



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

WITNESS STATEMENT OF KERRI ANNE COLLINS (NÉE MUNRO)

I, Kerri Anne Collins (née Munro) of [REDACTED] in the State of Tasmania, Social Worker, 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.
- 3 I consent to being identified in this statement for the purposes of section 194K of the *Evidence Act 2001* (Tas).

BACKGROUND

- 4 I am 41 years of age. I am a qualified social worker. I worked between 2003 and 2017 as a Youth Justice Worker at Community Youth Justice, including at Ashley Youth Detention Centre. I am a current employee of the Department of Education, Tasmania as a Senior Social Worker in the Western Network, Learning Services North. While I am an employee of the Department of Education, I am making this statement in a personal capacity.

MY SCHOOL YEARS

- 5 I was a happy child and I had a good group of friends. One of the teachers at my Department of Education primary school, who I will refer to in this statement as John (which is not his real name) was young, charismatic and well liked.
- 6 He committed acts of sexual assault against me during the two year period between 1988 and 1989. This conduct took place in the shed on the school grounds.
- 7 I and three other friends who had been similarly abused by this person made a disclosure to the school counsellor. We were 11 years old at the time we made that disclosure. I remember the counsellor taking meticulous and detailed notes of what we told her. After we made our disclosures, the school principal called each of us to his office individually to question us. I was asked to sit on

the lap of the (female) assistant principal to demonstrate to the principal the physical position I was in when I was sexually assaulted. As a social worker with long experience in discussing traumatic matters with people, it is now clear to me how inappropriate that was. There was nothing trauma-informed about the way that I was questioned at this time.

- 8 It was clear to me that the principal did not believe our disclosures. In 2018, an investigating officer with Tasmania Police confirmed this when they told me the principal had stated to Tasmania Police that a good Christian man like John would not do something like this.
- 9 My parents were then notified of my disclosure. They then contacted the police and I made a statement to the police. I am not aware of any police investigation or follow up after this.
- 10 John continued to teach at the school, and so my parents kept me home from school. My father, and the father of some of the other complainants went to our school to speak with John. He ran from them. After this time, John was no longer at the school, and we were told that he had been moved on to another school. I heard no more about John for many years.
- 11 I was not offered with support or counselling by the school, and it was always my understanding that the principal did not believe us and that John remained employed by the Department of Education. I don't know what restrictions (if any) were placed on his ability to work as a teacher.

AFTER SCHOOL

- 12 In 2001 I was at University at Hobart, but the abuse from my school days stayed with me. I suffered depression and suicidal ideation due to the abuse and I left my studies to return to my parents' home for a period of 18 months. I sought psychological counselling via a private psychologist and engaged with the Centre against Sexual Assault (now known as the Sexual Assault Support Service/Laurel House). The Centre against Sexual Assault arranged for a police officer to come and interview me again regarding the assault and the investigation was re-opened. I am not aware if the previous police complaint was on file with Tasmania Police, however the officer interviewing me at this time stated that this complaint would 'rip the lid off a can of worms'. The three

other students, now also women, made statements and John was charged. I can't remember all the charges now, but they included 'maintain a relationship with a minor/young person' and 'sexual assault'.

- 13 There was a committal hearing in the early 2000s. My parents gave evidence, the counsellor who took notes at our first disclosure gave evidence and so did some of the other women who had been abused. So far as I recall, the school or the Department of Education did not have the detailed notes that the counsellor had taken during that disclosure, but she gave clear evidence about the nature of our disclosure at the time.
- 14 The Magistrate concluded that the matter should proceed to trial, and John was committed. The matter was set down for trial. Two weeks before the trial was set to begin I was told by an officer in Western District Police Prosecution that the head of the Director of Public Prosecutions had decided not to proceed with the prosecution, that it would be expensive and a conviction could not be 'guaranteed'. The Director of Public Prosecution would not speak to me and I wrote him a registered letter to voice my utter horror at what he had decided. I was told that John had not been acquitted or found guilty – simply discharged and that the trial would not proceed.
- 15 I was initially in shock that the trial did not proceed. After a while, I started looking for answers. I contacted a Minister and met with him in his offices in Launceston to discuss the case and my dismay and my concern that John still had access to children. I believe that he was appropriately concerned and that he may have contacted the Teachers Registration Board about the matter. However, once again, so far as I know, John continued to be able to teach. I also made contact with the Commissioner of Children at the time, to state my concerns.
- 16 I also contacted the Teachers Registration Board and spoke with someone there. I felt dismissed by the person that I spoke to. She characterised my complaint as being an allegation that John was 'not of good character' and told me that the complaint had to be made by a lawyer and, in any case, was unlikely to be successful. It made it feel like it was hopeless to try and raise my very real fears that children might be in danger. I was told that as part of the process I may have to sit in a room with John if I went ahead with a complaint.

I was too scared to proceed. My mother wrote a complaint regarding John to the Teachers Registration Board. She heard nothing back.

- 17 After exhausting all of these avenues, I engaged a private lawyer to see if anything else could be done to prevent John from teaching or being near children. My lawyer told me there was nothing else I could do and that no one could override the Director of Public Prosecutions. He encouraged me to seek compensation from the Victims of Crime Scheme.
- 18 I was upset because I did not want money, I wanted justice and to protect children. A compensation claim was nonetheless lodged by my lawyer. As part of that process a psychologist report was completed by [REDACTED] (now retired) outlining that I had suffered PTSD as a result of the abuse. I received \$10,000 and \$2,000 in funding for future counselling. I was 26 years old. My life had been on hold since I was 21 pursuing these issues. It had taken an enormous personal and emotional toll on me. I felt strangled by all of the doors that were closed as I tried to get someone to listen to me.
- 19 After this time and keeping all records to fight an exhaustive government system and feeling no success I got rid of all of the documentation I ever had in relation to the matter. I dedicated myself to the pursuit of my career in social work. I continued that career, working with young people in the criminal justice system for 14 years. I also worked in Child Safety Services and volunteered overseas. I married and had two children and, in November 2017, I started work as a senior social worker within the Department of Education. I tried to put it all behind me.

NEW CONTACT FROM THE POLICE

- 20 As a senior social worker in the Department of Education I had regular contact with Tasmania Police. It was no surprise therefore that I received a call from a police officer one day early in 2018. What took me by surprise was that they wanted to speak with me about John.
- 21 I was told that another victim had disclosed abuse by John as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse and another police investigation was opened. I again participated. During this

time, I understood that John was still employed by the Department of Education.

- 22 Ultimately no new charges were brought. I am told by people who worked on the matter that it was felt that it would not be affording John 'natural justice' to try him again – even though his initial charges were never finalised.
- 23 Initially I was asked by the investigating officer if I wanted to read the report prepared by the Director of Public Prosecutions, but I was too upset to read it at the time. Some months later, I changed my mind, and I asked to see the report, but I was told that I was not able to see it. It was explained to me that this was because of a direction from 'up above' within Tasmania Police; no one was to be given anything in relation to this case. I was told that what I could know about the report was that it effectively stated that, should the initial complainants have come forward now, John would be charged, he would be tried, he would be convicted and he would be imprisoned. The matter went no further.
- 24 In 2019 I contacted the National Redress Scheme. However, they gave advice to seek individual private representation. Prior to obtaining that advice I had tried to access the documents that I lodged in support of my victims of crime application, but was denied access to them, without a request from a lawyer. My lawyer who had represented me when making the victims of crime application no longer practiced and his firm did not exist anymore. I understand that the Department of Justice would not release any unredacted findings, and the Victims of Crime unit has said it could not release my file as I wasn't the applicant; my then lawyer was. Further the Victims of Crime unit said that, in any case, they would only be able to release the findings, not the psychologist report written about me by my treating psychologist at the time. When I asked the Teachers Registration Board if John was still teaching, they told me to watch the public registration page, and if his name no longer showed up as registered, then I would know that he is not.
- 25 In the end I contacted Amber Mignot in the Department of Justice and asked for my report to be released, and she released it to me. After sending a letter of complaint to the Education Department and relevant Ministers regarding John, in October 2020 I was contacted by [REDACTED] of the Teachers Registration Board. [REDACTED] was brilliant. She told me that they had changed the legislation

because of my case, so that they could receive further information from different sources. She also told me that they were waiting for a bill to be passed in Tasmanian Parliament to give the Teachers Registration Board the ability to strike a teacher off the teacher's registration where the person ceased to have a Working with Vulnerable People check. [REDACTED] provided me with some of the information that I had asked for.

- 26 As part of my redress scheme application, my claim was being assessed by an independent lawyer. For that reason I went to have an assessment by a psychiatrist. I asked the psychiatrist whether I would get a copy of the assessment report. He said he didn't know and it was possible I wouldn't. This did cause some angst however it was granted to me via my legal representative, some time later.
- 27 I have been told by people connected with the Department of Justice who do not want to be identified that there may have been a disclosure about John to the school made about 11 months or so before my disclosure, but I can't access that information. I feel disillusioned and stone-walled by the barriers that I have faced to me accessing information that concerns me so deeply and fundamentally.
- 28 I was apprehensive to tell my story to this Commission of Inquiry because I feel totally powerless against the system as a victim. I have been made to feel that my evidence would be viewed by the Tasmanian Government as just another complaint which lacked sufficient evidence and which they could keep quiet, or ignore. I have also been frightened that John might come after me for defamation if I made my story public because the criminal justice system hasn't managed to prove his guilt to date. This all fed into my fear that, by telling my story, I might damage my career as a social worker.
- 29 My experiences have been very difficult, and they are part of a broader story. I have set out below my experiences working within the Department of Education as a social worker, and the current situation facing children connected with the Department of Education — particularly in the remote and regional areas that are part of my current role.

MY CURRENT EXPERIENCE WITH THE DEPARTMENT OF EDUCATION

- 30 I am a Senior Social Worker in the Department of Education in the Western Region of Tasmania. I have approximately 9 full time equivalent staff. We provide coverage to approximately 38 schools. I report to a student support leader. Student support leaders are teachers and cannot be drawn from the ranks of professional support staff like psychologists and social workers (unless they are also teachers). There are two student support leaders for each of the Northern and Southern regions. In the Northern region we are further separated geographically into three networks; Eastern, Central and Western.
- 31 Staff working for the Department of Education as professional support staff (like psychologists, social workers and speech pathologists) are not paid at level 3. Because professional support staff can access level 3 pay levels in the Department of Health, I find it very difficult to attract and retain professional support staff. Psychologists within the Department of Education get school holidays off. Allied Health do not. Social Workers and speech pathologists are required to work. Regardless of the level 3 pay rate, the issue could be alleviated today if we were granted the same equity to school holidays; this would not cost the government any money and would make it attractive to very skilled staff.
- 32 Our primary role is to respond to and address barriers to learning for students. This can involve a variety of interventions, and can require assessments and reports for the welfare of the child. At the moment, I believe that the system is quite broken for the reasons that I will explain. While my observations below remain true, I have noted an improvement, solely within an Education context, since the announcement of this Commission. I am concerned that that improvement will not last beyond the Commission.

Capacity issues in remote communities

- 33 My team has been operating well over capacity for a long time. The nine full time equivalent staff have to cover a large geographic area, meaning they often need to drive long distances to see students or meet with teachers. We only have access to two staff cars meaning that such visits can be limited by

transport. The central network does not have a car allocated to their team and my counterpart in the region has to hire a vehicle frequently to do her role.

- 34 We have so many calls for assistance from across the schools in our area that we are at capacity. My staff are stretched just responding to category 1 incidents - that is a circumstance where there is a current danger to the child. It means that our ability to provide preventative measures and interventions for students is severely curtailed and my staff are required to be highly skilled.
- 35 This situation is made more difficult by the lack of services in remote areas. For example, there are often no adequate mental health services in regional areas, and those that are available are chronically under-resourced. So a family who needs support is often expected to drive over two hours to access it. These people are often under enormous pressure, and the additional stress of that kind of trip is simply not an option.
- 36 Our office has a strong relationship with the local police on the ground in the criminal investigation branch and they have been able to provide some assistance at times when we have had no other options. However, this is no substitute for actual therapeutic services that are responsive to the needs of children.

The position of principals

- 37 Generally speaking, it has been my experience that teachers genuinely care about students and are very keen for there to be proper pathways to assist children in distress. However, it has been my experience in my current role that principals have enormous power in a school, which can influence the way in which a child is able to access support.
- 38 For example, principals set the cultural tone at a school. Teachers will follow where they lead — particularly because of the effect that a principal can have on a teacher's career. Even in informal ways, a principal can assign a teacher to more or less desirable roles, or can make it very difficult for that teacher in a school. If a teacher decides to complain (which is rare), the individuals more senior in the hierarchy are generally former principals, and there is a concern that they will view any issue from the perspective of the principal.
- 39 When a principal takes child disclosures seriously and acts promptly, it sends a message about the importance of these issues to all the staff that work with

them. However the converse is also true. When staff see issues of child safeguarding not being given the prominence they should, it leads to a weaker culture of safety in the school.

- 40 The Department of Education does not mandate a particular content to mandatory reporting training. This means that not all schools undertake that training, and it is generally up to the principal as to whether this takes place, and in what form. I have worked with my team to develop mandatory reporting training which we deliver in our region. I sometimes find that mandatory reporting training is not treated with the prominence or seriousness that it deserves. In my contact with schools, I have often emphasised the need for really strong training in this respect, and for staff to have clear direction about how to detect grooming and boundary violations that might be indicators of abuse, or might precede abuse. The principal is the person who needs to be taking this seriously and providing the time and space for this training to occur.
- 41 Principals report to School Improvement Leaders. There are three School Improvement Leaders in each region (North and South). I do not understand why there are three School Improvement Leaders in each network to whom principals can report, but only two Student Support Leaders in each network to which senior Social Workers and psychologists can report.
- 42 I have heard in some instances where a principal has told staff that they cannot make a mandatory report without first consulting with them (that is, the principal). This is plainly incorrect, and I have told them so. In all of my interactions with teachers and staff working in schools I have emphasised the importance of 'speaking up' when a concern is detected and making a mandatory report.
- 43 The Department of Education requires that a mandatory report is made in the first instance to the Advice and Referral Line (the **ARL**). My observations about the ARL are set out below.
- 44 Principals have significant power to ensure that concerns do not get escalated or progressed. Teachers are often aware that if they take steps without the approval of their principal, they could suffer professional repercussions. The principal is responsible for a range of developmental opportunities for teachers

(like additional duties or further training) and so a teacher is motivated to try to keep the principal on side.

- 45 The principal is in many instances the top of a reporting pyramid in a school where there are concerns about boundary violations-type behaviour which could precede or indicate grooming or other inappropriate conduct. The willingness of a principal to step in at an early stage can be critical to effective prevention. This is a matter about which principals seem to receive little guidance and practice differs significantly.

The Advice and Referral Line

- 46 In my experience, many teachers and other staff consider the ARL to be ineffective. It has certainly been my experience that when I have made reports to the ARL, they have delayed in taking action, or no action has been taken at all. I have therefore started to make reports directly to police (as well as to the ARL, as required). I have found our local police to be exemplary in their responsiveness and we have developed a very constructive working relationship. In one instance, I received a report of the rape of a student by an adult who lived in her home. I referred the matter to the ARL. The child was due to return to their home where they would be at risk of further abuse. There was no action from the ARL so we called the police directly. The adult involved confessed to the rape.
- 47 The concern over the effectiveness of the ARL has made people reluctant to use it and some teachers simply don't use it anymore.
- 48 A related issue is that the ARL often simply refer matters back to school social workers – who are seriously over-stretched in any event. Even GPs have taken to passing children back to school social workers for ongoing care because there is a lack of available mental health services in the remote areas that we are working. While we provide all of the assistance we can, this kind of work should be able to be resourced from specialist therapeutic services rather than the in-school services that are designed and equipped to respond to barriers to learning, rather than long term crisis management and treatment. It is simply not evidence-based best practice to lump risk and safety in with learning. Ultimately risk and safety will be the main focus and learning will be missed.

- 49 ARL and more broadly Child Safety Services is de-professionalised with staff not necessarily requiring a University degree to gain employment, meaning the level of theoretical practice and assessment is very limited.

WHAT SHOULD BE DIFFERENT

- 50 It is plainly necessary for there to be change to the way that the Department of Education is resourced, and the way that it prioritises child sexual abuse. In relation to my own experiences as a victim-survivor, I wish that my disclosure was taken more seriously and progressed when I first made it in 1988. I also believe I should have been provided with support by the Department of Education. I am concerned that there was not a proper investigation of John by the Department of Education at the time, that I am aware of, and that he seemed to be free to keep teaching.

- 51 From my more recent experiences within the Department of Education as an employee, I think that there needs to be greater focus and resourcing to remote communities, as well as an additional focus on actually implementing a culture of respect, courage and growth to which the Department of Education aspires. This would include:

- (a) greater focus on real training with a common set of training materials that focuses on child safety and protection
- (b) a process by which principals cannot act as a gatekeeper around disclosures, or to have a process by which part of the principal's performance is measured against the extent to which they encourage disclosure, or facilitate a culture of child-focus and respect
- (c) reform to the resourcing and approach of the ARL to prioritise action in response to notifications in a timely way
- (d) adequate recognition of the high skill set required by professional support staff in a Department of Education context to keep children safe, and
- (e) proper remuneration and equitable conditions (particularly around having school holidays off) for professional support staff in the Department of Education.

52 Of course the issues that I have encountered are connected with regional resourcing more generally including as it relates to the approach of a number of departments with different parts of responsibility for services, like mental health and disability. It is important that any change takes account of these issues.

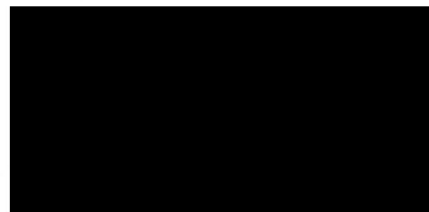
CONCLUSION

53 One of the reasons that I have hesitated in speaking out was that I was worried about being sued in defamation if I ever told my story. I have also been concerned that by speaking out I would suffer professional repercussions. However, I have first and foremost always been about the best interests of children, and I hope that by making this statement I can contribute to improvements in the system and that children in the future will be better protected.

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

Declared at
on 11th April 2022

Before me



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