

RFS-TAS-014

Name: Mrs Ann Deborah Moxham

Occupation: Registrar of the Teachers Registration Board of Tasmania

Statement of Ann Moxham

- a. My name is Ann Moxham and I am the Registrar of the Teachers Registration Board of Tasmania (“**TRB**”).
 - b. I commenced employment with the TRB in the position of Manager Professional Standards and Initial Teacher Education (ITE) Accreditation in April 2018. This is still my substantive role with the organisation.
 - c. In 2019, I shared a six week Acting role with the Manager Registration and IT Systems while the then Registrar was on long service leave. Subsequently, I was appointed as the Acting Registrar from September to November 2020.
 - d. I was then directly appointed as Registrar until September 2021. Following an Expression of Interest process in 2021, I was again appointed as Registrar for a fixed term of 12 months which concludes in September 2022.
 - e. Since my appointment in 2020 and up until November 2021, I have been effectively filling two positions at the TRB as I was unable to back fill my substantive position and therefore I was unable to fully devote my attention to the role of Registrar during this time. I provide this context to assist the commission to appreciate that I do not have direct knowledge of some of the period of interest nor of some of the details provided below.
 - f. I make the following statement in response to RFS-TAS-014 issued on 5 April 2022.
1. **Describe the roles, functions, powers and membership of the Teachers Registration Board, particularly in relation to preventing, identifying, reporting and responding to child sexual abuse in relation to teachers.**
 - 1.1. The functions, powers and membership of the Teachers Registration Board are set out in section 6, 6A, 7 and 7A of the *Teachers Registration Act 2000* (Tas) (“**the Act**”).
 - 1.2. The role of the TRB is to regulate the registration of teachers in Tasmania and to perform its functions and exercise its powers either directly or by means of delegations under the Act. All of this is done while considering the welfare and best interests of students to be of paramount importance.
 - 1.3. There is no section of the Act that specifically directs the TRB to prevent, identify, report on and respond to child sexual abuse in relation to teachers. However, the criteria for registration include that the applicant is of good character, is fit to be a teacher and is

registered under the *Registration to Work with Vulnerable People Act 2013* (RwVP) in respect of a regulated activity, that primarily relates to children. These criteria apply to the granting of provisional registration, full registration, specialist vocational education and training registration, limited authorities to teach and to renewal of any of these types and categories of registration and alternative authorities to teach.

- 1.4. In determining whether an applicant satisfies the criteria under the Act, the TRB takes into account, among other things:
 - 1.4.1. Any conviction of, or charge against the person;
 - 1.4.2. Any behaviour that does not satisfy a standard of behaviour generally expected of a teacher or that is otherwise disgraceful or improper;
 - 1.4.3. Whether the person has been refused registration under the RwVP Act; and
 - 1.4.4. Any other matter the TRB contemplates to be relevant in considering the welfare and best interests of students to be of paramount importance.

This very broad test encompasses not only convictions for child sexual abuse, grooming or other related criminal offences, but any behaviours, actions, charges or patterns disclosed to, reported to or identified by the TRB in investigations carried out by its officers.

- 1.5. The considerations set out in paragraph 1.4 are included to indicate that the work undertaken by the TRB and its officers, while not explicitly (or only) about prevention, identification and response to child sexual abuse in relation to teachers, is aimed at preventing potential abusers from becoming registered as teachers. In addition, the TRB and its officers aim to eliminate, from the profession, any teacher who has committed offences or engaged in behaviours that have resulted or may result in child sexual abuse.

2. Describe what types of teachers the Teachers Registration Board regulates, including whether it regulates relief teachers.

- 2.1. The TRB regulates persons who are or have been a registered teacher or holder of a limited teachers registration authority in Tasmania. A registered teacher is a person who is fully registered, provisionally registered or specialist vocational education and training registered and whose name appears on the register of teachers.
- 2.2. The Act makes it an offence for a person to teach at a school or TasTAFE unless they are registered or the holder of a limited authority or under the direct supervision of a registered teacher (in line with Board Policy). The scope of the Act is therefore all teachers in schools and TasTAFE, regardless of their employment conditions (fixed term, relief and permanent teaching staff) – that is, inclusive of relief teachers.

3. Identify:

- (a) **How many teachers the Teachers Registration Board currently regulates; and**

(b) How many teachers the Teachers Registration Board regulated in respect of each year from 1 January 2017 to 31 December 2021.

In your response, identify the number of those teachers who are employed by the Department of Education, Independent Schools Tasmania, Christian Schools Tasmania or Catholic Education Tasmania.

3.1. Table 1 shows the number of registered teachers by type/category of registration and year.

	2017	2018	2019	2020	2021	March 2022
Full Registration	7125	7262	7354	7388	7274	7205
Provisional Registration	3453	3574	3631	3696	3763	3778
SpVET registration	670	678	666	650	671	648
Full and SpVET	14	14	15	22	24	25
Provisional and SpVET	32	46	52	47	47	46
Limited Authorities to Teach	255	276	333	293	364	233
Totals	11 549	11 850	12 051	12 096	12 143	11 935

3.2. The TRB does not have reliable information about where a teacher is employed. Location of employment is not required to be disclosed under the Act and the TRB cannot compel teachers to provide this information. Information provided by the teacher through our online portal is not verified with schools.

3.3. However, schools may keep a “Watched Registration” list that is a register of teachers filtered by the school. This tool enables schools to monitor registration status, Registration to Work with Vulnerable People status and if the teacher has conditions that impact on their employment.

3.4. The TRB has access to this list and has provided schools with guidance about how to setup the list and how to update it. As part of the Annual Returns process set out in s32 of the Act, the TRB requires schools to update their Watched Registration list to ensure that it is accurate as at 1 July, each year.

3.5. The main risk of the Watched Registration list is it is reliant on schools keeping it up to date. In theory, if all schools were to keep their list up to date, the TRB would be able to know, at a point in time, where teachers are employed to teach.

3.6. Of the registered teachers, using the information based on the Watched Registration lists, as at 11 April 2022:

- 5830 Department of Education
- 1862 Catholic Education Schools
- 1576 Independent schools

Noting that:

- Not all registered teachers are employed at a school.

- Watched Registration lists rely on the school to update (add and remove teachers as staffing changes).
 - Some teachers may appear on one or multiple employer group's lists.
 - Relief teachers commonly do not appear on watched registration lists.
- a) Generally, the statistics are 60% of Tasmanian teachers are employed by the Department of Education, 30% by the Tasmanian Catholic Education Office and the rest at Independent Schools.
- b) Limited Authority to Teach (LAT) Holders (Note: these people are not registered teachers but they still must hold an RwVP, and the TRB conducts a good character/fitness to teach test before granting a LAT) as of 11/4/22:

Employer	Number of granted LATs
Christian Schools Tasmania	2
Department of Education	175
Generic Relief	72
Tasmanian Catholic Education Office	22
TasTAFE	23
Independent schools	16
Total	310

- Many individuals hold one or more LATs.
- Generic Relief LATs are granted to individuals, for relief teaching in **any** Tasmanian school (regardless of employer).

4. Provide any statistics of regulatory practices in relation to any teacher regulated by the Teachers Registration Board from 1 January 2017 to 31 December 2021, including:

- 4.1. Complaints**
4.2. Investigations
4.3. Suspensions
4.4. De-registrations, or
4.5. Other regulatory action.
in relation to child sexual abuse.

- 4.1 The TRB sees child sexual abuse as a very serious breach of the standard expected of a teacher.
- 4.2 However, the TRB does not categorise its records of complaints, investigations, suspensions, cancellation of registration (the TRB does not have a power to de-register which is a serious weakness of the current Act), or other regulatory actions in relation to child sexual abuse.
- 4.3 As a result, the TRB cannot provide the requested statistics without performing a manual review of each file to determine whether any aspect of it relates to child sexual abuse. Any review of this nature, to accurately capture the statistics requested would be unfeasible to respond to the Commission's request.
- 4.4 Any review to obtain such statistics would be reliant on subjective determination, which would possibly impact the reliability of any statistics produced.

- 4.5 The TRB categorises matters relevant to the sections of the Act. The TRB formally reports data in this format yearly, in its annual report which is tabled in both houses of parliament and displayed on the TRB website.
- 4.6 I have reviewed the annual reports from 2017-2020 and these are available on the TRB Website.
- 5. (a) Describe the funding (including staffing) allocated to the Teachers Registration Board to execute its functions from 1 January 2017 to 31 December 2021.**
- 5.1. In accordance with Treasurer’s Instructions, the TRB’s financial statements are prepared each financial year and audited by the Tasmanian Audit Office.
- 5.2. I have extracted key financial data from the Financial Statements for 1 July 2016 to 30 June 2021 (and included copies of the full audited statements as provided in the 2017, 2018, 2019 and 2020 Annual Reports as well as the statement that will be included in the 2021 annual report for the Commission’s reference the latter report is attached as **(Attachment 1)**). All other reports are located within the relevant Annual Report located on the TRB Website.
- 5.3. The operations of the TRB office were funded from its commencement in 2002 almost exclusively by revenue raised through teacher registration and other fees (with some small grants from bodies such as the Australian Institute for Teaching and School Leadership Ltd. (AITSL)) until the 2017-18 financial year (that is from 1 July 2017).
- 5.4. From this time until the present day the Department of Education, as I understand it, determined to provide revenue reflecting *“the transfer of funding to the Teachers Registration Board for staffing to assist TRB in managing matters in addition to the core teacher registration process.”*¹
- 5.5. The Department also provided a form of ‘in kind’ support to the TRB from June 2017 when the TRB relocated its office to a Department of Education owned premises (our current location in Warrane) from the previously leased (and expensive) office it had occupied at 2 Kirksway Place, Battery Point.
- 5.6. The TRB office also receives corporate support from the Department of Education (Corporate Services Group). This includes the provision of Financial and Accounts Management, Human Resources Services and limited Information Technology support services.
- 5.7. The scope and cost of this support is detailed in each three-year Service Level Agreement. In the 2016/17 financial year the TRB paid the Department a fee of \$54,279 for services provided under the Agreement. The Agreement is subject to annual review. In the year ended June 2021, this fee was \$54,846.

¹ Page 48 *TRB Annual Report 2018*; Financial Statements for the year ended 30 June 2018; audited by the Tasmanian Audit Office.

Year ended 30 June 2017:

Revenue and other income from transactions

- Teachers Registration fees \$1,304,183.00
- Grants \$1,000.00

Expenses from Transactions

- Employee Benefits (Salary, Leave, Superannuation) \$1,014,186.00

5.8. Under section 8 of the Act, the TRB employs staff for its office.

5.9. There were several changes to Board office personnel and the office staffing structure during 2017. However, for the majority of 2017 the TRB office operated with a full-time equivalent (FTE) staffing of 8.8 (there were on average 11 persons employed in the TRB office at full and part-time loads equating to a total of 8.8 FTE).

Year ended 30 June 2018:

Revenue and other income from transactions

- Teachers Registration fees
\$1,361,195.00
- Revenue from Government
\$153,698.00

(Revenue from Government reflects the transfer of funding to the TRB for staffing to assist TRB in managing matters in addition to the core teacher registration process. This was the first time such funding had been provided by the government and was notionally equivalent to 5.14 FTE positions).

Expenses from Transactions

- Employee Benefits (Salary, Leave, Superannuation) \$1,050,448.00

During 2018 the TRB office operated with an overall FTE staffing of 12.2 (there were on average 14 persons employed in the TRB office at full and part-time loads equating to a total of 12.2 FTE).

Year ended 30 June 2019:

Revenue and other income from transactions

- Teachers Registration fees
\$1,274,439.00
- Revenue from Government
\$576,408.00

(Revenue from Government reflects the transfer of funding to the TRB for staffing to assist TRB in managing matters in addition to the core teacher registration process + Leave balances accrued by staff prior to commencement with TRB).

Expenses from Transactions

- Employee Benefits (Salary, Leave, Superannuation)
\$1,298,749.00

During 2018 the TRB office operated with an overall FTE staffing of 12.8 (there were on average 14 persons employed in the TRB office at full and part-time loads equating to a total of 12.8 FTE).

Year ended 30 June 2020:

Revenue and other income from transactions

- Teachers Registration fees
\$1,321,130.00
- Revenue from Government
\$763,292.00
- Grants (from AITSL)
\$20,000.00

(Revenue from Government reflects the transfer of funding to the TRB for staffing to assist TRB in managing matters in addition to the core teacher registration process + project funding for Highly Accomplished and Lead Teacher as part of the Education Workforce Roundtable Action Plan + equipment acquisition and Change of Category audit requirements).

Expenses from Transactions

- Employee Benefits (Salary, Leave, Superannuation)
\$1,353,364.00

During 2020 the TRB office operated with an overall FTE staffing of 12.8 (there were on average 14 persons employed in the TRB office at full and part-time loads equating to a total of 12.8 FTE).

5. (b) Is that funding sufficient to acquit all of the Teachers Registration Board's regulatory functions?

5.6. The short answer to this question is no.

5.7. To the best of my knowledge and belief, the TRB has never had the requisite resources to undertake its functions in relation to s.6A(j) of the Act.

5.8. Nor has it had a consistent and/or valued approach towards function 6A(c) under the Act. For example, I am informed that at one stage, TRB funds were expended on a marketing campaign that teachers felt was a waste of their registration fees.

- 5.9. Whilst this was not an issue of a lack of funding there appeared to be a lack of stakeholder consultation on the matter.
- 5.10. Currently, the TRB is working very hard with the support of Department funding, our own 'in kind' contribution in the form of TRB staff hours spent on the project and a cross-sectoral steering committee to develop, implement and review a Highly Accomplished and Lead Teacher Certification Pilot in line with the National guidelines from AITSL and with the addition of support from the University of Tasmania in the form of a concurrent Graduate Certificate for HALT participants.
- 5.11. The Australian Professional Standards for Teachers are the criteria for certification and include in Standard 7 - meeting professional ethics and responsibilities, complying with legislative, administrative and organisational requirements, engaging with parents/carers and with professional teaching networks and broader communities.
- 5.12. These are ideal vehicles for an increased emphasis on teacher responsibilities for safeguarding children and young people as well as for compulsory notification of suspected abuse or neglect.
- 5.13. To the best of my knowledge and belief, the TRB has never undertaken investigations to determine whether persons have contravened this Act and recommended the prosecution of offences against this Act (parts of s6A(e) and (l)) that is not to say that where we have been aware of contraventions of the Act we have not sent official correspondence to schools, TasTAFE and to persons (who were teaching while unregistered, etc).
- 5.14. There are barriers to performing this function, for example, as I understand it, the issuing of fines has to occur through the administrative division of the Magistrate's Court. This is a weakness of the Act as it has undermined the regulatory 'teeth' of the TRB by making sanctions so difficult and costly to pursue.
- 5.15. Due to lack of sufficient funding, the TRB has, for a prolonged period of time, had to prioritise what it sees as the most important aspects of its role. That being, the regulation of teachers.
- 5.16. As result, areas such as education, professional development and consultations haven't been progressed as the TRB would have liked.
- 5.17. The TRB has set aside funds to upgrade its key digital resources being, the website and the customer relationship management (CRM) system that houses our database (including, importantly, the Teacher Register). This has taken a long time to accrue the needed funds to progress these projects.
- 5.18. The TRB office is currently inundated with matters requiring complex and, in many cases, historical investigations.

5.19. Whilst there has been an announcement of further funding, the TRB is yet to receive this resource.

5.20. Additionally, there are several external pressures that the TRB is currently facing, such as the QITE review and Legislative changes in Tasmania and by the Commonwealth which impact the TRB's ability to perform all of its functions.

5.21. My observation is that the TRB office has grown in a somewhat organic manner over the course of its history (in-line with increasing awareness of the TRB's remit, the dynamic nature of education policy reform agendas nationally and at a State level, and limited financial resources from when it was a "Trust" that needed to be self-supporting) and this has, I believe, caused many of the now overdue future-focused solutions to become urgent.

6. Identify whether the Teachers Registration Board provides any education, professional development, policies, procedures or other guidance material on professional conduct and child sexual abuse in an Institutional Context (particularly in relation to grooming and boundary breaches), including to members of the Teachers Registration Board.

6.1. The TRB has the following documents which relate to this question:

6.2. *Professional Boundaries – Guidelines for Tasmanian Teachers*

6.2.1. These guidelines have been provided to all applicants (who must declare that they have read and understood them), teachers, holders of limited authorities and employers across all sectors. Each teacher regulatory authority across Australia has guidelines similar to these.

6.3. Code of Professional Ethics

6.3.1. This is a statement of the ethical commitments, practices and aspirations that underpins the identity of the teaching profession in Tasmania.

Both of these documents can be found on the TRB website.

6.4. The TRB provides education and professional development via the following mechanisms:

6.5. University of Tasmania – Initial Teacher Education (ITE) Qualifications

6.5.1. The TRB has an agreement with the University of Tasmania. The purpose of this agreement is to –

6.5.1.1. Provide processes to ensure that, prior to undertaking Professional Experience pre-service teachers are assessed as being of good character and fit to teach.

6.5.1.2. Outline processes to manage any matters that may affect a pre-service

teacher's good character and fitness to teach following the grant of a SGCD and throughout the duration of their ITE qualification.

6.5.1.3. Identify if there are matters which may affect a person to such an extent that it is likely they would be unable to satisfy the TRB they are of good character (s17J) and/or fit to teach (s17K) when making an application pursuant to the Act.

6.6. University of Tasmania – Presentations to ITE Student

6.6.1. Upon request, the TRB presents information to ITE Students. This covers a range of topics including professional conduct, including responsibilities regarding child sexual abuse.

6.7. Presentations to Employers and Unions

6.7.1. Upon request, the TRB presents information to Employer Groups, schools and unions. This covers a range of topics including professional conduct, including responsibilities regarding child sexual abuse.

6.8. Trends Reports Provided to assist Sectors to improve practices

6.8.1. Trends Reports for the TRB and the Sector Heads

6.8.2. An Officer of the TRB analyses the professional conduct data held by the TRB to produce a report for Board Members and for Sector Heads (Secretary, Department of Education, Executive Director, Catholic Education Tasmania, and Executive Director of Independent Schools Tasmania).

6.8.3. These reports identify trends regarding professional conduct matters that come to the attention of the TRB, including trends regarding breaches of professional boundaries.

6.9. Professional Standards Training

6.9.1. The TRB provides training for provisionally registered teachers, practice focused mentors in schools, Principals and teachers undertaking progression from provisional to full registration and those seeking accreditation at higher career stages.

6.9.2. The Australian Professional Standards for Teachers provide a framework for focusing on legislative policy and other organisational responsibilities of teachers, inclusive of mandatory reporting.

7. Identify whether the Teachers Registration Board provides any education, professional development, policies, procedures or other guidance material on reporting child sexual abuse in an Institutional Context (particularly in relation to grooming and boundary breaches), including to members of the Teachers Registration Board.

7.1. See answer to question 6 for response.

- 8. Identify whether the Teachers Registration Board attach any continuing professional development requirements to registration in relation to professional conduct or child sexual abuse in an Institutional Context? If so, provide details.**
- 8.1. Unlike some other jurisdictions, the TRB does not have the legislative power to require any continuing professional development, including professional development in relation to professional conduct or child sexual abuse. The TRB encourages all teachers to continue their professional learning and provides an online professional development record facility to assist with this.
- 8.2. The TRB recognises that this is an area of the Act that needs to be reviewed.
- 8.3. The TRB is aware that other jurisdictions have legislation that enables them to require a minimum number of hours of professional development. The TRB would welcome such an amendment to our Act.
- 9. Describe the following information in relation to the Teachers Registration Board regarding allegations or incidents of child sexual abuse in Institutional Contexts:**
- (a) how it coordinates activities with other relevant organisations, including:**
 - (i) role definition and clarification, information sharing, and**
 - (ii) who is leading any investigation or response to allegations of child sexual abuse in Institutional Context**
 - (b) current information sharing mechanisms or arrangements, including in relation to teachers who may be the subject of an allegation**
 - (c) who is responsible for leading, coordinating or implementing each stage of the information sharing process**
 - (d) Any policies, procedures, other guidance materials or training used to support information sharing**
 - (e) Any systems used to support information sharing (for example information technology, systems or training), and**
 - (f) Notification mechanisms or arrangements in relation to teacher discipline and misconduct, including with:**
 - (i) Law enforcement**
 - (ii) Individual schools**
 - (iii) The Department of Education**
 - (iv) Child Safety Services**
 - (v) The Registrar under *Registration to Work with Vulnerable People Act 2013* (Tas), and**
 - (vi) Other teaching registration bodies in other jurisdictions.**
- 9.1 The TRB role is to consider the registration of teachers.
- 9.2 The Act sets out information which must be shared, can be shared and with whom it can be shared and considerations in relation to this.
- 9.3 In the large majority of cases, the TRB is notified of an allegation of child sexual abuse

after the Department of Education and Tasmanian Police complete their processes.

- 9.4 As a general rule, the TRB will wait for the conclusion of a Tasmanian Police Investigation or criminal proceeding before proceeding to perform its functions.
- 9.5 In theory, the TRB can perform its functions without waiting for an outcome from an employer investigation (e.g. ED5 process). However, to perform its functions in the most trauma informed manner, the TRB generally wait to be provided with material from the employer's investigation, rather than conducting its own concurrently.
- 9.6 Other information sharing relies on the TRB becoming aware of a reason to seek information, such as a complaint under s19 of the Act or an employer notification under s31. Information is sought by individual Board Officers on a case-by-case basis, rather than being 'coordinated'.
- 9.7 Similarly, responses to requests for information are allocated to individual Board Officers to action.
- 9.8 When the TRB receives information about a teacher via a parent/member of the public that relates to an allegation of misconduct, it notifies the following and provides information as per the Act / as relevant/appropriate:

Tasmania Police

- 9.9 Section 17L of the Act enables the TRB to obtain relevant information regarding teachers who may be the subject of an allegation.
- 9.10 Requests are sent to the police Office of Information Sharing and are actioned promptly, recently, the TRB has been provided with the information sought.
- 9.11 See below re notifications and past issues.
- 9.12 See below re system-generated information sharing.

Department of Education (the DoE)

- 9.13 Section 31 of the Act requires employers to notify the TRB when disciplinary action is taken against a teacher. However, this section of the Act does not require that an employer provide the TRB with the primary evidence associated with any investigation carried out.
- 9.14 The DoE has indicated that it has advice from the Office of the Solicitor General that it cannot share primary evidence with the TRB. Therefore, the TRB is not always able to get primary evidence and/or relevant reports. In some instances, a teacher has given permission for the TRB to obtain information.
- 9.15 This has led to information that could affect a teacher's good character and/or fitness to teach not being provided to the TRB. This seems to be particularly the case with relief / short-term contract teachers, employer investigations are not carried out and/or formal sanctions are not imposed.

Department of Justice

- 9.16 The TRB responds to s.52A Registration to Work with Vulnerable People Act information requests/requirements but it does not get any information in return.
- 9.17 This applies to all matters, including when the TRB receives a request about an individual we know nothing about in terms of there being any conduct allegations or issues.

Interstate Reg. Authorities.

- 9.18 Multiple sections of the Act, including s32A, provide that the TRB may provide information to corresponding registration authorities, regarding a person who has applied for registration and who is/was registered.

Information Sharing

- 9.19 Individual caseworkers lead, coordinate and implement each stage of the information sharing process under the general direction and supervision of the Registrar.
- 9.20 The Act prescribes when and how the TRB can act in relation to information sharing (noting some sections confer a discretion, e.g., s22A(2) the TRB may give notice of inquiry to any other person the TRB considers appropriate; s32A the TRB may provide corresponding registration authorities with information).

Training

- 9.21 Training is provided by senior colleagues/colleagues as required. Opportunities for external professional development are utilised when available, for example, the Professional Conduct Team invited a private investigator to give a presentation about investigation techniques, which included sourcing information when the TRB does not have a statutory power to require it.
- 9.22 The TRB's Customer Relationship Management System (CRM) syncs with DoJ (RWVP) every night but this system experiences intermittent problems of a general nature and regularly fails to provide information on instances where a teacher's RWVP has been suspended or cancelled. This means the TRB is reliant on written notices being emailed to it from DoJ.

Supports for Information Sharing

- 9.23 The TRB provides daily spreadsheets to Tasmania Police to request criminal record checks for applicants. Ideally, the TRB would like to be able to sync the entire register with Tasmania Police overnight so that information, including charges, is known in real-time. In Victoria, the Victorian Institute of Teaching Register syncs with VIC POL each day. We would welcome a similar process in Tasmania.
- 9.24 Tasmania police provide monthly reports regarding court outcomes for all individuals who have lodged an application with the TRB, this includes UTAS students enrolled in an Initial Teacher Education qualification.
- 9.25 The TRB does not have a mechanism for finding out when people are charged. At present, it relies on individuals complying with s18 of the Teachers Registration Act (see Board's response to Q.4). As stated in the TRB's response to Q.4., it is uncommon for people to provide these notifications.
- 9.26 Other notifications may come via DoJ if they suspend/cancel an individual's RWVP based on the information they have at the time of charge. It would be desirable for the TRB to have a formal/systemic notification of charge.

Notification Mechanisms or Arrangements

Tasmania Police

- 9.27 See response provided at paragraph 9.9 to 9.12.

Individual Schools

- 9.28 In addition to the information provided above, information sharing by independent schools varies and is not able to be measured; the TRB doesn't know what it doesn't know.
- 9.29 In the event that the TRB became aware of information relating to a teacher's conduct (e.g., by way of parent complaint/member of the public providing information) the TRB would make the employer aware of the matter.

Department of Education

- 9.30 See response provided at paragraph 9.13 to 9.15.

Child Safety Services

- 9.31 The TRB is not a 'prescribed person' see Children, Young Persons and Their Families Act 1997.
- 9.32 Where relevant, Board Officers will check with Principals that notifications have been made to Child Safety Services. There is currently no formal system in this regard.
- 9.33 The TRB complies with required reports under s18(3) Children, Young Persons and Their Families Act 1997.
- 9.34 The TRB would make a notification if it thought a child was at risk.

The Registrar under the *Registration to Work with Vulnerable People Act 2013 (Tas)*

- 9.35 See response provided at paragraph 9.16 and 9.17.

The TRB may at its discretion give notice of an inquiry it is undertaking to any person it considers appropriate. It must notify employers, corresponding registration authorities and the individual of decisions as a result of an inquiry.

The TRB utilises these sections of the Act and the TRB's s7 (d) Power to "do anything necessary or convenient to perform its functions" to share information to prevent, identify, report on, and respond to child sexual abuse (as well as other potential and actual harms against students) in relation to teachers.

- 10. Describe the screening process undertaken by the Teachers Registration Board when assessing applications for registration (including renewals), including:**
- (a) What factors are considered by the Teachers Registration Board when it assesses applications (including renewals), including how risks to children are assessed**
 - (b) What information and information sources the Teachers Registration Board considers (including what information it may receive from others), including any courses relevant to assessing risk to the safety of children**
 - (c) The processes for the suspension and cancellation of registrations while an investigation is undertaken; and**
 - (d) The process undertaken when a teacher applies for registration (or recognition) from another sector or jurisdiction.**

- 10.1. Any application for registration (s12) or renewal (s17A) requires the TRB to be satisfied, inter alia, that a person is of good character and fit to teach. These are defined by s17J and 17K of the Act respectively;
- 10.2. S17J (Good Character) has a broad remit and requires the TRB to take into account any charge or conviction, whether the person has been refused registration under RwVP Act 2021 (whether their registration has been suspended or cancelled), any behaviour that does not satisfy a standard of behaviour generally expected of a teacher, is otherwise disgraceful or improper and may take into account any other matter it considers relevant;
- 10.3. S17K (Fitness to Teach) similarly is a broad provision for the TRB to take into account any medical, psychiatric or psychological condition of the applicant, the competence of the person and any other matter it considers relevant. It also provides authority for the TRB to require a person to undergo a medical examination, including a psychiatric, psychological or other examination, and authorise a copy of any report to be provided to the TRB;
- 10.4. These sections of the Act are effective in broadly identifying what factors the TRB must and can consider and mean that the TRB can consider all aspects of a person's life and not just the behaviour that occurs within a workplace.
- 10.5. Any application/renewal is also considered in the context of s7A, a paramountcy provision, requiring the TRB to consider the welfare and best interests of students to be of paramount importance in performing its functions and exercising its powers;
- 10.6. Any applicant seeking registration must also demonstrate that they are registered under the Registration to Work with Vulnerable People Act 2013. This means that an applicant has met the threshold test assessed by DoJ. Note that this is not the same test or threshold as required by s17J and 17K of the Act.
- 10.7. Risks to children are assessed by reference to risk of harm which is not defined in the Act and welfare and best interests of students. The TRB considers risk by developing a risk profile based on a risk matrix. The matrix takes into account different types of risk and any means of mitigating those risk e.g., by using conditions.
- 10.8. In theory, the TRB has a broad power in relation to s12 to require an applicant to provide any further information it considers necessary and to authorise the TRB to obtain information from any corresponding registration authority or any other person, government department, or government body that the TRB considers may have information relevant to the determination of the application; however, it has been demonstrated elsewhere in this response that the need to gain the applicant's authorisation and the narrowness of interpretation of the TRB's powers among other things (such as a narrow interpretation of the PIP Act) contribute to this not being a suitable power in practice.
- 10.9. S 13A of the Act (indeed, all sections of the Act under which applications are considered) requires the TRB to give an applicant an opportunity to appear before it if considering granting an application subject to conditions or if it is likely the TRB may not be satisfied that the applicant is of good character or fit to be a teacher

- 10.10. Each application (inclusive of re-applications and renewals) requires a person to make declaration disclosures. Those relevant in relation to assessing risk to the safety of children include disclosures in relation to charges/convictions, employer disciplinary action and refusal, withdrawn, cancelled, or suspended registration
- 10.11. s 18 requires a registered teacher or holder of a limited authority to notify the TRB within 28 days of being charged with a prescribed offence
- 10.12. Applicants and those reapplying for / seeking to renew registration are required to consent to a National Police History Check, and where relevant, applicants are required to provide an International Record of convictions check/s. All checks are scrutinised by the TRB prior to a grant of registration being made. Discrepancies between declarations and these checks are followed up with the applicant.
- 10.13. If the applicant is undergoing a current process with the TRB, or has a history with the TRB, this information is considered as part of the application.
- 10.14. Employees provide information pursuant to s31 on conduct matters that occur in the course of employment
- 10.15. Complainants, pursuant to s19 of the Act, provide information the TRB can assess to determine whether to undertake an Inquiry. If this threshold is not met the information can still be considered in relation to good character/fitness to teach.
- 10.16. Anonymous complaints/information, which are rare, are considered in relation to good character and fitness to teach
- 10.17. The provision of information to the TRB has been problematic, particularly as it relates to other agencies and employers. This presents a significant regulatory risk in responding to allegations/evidence of sexual abuse. This is often due to the narrow interpretation given to the provisions of the Act as well as the PIP Act. While Tasmania Police provide the TRB with monthly court outcomes in relation to registered teachers, the Department of Justice does not provide information to the TRB received in relation to RwVP. Similarly, the TRB receives no information/notification from Department of Communities – Child Safety. This represents a significant evidentiary gap and immediate and current regulatory risk.
- 10.18. Employers often do not provide primary evidence in relation to matters and/or do not comply with s 31 of the Act to provide information within 28 days. A narrow interpretation of s31 combined with a narrow interpretation of the provisions of the PIP Act makes receiving all evidence in relation to matters challenging and often leaves the TRB undertaking its own investigations in relation to conduct matters.
- 10.19. There are three provisions in the Act that facilitate the suspension or cancellation of registration while an investigation is undertaken
- 10.20. S24B provides for the immediate suspension of a registration or limited authority if the TRB believes on reasonable grounds a registrant may pose a risk of harm to a student. 'Harm' is not defined in the Act although clause notes in relation to the section in the Act state that this provision allows the TRB to respond in very serious situations where the Tasmanian community would expect the registration to be suspended. An inquiry is to follow as quickly as possible pursuant to s20 of the Act

- 10.21. S17BA provides authority for the TRB to suspend or cancel the registration of a registered teacher if the TRB is satisfied that the teacher does not hold vulnerable person registration or the teacher's vulnerable person registration has been suspended and the suspension has not been revoked. This is a relatively new provision which means that the TRB does not need to conduct an Inquiry pursuant to the Act
- 10.22. S20 of the Act provides authority for the TRB to conduct, on its own motion, Inquiries as well as undertake inquiries for any complaint made under s19 and any matter referred in a notice under s 31. S 24 outlines the decisions that may be made as a result of an inquiry, and this includes the suspension or cancellation of registration. It may also determine that the person is unfit to be a teacher or not of good character which in effect also cancels registration as these are essential criteria to be registered.
- 10.23. s24B emergency suspension is undertaken by reference to a risk assessment matrix procedure. In theory, it provides an effective and efficient means for the suspension of registration in situations where risk of harm to a student materialises and the TRB is required to act expeditiously.
- 10.24. There is no definition of harm in the Act which allows for a potentially broad interpretation. In practice, as mentioned elsewhere in this statement, emergency suspension has been questioned by the Magistrates Court ("where's the emergency?") and this has caused the TRB to question its own authority to act expeditiously and it does seem that this section could be improved (see comments re **Jerem**).
- 10.25. S 17BA is a new provision that procedurally is an efficient means of suspending or cancelling registration when a registrant does not have current RwVP which is an essential criterion for registration as a teacher. The TRB may undertake an inquiry pursuant to s 20, including on its own motion, with the procedural formalities prescribed in the Act. This is a lengthy and resource-intensive process and is the only means by which cancellation and suspension can be facilitated outside the ambit of s 24B and s17BA. If a teacher is or becomes unregistered, the delay in undertaking such a process can mean financial detriment to the teacher.
- 10.26. A currently registered teacher who applies for registration in Tasmania, from another jurisdiction may apply pursuant to the Mutual Recognition Act 1992 (Cth).
- 10.27. This requires an applicant to make a written notice (statutory declaration) in accordance with s19 of that Act stating, inter alia, that the person is not the subject of disciplinary proceedings in any State (or actions which may lead to such), that the person's registration is not currently suspended or cancelled as a result of disciplinary action, that the person is not prohibited from teaching or subject to special conditions as a result of any civil, criminal or disciplinary proceeding.
- 10.28. An application may be refused if any of the information in the s19 notice is found to be materially false or misleading.
- 10.29. The TRB receives information from other jurisdictions in relation to conduct matters associated with registered teachers to the extent to which their individual legislation enables. The TRB shares information with other jurisdictions pursuant to s32A of the

Act and has a wide ambit to provide to a corresponding registration authority any information it has or obtains in the performance and exercise of its functions and powers.

- 10.30. A person may apply in accordance with the requirements of the Act and therefore the information outlined earlier will be sought from an applicant including that pursuant to s12 of the Act.
- 10.31. The passing of the Commonwealth Automatic Mutual Recognition Legislation presents a significant regulatory risk for the TRB.
- 10.32. While teaching is currently an exempt occupation in Tasmania (until 1 July 2022), when it is no longer exempt if there is no requirement for the TRB to be notified of those claiming AMR, it cannot undertake due diligence of these individuals even though the effect of the Commonwealth Act is to deem them to be on the register of the second state (i.e., Tasmania).
- 10.33. Currently, an employer may rely on the register of teachers (list of currently registered teachers available on the TRB website) to be assured that teachers meet the criteria for registration which include being fit to teach and of good character as well as holding current RwVP. This will no longer be reliable and hence may not even be referenced by employers (including for other people purporting to be registered in Tasmania) if a teacher attends a school with AMR.

11. Describe the following in relation to conditions on registration:

- (a) In what circumstances conditions are places on a teacher following an allegation or incident of child sexual abuse**
- (b) Whether conditions on registration are public or notified to schools**
- (c) How any conditions on a teacher's registration are monitored**

- 11.1. S 17 of the Act is a broad provision empowering the TRB, either on the application of a person or on its own motion, to make the registration of a person subject to such reasonable conditions at the TRB considers appropriate.
- 11.2. The TRB considers all allegations and incidents of child sexual abuse as inherently harmful. It would therefore conduct a risk analysis using established precedent and risk assessment tools.
- 11.3. In most cases involving incidents of child sexual abuse, subjecting a teacher's registration to conditions will not sufficiently ameliorate risk.
- 11.4. However, deferring to the definition provided in the Notice from the Commission, conditions may be used in cases, particularly where there have been professional boundary transgressions by a teacher at the less serious end of the scale.
- 11.5. These conditions may include professional development, coaching/mentoring, monitoring in-school and assessment provided to the TRB, requirements to undergo medical assessment (typically psychological/psychiatric) generally and also with specific reference to conduct matters. These can be very difficult to effectively monitor in the case of short-term contracts and relief teachers as the employer is not

in a position to maintain any vigilance and the TRB office is certainly not resourced to do so.

- 11.6. The TRB considers all allegations and incidents of child sexual abuse to be serious. The TRB is risk proportionate when responding, and regularly seeks the input and assessment from psychologists/psychiatrists for expert analysis and opinion, including from practising teachers who form part of its professional conduct committee and membership of the TRB itself. In addressing professional boundary transgressions, the TRB has utilised the services of experienced practitioners in reflective and robust conversations and also to provide mentoring. This has been proven to be effective to highlight and ensure a change of practice for matters at the less serious end of the scale associated with professional boundary transgressions.
- 11.7. Conditions applied to a teacher's registration are not publicly accessible. However, they are indicated on the employer watched registrations list by two asterix. This indicates that the individual has conditions that relate to a professional conduct matter. When an individual is required to provide an assessment report to the TRB, the matter is disclosed to the Principal or delegated senior staff member.
- 11.8. The watched registrations list allows an employer to contact the TRB to discuss the ambit of any conditions. If the conditions are a result of a s31 employer notification, complaint, or inquiry, the relevant employer is also notified
- 11.9. Through developing relationships with employer stakeholders, the TRB has assisted in the development of pre-employment declarations. This has significantly improved employer knowledge of individual teacher backgrounds, particularly where a teacher may move from one employer to another. E.g.; Where a teacher is dismissed from Catholic education or has pending disciplinary matters and gains a contract of employment with another sector (e.g. the Department).
- 11.10. Professional conduct conditions are recorded on the TRB's Customer Relationship Management system (CRM) these conditions are monitored by Professional Conduct Officers who are employed by the TRB (as mentioned earlier, monitoring can also be something undertaken by the employer and reported to the office of the TRB at set intervals).
- 11.11. The TRB applies a number of other types of conditions on individuals' registration that are not relevant to professional conduct matters. These are also recorded on the CRM but are not monitored by the professional conduct staff as they generally relate to a requirement in respect of progression to full registration or provision of evidence of conferral of a qualification and the like. These are matters for the Registration and Professional Standards staff.

12. Describe the following in relation to reports and complaints:

- (a) Does child sexual abuse by a teacher have to be reported to the Teachers Registration Board? If so, by whom?**
- (b) Who can make a report or complaint in relation to a teacher to the Teachers Registration Board?**
- (c) Are there any barriers to making reports to complaints?**

- 12.1. There is no specific legislative requirement in the Act for a teacher or anyone else to report an allegation of child sexual abuse to the TRB.
- 12.2. Under s 18 of the Act, the teacher is required to notify the TRB if they are found guilty of or charged with a prescribed offence.
- 12.3. Under s 31 of the Act, an employer is required to notify the TRB of disciplinary action taken against a teacher, along with certain resignations and retirements, which I would expect to include any allegation of child sexual abuse.
- 12.4. Section 19 of the Act states that “a person” may complain to the TRB about the professional conduct of a registered teacher or the holder of a limited authority.
- 12.5. The TRB receives the majority of reports from employers and complaints from the members of the public.
- 12.6. The only barrier to making a complaint to the TRB is that the Act requires it to be in writing, signed by the complainant and provide their name and address. This clearly prevents persons who are wanting to make anonymous complaints.

13. Describe the following in relation to the Teachers Registration Board’s response to report or complaints and the conduct of investigations:

- (a) What steps the Teachers Registration Board takes when a member of the public reports, complains or otherwise provides information alleging that a currently registered teacher has committed child sexual abuse or otherwise engaged in sexually inappropriate conduct with a minor. From the Teachers Registration Board’s perspective, is it relevant whether the alleged conduct occurred in the course of employment or not?**
- (b) The processes for investigating reports or complaints of child sexual abuse made to the Teachers Registration Board**
- (c) Whether the Teachers Registration Board’s investigations of child sexual abuse are different to other investigations. If so, how?**
- (d) Whether the Teachers Registration Board has specialist investigators or decision-makers trained in investigating child sexual abuse in Institutional Contexts, and**
- (e) How the Teachers Registration Board manages concerns in relation to boundary breaches and grooming, including any challenges in investigating and responding to this type of conduct.**

- 13.1. The steps that are taken when the TRB receives a report or complaint from a member of the public is:
 - 13.1.1. To conduct a risk assessment. As part of this process, the TRB will immediately seek all available and relevant information to determine action required. An essential part of this process is alerting other relevant bodies of the allegation, as required by law;
 - 13.1.2. An officer of the TRB prepares a paper for consideration by the Registration Oversight Committee.
 - 13.1.3. The Act (s17J and K) effectively mean that alleged conduct may be considered, regardless of whether it occurred in the workplace or not.

- 13.2. The process for investigating reports or complaints is:
- 13.2.1. Undertake an initial risk assessment.
 - 13.2.2. Allocate the matter to a relevant TRB officer to undertake an investigation;
 - 13.2.3. Once the initial investigation has been completed, the officer will prepare a paper for consideration by the relevant Board committee.
 - 13.2.4. The committee considers the evidence provided and determines an outcome.
- 13.3. The TRB can (and does) conduct “own motion” investigations.
- 13.4. The process that the TRB undertakes in relation to investigations of child sexual abuse is consistent with other investigations under the Act. However, matters which indicate a ‘high-risk situation’ are expedited;
- 13.5. The TRB does not have any specialist investigators or decision-makers specifically trained in investigating child sexual abuse in Institutional Contexts;
- 13.6. The TRB conducts investigations in relation to boundary breaches and grooming consistently with other investigations. The TRB has provided specific training to its officers around boundary breaches and grooming. If external assistance is required, the TRB will source that assistance as appropriate.

14. What are your reflections on how effectively the Teachers Registration Board is contributing to preventing, identifying, reporting and responding to child sexual abuse by teachers, including:

- (a) What is working well and needs to be continued or built upon;**
- (b) What is not working well and needs to be changed.**

- 14.1. In my view, the TRB is contributing to the prevention of child sexual abuse by teachers through a range of measures as set out in this statement. Those include education, increased focus on the Australian Professional Standards for Teachers, provision of guidelines regarding ethical standards and boundaries and regulation of teaching.
- 14.2. An amendment to the Act allowing for similar mandatory notification training as is in operation in South Australia would strengthen the TRB’s involvement in the prevention, identification and reporting of child sexual abuse. A condition on all teacher’s registrations until they met the requirements would ensure this. Details of the South Australian system can be found here: [Teachers Registration Board of South Australia \(trb.sa.edu.au\)](http://www.trb.sa.edu.au)

15. Are there any barriers to achieving the changes you identify in response to paragraph 14 (for example, budgetary constraints, recruitment, State/Commonwealth responsibilities, legal obstacles or cultural resistance).

- 15.1. The barriers to achieving what I have identified in this statement as being areas for improvement at the TRB are:
- 15.1.1. Funding constraints;
 - 15.1.2. Legislative reform; and
 - 15.1.3. Cultural resistance.

The following questions concern **Wayne**

16. Identify any complaints, reports or communications to the Teachers Registration Board in relation to allegations or incidents of child sexual abuse by **Wayne**

16.1. Please see attachment 10.

17. Summarise the steps taken by the Teachers Registration Board in response to any complaints, reports or communications in relation to **Wayne**

17.1. Please see attachment 10.

18. Reflecting on these matters now, state whether you consider that the Teachers Registration Board's response in relation to **Wayne was appropriate. Provide reasons for your response.**

18.1. I refer to the information set out in attachment 10.

18.2. In 2008, the TRB determined that **Wayne** was not of "good character" and refused to grant him registration. On the information that I have been provided, that appears to have been the correct decision.

18.3. Upon the re-application of **Wayne**, the TRB sought and received advice from the Office of the Solicitor General upon which, it appears to have relied, and granted **Wayne** registration for a period of one year. I have not seen a copy of that advice or the documentation to support that decision and cannot comment about the validity of that decision.

18.4. A fundamental issue with the Act is that the TRB cannot 'de-register' a person for a set period of time. Essentially, individuals can re-apply the day after their registration is cancelled.

18.5. In 2021, it appears that **Wayne**'s registration was suspended as a result of his RwVP registration being cancelled. On the information that I have been provided, that appears to have been the correct decision.

The following questions concern **Jeremy**

19. Identify any complaints, reports or communications to the Teachers Registration Board in relation to allegations or incidents of child sexual abuse by **Jeremy**

19.1. Please see attachment 11.

20. Summarise the steps taken by the Teachers Registration Board in response to any complaints, reports or communications in relation to **Jeremy**

20.1. Please see attachment 11.

21. Reflecting on these matters now, state whether you consider that the Teachers Registration Board's response in relation to **Jeremy was appropriate. Provide reasons for your response.**

21.1. I note that the TRB's investigation is currently active and ongoing.

21.2. The TRB's decision to register **Jeremy** with a condition that he 'not teach' does not appear appropriate. Such a condition is contrary to the function of the TRB and in my opinion, the TRB should have pursued this matter further.

21.3. Section 24B of the Act requires a review to align with more contemporary teacher registration acts and practices.

The following questions concern Justin [REDACTED]

22. Identify any complaints, reports or communications to the Teachers Registration Board in relation to allegations or incidents of child sexual abuse by Justin [REDACTED]

22.1. Please see attachment 12.

23. Summarise the steps taken by the Teachers Registration Board in response to any complaints, reports or communications in relation to Justin [REDACTED]

23.1. Please see attachment 12.

24. Reflecting on these matters now, state whether you consider that the Teachers Registration Board's response in relation to Justin [REDACTED] was appropriate. Provide reasons for your response.

24.1. I note that the TRB's investigation is currently active and ongoing.

24.2. On the information currently available and provided to me, I cannot comment about the appropriateness of TRB's decision in relation to Justin [REDACTED] in 2005. However, it appears that the TRB did not consider all relevant evidence in relation to this matter at the time.

24.3. The current investigation relates to, but may not be limited to, the conduct which was before the TRB in 2005.

The following questions concern Mark [REDACTED]

25. Identify any complaints, reports or communications to the Teachers Registration Board in relation to allegations or incidents of child sexual abuse by Mark [REDACTED]

25.1. Please see attachment 13.

26. Summarise the steps taken by the Teachers Registration Board in response to any complaints, reports or communications in relation to Mark [REDACTED]

26.1. Please see attachment 13.

27. Reflecting on these matters now, state whether you consider that the Teachers Registration Board's response in relation to Mark [REDACTED] was appropriate. Provide reasons for your response.

27.1. The notification on this matter has only recently been made [REDACTED] (2021).

27.2. The information which has been provided on this matter is limited.

27.3. I note that the TRB's investigation is currently active and ongoing.

The following questions concern Brad [REDACTED]

28. Identify any complaints, reports or communications to the Teachers Registration Board in relation to allegations or incidents of child sexual abuse by Brad [REDACTED]

28.1. Please see attachment 14.

29. Summarise the steps taken by the Teachers Registration Board in response to any complaints, reports or communications in relation to Brad [REDACTED]

29.1. Please see attachment 14.

30. Reflecting on these matters now, state whether you consider that the Teachers Registration Board's response in relation to Brad [REDACTED] was appropriate. Provide reasons for your response.

- 30.1. The TRB is reliant on applicants to provide honest and accurate answers to declarations when seeking registration. Brad clearly misled the TRB in relation to past matters which the TRB would have considered relevant to whether or not to grant him registration in Tasmania.
- 30.2. The TRB was limited by needing to obtain Brad consent to contact his employer to seek further information about historical matters as the information sharing from NSW does not extend to employer level.
- 30.3. Once the TRB became aware of Brad conduct (past and present), his registration was suspended on 2020.
- 30.4. Based on the information provided to the TRB and the limitations around available information, in my view the TRB did all that they could in relation to this matter.

The following questions concern John

31. Identify any complaints, reports or communications to the Teachers Registration Board in relation to allegations or incidents of child sexual abuse by John. In your response, you should specifically identify any communication between the Teachers Registration Board and Ms Kerri Collins (nee Munro)

- 31.1. Please see attachment 17.

32. Summarise the steps taken by the Teachers Registration Board in response to any complaints, reports or communications in relation to John

- 32.1. Please see attachment 17.

33. State how John came to be suspended on 2020

- 33.1. Please see attachment 17.

34. State the current status of John registration

- 34.1. John suspended registration has lapsed.

35. Reflecting on these matters now, state whether you consider that the Teachers Registration Board's response in relation to John was appropriate. Provide reasons for your response.

- 35.1. It is not apparent from the material that has been provided to me that the TRB sought evidence from Tasmania Police in 2004 to assist them with their decision making.
- 35.2. It appears that the TRB made the decision to register John in 2004 on the basis that the Supreme Court of Tasmania had dismissed his matter.
- 35.3. That is not how the TRB operates today.
- 35.4. I understand the handling of John's matter resulted in a major review of the Act and the processes of the TRB.
- 35.5. For additional information, please see attachment 17.

36. Request for Documents

- 36.1. All relevant documents have been attached to this document.