

Senate Standing Committees on Legal and Constitutional Affairs

Current and proposed sexual consent laws in Australia

QUESTION ON NOTICE

Date of hearing: 25 July 2023

Outcome: Higher Education, Research and International

Department of Education Question No. IQ23-000032

Senator Larissa Waters on 25 July 2023, Proof Hansard page 52

Universities accord interim report recommendations

Question

Senator WATERS: The universities accord interim report released last week recognised that unis need to do far more to address sexual assault and harassment on campus. The report made a few recommendations towards fixing that—for example, a national student charter, broadening the ombudsman's powers and a tertiary education commission. In response, the minister said that he would be working through national cabinet to get action across the country. I note that End Rape on Campus and another student advocacy organisation who we'll also hear from in the course of this inquiry have welcomed that. They've called for more immediate action by setting up a taskforce to oversee university responses. What is being done in relation to that call for urgent action and particularly a taskforce?

Ms Doherty: I might defer to my education colleagues on that issue.

Ms O'Connor: We don't have our higher education experts here today. I can affirm that obviously the minister is working through the accord process and I'm sure would be aware of that recommendation and considering a response to that. But I don't have information today in terms of what that response might be.

Senator WATERS: Are you aware whether the minister has been briefed on the calls from End Rape on Campus for more immediate action? Is anyone in the department doing work on that more immediate action? Have you been asked to do that work?

Ms O'Connor: I'm not aware, but I can certainly take that on notice and get you some further information.

Answer

The Australian Universities Accord Interim Report, released on 19 July 2023, recommended immediate action through National Cabinet to strengthen university governance, with a focus on ensuring student and staff safety. This was one of five immediate actions for Government.

The Minister for Education announced the Government's commitment to act on these recommendations. On 19 July 2023, the Minister for Education wrote to State and Territory Ministers responsible for higher education to seek a nomination for a senior officials' working group to progress this action.

On 9 August 2023, the Minister announced the appointment of expert on prevention and response to sexual harassment and violence, Ms Patty Kinnersly, to advise the working group on actions and measures to implement to improve student and staff safety on campus, including in a variety of accommodation settings.

As part of this role, Ms Kinnersly will engage with stakeholders and advocates in the higher education sector, and in preventing sexual assault and sexual harassment, to provide advice to the senior officials' working group.

The introduction of the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023 also provides that higher education providers must have a dedicated support for student policy in place that proactively supports students who are at risk of falling behind. These policies are to cover a range of matters including ensuring appropriate crisis and critical harm response arrangements for students. A discussion paper on the support for students policies to inform changes to the Higher Education Provider Guidelines will be released shortly.

The Accord Panel met with representatives from End Rape on Campus (EROC) and Fair Agenda on 16 May 2023.

The Minister for Education has met with representatives of the STOP campaign, EROC and Fair Agenda.

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Department of Education Question No. IQ23-000033

Senator Larissa Waters on 25 July 2023, Proof Hansard page 53

Sex and relationship education

Question

Senator WATERS: Thank you. Advocacy groups have called for comprehensive ongoing sex and relationship education targeted particularly at international students in their first year of university. Is any work being done on that?

Ms O'Connor: I can take that on notice.

Answer

On 3 February 2023, the Minister for Education wrote to all higher education providers detailing the requirements for them to implement the recommendations of the Respect@Work report relating to higher education (specifically recommendations 11 and 12).

The Australian Universities Accord Interim Report, released on 19 July 2023, recommended immediate action through National Cabinet to strengthen university governance, with a focus on ensuring student and staff safety. This was one of five immediate actions for Government.

On 19 July 2023, the Minister for Education wrote to State and Territory Ministers responsible for higher education to seek their nominations to form a senior officials' working group to progress this action.

On 9 August 2023, the Minister announced the appointment of expert on prevention and response to sexual harassment and violence, Ms Patty Kinnersly, to advise the working group on actions and measures to implement to improve student and staff safety on campus, including in a variety of accommodation settings.

As part of this role, Ms Kinnersly will engage with stakeholders and advocates in the higher education sector, and in preventing sexual assault and sexual harassment, to provide advice to the senior officials' working group.

The Department of Education is also working with the Department of Social Services on these matters.

Additionally, under the *Education Services for Overseas Students Act 2000*, education providers are required to give overseas students information on, or access to, an orientation program about living and studying in Australia, including information about safety on campus and while living in Australia. Orientation programs help familiarise overseas students with the registered provider's expectations, rules and facilities, and introduce the social and cultural norms which overseas students need to be aware of while in Australia.

States and territories also deliver information to international students about safe sex and respectful relationships. For example, the NSW Government provides information to international student on consent on their International Students Health Hub ([Sex, Contraception & Pregnancy - International Student Health Hub \(nsw.gov.au\)](https://www.nsw.gov.au/health/sexual-health/sex-contraception-pregnancy-international-student-health-hub)).

Senate Standing Committees on Legal and Constitutional Affairs

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QUESTION ON NOTICE

Date of hearing: 25 July 2023

Outcome: Schools

Department of Education Question No. IQ23-000034

Senator Larissa Waters on 25 July 2023, Proof Hansard page 55

National respectful relationships education expert working group terms of reference

Question

Senator WATERS: ... I have one final question. Has the national respectful relationships education expert working group met yet? If so, what are their terms of reference? Do they have an agreed work plan?

Ms O'Connor: Yes. That sits with education. Yes, they've met. They've met twice. There is terms of reference which we can table.

Senator WATERS: Yes, please.

Answer

The National Respectful Relationships Education Expert Working Group Terms of Reference were finalised out-of-session on 25 July 2023 (Attachment A refers).

This document is also available through the Department's website at:

<https://www.education.gov.au/schooling/support-school-students/consent-and-respectful-relationships-education-crre>.



National Respectful Relationships Education Expert Working Group

Terms of Reference

Last update: 25 July 2023

Purpose and objectives

The National Respectful Relationships Education Expert Working Group (NRREEWG) will support the schooling sector to deliver the Australian Government's Consent and Respectful Relationships Education initiative which was announced in the October 2022-23 Federal Budget.

This initiative recognises and strengthens the collective ownership of respectful relationships education in schools and acknowledges the responsibility of state and territory governments and the non-government schooling sectors in ensuring delivery in their jurisdiction.

The investment of \$77.6 million to support this measure is designed to ensure Australian students receive high quality, age-appropriate, evidence-based respectful relationships education, including consent and sexuality education, to help prevent gender-based violence and promote healthy and respectful relationships between young people. The initiative comprises the following key components:

- establishing a national respectful relationships education expert working group with jurisdictional, non-government and expert representation to guide program design and advise schools on delivery methods that are evidenced based and suit their school communities
- a rapid review of how respectful relationships consent education programs are currently being taught in schools
- development of a national framework or guide for schools to use to support the delivery of high-quality respectful relationships education, including consent and sexuality education
- a grants process to complement and support existing consent and respectful relationships education investment being undertaken by state, territory, and non-government school sectors.

Approval

NRREEWG establishment date: 19 June 2023.

These Terms of Reference were finalised on 25 July 2023 out-of-session.

Role and deliverables

The NRREEWG will provide advice to the Australian Government Department of Education (Department of Education) to support the establishment and ongoing implementation of the granting activities for the Australian Government's Consent and Respectful Relationships Education initiative to support schools from 2024.

The Department of Education will provide the Australian Government Minister for Education with regular updates in relation to the implementation of the initiative. The Minister for Education will provide regular updates on this work to all Education Ministers and the non-government schooling sectors through Education Ministers Meetings (EMM).

As part of this work, NRREEWG members will:

- a) develop a statement of requirements for the rapid review of RRE education currently being delivered in Australian schools.
 - The Review will focus on the 'how' of respectful relationships education, i.e., the delivery of RRE in schools and the identification of gaps and opportunities for improvement. The Review builds on the national stocktake project undertaken by Monash University (report published on 16 September 2022), which focused on the 'what'; i.e., the identification of existing respectful relationships education programs and resources used by schools, the effectiveness of these programs and resources, and common practice and policy challenges faced by existing approaches to respectful relationships education.
- b) consider the rapid review findings, including identification of gaps.
- c) provide feedback on program guidelines which will outline the scope and will set out eligibility requirements and use of funding provided with this measure, including monitoring and evaluation. The guidelines will be approved by the Australian Government Minister for Education. The Department of Education will administer grants funding to states and territories and non-government schooling sectors.
- d) scope and oversee the development of a national framework or national guidelines to guide schools in investing in and supporting implementation of quality evidence-based, age-appropriate consent and respectful relationships education across Australian schools. This framework is to provide assurance to schools that they are delivering high-quality and evidenced-based programs.
- e) provide advice on the delivery of respectful relationship education to priority cohorts including but not limited to First Nations people, people with disability, and culturally and linguistically diverse cohorts.
- f) provide advice on appropriate mechanisms to communicate updates to schools on the delivery of consent and respectful relationships education.
- g) consider and identify other opportunities to enhance national collaboration and information sharing.

Chair

The NRREEWG will be chaired by Patty Kinnersly, CEO of Our Watch for a period of one year from the establishment date. Future chairing arrangements will be determined during this time.

The Chair will provide governance and oversight of the NRREEWG, will attend, and lead meetings and monitor progress against the workplan.

Reporting

The NRREEWG will provide updates on the initiative and findings and recommendations to Schools Policy Group, AESOC and EMM as required. The Australian Government Minister for Education will



be responsible for reporting on the initiative to Education Ministers and the non-government schooling sectors through EMM.

Membership

Membership of the NRREEWG will comprise:

- one representative from the Australian Government
- one representative from each state and territory government to represent the government schooling sector
- one representative from National Catholic Education Commission to represent the Catholic schooling sector
- one representative from Independent Schools Australia to represent the independent schooling sector
- expert representatives as agreed by the Minister for Education.

Members are appointed as representatives of their organisations and may nominate a proxy to represent them as needed.

The Chair may approve participation of observers as required.

The Chair may recommend additional working group members (if required) to be approved by the Minister.

The term of appointment for working group members is for three years from the time the NRREEWG is established.

The membership will be reviewed every 12 months to ensure appropriate representation. The secretariat will review the membership, and the Chair will make recommendations for any changes or nominations to membership. The next membership review will commence March 2024.

Members of non-government organisations will be paid for activities approved by the Department.

Remuneration will be based on the daily fee for Members of \$430 (GST exclusive) /\$473 (GST inclusive) as outlined in the [Remuneration Tribunal \(Remuneration and Allowances for Holders of Part-time Public Office\) Determination \(No.1\) 2023](#).

Forward work plan

The NRREEWG will develop and maintain a forward work plan which will be reviewed bi-annually. Members are responsible for ensuring the forward work plan reflects the group's responsibilities and functions. The forward work plan will include meeting dates and agenda items for the year ahead. The forward work plan will be agreed by members each year.

Meetings

The NRREEWG will meet as required, but as a minimum three times a year, according to the agreed workplan which will be developed and approved by members at the first working group meeting. Meetings will occur online with an option for items to be progressed out-of-session where required.

Quorum/allowance of proxies

A meeting quorum will consist of a minimum of five working group members (or representatives), and the Chair of the NRREEWG. Where a member cannot attend a meeting, the member may nominate another person to attend on their behalf.



Protocols

- A member who nominates an item for the agenda should attend the meeting to present the item.
- The NRREEWG will utilise an actions register to track agreed actions and ensure implementation.
- Minutes will be endorsed by members out-of-session.
- Where a member cannot attend a meeting, the member should nominate another person at their equivalent level to attend on their behalf (see Quorum/allowance of proxies).
- The NRREEWG will make recommendations based on consensus wherever possible.
- A working group meeting may be rescheduled, or the Chair may contact representative organisations to progress items if a majority of members are unable to attend.

Secretariat

The NRREEWG will be supported by the Australian Government Department of Education which will provide a secretariat function.

The secretariat will circulate items for discussion approximately one week prior to each meeting. The secretariat will maintain a register of meeting outcomes, including action items and circulate meeting minutes for endorsement. There is an expectation that progress on the working group's activities will be publicly available.

Timeframes

Requests for action item updates should be circulated by the secretariat 7 days prior to each meeting. Action item updates will be a standing agenda item at each meeting.

All meeting papers and updates on action items should be provided to the secretariat at least 7 days prior to the meeting.

The secretariat will circulate an agenda and papers at least 5 days prior to each meeting.

The secretariat will maintain meeting outcomes and seek to have these available within 4 weeks of every meeting.

Review

Terms of Reference

The NRREEWG will undertake an annual review of the terms of reference and its functional performance.

