, and for staff to be conscious of this in their role. Policy can also introduce requirements as to minimising isolated interaction with children and changes to everyday practice to align with the aforementioned situational prevention approach.

42. There is also a role for a change in organisational culture to ensure that staff understand and recognise that child sexual abuse is a present risk in institutions of the kind in which they work, and that all staff play a role in preventing child sexual abuse.
43. In particular, an organisation's culture should be one that encourages to accept that safeguard practices or child protective practices are part of the normal course of duties of all staff. If such practices are considered additional to an individual's normal course of duties and role, are not positively encouraged and modelled by leadership, and/or compliance is not rewarded, there is a greater likelihood that staff will be reluctant to genuinely undertake additional training or practice relevant procedure. I observed that kind of reluctance in my study of the Anglican Diocese of Tasmania, wherein child safe training tended to be perceived as an additional responsibility to the key roles of undertaking Anglican ministry which incurred degrees of objections on the part of clergy (what I call a culture of resentment). Such perspectives have too been shown in American studies.²⁹ It is my opinion that this mindset would not be reserved only amongst clergy, but in a number of professions who work with children.
44. In addition, an organisation's culture must acknowledge that child sexual abuse or grooming can be difficult to identify at times and that people who report concerns are doing so in good faith. The literature identifies a common cultural concern amongst people that an allegation of child sexual abuse or grooming will, if wrong, result in offence to colleagues or other persons. This concern

²⁸ Sandy K Wurtele, 'Preventing the sexual exploitation of minors in youth-serving organizations' (2012) 34(12) *Children and Youth Services Review*, 2442.

²⁹ Chan J. (1997) *Changing Police Culture: Policing in a Multicultural Society*. Cambridge: Cambridge University Press; Guerzoni, MA (2021) *Child Protection in the Church: An Anglican Case Study*. London: Routledge.

was recently studied in the American education context by Kathleen P Allen, Jennifer A Livingston and Amanda B Nickerson.³⁰ That study concerned the perspectives of teachers when delivering a program to teach young children about inappropriate adult behaviour and how to protect themselves from abuse events. The study showed that some teachers were anxious about delivering the training, due to fears that they would attract complaints from parents.

45. One of the limitations with respect to the situational crime prevention approach concerns its practicality, in that it can hinder or prevent services to children. For example, it may be argued that children can never be with an adult alone, requiring another adult to be present. This can be argued to be impractical because it requires another member to be present who may otherwise be working on other tasks. Alternatively a child may not feel comfortable having two adults present in some circumstances (for instance in a counselling session of a personal nature). It would mean that if a child is left alone at a sporting match for example another adult would be required to be present in the car to drive them home; this may not be possible, particularly at short notice. It is also not inexpensive to change buildings to make them more transparent.
46. As mentioned above, it is also necessary for there to be, in a number of cases, a combination of architectural and social changes to environments to minimise the occurrence of child sexual abuse. This takes planning, changes to long-standing norms and resources. Not all organisations will have the same resources to achieve this.

WHAT MAKES AN INSTITUTION A PLACE WHERE ABUSE MAY OCCUR

47. When I began my research in this area, I was under the impression that institutional child sexual abuse was confined to religious institutions and that it was generally the result of 'bad apples' in an otherwise 'good barrel'.
48. My research and the broader literature in this field has shown me, however, that the issue exists in organisations and institutions of all kinds. While my research in relation to child sexual abuse centres on religious institutions, I

³⁰ Kathleen P Allen, Jennifer A Livingston and Amanda B Nickerson, 'Child Sexual Abuse Prevention Education: A Qualitative Study of Teachers' Experiences Implementing the Second Step Child Protection Unit' (2020) 15(2) *American Journal of Sexuality Education* 218.

consider there are parallels between the characteristics of religious institutions and the features of government institutions that care for children, or with which children interact. Stepping back, it seems that all organisations have the same problems, but that the issues may manifest in different ways in a given institutional setting.

49. I have identified four main institutional characteristics which may facilitate or contribute to the perpetration of child sexual abuse in institutional settings. These features are:
50. **Structural features:** The structure of an organisation can contribute significantly to creating an environment in which abuse occurs. In particular, organisations that rely on hierarchies or strict forms of regulation as to who is in charge and who is not are a particular risk. For example, studies of the Roman Catholic Church indicate that strict hierarchies have contributed to subordination and feelings of powerlessness, which have in turn contributed to feelings of strain amongst clergymen that contribute to the undertaking of child abuse events. Associate Professor Marie Keenan argues that in the case of the Roman Catholic Church, the perceived experience of powerlessness (consequent to the complex hierarchical nature of Roman Catholicism), alongside other factors such as loneliness and lack of support, prompted clergy to seek out social bonds with children, and when combined with the strains of their roles, backgrounds, and spiritual authority over minors, contributed to abuse events against children.³¹ The nature of one's employment or volunteering can affect individuals so as to seek out inappropriate interactions with (peer-friendship) and abuse of children.
51. We too know that organisations tend to be hierarchical. This leads to a chain of command and reporting in instances of employee misconduct. We know from the organisations subject to the Royal Commission that many organisations tended to handle abuse allegations in-house as misconduct rather than as a criminal matter requiring reporting to police.³²

³¹ Marie Keenan, *Child Sexual Abuse and the Catholic Church: Gender, Power, and Organizational Culture*. (Oxford University Press, 2013).

³² Royal Commission into Institutional Responses to Child Sexual Abuse, *Improving institutional responding and reporting* (Report, 2017).

52. **Cultural features:** Organisational culture has been shown to be influential in shaping how those serving within institutions think and behave, through its belief systems, norms, and values.³³ It has been identified as a feature contributing to institutional child sexual abuse, as well as organisational deviance more broadly.³⁴ Organisations of all kinds are inherently concerned with self-preservation and the prevention of scandal (irrespective of the nature of that scandal), which will impact upon how the entity is run, including responses to safeguarding and child sexual abuse.³⁵ This argument was shown decisively in my field by Associate Professor Keenan in her aforementioned work on the Roman Catholic Church. My own aforementioned research on the Anglican Diocese of Tasmania drew attention to the presence of a culture of self-preservation operative amongst clergy in 2016, which manifested in a mentality and shifting of clerical practice to prevent accusations of impropriety. Clergy created emotional and physical boundaries with children (namely, limiting physical contact and proximity). I argue this was exacerbated by media attention to church abuse, as well as diocesan policies and procedures which, in my view, centred on screening and compliance with safe ministry requirements (process) to ensure that 'safe persons' and environments were present as the means of securing safety rather than individual practice to prevent inappropriate situations with children. Again, my view is that such a culture would not be reserved only to Anglican clergy but is likely present in many organisations which provide services for children.
53. An organisation's culture towards young people themselves is also an important consideration. It has been shown repeatedly by academic and governmental inquiry that a number of institutions (detention centres, reformatories, orphanages, schools) had cultures of child de-humanisation, and that this was shown to have contributed to the abuse and neglect of children. Where children are not seen as inherently valuable by virtue of their humanity and not afforded their human rights, they are more likely to be subject to abuse and neglect. The Royal Commission into the Protection and Detention of

³³ Edgar H Schein, *Organizational Culture and Leadership* (Jossey-Bass, 2010).

³⁴ Donald Palmer and Valerie Feldman, *Comprehending the Incomprehensible: Organization Theory and Child Sexual Abuse in Organizations* (Cambridge University Press, 2018); Diane Vaughan, *The Challenger Launch Decision: Risky Technology, Culture, And Deviance at NASA* (The University of Chicago Press, 1996).

³⁵ *Ibid.*

Children in the Northern Territory drew attention to this in its reports in respect to the treatment of Aboriginal juveniles.³⁶

54. **Perceptual features and practice:** Organisations are made up of individuals, each of whom have certain ideas about why or in what conditions offences take place against children, and how to prevent that offending. As discussed, traditional notions of the ‘paedophile’ offender tend to be the dominant understanding of the nature of child sexual abuse and contribute to a fundamental misunderstanding of abuse causation. That misunderstanding is exacerbated by commonly held views amongst individuals that child sexual abuse “doesn’t happen anymore”, or a perception that such offending would not occur in their institution, or be perpetrated by their colleagues.³⁷ Instead, the risk of child sexual abuse is seen as an external threat to the organisation, with persons on the inside of the organisation deemed to be ‘safe’ or of no risk to children.
55. The normative practice within an organisation can too contribute to the occurrence of child sexual abuse. This includes both the nature of relationship between employee and child (position of authority and trust) and the opportunities that can be created for abuse to take place (being alone with a child, changing a child, massaging a child in sporting clubs).
56. **Environmental features:** As discussed, many institutions in which children come into contact with adults, such as healthcare, educational or justice facilities, often share similar architectural or operational features that contribute to an environment in which child sexual abuse can occur. Importantly, many of these features are not easily remedied. For example, significant resources may be required to provide for glass on the walls or doors of old buildings. It is also expensive to make schools subject to greater surveillance through additional cameras, for example.

³⁶ Royal Commission into the Protection and Detention of Children in the Northern Territory, *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory: Volume 2B* (Report, 2017).

³⁷ Charlotte F Scott, ‘An Examination of Child Sexual Abuse in Churches: The Relationship between Understanding by Leadership and Preventive Measures’ (Dissertation, New Orleans Baptist Theological Seminary, December 2019).

57. In my opinion, these features of organisations remain areas which should be examined (and regularly audited) to assess whether by their nature they could contribute to the occurrence of child sexual abuse.

INDIVIDUAL AND ORGANISATIONAL RESPONSIBILITY

58. The responsibility for creating child safe environments sits with both the individual and the institution in which the individual operates. I consider that this balance of responsibility is best viewed as a partnership between individual and institution.
59. In that partnership, organisations must be willing to be aware and active in their monitoring of child safety matters. This should extend to ensuring staff are supported to make complaints (including that they are given time to make such complaints), staff are required or encouraged to undertake relevant professional development, and that matters of child safety are framed as a present (as opposed to historical) risk that is to remain consistently on the agenda.
60. Simultaneously, individuals must be willing to monitor the environment and their colleagues for risks or signs of grooming and victimisation. This includes being open to, and aware of, the fact that if that individual is not careful, they may put themselves in a position where they may be more susceptible to criminal decision making. Individuals must also be willing and open to raising complaints or concerns.
61. These efforts on behalf of both the individual and the organisation need to be mindful of striking a proper balance between ensuring child safety, while also fostering appropriate and beneficial adult-child relationships. There are settings where an adult is seeking to nurture or support a child in an entirely appropriate way. For example, a teacher might keep a child back after class in order to give them additional guidance or assistance. In other circumstances, a staff member may reassure a child who is visibly distressed. Another example is where an adult might offer a child a lift home because a parent has not picked the child up. The availability of this kind of support from adults with whom a child interacts can be beneficial to child wellbeing, school performance and development. Strict approaches to child safety may cause adults not to pursue proper or nurturing relationships with young people, or offer support of

this kind, for fear of not doing the right thing. At the same time, it must be borne in mind that these supportive settings can be where abusers begin the process of grooming or where professional boundaries start to be crossed, and so there needs to be attention paid to when and how adults are alone with children.

62. In my view, this balance is best struck by taking a stricter approach to fostering appropriate relationships between adults and children, while still working to encourage proper relationships. For example, policies within institutions should focus on appropriate touching between adults and children. There are examples of policies in some churches that now require physical interactions between adults and children to be limited to when the child initiates it and that permission is asked of the child before such contact takes place. Within the Anglican Church of Australia, such behaviour is outlined within the *Faithfulness in Service* document.³⁸ That document discusses ‘placing an arm around their shoulder’ as a means of providing comfort during distress; a side hug, as opposed to what is typically undertaken as a hug. Another example listed is patting the back to affirm the child. Physical contact is still permitted, but it is restrained by the need to acquire consent, and it is generally distinguished from affection that may be shown between family members or friends. In my view, this creates a positive boundary between church workers and children.
63. Critically, the introduction of stricter policies must be accompanied by an attention to normalising this change in attitudes and conduct. When policies concerning safe ministry began to be introduced in churches for example, some people took the view that they went too far in behaviour and relationship regulation.³⁹ Efforts to normalise these kinds of changes in conduct will help to ensure new child safety policies and practices are appropriately adopted and followed, while supporting proper and nurturing relationships.

³⁸ Anglican Diocese of Tasmania, *Faithfulness in Service: A code for personal behaviour and the practice of pastoral ministry by clergy and church workers* (Code, September 2016) <https://anglicantas.org.au/wp-content/uploads/2017/04/DAF_008_Faithfulness_in_Service_as_amended_and_updated_September_2016.pdf>.

³⁹ Zoë Morrison, *Reporting the Abuse of Children and Young People and Responding to Adult Sexual Assault: A Study into the Attitudes and Behaviours of Clergy and Church-Workers in the Anglican Diocese of Adelaide When Dealing with the Abuse of Children and Sexual Assault of Adults* (Report, 2005); Michael N Kane, ‘Catholic Priests’ Knowledge of Pastoral Codes of Conduct in the United States’ (2013) 23(3) *Ethics & Behavior* 199.

64. In my view all personnel must be actively alert to signs of abuse and take responsibility for reporting to authorities, irrespective of role, employment status (casual to full time) and rank.

THE ROLE OF CHILD SAFETY POLICIES

65. Robust child safety policies play a significant role in creating and sustaining child safe institutions. However, they are not enough on their own to secure child safety from sexual harm or other harms they might experience in institutional settings.
66. My research, and the research of others, demonstrates that there can be an overreliance on policy. There is a risk that organisations adopt the view that the introduction of policy and procedure documents will render the organisation safe for children. An organisation might develop a culture of safety in the following of procedure (that is, a belief that following the rules will result in safety). Alternatively, an assumption might develop amongst management that because there are policies, the organisation is safe and there is no need to worry about its operation in practice.
67. The problem with an overreliance on the existence of policy is that policies are not then properly integrated within the life of the organisation. Rather, there is a need for an organisational culture to be developed that views child safety as an everyday concern for all members, and that recognises that the existence of policies alone will not make an institution safe. Without such integration of child safety within the organisational culture of an institution, policies will be forgotten.
68. For example, I am aware that over a number of years the Ashley Youth Detention Centre has seen the development and introduction of a range of new policies and procedures aimed at improving child safety in that institution. Despite this, reports undertaken of Ashley Youth Detention Centre over the past ten years have identified serious organisational culture issues and abhorrent attitudes towards children. We can see in those reports that when children are viewed in an inhumane way, that underlying assumption leads people to neglect or disregard established policies and procedures concerning child safety. In instances where the wellbeing and dignity of the child, the value of the child and the value of the work of the institution as it relates to

children is undervalued, child safety will also be overlooked regardless of the quality of the policies or procedures in place.

INTERNAL AND EXTERNAL REPORTING

69. In the religious institutional context, such as those I have studied, we can observe a historical tendency for the members of an institution, staff or those whom the institution serves, to rely on the institution to handle complaints internally. Often, such reliance has meant that:
- (a) criminal matters are not reported to the police; or
 - (b) members of an organisation or those persons the organisation serves place trust in the organisation's leadership to handle the complaint, resulting in circumstances where the leadership abuse that trust and their position of power by not properly handling abuse matters.
70. This was shown for instance historically in the Anglican Diocese of Tasmania where complaints were brought to the attention of Diocesan leadership (Bishop Newell) against Louis Daniels which were not appropriately responded to as a criminal matter, but instead in an internal disciplinary matter.⁴⁰
71. These outcomes demonstrate the risks associated with an overreliance on internal reporting. In my view, these risks remain apparent in religious institutions and can likely be seen in other kinds of institutions.
72. The literature advises the following process for the reporting and management of an allegation of misconduct that occurs in an organisation in a way that avoids or minimises these risks:
- (a) the individual concerned should be suspended, subject to greater supervision, or moved to a role where no children would be present.⁴¹ In some institutions where children are likely to be frequently present, suspension may be the preferred option;

⁴⁰ Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study Number 36: The Response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to Allegations of Child Sexual Abuse* (Report, 2017).

⁴¹ New South Wales Ombudsman, National Office for Child Safety *Complaint Handling Guide: Upholding the rights of children and young people* (Guideline, 2019).

- (b) the organisation should hand over its responsibility of investigation to police;
 - (c) if police decline to press charges (for example, where there is insufficient evidence), at that point the organisation should conduct an internal investigation, with counsel of police; and
 - (d) after a police investigation, a conviction may be used in the organisation's own investigation process.⁴²
73. This approach has the following benefits:
- (a) it promotes due process and ensures that the legal rights of offenders are preserved;
 - (b) it ensures that police, who are professionally trained to undertake criminal investigations, can swiftly undertake enquiries and are not hindered by internal procedures; and
 - (c) it preserves the capacity of the organisation to step in if there remain concerns that justice has not been done, including to assess behaviour as against internal policies and practices.
74. The process of defaulting to external reporting is made more complex in circumstances where the behaviour complained about does not rise to the level of criminality. This is an important aspect of child safety policies, as grooming activities that lay the foundation for future abuse can occur over a long period of time, develop slowly and may not be readily observable by superiors. In such instances, the role of the organisation is to discern and prevent risk, rather than to respond solely to an event of abuse, by reporting it externally to police.
75. In these situations, it is important that an organisation have clear internal reporting guidelines that encourage and facilitate reporting by staff, clients, members, children or their families. Such guidelines should give a clear definition to what constitutes 'grooming', so that staff are clear on the kinds of activities of concern.
76. I consider there is scope for organisations to rely on an independent person attached to the organisation who may receive complaints or allegations of

⁴² See Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Improving institutional responding and reporting (Vol 7)* (Report, 2017).

grooming or other concerns about child safety that do not otherwise rise yet to concerns about a particular act of sexual impropriety. Such processes may be of particular value to staff, clients or children who are concerned about reporting directly to the institution in question, for example where they are worried they may not be believed. This has been the practice with Anglican and Catholic churches in Australia in recent years. The creation of independent bodies appear in several of the recommendations of the Royal Commission (for instance recommendation 7.10).

GIVING EFFECT TO CHILD SAFETY POLICIES WITHIN AN ORGANISATION

77. There are two ways to give effect to child safety policies and procedures within an organisation, to ensure that such policies and procedures are in fact adhered to and promoted by an organisation and its members: one within the organisation and one outside the organisation.
78. Within the organisation, a child safety policy needs to be viewed as something that is respected, valued and promoted by the organisation's leadership. To achieve this, an organisation's leaders should:
- (a) acknowledge and promote the dignity of the child;
 - (b) treat the matter of child safety as aligned with the everyday business of the profession;
 - (c) ensure the matter of child safety is consistently on the leadership's and organisation's agenda;
 - (d) work to ensure that all organisation members understand that child safety is an everyday responsibility of every member;
 - (e) recognise that grooming is, at times, difficult to identify;
 - (f) encourage staff to come forward in good faith with issues, complaints or concerns relating to child safety; and
 - (g) reward staff who are changing their practices to better promote child safety, who call for more safeguards (such as changes to architecture), or who take steps to report their concerns.

79. Outside the organisation, there needs to be steps taken to ensure that child safety attitudes and behaviours are taught within the educative institution in which persons receive their professional training.
80. The literature indicates a lack of relevant training of professionals in matters of child sexual abuse prior to entering the workforce. A recent study by María Mercedes Márquez-Flores, Verónica V Márquez-Hernández and Genoveva Granados-Gámez in the American context showed that a majority of teachers surveyed had not received any training in relation to child sexual abuse and its identification.⁴³
81. People training to work in fields that require engagement with children, such as teaching, should be regularly and consistently instructed about proper boundaries with children, the proper understanding of child sexual abuse and its prevention, the proper understanding of grooming, and what their role is in the prevention of, and response to, abuse. That training should also focus on how to facilitate healthy, normal relationships with children. Such training should be provided at universities as a core part of the curriculum, prior to entry into the workforce.
82. The purpose of such training is to ensure that when the person joins an organisation's workforce they already have a best practice and healthy understanding of what they need to do in their workforce in order to ensure child safety. This ensures that they do not need to rely on the organisation to provide such training. Without such training during professional education, the person will arrive at an organisation with a traditional or typical understanding of child sexual abuse causation, informed by wider social perspectives and understandings, and will need to be trained by the organisation.
83. I note for example, that historically the workforce at Ashley Youth Detention Centre have not been required to hold appropriate qualifications. Further, I understand that they have not been trained in working with juveniles and the facilitation of healthy relationships with children. Furthermore, it is my understanding that the evidence suggests that new workers at Ashley Youth Detention Centre have been socialised into a punitive culture that is informed

⁴³ María Mercedes Márquez-Flores, Verónica V Márquez-Hernández and Genoveva Granados-Gámez, 'Teachers' Knowledge and Beliefs About Child Sexual Abuse' (2016) 25(5) *Journal of Child Sexual Abuse*, 538.

by a view that the children in their care are bad people who do not deserve to be treated well. These views and assumptions are further strained by the difficulties of working in criminal justice, intensifying the default view of children in this context and contributing to a culture that routinely overlooks and disregards policies and procedures.

TASMANIAN CONTEXT

Tasmania's size

84. In my opinion, there are aspects of the Tasmanian context that require reflection when considering the nature of, and responses to, child sexual abuse in institutional settings.
85. Tasmania is a small community. People are closely connected through school, work, marriage, partnership or friendship circles. That context of close connection intensifies the concern about reporting and about making allegations against people. This presents difficulties for those individuals on whom we rely to give life to child safety policies by raising their concerns and remaining vigilant about matters of child safety.
86. Tasmania's small size also necessarily has implications for the available financial and human resources within government required to address child safety concerns. Resources may not be readily available to provide the kind of training or professional development required of staff. Equally, the capacity of government departments and the public service to undertake the work required is in question, given the more limited number of public servants comparative to other Australian states. These issues of funding and resourcing have been observed in the context of Tasmania's child protection services, for instance.

The needs of Aboriginal children in the Tasmanian context

87. Aboriginal children, particularly those in out of home care and youth detention, have distinct needs that require reflection in policies and procedures that seek to frame safer institutions for children.
88. First and foremost, it is important that Aboriginal children receive cultural immersion and cultural support, and that their Indigeneity is encouraged and supported. The literature has established that access to such support is critical

to the wellbeing of Aboriginal and Torres Strait Islander children generally, but also to their success in education. It is known that there is a desire amongst Aboriginal Tasmanians for Aboriginal children to remain in Tasmania to receive, for instance, on-country care and support. This is preferable to the relocation of Aboriginal children to other jurisdictions, which has been an approach the Tasmanian government has taken in the past.

89. In the education context, I consider that schools need to take a leading role in ensuring this kind of cultural support is available, and to ensure that their curricula involves Aboriginal and Torres Strait Islander knowledges and engages with elders. This view is aligned to the perspectives of other Australian Aboriginal and Torres Strait Islander scholars who publish in this area, typically in the *Australian Journal of Indigenous Education*.
90. I also consider that the government should continue to support community services for Aboriginal people, such as health care, legal aid, and other programs, to encourage cultural connections. While certain Aboriginal organisations are more vocal and visible than others, we know there are a number of Aboriginal organisations that provide cultural support for their local communities around our state. I consider that making more funding available to these organisations, and ensuring that people who are qualified to help support children, such as social workers, are placed there, will contribute to better outcomes in this regard. This can lead to the facilitation of the community-based or place-based model, which the literature has shown to be helpful. Such a model is seen for instance under justice reinvestment initiatives.⁴⁴
91. Support is equally important for Aboriginal parents to ensure their wellbeing as well as that of the children. Literature in the field of developmental crime prevention (Professor Ross Homel is one of Australia's authorities in this field), and social work for that matter, shows that where support is offered for families this serves as a protective factor, so that families are less likely to be subject to strain and that, consequently, children are less likely to be placed in out of home care. In terms of parental support, the literature indicates that while

⁴⁴ David Brown et al, *Justice reinvestment: Winding back imprisonment* (Palgrave Macmillan, 2016).

there are care support programs available for Aboriginal and Torres Strait Islander people, few of them are specifically serviced for men.⁴⁵

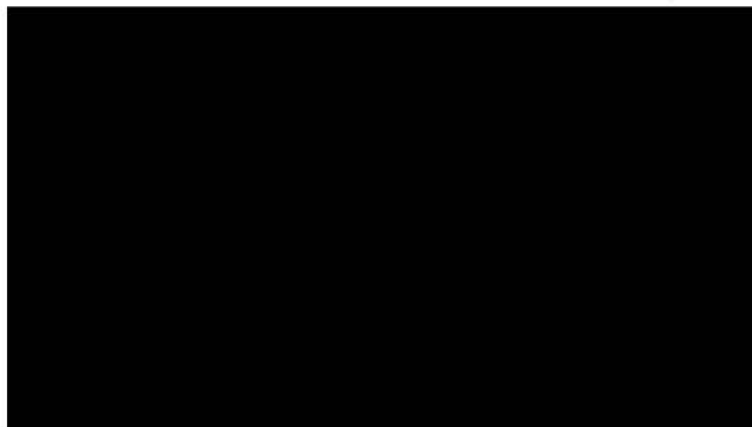
92. Importantly, the intergenerational effects of colonisation are not given due weight within justice policy. Instead, parents suffering from intergenerational trauma, including those whose own family were absent or suffered the direct effects of colonisation, are labelled as poor parents and are not given the help they require. A justice reinvestment approach to support in such instances would assist to keep Aboriginal children in the familial home, and keep them from going into out of home care.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at School of Social Sciences, University of Tasmania, Sandy Bay
on 29/04/2022

.....
Michael Andre Guerzoni

Before me



⁴⁵ Kootsy Canuto et al, "Anybody can make kids; it takes a real man to look after your kids": Aboriginal men's discourse on parenting' (2019) 14(1) *Plos one*, e0225395.