
TRANSCRIPT OF PROCEEDINGS

COMMISSION OF INQUIRY INTO THE TASMANIAN GOVERNMENT'S
RESPONSES TO CHILD SEXUAL ABUSE IN INSTITUTIONAL SETTINGS

At Clarendon Room, Country Club Tasmania,
Country Club Avenue, Prospect Vale, Launceston

BEFORE:

The Honourable M. Neave AO (President and Commissioner)
Professor L. Bromfield (Commissioner)
The Honourable R. Benjamin AM (Commissioner)

On 6 July 2022 at 10.07am

(Day 22)

1 PRESIDENT NEAVE: Thank you, Ms Ellyard.

2
3 MS ELLYARD: Good morning, Commissioners. The next three
4 days I appear with Ms Norton and Ms Rhodes to assist you by
5 calling evidence and making submissions on the topic of the
6 Justice System in Tasmania and how it responds to instances
7 of child sexual abuse.

8
9 The National Royal Commission published reports on
10 both criminal justice and civil justice and made a large
11 number of recommendations for improvements. Some of those
12 recommendations have already been taken up by the Tasmanian
13 Government, some are in the process of being implemented,
14 some remain as yet unactioned.

15
16 The Commission has already heard from a number of
17 witnesses about their experiences in seeking justice for
18 the crimes of child sexual abuse committed against them.
19 Some were complainants and witnesses in criminal trials,
20 others had taken civil action for compensation. There were
21 others who wished to give evidence but were not able to
22 without risking current court proceedings.

23
24 In sessions with the Commissioner, public submissions
25 and community and stakeholder consultations, the Commission
26 has also heard a range of views and experiences about how
27 well the Justice System responds to child sexual abuse.
28 All of those views and experiences have informed the
29 questions which have been posed to state witnesses in
30 requests for statements and will inform the questions asked
31 of those state witnesses this week.

32
33 Some key themes have emerged relating to the
34 respective roles of the police, prosecuting authorities,
35 the courts and support services.

36
37 Thinking firstly about the police. The police are
38 often victim-survivors' first contact with the Justice
39 System. Sometimes they will be the first to receive a
40 disclosure of sexual abuse. Some of those who have shared
41 their experiences with the Commission have had very
42 positive experiences of their dealings with police and
43 prosecutors. They felt heard and supported. Ben Felton
44 told you last week that the police "were good after a bumpy
45 start". Others have described poor responses, a lack of
46 understanding or sensitivity, flawed interview methods and
47 what they thought was a failure by the police to take them

1 seriously especially if they were in Youth Detention or in
2 out-of-home care.

3
4 You will recall in the out-of-home care week the
5 experiences of Faye whose statement described a police
6 officer saying, "Is that all?", when she disclosed her
7 experiences.

8
9 More recently in hearings last week and this week
10 several victim-survivors of James Griffin have described
11 their experiences in seeking to provide statements about
12 his abuse of them, including Tiffany Skeggs, Keelie McMahon
13 and Angelique Knight.

14
15 As in the case of police, the evidence is that there
16 have been mixed experiences of prosecuting authorities and
17 the court process. Sam Leishman, who gave evidence in the
18 education week, said that giving his victim impact
19 statement was one of his proudest moments when he spoke up
20 in defence of the 12-year-old boy he had been.

21
22 By contrast some victim-survivors had experiences of
23 poor communication by prosecutors and a lack of clear
24 reasons sometimes for why matters were not continued with.
25 Some were concerned about the substantive reasons behind
26 prosecutorial decisions not to proceed.

27
28 The Commission heard from Kerri Collins during the
29 education hearing week about her experience of charges in
30 relation to her experiences of abuse being discontinued.

31
32 Later this week we will hear evidence from a lived
33 experience witness who found the prosecutorial process
34 traumatising and, as she will say, harrowing, even though
35 the offender in her case admitted to his crimes early and
36 pleaded guilty.

37
38 Her experience echoes the experience of Katrina
39 Munting who told you that she found the Criminal Justice
40 System devastating even though she appreciated being
41 believed.

42
43 By contrast, the witness known as Rachel spoke of how
44 let down she felt when limitation periods meant that she
45 could never get criminal justice for her experiences.

46
47 There have been some significant changes either made

1 or proposed which will change the way the Criminal Justice
2 System deals with child sexual abuse cases. A witness
3 intermediary scheme is being piloted, there have been
4 changes to the Evidence Act and the introduction of new
5 provisions for how children can give their evidence. Not
6 all of the changes have been wholly successful.

7
8 For example, the offence formerly called "maintain a
9 sexual relationship with a child" has been renamed
10 "persistent sexual abuse of a child", that change better
11 reflecting the abusive and non-consensual nature of any
12 sexual activity between an adult and a child, but as you
13 will hear in evidence the change of name may not have
14 entirely resolved concerns about how that crime and other
15 sexual crimes against children are described and proved in
16 court.

17
18 On the topic of reform opportunities, in submissions
19 and consultations the Commission has heard a range of
20 suggestions for improvement to the system. They have
21 relevantly included the idea of specialist responses to
22 child sexual abuse, the co-location of specialist services,
23 training for dealing with child witnesses, and a range of
24 legislative changes. All of these will be considered in
25 the evidence this week.

26
27 In week 1 of the Commission's hearings Professor
28 Judith Cashmore spoke about the potential for restorative
29 justice to play a role in Criminal Justice's responses to
30 child sexual abuse. Restorative justice involves persons
31 affected by a crime, both the offender and the
32 victim-survivor, communicating about the damage caused by
33 the offence and how it can be repaired.

34
35 Whether or not there is a role for restorative justice
36 in the system, either as a sentencing option for offenders
37 or as an alternative pathway for victim-survivors to access
38 justice, was a matter which the National Royal Commission
39 did not express a firm view, noting that such principles
40 could and should where appropriate be embedded in
41 institutional responses to abuse, including in the National
42 Redress Scheme.

43
44 There don't appear at present to be any specific plans
45 in Tasmania to introduce restorative justice arrangements
46 but there are restorative justice approaches used in other
47 jurisdictions and some of those approaches will be

1 considered this week.

2
3 This week's not just about criminal justice, it's also
4 going to touch on civil justice issues. Civil justice
5 remedies are another means by which perpetrators of child
6 sexual abuse may be brought to some measure of
7 accountability for their conduct.

8
9 The National Royal Commission published a report on
10 redress and civil litigation which made a large number of
11 recommendations for changes, about how claims can be made
12 by victim-survivors and how they should be treated by
13 institutions and by the court.

14
15 The Commission has already heard from a number of
16 victim survivors in evidence, in submissions and in private
17 sessions about their experiences of seeking and obtaining
18 compensation for child sexual abuse including that
19 occurring in institutional contexts. Evidence has also
20 been given from solicitors acting on behalf of
21 victim-survivors about how the state has responded to civil
22 claims. Those matters too will be taken up in questioning
23 of witnesses this week.

24
25 Turning then to the evidence that you will hear. Over
26 the coming three days we will hear from a number of
27 witnesses about different aspects of the Criminal Justice
28 System in Tasmania. We will also hear from experts from
29 both inside and beyond Tasmania about approaches which
30 could be taken to improve the criminal justice response to
31 child sexual abuse.

32
33 Today the focus will be on police processes. You will
34 hear firstly from Detective Senior Constable Hindle who was
35 the police officer who conducted the investigations into
36 allegations made against James Griffin in 2019. Following
37 him, Commissioner Hine from Tasmania Police will give
38 evidence about the investigation into how Tasmania Police
39 handled the Griffin matter, and about his views on
40 specialisation, greater inter-agency collaboration and
41 other ways in which local responses to child sexual abuse
42 can be improved and we'll also return to the topic of
43 disruptive policing which was raised in the out-of-home
44 care week.

45
46 This afternoon Dr Patrick Tidmarsh and Detective Chief
47 Inspector Peter Yeomans of New South Wales Police will give

1 evidence about steps taken in Victoria and in New South
2 Wales to better equip police to investigate and respond to
3 child sexual abuse cases.
4

5 Then the final session of today, Ms Christine Handy, a
6 social worker, will give evidence about the use of youth
7 conferencing, a form of restorative justice, for young
8 offenders in Queensland including those who have engaged in
9 harmful sexual behaviours.
10

11 Tomorrow, we will hear first from Adjunct Associate
12 Professor Terese Henning who will speak about criminal
13 justice issues in Tasmania, including recent reforms
14 relating to the use of witness intermediaries and her view
15 of what further changes are necessary to make the Criminal
16 Justice System more responsive to the needs of children.
17

18 Next, Professor Elena Campbell will give evidence in
19 relation to Youth Justice issues which will point to the
20 Commission's future hearings regarding the Ashley Youth
21 Detention Centre, and about restorative justice for
22 victim-survivors of child sexual abuse including in
23 institutional contexts.
24

25 She'll be followed by Ms Catherine Edwards who will
26 give evidence about the supports available for victims of
27 crime in Tasmania.
28

29 Finally, on Thursday afternoon the Director of Public
30 Prosecutions, Mr Daryl Coates QC, will give evidence about
31 how child sexual abuse matters are prosecuted by his
32 agency, and he'll respond to some of the themes that have
33 emerged so far in the evidence of lived experience
34 witnesses.
35

36 On Friday we will hear from a witness whose
37 experiences of sexual abuse in an independent school
38 context are outside your terms of reference but whose
39 recent experience of police and prosecutors in the
40 conviction of the teacher who abused her is very much
41 inside your terms of reference.
42

43 Following that evidence the Solicitor-General,
44 Ms Sarah Kay SC, and the Assistant Solicitor-General,
45 Mr Paul Turner SC, will give evidence in response to
46 evidence already given to you in earlier weeks about the
47 role that the Solicitor-Generals office plays in advising

1 government departments on matters relating to child sexual
2 abuse and in conducting litigation on behalf of the state
3 in child abuse matters.
4

5 Finally, we will hear from the Secretary to the
6 Department of Justice, Ms Ginna Webster, about progress on
7 the implementation of National Royal Commission
8 recommendations.
9

10 Commissioners, we hope that these three days of
11 evidence will provide the opportunity for you to consider
12 whether there are recommendations which can and should be
13 made for the improvement of the Justice System's response
14 to child sexual abuse.
15

16 If the Commission pleases, I'll invite Ms Norton to
17 call the first witness.
18

19 MS NORTON: Commissioners, the first witness this morning
20 is Detective Senior Constable Glenn Hindle and I'll ask the
21 witness to come into the witness box, please.
22

23 PRESIDENT NEAVE: Thank you, and before he's sworn I just
24 wanted to remind anyone, including any journalists who are
25 present or watching this online, that the restricted
26 publication orders that the Commission has issued in
27 previous weeks continue to apply; that includes the
28 restricted publication order issued on 27 June 2022 in
29 relation to the Health hearings. Copies of those orders
30 are available on the Commission's website and outside the
31 hearing room door. I encourage any journalists wishing to
32 report on this hearing to discuss the scope of any orders
33 with the Commission's media liaison officer.
34

35 <GLEN HINDLE, affirmed: [10.19am]
36

37 PRESIDENT NEAVE: There are no other appearances to be
38 announced, is that right?
39

40 MS NORTON: No.
41

42 <EXAMINATION BY MS NORTON:
43

44 MS NORTON: Q. Detective Senior Constable, can you state
45 your full name, professional address and occupation for the
46 transcript, please?
47

A. My full name is Glen Hindle, I'm a detective senior

1 constable with the Northern Criminal Investigation Branch
2 and I'm stationed at Launceston station.

3

4 Q. Thank you, and you're happy for me to refer to you as
5 detective during this examination?

6 A. Yes.

7

8 Q. Thank you. You've prepared a statement for the
9 benefit of the Commission in response to a request; that
10 statement is dated 21 June 2022; is that correct?

11 A. That's correct.

12

13 Q. Have you recently reviewed that statement?

14 A. Yes.

15

16 Q. And you maintain that it's true and correct to the
17 best of your knowledge and belief?

18 A. I do, yep.

19

20 Q. I might just ask you to speak up a little bit for the
21 benefit of our stenographer. Can I just ask you to outline
22 for the benefit of the Commissioners your professional
23 background in the police force both here and in
24 New Zealand?

25 A. Yes, certainly. I graduated from the Royal
26 New Zealand Police College back in 2007 where I worked
27 until 2013. At that point in time I transferred to the
28 Tasmania Police Service.

29

30 Q. Thank you, and did you have any experience
31 investigating child sexual abuse or child sexual
32 exploitation during your period as a police officer in
33 New Zealand?

34 A. Yeah, most certainly. For about the last period of
35 about the last two years of my service there I was a
36 detective constable and working with a dedicated child
37 protection unit.

38

39 Q. What positions have you held in the Northern Branch
40 since you transferred to the Tasmania Police Force?

41 A. Since transferring to Tasmania Police I've been here
42 nine years and I've spent eight years with the Northern
43 Criminal Investigation Branch. At present I work in the
44 victims area with a particular focus on victim crime.

45

46 Q. Thank you. In broad terms what does your present role
47 involve?

1 A. We investigate sexual abuse of children and adults,
2 men, women and children, and also assaults on young or very
3 young children.

4
5 Q. Could you elaborate for the Commissioners in terms of
6 the particular skills that are necessary to undertake that
7 work?

8 A. The skills are having an awareness of risk, an
9 inherent sense of empathy for people, and also a good
10 understanding of legislation.

11
12 Q. Thank you. In your statement at paragraph 6 you say
13 that you were appointed as the lead investigator into an
14 investigation into James Griffin in 2019; is that correct?

15 A. That's correct, yes.

16
17 Q. I'd like to ask you some questions about the
18 investigations that you undertook and your dealings with
19 complainants and the LGH as part of that investigation. Is
20 it the case that your appointment was prompted by a
21 complaint that was made against Mr Griffin at the beginning
22 of May 2019?

23 A. I'm sorry, I'm missing the question there, sorry?

24
25 Q. What prompted your appointment as lead investigator in
26 relation to the investigation?

27 A. We were advised by the equivalent of our Hobart office
28 that a particular file was on its way up. I was briefed
29 that it was, you know, to be arriving in our office and I
30 was allocated duties of conducting the investigation; that
31 was the Griffin file, yes.

32
33 Q. And at the time that you were made responsible for
34 investigating that file, did you have any existing
35 knowledge about concerns or allegations concerning
36 Mr Griffin in relation to child sexual abuse or child
37 sexual exploitation?

38 A. No, certainly. It wasn't until I opened the file that
39 I even knew who it related to.

40
41 Q. Did you know of Mr Griffin in a general sense prior to
42 being appointed?

43 A. Certainly not, no.

44
45 Q. The Commission has received documents, and received
46 evidence, which show that Tasmania Police had received
47 other information or reports in relation to Mr Griffin

1 prior to 2019. I'll ask this question first: what's the
2 first step that you took when you were appointed as lead
3 investigator?

4 A. Yes, most certainly. I reviewed the file in terms of
5 risk and what risk that person presented and what risks
6 that person was working with in their extracurricular
7 activities, those sorts of things there.

8
9 Q. And so, in conducting that, would you be looking at
10 anything on that person's file that suggested that they
11 might have access to children?

12 A. Most certainly, yeah, and it was quite apparent for
13 his occupation, so what I did is - we're an intelligence
14 lead organisation, we do keep a lot of data on our computer
15 systems and I interrogated or canvassed our data systems to
16 build a picture of who Griffin was, yeah.

17
18 Q. What picture were you able to build based on that
19 review?

20 A. My intention when I first started that process was to
21 reach what we refer to as a balance of probabilities, that
22 is the threshold required by AHPRA and their Working with
23 Vulnerable Persons office to be able to act and take action
24 against a person.

25
26 Q. And when you say take action against a person, what
27 action are you referring to there?

28 A. My initial intention or objective was to potentially
29 have his Working with Vulnerable Persons certification
30 suspended.

31
32 Q. And, is that because you held a concern that he
33 presented a risk to children on the Paediatric Ward at the
34 hospital?

35 A. Most certainly, I thought it was appropriate that he
36 was stood down until he was looked at a bit more closer
37 with wider eyes as such, yeah.

38
39 Q. The documents show that you reached that state of
40 satisfaction by about 30 or 31 July 2019; is that correct?

41 A. There was prior communication between myself and the
42 Office of Accreditation, I believe it was [REDACTED]
43 [REDACTED] who I have a working relationship with.
44 Collaboratively I briefed her on what we had on our
45 intelligence holdings, we both formed the opinion we didn't
46 quite have enough to reach that balance of probabilities.
47 However, that changed on 31 July when I executed the search

1 warrant on his address.

2

3 Q. If I could go back in time to your review of
4 information available on the system. What do you recall
5 about that information? I should ask you before you answer
6 that question: in preparing to give evidence today have you
7 gone back and reviewed police records or are you providing
8 evidence from your recollection?

9 A. No, just recollection only.

10

11 Q. Thank you. What do you recall about the information
12 available on the system?

13 A. I recall there being about four or so entries
14 sporadically over a period of years where he did come to
15 attention for concerning behaviours, none of which
16 eventuated to criminal proceedings.

17

18 Q. I'd like to take you through what I understand those
19 notifications to have been just to see what your
20 recollection is of that information. Do you recall seeing
21 a reference on the system to a notification in 2000 that a
22 person who had purchased a computer from Mr Griffin in the
23 late 90s had discovered Child Exploitation Material on that
24 computer?

25 A. That was not on the systems.

26

27 Q. Did you become aware at any other time in the course
28 of your investigation or otherwise of that information
29 report having been made?

30 A. Yes, most certainly. I'm aware that witnesses
31 appeared before the Commission and I did have a
32 conversation with that witness, I believe, in
33 about December 2019.

34

35 Q. And what do you recall about that conversation? I
36 should clarify, this person is not a witness who's given
37 evidence before the Commission, but can you --

38 A. Sorry.

39

40 Q. That's all right.

41 A. That the information has been (indistinct) in the
42 Commission, yeah.

43

44 Q. Yes, we are aware of the conversation and I'd be
45 interested to know what you recall about that conversation?

46 A. I recall a gentleman calling me - well, ringing the
47 office, and I happened to answer the phone, and he

1 articulated that he at the time was dating a particular
2 female who was undergoing the same nursing course as Jim
3 Griffin, and through that connection he purchased a
4 computer from Jim Griffin. He later, I suppose,
5 interrogated that computer, turned it on, whatever the case
6 might be, and when he did so he identified what he believed
7 to be Child Exploitation Material on the device.

8
9 He then mentioned that he had reported it to police
10 around that time. I thanked him for his information, I
11 terminated the call with a promise that I'd get back to him
12 after interrogating our systems to see what I could find
13 and I was a little bit perplexed because I hadn't
14 previously come across that information.

15
16 Q. Were you surprised based on what he told you that that
17 sort of a report was not recorded on the system?

18 A. I was not confident it was going to be there because
19 he did mention that he'd reported the circumstances to the
20 New South Wales Police, and I think there was some
21 confusion over which system the information may have sat
22 on, to the extent where I said to him you might want to
23 submit a Freedom of Information request to the New South
24 Wales Police just to clarify where the report sits.

25
26 Q. I'll just let you know that there's water and a glass
27 if you'd like to grab one.

28
29 PRESIDENT NEAVE: And perhaps if you'd slow down very
30 slightly, I'm having a little bit of difficulty hearing
31 you?

32 A. Okay.

33
34 MS NORTON: Q. During your conversation with the caller,
35 did you ask for any details about the images or other
36 information that he had seen on the computer which had
37 caused him concern?

38 A. Yeah, most certainly, course I did. He described what
39 he determined to be Child Exploitation Material and he
40 described images of young children wearing bikinis.

41
42 Q. Yes, and was that a matter of concern to you?

43 A. Legally, no; morally, yes.

44
45 Q. What's that distinction? Why was it legally of no
46 concern to you?

47 A. Because there is an identified, what we call an ANVIL

1 scheme or the Australian National Victim Image Library
2 schema that we use to determine what is exactly Child
3 Exploitation Material and what is not Child Exploitation
4 Material, and images of young kids in bikinis is ignorable
5 material or not illegal material.
6

7 Q. And so, on that basis did you take any further action
8 in relation to that complaint?

9 A. Yes --

10
11 Q. That report?

12 A. Certainly, I contacted him back to say that I
13 canvassed our systems and couldn't find the information
14 that he expected to be there, and then I subsequently
15 submitted a report detailing my interactions and
16 conversations with that person.
17

18 Q. I've got a copy of that report before me and I
19 understand you haven't reviewed it, I just want to ask a
20 question about the date of that conversation. In this
21 document I'm looking at, and it's a disclosure report intel
22 submission, it lists the date or it says, "Occurrence
23 between" and then the date is 1 December 2020. I think you
24 said in your evidence earlier that your recollection is
25 that it was a discussion in late 2019. Is it likely that
26 your recollection is incorrect, is inaccurate --

27 A. Yeah.
28

29 Q. -- or that the date on the document is inaccurate?

30 A. I think I wouldn't trust my recollection as to when I
31 took the phone call, yeah. It's possible that I did record
32 the circumstances in a notebook and subsequently reviewed
33 my notebook and entered data. I didn't necessarily enter
34 that data on the same date.
35

36 Q. According to the date on this document it suggests
37 that you entered the data a year after you had the
38 conversation; is that a possibility or a standard practice?

39 A. Potentially on this situation and it's extenuating,
40 because there was an internal investigation and I went
41 through and, you know, double-checked what I'd had and what
42 dealings I had had, it may be that I reviewed my book,
43 found that information and entered it, yeah.
44

45 Q. Thank you. The next notification occurred in 2009,
46 it's a notification that Mr Griffin had up-skirted young
47 girls while working as a medic on the Spirit of Tasmania.

1 Is that a notification that you're familiar with?

2 A. Yes, most certainly, yep.

3

4 Q. What do you recall about that?

5 A. I recall that the on duty detectives responded to the
6 complaint or the concern, a search warrant was executed at
7 Mr Griffin's address and it did not reveal any
8 corroborating material.

9

10 Q. To your recollection, was that notification recorded
11 on the system at the time you conducted your review?

12 A. Yes, it certainly was because I remember there was a
13 comment there that he had the ability - the above average
14 ability to encrypt his data, which was of course a concern
15 for me knowing I was about to do a search warrant on his
16 address as well.

17

18 Q. The next notification occurred in 2011 and that was a
19 referral from Child and Family Services in relation to
20 historical abuse allegations. Do you recall that
21 notification being on the system when you did your review?

22 A. Without hearing the circumstances of it I couldn't
23 speak specific as to what that was, no.

24

25 Q. So, it may have been on the system but you don't
26 recall it now?

27 A. No, I don't immediately recall it, no, yep.

28

29 Q. Ms Kylee Pearn has given evidence before the
30 Commission, I don't know if you were able to hear her
31 evidence or have otherwise been briefed on it. I'll ask
32 you the question, have you reviewed that transcript or are
33 you familiar with her evidence?

34 A. I did watch the very articulate evidence of Ms Pearn,
35 yeah, it was good.

36

37 Q. Thank you. And so, you would have heard her refer to
38 the fact that in 2011 she recalls having I think what she
39 describes as an off-the-record conversation with a police
40 officer. That was in the context where she had been told
41 on her evidence by members of HR, or by the HR Department,
42 that they couldn't act on her concerns about Griffin
43 without a criminal conviction, and in that context she had
44 a conversation off-the-record with a member of Tasmania
45 Police. Are you familiar with that evidence?

46 A. No.

47

1 Q. I'll just tell you a bit more about it, it may be
2 that --

3 A. Sorry, I'm familiar with the evidence, I'm not
4 familiar that that was recorded. I believe you've asked a
5 question about it being recorded on the system, it
6 certainly was not, no.

7
8 Q. At that time Ms Pearn did not make a formal complaint,
9 but her evidence is or her recollection is that at the time
10 of that discussion the information that she'd provided, she
11 and another person had provided about them both having been
12 abused by James Griffin as children would somehow be
13 recorded on the system, so that if anyone else came forward
14 in future there would be a record of it.

15
16 Now, it sounds like from your evidence just now that
17 there was no record of that kind on the system?

18 A. No, not to my knowledge, no. No.

19
20 Q. Is it the usual practice for information of that kind
21 which doesn't eventuate into a formal complaint to be
22 recorded on the system?

23 A. Yes, it should be if there's due diligence by the
24 officer that's directly spoken to that person. There was
25 some anonymous information relating to Mr Griffin on the
26 computer and it might be difficult to qualify where that's
27 actually come from.

28
29 Q. I think you may there be referring to the previous
30 notification, also in 2011, and I'll tell you a bit more
31 about it in case it jogs your memory. It was a referral
32 from Child and Family Services regarding historical abuse
33 allegations, and Tasmania Police sought to obtain
34 information from Child and Family Services about the
35 details of the notifier in that case but were not provided
36 with that information.

37 A. Yes. Yes, I do know of that matter, yes, that rings a
38 bell now, yes.

39
40 Q. And you weren't a member of Tasmania Police in 2011,
41 were you?

42 A. No. No.

43
44 Q. The next notification was in 2013, when concerns were
45 raised with police, this time directly with police,
46 regarding Griffin's behaviour towards Ms Skeggs who
47 ultimately came forward and made a complaint in 2019. Are

1 you familiar with that notification?

2 A. Yes.

3

4 Q. And what can you recall about that?

5 A. I actually believe I can recall two, I believe there
6 were some representatives or parents from the netball arena
7 that may have spoken up on her behalf and I believe also
8 that her mother may have also made an approach to police as
9 well.

10

11 Q. And that was recorded on the system when you did your
12 review in 2019?

13 A. Yeah, there was certainly some residual data there,
14 you know, referring to that, yeah.

15

16 Q. And it was something that you took into account in
17 2019 when you were seeking to reach your state of
18 satisfaction in order to contact AHPRA or --

19 A. And to a further extent included in the application
20 for a search warrant to show consistency of our concerns,
21 yes.

22

23 Q. And then, in 2015, information available to the
24 Commission suggests that police received credible
25 information that Mr Griffin was discussing child abuse and
26 child sexual exploitation online. Do you recall there
27 being a record of that on the system in 2019?

28 A. Yeah, I certainly do, yes.

29

30 Q. And what do you recall about that?

31 A. I recall reviewing that particular entry and forming
32 the opinion that it may have been unresolved and further
33 effort could be made in respect of that.

34

35 Q. Why did you form the view that it may have been
36 unresolved?

37 A. Because, if the context of what was mentioned was
38 true, there should have been a conviction against his name.

39

40 Q. Is it the case that your enquiries at that time
41 revealed that information - data had been provided to the
42 police in 2015, to Tasmania Police in 2015, in relation to
43 potential - his discussions of child sexual abuse and
44 exploitation online? Had data of that nature been received
45 or provided to Tasmania Police in 2015?

46 A. No. No, so the words "received and provided" is not
47 accurate. The AFP, Australian Federal Police, notified

1 Tasmania Police of the availability of the data, it wasn't
2 transferred into - from AFP into Tasmania Police until I
3 enquired about it.
4

5 Q. So there was no provision of data on your
6 understanding to Tasmania Police until 2019 in relation to
7 those activities online?

8 A. The actual data itself, which is what we refer to as a
9 Groove Package, sat on an AFP police system until it was
10 requested by Tasmania Police by myself.
11

12 Q. Does Tasmania Police have access to the Groove
13 Package.

14 A. No, no, it's upon request.
15

16 COMMISSIONER BROMFIELD: Q. Mr Hindle, is it accurate
17 that the AFP advised Tasmania Police that the information
18 was available for them to request?

19 A. That's correct.
20

21 Q. Is that the right way to phrase it?

22 A. That's correct, yes.
23

24 COMMISSIONER BROMFIELD: Thank you.
25

26 MS NORTON: Thank you, Commissioner.
27

28 PRESIDENT NEAVE: Q. So, that information could have
29 been followed up by Tasmania Police?

30 A. That's my understanding, that's the case, yeah.
31

32 PRESIDENT NEAVE: Thank you.
33

34 MS NORTON: Q. And was it a matter of concern for you
35 when in 2019 you discovered that this information was in a
36 Groove Package and had been - and Tasmania Police had been
37 notified that it was available but no further action was
38 taken in 2015 to access that data?

39 A. I can't say I put a lot of focus on concern; I put my
40 focus into acquiring the package and doing due diligence in
41 respect of it, yes.
42

43 Q. And when you acquired the package were you concerned
44 by what it contained?

45 A. Most certainly, yeah, yep.
46

47 Q. I've just taken you through five separate

1 notifications - I should say four, which were recorded on
2 the system at the point in time in which you were appointed
3 as investigator and began looking into Mr Griffin's
4 history. Are you aware of any of the above information
5 being reported to the LGH prior to the 31 July 2019?

6 A. No.

7
8 Q. What notifications were made to the LGH on 31 July
9 2019?

10 A. I personally contacted Dr Renshaw to inform him that I
11 had one of his employees under investigation and requested
12 Dr Renshaw's assistance.

13
14 Q. Yes, I'll come back to that conversation. Before I
15 do, by that time, the end of July, you had been
16 investigating the matter for some time. Can you recall
17 roughly how many weeks or months it was that you'd been
18 investigating the allegations before 31 July 2019?

19 A. Can I refer to my notes?

20
21 Q. Yes, of course.

22 A. So, I first opened that file, the physical file, which
23 was an investigation package from Hobart, on 19 July 2019.

24
25 Q. So you began working on the investigation on 19 July
26 and then you notified the hospital on 31 July. Am I
27 correct to recall that your evidence earlier was that,
28 having reviewed what was available on the system, you held
29 concerns that Mr Griffin posed a risk to patients at the
30 hospital?

31 A. Yep.

32
33 Q. And, in consultation with someone, who I think was
34 from the Working With Vulnerable Children's registrar
35 office?

36 A. Yep.

37
38 Q. You didn't think you had quite enough. I imagine that
39 in that intervening period one challenge that police face
40 is competing concerns about not compromising an
41 investigation on the one hand but on the other hand taking
42 appropriate measures to ensure that children are kept out
43 of harm. Were there any steps that you took in that
44 intervening period to address your concern about the risk
45 that Griffin posed to children at the hospital?

46 A. Yes, most certainly. The day, 19 July 2019 that I
47 opened the file, I took immediate steps to reduce

1 Mr Griffin being a risk to children.

2

3 Q. I don't want you to - I suppose my question is: what
4 was the outcome of those steps that you took?

5 A. They were very positive and it gave me the confidence
6 that it then afforded me time to collate the evidence and
7 prepare his suspension in terms of his Working with
8 Vulnerable Persons certificate. I mean, it happened on
9 31 July; I was confident with the safety measures we put in
10 place that it could have extended past that time with that.

11

12 Q. Did that confidence arise from the fact that the steps
13 taken reduced or limited his access to children in that
14 intervening period?

15 A. Most certainly, yes.

16

17 Q. Thank you. Just stepping out of the Griffin case
18 study for a minute. Is it a practice, and looking at that
19 period where you're balancing the needs of an investigation
20 with risk to children, is it ever the case that police
21 might make what I might call unofficial contact with, in
22 this case, a hospital and in another case it might be a
23 school, to indicate to that organisation that there's a
24 concern that a member of staff might pose a risk to
25 children?

26 A. Yes. Are you meaning in terms of management context
27 or otherwise?

28

29 Q. I beg your pardon?

30 A. Are you meaning in terms of management context of
31 those organisations or otherwise?

32

33 Q. Well, it's a general question really to see whether -
34 are measures ever taken to try and ensure risk - you deal
35 with risk to children - while at the same time progressing
36 an investigation in an appropriate way, that a phone call
37 might be had, for example, with someone within an
38 institution where a person of interest is employed to say,
39 "We've got a concern about this person"?

40 A. Most certainly, yes, of course there is. Risk is
41 paramount, it's the first thing that we address, yes.

42

43 Q. And if a conversation of that nature occurred, would
44 it be recorded on the system?

45 A. No, it would be revealed to one of my superiors.

46

47 Q. Right, so others in the force, senior members of

1 Tasmania Police might be made aware of it, but it wouldn't
2 be recorded on the system?

3 A. I would disclose it, yes.
4

5 COMMISSIONER BROMFIELD: Q. Mr Hindle, I just wanted to
6 check there. That conversation might occur during the
7 investigation prior to executing a warrant or making any
8 charges; is that right?

9 A. That's correct, yes.
10

11 COMMISSIONER BROMFIELD: Thank you.
12

13 MS NORTON: Q. Might it occur at an even earlier stage
14 where credible information had been received, and we've
15 gone through a number of examples where information had
16 been received which for a range of reasons didn't result in
17 charges being laid, but in that intervening period where
18 the investigation is being undertaken might a conversation
19 of that nature occur?

20 A. Yes, most certainly, yeah, yep.
21

22 Q. In paragraph 7 of your statement you refer to
23 Mr Griffin, based on your experience in the investigation,
24 as being "not sophisticated" but, you say:

25
26 *... he employed a sense of familiarity and*
27 *trust to remain unassuming and offend*
28 *opportunistically.*
29

30 Can I just ask you to elaborate on what you mean by
31 that statement and your observations of his offending?

32 A. Yeah, and look, I've heard it repeated as I've been
33 watching the proceedings that have been happening. What I
34 learned about Mr Griffin was that he has a beautiful family
35 behind him and that consists of [REDACTED]
36 [REDACTED]

37 [REDACTED]. He was very proud of that family unit and
38 I believe that he introduced his potential victims to that
39 family unit, exposed them to what he had in life, and then
40 I believe he used an implied consequence relating to that
41 family for them never to speak up. So, in other words, he
42 sought opportunity to touch children and then said to those
43 children, "You can never say anything because this is what
44 I'll lose in life, these kids won't have a father" and
45 those sorts of things as well.
46

47 Q. We've gone through some of the steps that you took in

1 your investigation: you reviewed the system to find out
2 what information was available, you've taken some steps to
3 reduce the risk that Mr Griffin posed to children, you've
4 referred to executing a search warrant. What steps did you
5 take once you'd executed that search warrant?

6 A. Okay. So, prior to executing the search warrant my
7 liaisons with the Working with Vulnerable Persons office
8 resulted in his suspension letter being drafted in
9 anticipation that it would be signed off on, and whilst I
10 was at Mr Griffin's address executing the search warrant I
11 actually rang the office of the Working with Vulnerable
12 Persons, I believe it was [REDACTED], and said to
13 her, "Look I've got enough now, can you please start the
14 process?" The reason I did that was because that's a
15 process I could streamline and I was in control of. I
16 realised he was subject to possibly an ED5 or an ED6
17 notification from the hospital but I wasn't confident how
18 long that process would take.

19
20 Q. I see.

21 A. So, if I take away his ability to obtain his - for his
22 accreditation to exist, he cannot work on his nursing
23 accreditation. He needs both of them to be able to
24 function.

25
26 Q. And so, the LGH as I understand was notified of the
27 suspension of his Working with Vulnerable People
28 registration on 31 July 2019, and you referred earlier in
29 your evidence to a conversation you had with Dr Renshaw at
30 that time. What do you recall about that conversation?

31 A. It was a conversation, it was an in person
32 conversation.

33
34 Q. Where did it take place, was this at the hospital or
35 was it at the station?

36 A. No, Dr Renshaw was very accommodating. As I said, I
37 contacted him, told him I had an employee under
38 investigation and I obtained some concerning material at
39 the warrant. Dr Renshaw and a member of his HR team
40 actually came down to my office and held a consultation
41 with me.

42
43 Q. You made a reference there to "concerning material",
44 can you provide a little bit more detail about what
45 information was given to Dr Renshaw, and I think it was
46 Mr Harvey who attended from HR. Can you recall what
47 information you gave them about the nature of what you'd

1 found in the search warrant?

2 A. Most certainly. There was Child Exploitation Material
3 evident on his personal phone, yeah.

4

5 Q. And did that Child Exploitation Material raise any
6 concerns in your mind that there might have been offending
7 at the LGH or in connection with his work as a nurse?

8 A. Not immediately at that point in time because the
9 material that I - the initial canvass of the device didn't
10 relate to the hospital images.

11

12 Q. Were there images during that initial canvass that had
13 been taken at the hospital?

14 A. No.

15

16 Q. And so, it sounds like this is a two-phased process,
17 that at some subsequent time you accessed photos that
18 raised a concern in your mind?

19 A. Yeah, and the reason being that we're very conscious
20 that when we're accessing a device we're altering the data
21 so we keep our initial canvass of that device to a minimum,
22 therefore we're not contaminating potential data that can
23 be obtained through a forensics device. So, we don't just
24 pick up a phone, find an image and then out of curiosity
25 continue to look at the images: as soon as we determine
26 that there's an image present that justifies or is in the
27 context of CEM, we pretty much set the device into flight
28 mode and leave it at that point in time.

29

30 Q. The images that subsequently gave rise to a concern,
31 are they images that were contained in a folder called
32 "Ward 4K"?

33 A. No, they were just sporadic spaced across his phone in
34 between holiday photographs and general photographs, yeah.

35

36 Q. In your statement, at paragraph 8, you refer to
37 having - and you use inverted commas: there were identified
38 inefficiencies which caused you to - I don't know if you -
39 well, what do you mean by "identified inefficiencies" in
40 paragraph 8 of your statement?

41 A. Okay, they pertain to risk again.

42

43 Q. Yes.

44 A. Yep. So, in explaining, the investigation itself
45 wasn't a complex investigation, however, because I
46 perceived there was an ongoing risk, even though we'd
47 stopped his employment at the hospital, it didn't guarantee

1 that he wasn't a threat to anyone in the outside world or
2 through other means; he may seek employment somewhere else
3 and not reveal that he's under investigation, so for that
4 purpose what I tried to do was bypass some of the barriers
5 we normally experience with a view to beefing up the
6 evidence against him, potentially obviously just the
7 strength of evidence, with a view to opposing his bail,
8 yeah.

9
10 Q. And is it correct to describe your intention there as
11 being an intention to expedite your investigation in light
12 of your concerns over risk?

13 A. Yes, exactly.

14
15 Q. And the steps you then took are then the steps that
16 are listed in paragraph 8 of your statement?

17 A. Yes.

18
19 Q. In paragraph 11 of your statement you say that your
20 investigation revealed that one victim-survivor had
21 previously raised concerns with the Launceston General
22 Hospital. What are you referring to in that paragraph?

23 A. The witness Kylee Pearn.

24
25 Q. What did you understand about Ms Pearn's interaction
26 with the hospital or the concerns she raised?

27 A. So, if I go back a step. During my meeting with
28 Dr Renshaw when he presented at the office he gave me an
29 undertaking that he would go back to his office and
30 interrogate his systems as to what information he
31 immediately had at hand in terms of James Griffin, and one
32 of the things he included to me, and I think it came from
33 James Bellinger, was the recorded - well, a comment that
34 Kylee Pearn had previously disclosed to the hospital, yeah.

35
36 Q. Was this information that you were provided on 31 July
37 2019?

38 A. With all respect, I think the Commission's already
39 referred to the email, I don't have a copy of it, but it
40 has been tabled I think or referred to through proceedings.
41 It's an email between James Bellinger and myself where they
42 reveal that they're aware that a meeting happened but they
43 don't have the notations from the meeting available to give
44 me.

45
46 Q. And what's your best recollection, if you look back at
47 the sequence of events in your investigation, what's your

1 best recollection of the point in time at which you became
2 aware of Ms Pearn's - the concern that Ms Pearn raised with
3 the hospital?

4 A. I took a statement from the then hospital manager at
5 the time and the name of that person escapes me, I believe
6 that's also been in the hands of the Commission, and
7 Ms Pearn obviously clarified that on her interview with me
8 as well.

9

10 Q. When did you interview Ms Pearn?

11 A. I have absolutely no idea.

12

13 Q. Do you have any rough idea? Was it while James
14 Griffin was still alive?

15 A. Yes, it will have been. There was a series of
16 interviews that occurred after his initial court
17 appearance, which was - so, it will have been in August
18 2019.

19

20 Q. 2019?

21 A. Yeah.

22

23 PRESIDENT NEAVE: Q. Can I just clarify one matter? You
24 said that in that initial meeting with Dr Renshaw and
25 somebody from HR, I think, he said he would go back and
26 look at his records?

27 A. Yes.

28

29 Q. Did he indicate to you at that time any awareness of
30 the Kylee Pearn matter?

31 A. No, certainly not at all, no.

32

33 Q. So, that came out of his review --

34 A. Yes.

35

36 Q. Of records?

37 A. And it wasn't just the Kylee Pearn matter he forwarded
38 to me, he forwarded to me other information that he
39 located, he sent on to me and said, "This may be of use to
40 you and your investigation".

41

42 PRESIDENT NEAVE: Thank you.

43

44 MS NORTON: Q. What do you recall of the other
45 information that he sent, was that information relating to
46 the 2011 - or the disclosure by Ms Pearn or relating to
47 other complaints concerning Griffin?

1 A. Other complaints concerning Griffin.

2

3 Q. Thank you.

4

5 COMMISSIONER BROMFIELD: Q. Mr Hindle, can I just ask:
6 how did you know that you ought to contact Dr Renshaw?

7 A. I have had dealings with the hospital, I have many
8 dealings with the hospital through my investigations.
9 Dr Renshaw is, I'm aware of his position, and he would see
10 my name more than my face because I submit application for
11 patient records and the like and he signs off on those.
12 Just because I was aware of his position, I just chose to
13 reach out.

14

15 COMMISSIONER BROMFIELD: Thank you, that's helpful.

16

17 MS NORTON: Q. When you received that documentation in
18 relation to Ms Pearn's disclosure but also other complaints
19 that had been made over time in relation to Mr Griffin,
20 were you surprised - well, I assume that was the first
21 time - sorry, take a step back, I shouldn't assume. Was
22 that the first time to your knowledge that Tasmania Police
23 were informed that complaints had been raised with LGH
24 about Mr Griffin in relation to his interactions with
25 children?

26 A. Yeah, I think I was the first member of Tasmania
27 Police to hear of those notations that were on the system,
28 yes.

29

30 Q. Having read those notations, did it surprise you that
31 no prior communication had occurred between the Launceston
32 General Hospital and Tasmania Police?

33 A. No, because it was - the additional matters were in
34 relation to immoral conduct or potentially corporate
35 misconduct, not criminal offending.

36

37 Q. Would you agree that the complaints detailed concerns
38 about behaviour that could be described as grooming
39 behaviour?

40 A. No. Can I mention what the two matters were?

41

42 Q. Yes, please?

43 A. One matter related to a child being spoken to - sorry,
44 a parent of a child being spoken to, drugs were being
45 administered and it was referred to as - I think Jim said,
46 "That's why they call it the date rape drug" to a parent,
47 which again is just moral misconduct, I suppose. The other

1 matter related to him taking his phone onto the ward.

2

3 Q. And did that not raise concerns for you at the time in
4 light of the images that had been found on his phone?

5 A. It was just interesting; it wasn't concerning.

6 People, I would imagine, would breach that protocol on any
7 other given day, so yeah.

8

9 Q. I want to make sure I understand exactly what
10 information was provided to you at this time. You're made
11 aware of the Pearn disclosure?

12 A. Yes.

13

14 Q. And there's a complaint about an inappropriate comment
15 in front of a patient and their parent?

16 A. Yes.

17

18 Q. And there's some information about him taking his
19 mobile phone onto the ward?

20 A. Yes.

21

22 Q. In the documentation you were provided with were there
23 any complaints that raised a concern in your mind about
24 grooming behaviour?

25 A. No.

26

27 Q. At what point did you become concerned that Mr Griffin
28 may have offended in his role as a nurse, and by that I
29 mean concern about - I think in this case it's images taken
30 of children who he may have come into contact with as a
31 result of his nursing activities?

32 A. Yes.

33

34 Q. What sparked that concern?

35 A. Other than, I identified the photos on his phone and,
36 I suppose, when you say "concern", this is me piecing
37 things together as to his conduct.

38

39 Q. Yes, I understand. I asked you earlier about the
40 photos that you were able to access on 31 July?

41 A. Yep.

42

43 Q. And you said, I think, that there were none that were
44 taken at the hospital. At what point in time, to the best
45 of your recollection, and why, did you become concerned
46 that there may have been pictures that were taken by him in
47 connection with patients?

1 A. I suppose it was a thought in the back of my mind, but
2 you've got to be very careful to draw those assumptions. I
3 formed that belief when I reviewed the forensic download of
4 his entire device, and I reviewed the material and found
5 that a portion of it did relate to the hospital.
6

7 Q. I just want to test something, and I'm doing it out of
8 fairness and acknowledging that you haven't reviewed any
9 documents for the purposes of giving evidence today. The
10 Commission has available to it an email from Mathew Harvey
11 dated 31 July 2019. It's not an email that was sent to you
12 but it describes, I think - well, I'll read the
13 introduction to it. It's sent to various members of HR,
14 and it says:

15
16 *Hi all. Just got back from the police*
17 *station.*

18
19 So that sounds like it's a reference to his attendance
20 with Dr Renshaw on 31 July?

21 A. Yep.

22
23 Q. And then the relevant statement is, let me just scan,
24 bear with me. He says:

25
26 *From the THS point of view there were a*
27 *number of photos taken under a folder*
28 *titled "Ward 4K" of patients with dates*
29 *between 2015 and 2019.*

30
31 Now, that statement there is at odds with your
32 recollection that on that date that you didn't have a
33 concern about offending connected with his role as a nurse.
34 Do you have any further reflections that you'd like to make
35 having heard that email?

36 A. It's very explainable. So, when we go on a search
37 warrant, when we execute a search warrant, we allocate a
38 particular member to be what's known as the exhibits
39 officer and that person is the person that seizes the
40 exhibits and takes control of the exhibits for chain of
41 custody purposes.

42
43 On this occasion Senior Constable [REDACTED]
44 [REDACTED], took some time to show Mr Harvey and Mr Renshaw what
45 she had; it wasn't necessarily information that I'd been
46 privy to, so yeah.
47

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Q. And I apologise if I'm asking you the same question repeatedly, I just want to be really clear about it. To the best of your recollection at what point did you or Tasmania Police communicate to the hospital that you had a concern that there was evidence of offending by Griffin in his role as a nurse or in connection with patients?

A. In terms of the photos?

Q. Yes.

A. When I reviewed his devices personally and discovered there were hospital photos I did take some measures to involve the hospital in a process to address that, I suppose, is the best way of saying it.

Q. Can you recall approximately when that was?

A. I believe it was 5 December 2019.

Q. And I'll come back to the steps that you took at that point - or actually I'll ask you now. What process did you follow once you formed that concern?

A. What I did was ascertained that the photos on the device relating to the hospital were upwards of eight years in age, so I contacted Dr Renshaw's office and asked that he form a panel as such of staff that had been available or present on the ward for that period of eight years, and collectively we met with a view to identifying the children that might be in the photos. I sanitised the photos down to a point where they could be put in front of a member of the public, namely, just leaving facial images and such that they could look at and recognise.

Q. I see.

A. So, yeah, we met in that forum, yeah.

Q. Were you satisfied with the process that you undertook, with the assistance of that panel, to identify any potential victims?

A. There was some victims that were immediately identified through the panel, and there was others that they - I think they went away and did some research on.

Q. Again, I've got the benefit of documents that aren't available to you, Detective Hindle. We've got documents that suggest that that meeting with the panel - sorry, just with Dr Renshaw about the Child Exploitation Material that had been found involving potential patients took place on

1 29 October 2019. I think you referred before to your best
2 recollection of it being about December; is it possible
3 that it was that meeting at the end of October? And I
4 should say, it's an email that you sent to Dr Renshaw,
5 saying:

6
7 *Doctor, Thank you for your time this*
8 *morning.*

9
10 And it's 10.15am, 29 October 2019. Have you got any
11 reason to think that that's --

12 A. I had a number of meetings with Dr Renshaw. So, I did
13 attend his office on a couple of occasions as well. Can I
14 just have further detail in terms of that email?

15
16 Q. Sure. So, it's an email from you?

17
18 COMMISSIONER BENJAMIN: Perhaps if you show the witness
19 the email himself, he might have a better recollection.

20
21 MS NORTON: Yes. If I could ask my instructing solicitor.

22
23 (Email shown to witness)

24
25 A. Yeah, so that's obviously a follow up notation in
26 respect of the meeting, who was present and what the
27 objectives were following the meeting.

28
29 Q. Yes, thank you. And having reviewed that email do you
30 now agree that by at least by 29 October 2019 the LGH was
31 aware of the concerns that the Child Exploitation Material
32 that you'd found on Mr Griffin's phone may have related to
33 patients?

34 A. Yes, yep.

35
36 Q. I'll just ask for the laptop to be returned to my
37 learned junior?

38
39 PRESIDENT NEAVE: Q. So that was the date at which
40 Dr Renshaw became aware. You initially gave evidence that
41 the meeting to look at the photos was later than that. Do
42 you now think it was that date or was it still - it still
43 occurred at a later date? I think what you're saying, let
44 me put to you what I understand you to be saying. You had
45 a contact with Dr Renshaw to inform him about this and to
46 perhaps discuss the convening of a panel.

47 A. Yes.

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Q. Was the panel later or --

A. The panel was later. The panel was, yeah.

PRESIDENT NEAVE: Thank you, that's what I understood you to say.

MS NORTON: Q. It sounds from your evidence that you had generally positive dealings with the LGH following on from the notification on 31 July; is that an accurate summary?

A. They were cooperative, open and accountable in terms of what I asked of them.

Q. And did you have any concerns about any steps that were taken by the LGH after you notified Dr Renshaw - or became aware that the Working with Vulnerable Children registration had been suspended?

A. So, at the time Dr Renshaw departed my office I knew that James Griffin was due to start work at 1pm that afternoon; I had an undertaking from him that he would put measures in place to make sure that he didn't start his shift or work that particular day. It was my intention then, obviously, to go down and search his locker at his workplace. I later heard that afternoon that he had actually been granted access by a colleague to the hospital into his locker and removed items from his locker. So, no concerns in terms of Dr Renshaw's management, but our intentions were undermined.

Q. Had you conveyed those intentions to Dr Renshaw?

A. Only from the perspective that it was disappointing, yeah.

Q. Sorry, when I say your intentions: had you conveyed to him your intention to search his locker?

A. No, I intended to do that in the company of AHPRA, just in case there was something in there that they may have thought was appropriate or of concern.

Q. And did the fact that he was given access to his locker before you could search it undermine your investigation in anyway?

A. It left me concerned as to what may be there and as a result of that I formulated and executed a secondary search warrant on Mr Griffin's address.

Q. Mr Griffin was granted bail. Did the police oppose

1 bail?

2 A. On the secondary occasion, yes.

3

4 Q. Yes, can you tell the Commissioners about that and the
5 reasons why you opposed bail?

6 A. Yeah, most certainly. So, following his first period
7 of bail we thought we'd put stringent enough measures in
8 place that he couldn't contact any child under - or be in
9 the company of any child under the age of 17 without
10 another adult being present. It turns out that he was an
11 entitled individual who sought loopholes in respect of that
12 bail condition, so therefore we identified that risk was
13 still an ever present concern, and upon his second arrest I
14 opposed bail on the strength of evidence that we had
15 available to us.

16

17 COMMISSIONER BROMFIELD: Q. And you opposed that bail
18 based on a risk assessment that he continued to pose a risk
19 to children; is that --

20 A. We articulated that he endeavoured to still
21 communicate with children and he was - had contempt for the
22 previous bail conditions, yeah.

23

24 COMMISSIONER BROMFIELD: Thank you.

25

26 MS NORTON: Q. I just want to clarify something in your
27 evidence earlier, Detective Hindle. I think you gave
28 evidence but I just wanted to confirm, that it was
29 Dr Renshaw who first told you about Ms Pearn's disclosure
30 to the hospital; is that your recollection?

31 A. No, I think it was an email from James Bellinger.

32

33 Q. I see.

34 A. Yeah, or possibly even Kylee Pearn may have mentioned
35 it, I'm not sure which one came first, yeah.

36

37 Q. Thank you.

38

39 PRESIDENT NEAVE: Q. What was the period of time, I'm
40 sorry I don't recall, between the first granting the bail
41 application and the subsequent one? Do you remember? We
42 can check this but I --

43 A. It was not extensive. It was just a matter of weeks,
44 I believe.

45

46 Q. But during that period he breached bail conditions
47 about not approaching children?

1 A. He didn't breach. We obviously maintained
2 observations and sought information through family and the
3 like as to his movements and what he was doing, and we
4 learned that he'd intended on travelling to Hobart for a
5 netball event, yeah.

6
7 MS NORTON: Q. Ms McMahon has given evidence, Ms Keelie
8 McMahon, that she was very disappointed that bail was
9 granted and her recollection is that part of the reason it
10 was granted was that he was a first-time offender. Is that
11 your recollection of matters that were taken into account
12 or referred to in the decision to grant bail?

13 A. It would have been a consideration of the magistrate;
14 you can probably only ask the magistrate why bail was
15 granted.

16
17 Q. Yes, of course, I was just seeking to get your
18 recollection. Ms Pearn also gave evidence, and we've
19 referred to that already, and she spoke about the
20 experience of coming into the police station to give her
21 statement, and I think I can fairly summarise her evidence
22 as being that it was not a difficult experience for her to
23 be in that environment because she was very familiar with
24 the environment due to her work in Family Violence, but she
25 was concerned that somebody less familiar with the police
26 station might find that particularly difficult. Do you
27 have any reflections on that evidence or the experience of
28 people coming in and giving complaints at the station?

29 A. Most certainly I --

30
31 COMMISSIONER BROMFIELD: Counsel are, we think you may
32 have just misspoken.

33
34 MS NORTON: Oh, well, please correct me.

35
36 COMMISSIONER BROMFIELD: I'm not 100 per cent, but I think
37 you may have said that was Ms McMahon's experience. It was
38 Ms Pearn's.

39
40 MS NORTON: Thank you, it was Ms Pearn's evidence.

41 A. Look, I walked that journey many a time with many
42 complainants. I ask them to meet me at a big brick and
43 concrete-looking institutional building and I'll you at the
44 front and I parade them pass members of the police who no
45 doubt judge them as we walk through the hallways, past a
46 remand centre, up into a small room, you know, that's not
47 ideal.

1
2 Ms Pearn, I am aware of her background and she does
3 not live in a bubble, she's quite open about her
4 achievements. For her to feel that way, I felt that way as
5 well, I continually feel that way, and my opinion is that
6 interview rooms in operations are no longer tenable for
7 those purposes, yeah.

8
9 Q. What would be a better way or a better environment in
10 which to take a statement from complainants?

11 A. Maybe have them enter a facility that's not so
12 authoritative. Often it's their first dealings with police
13 and they walk into a building feeling like they've done
14 something wrong. I'm sure that a different facility may be
15 more accommodating.

16
17 Q. Would a Multi-Disciplinary Centre be something that
18 might assist in that regard?

19 A. It would assist not only in that regard, but also,
20 I believe it was the evidence of Ms McMahon who said that
21 I - after the interview I just walked her down to the front
22 door and said, "Off you go". A Multi-Disciplinary Centre
23 would facilitate for the transition from my interview with
24 them through maybe to a support service, yeah.

25
26 Q. And, is it your view that there is a role for those
27 sort of wrap-around services to be available on site or on
28 demand to complainants after you've finished with them in
29 terms of your duties as a police officer?

30 A. Yeah, most certainly. My duties with a complainant as
31 a police officer are very limited; it's limited to the
32 initial contact, the interview process and from that
33 point in time maybe some telephone calls regarding an
34 updated investigation. The support they need is - far
35 extends past that period of time, yeah.

36
37 PRESIDENT NEAVE: Q. And would you contemplate that
38 other child witnesses, if there were other children, would
39 also be interviewed in a separate facility?

40 A. Yeah, and that's one of the - certainly with the make
41 up of the Launceston station we have one what we call a
42 soft interview room to take people to, and quite often
43 we're having to separate the mother off from the child and
44 that separation quite often occurs at the front counter of
45 the police station and the child is then marched through
46 the police station as an individual on their own as well,
47 so the journey is not pleasant for everybody.

1
2 COMMISSIONER BROMFIELD: Detective Hindle, you may be
3 about to go here - sorry, Ms Norton.
4

5 MS NORTON: No, that's okay.
6

7 COMMISSIONER BROMFIELD: Q. It sounds like, and taking
8 into consideration what your role is, it sounds like from
9 your evidence that you think it's a fair characterisation
10 then that survivors might feel, from their perspective,
11 dumped at the end of the interview?

12 A. Yeah, and it's awkward; it's awkward saying goodbye,
13 you know, they've just come in and revealed their innermost
14 feelings, fears, sexual secrets or whatever the case might
15 be, and 10 minutes later I'm saying, "See you later, I hope
16 you haven't got a ticket". It's a little bit difficult, I
17 suppose. There should be some sort of transitional period
18 that we can utilise, yeah.
19

20 MS NORTON: Q. In a similar vein to the question that
21 Commissioner Bromfield's just asked - and before I ask the
22 question I'd like to just acknowledge that the evidence
23 that's been received from complainants who you dealt with
24 in this period is generally very positive in terms of their
25 interactions with you, certainly Ms Pearn and Ms McMahon
26 speak in those terms.
27

28 Ms McMahon did, however, give some evidence last week
29 about the way she felt, not after she left the station when
30 she made her initial complaint, but also following
31 Griffin's death, and I just want to read from the
32 transcript because her evidence was very powerful and it
33 goes to this point about the tension between the way that
34 complainants feel and the limits of what police might be
35 able to do.
36

37 She said:

38
39 *It felt like I had put my trauma on the*
40 *table and they had picked it up and thrown*
41 *it in a cupboard.*
42

43 And I just invite you again to reflect on that
44 evidence and perhaps the limitations of what police can do
45 in those circumstances and how the needs of victims can
46 otherwise be accommodated?

47 A. Yeah, there is a process that already exists. So, in

1 the situation of Ms McMahon, I was her initial point of
2 contact and I was the initial person that she met with and
3 received updates from. Once I'd reached the threshold of
4 reasonable prospect of conviction the matter was referred
5 to the DPP and from that date the DPP liaison or witness
6 assistance program kicks in and they are the people then
7 that do transition across and contact the complainants.
8 So, my contact with the complaints ceases for a reason, and
9 the reasons are that they need the ongoing support. The
10 DPP Supreme Court process can take a number of years, and
11 that is not conducive to a police officer.
12

13 And, we can only absorb so much trauma. You know, we
14 can't be in a position where we're continuing to contact
15 complainants and rehearing the stories, rehearing the
16 concerns, rehearing the trauma in their life, because we
17 need to manage ourselves as well, and that witness
18 assistance program in the DPP obviously facilitates that
19 attachment. Yeah, we do walk away, but it's for reasons.
20

21 Q. Thank you. I'd like to thank you for your answers in
22 relation to your activities on that investigation. I have
23 one final question, mindful of the time, and that is in
24 relation to your experience as a police officer in
25 New Zealand. As I understand, following Police Operation
26 Hope there was a Royal Commission in New Zealand which
27 resulted in recommendations and some changes in terms of
28 the way the New Zealand Police Force investigates child
29 sexual crimes. I just invite you to offer any reflections
30 you'd like on the changes that were brought in in response
31 to those recommendations and any of them which you think
32 would be beneficial in Tasmania?

33 A. Yeah, most certainly. So, back in about - Operation
34 Hope relates to a New Zealand investigation. Back in about
35 2009 a very brave detective spoke up to the media about the
36 workload that they were experiencing, the mishandling of
37 files, misappropriation of files and the lack of
38 investigation occurring around child abuse files. That
39 prompted an independent Police Conduct Authority
40 investigation, which is the internal or Professional
41 Standards division of New Zealand Police.
42

43 They obviously thoroughly investigated and found it to
44 be a systemic failure across New Zealand Police in respect
45 of a lot of areas, mishandling of files. They themselves,
46 which is obviously different to this Commission, they
47 themselves made recommendations, they identified what the

1 issues were and they made recommendations.
2

3 So, those issues they identified was conflicting
4 obligations and a lack of communication or collaborative
5 efforts between agencies, which led to essentially the
6 downfall of the situation that occurred, yes.
7

8 Q. In your experience with Tasmania Police, do you find
9 that your ability to conduct investigations into child sex
10 crimes is sometimes compromised by those - I can't recall
11 the term you used --
12

13 PRESIDENT NEAVE: Q. Conflicting obligations?

14 A. Yeah, most certainly, that's still a problem within
15 Tasmania Police. So, New Zealand Police reacted by
16 implementing the multidisciplinary-type centre and they
17 established what's called a CPU or Child Protection Unit,
18 so officers dedicated to working on exploitation and abuse
19 of children; no other conflicting roles.
20

21 Tasmania is Tasmania, we're not Melbourne or Sydney,
22 we can't have a Homicide Squad or Armed Robbery Squad or
23 Burglary Squad. The officers that work within the Criminal
24 Investigation Branch are very capable officers and they
25 work very capably across all sectors of crime. So, even in
26 my position as a victims investigator with, as we say,
27 particular focus on victim crime, my obligations are
28 sometimes drawn away from the area that I'm supposed to
29 focus on and I may spend a week dealing with a wounding
30 that happens in the CBD or, you know, an armed robbery
31 which may occur and it does impact on your obligations, I
32 suppose, and you feel a bit ethically - it's an ethical
33 dilemma to drive home with each day thinking that I've
34 spent the day looking for CCTV in relation to a wounding
35 that happened in town, and yet I've got this person
36 I believe is trying to ingrain himself with another young
37 single mother and abuse their children as well. So, I
38 don't believe my organisation should put me in that
39 situation, I think my organisation should identify that
40 child abuse and child exploitation is something that needs
41 some direct attention too, yeah.
42

43 Q. And in your mind would you be in favour of
44 specialisation within Tasmania Police in relation to the
45 work you do?

46 A. Most certainly, but I'm biased because I did spend
47 time as a specialised officer in that field, which probably

1 only exacerbates my ethical situation now, yeah.

2
3 Q. And, you referred to "competing obligations". I'm
4 familiar with the term, I don't know much about it, but the
5 Radio Car or the Crime Car, are you ever called out on that
6 car?

7 A. Right. So, the Crime Car is actually an afternoon
8 shift coverage of members of the Criminal Investigation
9 Branch so that we're providing, like, an 18-hour a day
10 coverage for the support of uniform staff.

11
12 Where it affects me: yes, you do rotationally get put
13 into that role, I believe it's about five times a year that
14 you have to work that week, and five times on weekends as
15 well. The issue I have is that the starting time of 6pm is
16 not conducive to me coming in and interacting with the
17 agencies I'm supposed to interact with. Child Safety
18 Services have gone home, you know, Working with Vulnerable
19 People have gone home, so at the time that I'm rostered for
20 those roles I can't come in and further my child abuse
21 investigations. Yeah, my hands are tied, I end up doing
22 curfew checks on someone who is a scrap metal thief or
23 somebody who probably requires - it's still important
24 obviously, because crime is important, but again, it just
25 leaves you ethically conflicted, yeah.

26
27 COMMISSIONER BROMFIELD: Q. Am I correct that, after
28 you've done that week on Crime Car, do you then have some
29 leave or something; is there a break?

30 A. Yeah, there is, there's - because you work weekends as
31 part of your Crime Car you're entitled to some days off
32 during the week as well, so you're not only impacted in
33 terms of your obligations for the week that you're working,
34 but your week afterwards is also compromised in terms of
35 time off.

36
37 Q. So, you could have potentially a seven, 10-day delay
38 in a case that were working, is that feasible?

39 A. It could be worse if you pick up or attend a crime as
40 part of your Crime Car duties; you might work a Crime Car
41 and not inherit any crimes, you know, it might be good.
42 Other times you can inherit something that requires great
43 detail and attention and there's a DPP waiting at the other
44 end to make sure that you have addressed that investigation
45 properly. You can't half-start an investigation and walk
46 away from it, you've got to complete it, so it's on the
47 terms of what occurs essentially, yeah.

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COMMISSIONER BROMFIELD: Thank you.

PRESIDENT NEAVE: Q. So, if you were attempting to balance the desirability of some specialisation against the practical realities of Tasmania, size, distribution, limited resources, how would you do it? What would you do in terms of trying to manage all of those competing?

A. I'm not sure that my rank, my opinion really counts, but I would like particular focus on child exploitation and abuse of children, but I'd also like that to be done in unison with some proactive work as well around registered sex offenders, so I'd like for those two to be run and managed in unison. You've got to be responsive to child exploitation and abuse, but you've also got to be reactive in terms of preventative measures as well.

Q. And my last question - I haven't asked Commissioner Benjamin if he has any, but my last question is, when you interview a child, you talked about excluding the parent, is there any capacity for you to have a support person in there with the child? Do you do that?

A. We operate the witness intermediary scheme that Justice assist with, so there is not only a support person for the child but a person capable of assessing the child and directing us how best to get information out of that child.

Q. But that may be a child, a person that's not known to the child?

A. Yeah, if it's --

Q. Someone with expertise rather than somebody who's known to the child?

A. Yeah, there is scope for that to occur, but we need to ensure that there's no coaching of the child as well, so we've got to be cautious as to who is exposed to that child, yeah.

COMMISSIONER BENJAMIN: I don't have any questions, I was just going to thank Detective Hindle for your frank evidence. Your evidence highlights the delicate task to balance the needs to investigate crime and the need to protect children with their philosophy that, in your words, "risk is paramount" and of course to support survivors and their families. I don't think that's an easy task. Many of the survivors, as has been said, spoke highly of you,

1 your empathy and support; some had a bit of a different
2 view.

3
4 The task of supporting is also not easy, particularly
5 in the light of having to give evidence about that to a
6 Commission of Inquiry, which is equivalent to a Royal
7 Commission, and perhaps with your Commissioner of Policing
8 sitting at the back of the court or the back of the
9 Commission, so thank you for your efforts and your
10 professionalism in giving this evidence today.

11 A. Thank you.

12
13 MS NORTON: I apologise, I've just been asked to ask one
14 more question, I think it'll be a quick one.

15
16 Q. You've referred just now to the involvement of witness
17 intermediaries and I think you say in your statement that
18 they're having a positive impact. Do you use witness
19 intermediaries in all cases involving children or only in
20 some?

21 A. No, in all cases involving children under the age of
22 18, so obviously children themselves, yeah.

23
24 MS NORTON: Thank you, very much, no further questions.

25
26 COMMISSIONER BROMFIELD: Q. One tiny follow up: could
27 you see any benefit of a witness intermediary with
28 vulnerable adults who are coming forward with allegations
29 of historical child sexual abuse?

30 A. Yes, most certainly. If they've got maybe possibly
31 delayed learning or effects of trauma and they have trouble
32 communicating, witness intermediaries assist us in best
33 communicating with that person, and certainly if we can get
34 a more accurate story or a more detailed story, that would
35 be great, yeah.

36
37 PRESIDENT NEAVE: Q. As I understand it, there's no
38 legislative requirement for use of witness intermediaries
39 by police or provisions that relate to courts. Would you
40 support such a provision?

41 A. Yeah, I would, most certainly, yeah.

42
43 PRESIDENT NEAVE: Thank you. I'd like to endorse the
44 comments that Commissioner Benjamin made. Thank you very
45 much, you've shown an interest and commitment to doing
46 better policing in this area from the time I think you came
47 to one of our first consultations.

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COMMISSIONER BROMFIELD: Could we withdraw that?

PRESIDENT NEAVE: Thank you very much, Detective Hindle.

SHORT ADJOURNMENT

MS ELLYARD: Good morning, Commissioners, the next witness is Commissioner Darren Hine of Tasmania Police, I invite him to come into the witness box.

PRESIDENT NEAVE: Thank you, Ms Ellyard.

<DARREN LEIGH HINE, sworn: [11.54am]

<EXAMINATION BY MS ELLYARD:

MS ELLYARD: Q. Thank you, Commissioner, feel free to take a seat and take off your mask. Could I ask you to tell us please your full name?

A. Darren Leigh Hine, Commissioner of Police for Tasmania and also the Secretary of the Department of Police, Fire and Emergency Management.

Q. How long have you held the role of Commissioner of Police?

A. I've been doing the role for 14 years.

Q. You've made two statements to assist the Commission in its work; the first of those statements is dated 6 June 2022. Do you have that statement with you?

A. I do.

Q. Are the contents of that statement true and correct?

A. Yes.

Q. The second and longer statement is dated 14 June 2022; do you have that statement with you?

A. I do.

Q. Are the contents true and correct?

A. Yes, and there is an issue that we will touch on later.

Q. We'll come to certain matters of detail. In addition you'd be aware, I take it, that Tasmania Police has provided various materials to the Commission to assist it

1 in its investigation?

2 A. I'm aware of that.

3
4 Q. Before we go into the evidence I understand that
5 you've got a statement prepared that you'd like the
6 opportunity to read, may I invite you to read it now?

7 A. Thank you and thank you, Commissioners, for the
8 opportunity to read the statement:

9
10 *Protecting the most vulnerable members of*
11 *our community from harm is a priority for*
12 *Tasmania Police. We are committed to the*
13 *safety and wellbeing of our children and*
14 *young people.*

15
16 *I commend the courage of the*
17 *victim-survivors and their families who*
18 *have shared their stories before the*
19 *Commission and the courage of every*
20 *victim-survivor.*

21
22 *It has been confronting to hear the impacts*
23 *that Griffin's offending has had on the*
24 *lives of victim-survivors and their*
25 *families, and even more confronting to know*
26 *there are opportunities where we could have*
27 *put a stop to that offending. Be assured*
28 *that everyone has been heard and we have*
29 *learnt from everyone's experiences.*

30
31 *When I became aware that Tasmania Police*
32 *held information reports about Griffin's*
33 *behaviour dating back to 2009 we*
34 *immediately undertook a review of those*
35 *information holdings and our response. The*
36 *public release of the Outcomes Report*
37 *in February 2021 outlined where our*
38 *responses did not meet the standards I or*
39 *the community expect or deserve.*

40
41 *On the same day, together with the Premier,*
42 *I apologised to Griffin's victims who were*
43 *let down by the deficiencies in our systems*
44 *and investigative processes. The impact of*
45 *those failures are deeply felt and we are*
46 *committed to improving how we protect*
47 *children within our community.*

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I want to assure the community that we've taken significant steps to improve how we respond to information reports, how we share information, and how we educate, train and support our members in responding to victim-survivors.

On the release of the Outcomes Report we announced the establishment of a review to implement recommendations to improve child safety outcomes. The review team included experienced child safety professionals, detectives, intelligence and policy analysts who undertook a significant body of work that included: a review of thousands of records held across government agencies to assess potential risk to children; the development of a memorandum of understanding between Tasmania Police, Communities Tasmania, Justice and Education to ensure information is shared promptly across agencies; a policy shift from a prosecution-based approach to a more victim safety and disruptive approach; this includes Working with Vulnerable People and other agencies to prevent harm; the development of a mandatory training and investigative guidelines for police officers and child safety professionals.

The review team also undertook research into structure reform in the way Tasmania Police deals with child safety abuse and sexual violence more broadly. This work has led to the implementation of Multi-Disciplinary Centres which will provide a holistic trauma-informed approach to responding to victim-survivors.

While we've continued to learn to improve over the past two decades, this is a significant shift in victim-survivor response.

I want to thank the victim-survivors for sharing their stories. I can never imagine

1 *how difficult that was. You have made an*
2 *enormous and powerful contribution to the*
3 *learnings and continuous improvements in*
4 *keeping the most vulnerable people in our*
5 *community safe from harm.*

6
7 *I'd also like to clarify a matter regarding*
8 *an information report regarding the images*
9 *on a computer which was previously owned by*
10 *Griffin. ██████████ contacted Tasmania*
11 *Police in September 2000 about concerning*
12 *images he'd found on a computer he*
13 *purchased from Griffin. Our hard copy*
14 *records indicate that matter was escalated*
15 *to a senior level and referred for*
16 *investigation in 2001. Detectives arranged*
17 *for the computer to be forensically*
18 *examined in New South Wales. Hard copy*
19 *information showed that two CD-Roms were*
20 *returned to Hobart CIB. While our holdings*
21 *are limited, they are consistent with*
22 ██████████ *advice to police in 2020 that*
23 *he had been advised that no offences had*
24 *been detected at that time, and Detective*
25 *Hindle reiterated that.*

26
27 *The fact that these exhibits were likely*
28 *destroyed is consistent with ██████████*
29 *information. ██████████ should be commended*
30 *raising his concerns and reporting to*
31 *police. I can assure ██████████ and the*
32 *community that we have vastly different*
33 *procedures in place 20 years on. The*
34 *report will be recorded on our new*
35 *intelligence system called ATLAS. It would*
36 *be reported to Working with Vulnerable*
37 *People, which didn't exist at that time,*
38 *and it would be allocated for specialist*
39 *unit investigation. We have also our own*
40 *expertise in forensic examination to look*
41 *at electronic devices.*

42
43 *Child safety is a community responsibility*
44 *and we need community-minded people like*
45 ██████████ *to report their concerns to*
46 *police and have the confidence they will be*
47 *taken seriously.*

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I thank you for the opportunity to read that statement.

Q. Thank you, Commissioner. Your statement dealt in very large part with Mr Griffin and that's where I'd like to start my examination. In your 14 June statement at paragraph 416 and following you answer some questions posed to you by the Commission about Mr Griffin's case and actions taken by Tasmania Police, and perhaps to recap on what you said in your statement, there was really in effect a two-staged review process: there was a careful review firstly of information held and actions taken by Tasmania Police in relation to Mr Griffin?

A. That's correct.

Q. And then secondly, as a result of that review and recommendations made, there was a broader review to make sure that there weren't other cases where appropriate action hadn't been and should be taken?

A. That's correct, and the second part also looked at how we can improve our response to the child sex abuses and exploitation.

Q. Thank you. Now, you've touched on this, but in fact it's clear that the first opportunity that Tasmania Police had to become aware of Mr Griffin and concerns about him was in 2000?

A. That's correct.

Q. What we understand from the material is that [REDACTED] sent an email in 2000, September 2000, didn't get a response from TasPol to that original email, but when he followed up some months later in early 2001 there was an investigative response; is that your understanding?

A. Yes, that is my understanding.

Q. And as I understand it, there's very limited records held by Tasmania Police that would assist you to know the details of what was done?

A. There are some emails and some hard copy reports, but it's important to remember that our IDM system didn't come into effect until 2002, so it was a hard copy record. We do have the emails, we do have some hard copies where we sent information or requests to New South Wales Police to actually review and seize that computer, and that went from Assistant Commissioner to the Commissioner in New South

1 Wales. We know there was a response back and there is a
2 record to say that the CD-Roms were returned to Tasmania
3 Police, and we have a record to say they went to Launceston
4 CIB, but as would be expected back in those times, they had
5 been destroyed because there was no offences disclosed.
6

7 Q. Just to perhaps unpick a little bit the way that
8 initial response happened, and thinking about - perhaps
9 I'll just say the person rather than using his name - the
10 person who drew TasPol's attention to the concerns about
11 the computer, it was because of him following up that there
12 was an investigative response; do you accept that? It
13 appears that his first email hadn't had any - hadn't got
14 any traction with TasPol?

15 A. Yes, that would be fair to say.
16

17 Q. And it appears that subsequent investigations have
18 failed to reveal any material on the computer that would
19 meet the definition of Child Exploitation Material?

20 A. From Detective Hindle's explanation as well, and I've
21 heard that evidence, that would appear to be the case, and
22 also, the email between the person who reported and
23 Tasmania Police would indicate that too.
24

25 Q. Although, if one looks to the original emails, it
26 appears that the initial email sent by the person from New
27 South Wales who had taken possession of Mr Griffin's
28 computer, that initial email suggests a higher level of
29 concern or perhaps more concerning nature of material held
30 on the computer?

31 A. I think that the fact that it was actually reported to
32 Tasmania Police, there was a concern, and I certainly don't
33 deny that, there was a concern, but obviously it was looked
34 at in relation to any offences were committed. So, yeah, I
35 would agree that definitely there was a concern held by the
36 person reporting, for a start.
37

38 Q. But as best you can tell from the enquiry, the scope
39 of the investigation at that time was to look at the
40 computer which, as at the date of the investigation, hadn't
41 been in Mr Griffin's possession for some years?

42 A. That's correct.
43

44 Q. There wasn't any further enquiry undertaken, for
45 example, in terms of reaching out to Mr Griffin or
46 conducting any further examination of any devices that he
47 might have had at the time of the investigation?

1 A. Because there were no offences disclosed during the
2 initial investigation, that's correct.

3
4 Q. Would you accept, Commissioner, that the delay, if I
5 might just that expression, between when the matter was
6 first brought to TasPol's attention and the way it was
7 described initially, the delay between then and when the
8 investigation ultimately occurred is unsatisfactory?

9 A. I think, to put it into context, the fact that the
10 computer was in storage for I think six months anyway, and
11 it was purchased sometime before, I don't think - whilst
12 it's not a good practice from our point of view to actually
13 get back to the person writing to us, I don't think the
14 delay had an impact on the investigation of that matter.

15
16 Q. But would you accept a proper basis for the community
17 to be concerned that information being brought to TasPol's
18 attention about the potentially criminal conduct of a
19 nurse, the community would be entitled to expect that those
20 matters would be acted upon more quickly than they were on
21 that occasion?

22 A. Out of our customer service satisfaction, yes, I agree
23 that we should have actually acted upon that first email.
24 I don't know why, there's no explanation for that.

25
26 COMMISSIONER BROMFIELD: Q. Commissioner, is it purely
27 about customer satisfaction? Detective Hindle was just
28 talking to us about managing the risk. Isn't risk part of
29 the reason to act quickly when there's allegations that
30 someone has Child Exploitation Material?

31 A. Yes, definitely, that's - whilst I say customer
32 satisfaction, but it is about risk to the community as
33 well, so yes, I agree with your statement.

34
35 MS ELLYARD: Q. Looking at the further steps taken by
36 Tasmania Police or the further opportunities that Tasmania
37 Police had to become aware of Mr Griffin and to potentially
38 take action, you refer at paragraph 418 of your statement,
39 Commissioner, to a referral received from Child and Family
40 Services. The referral was made following a notification
41 to Child and Family Services, but Child and Family Services
42 didn't provide the name of the notifier and it appears that
43 nothing was done because there were no lines of enquiry
44 that could be followed up. But I take it from what you've
45 said in your statement that perhaps an investigator who was
46 a bit more curious might have had avenues open to him or
47 her to try and find out who the notifiers were?

1 A. Definitely in relation to the email, yeah, that was in
2 existence at the time, that should have been taken to an
3 inspector and the inspector had opportunities to actually
4 escalate the matter to make sure that every avenue was
5 covered.
6

7 Q. And, there's no evidence that this was done, but good
8 practice would have included the investigator also looking
9 at the police investigation intelligence system which would
10 have revealed another concern about Mr Griffin from a
11 couple of years previously?

12 A. That was definitely the failings or shortcomings that
13 was discovered, yes.
14

15 Q. And so, you would accept that that incident could have
16 been better handled and perhaps it was a lost opportunity
17 for some enquiries to be made about Mr Griffin and his
18 conduct?

19 A. Yes, and that was one of the reasons for the apology
20 that I made.
21

22 Q. Turning then to 2013 I, which was the referral in
23 relation to a young woman, Ms Skeggs, who's given evidence,
24 as I'm sure you're aware, to the Commission. You've said
25 in your statement that the way that matter was dealt with
26 at the time wasn't appropriate?

27 A. Yes.
28

29 Q. And I take it what you mean is, it wasn't appropriate
30 then, not just that it's not appropriate now?

31 A. That's correct.
32

33 Q. So, what should have happened then in 2013?

34 A. This matter was - certainly needed to be handled
35 better. The fact that there were no further checks
36 undertaken, the matter was dealt with by a CFS worker and
37 written off in relation to the advice of the CFS worker,
38 and we didn't go back and investigate: it wasn't acceptable
39 then, it's not acceptable now.
40

41 Q. And again, it shows a lack of curiosity, can I
42 suggest, a willingness to take at face value a denial
43 without any kind of active investigation being undertaken?

44 A. I absolutely agree. We train police officers to be
45 curious in relation to these matters, do not accept things
46 on face value, so yes, we definitely have let the
47 victim-survivor down, and which I apologise for and we

1 should have done better.

2

3 Q. Turning then to 2015, there was some evidence given
4 already this morning by Detective Hindle and I gather
5 you're in a position to perhaps clarify some of that
6 evidence. 2015 is when some information was received from
7 the Australian Federal Police from an operative who had
8 been in online contact with Mr Griffin. Are you able to
9 clarify, what was the status of that package of information
10 available from the AFP? Did it come into the possession of
11 Tasmania Police?

12 A. Yes, I've heard Detective's Hindle's evidence and he
13 wouldn't have been aware of our enquiries, but yes, that
14 information, that package, was in the possession of
15 Tasmania Police.

16

17 Q. But, having come into Tasmania Police's possession, it
18 doesn't appear that anything was done with it?

19 A. That's correct, nothing was done with it, it was
20 actually - it was filed inappropriately and no further
21 action was taken. Again, once we found that out, that's
22 why the apology was made.

23

24 PRESIDENT NEAVE: Q. Can I just understand what you
25 meant by "it was filed inappropriately"?

26 A. The follow up on the computer system, our IDM system,
27 it's supposed to be followed up by a detective. It was
28 given a "filed pending further investigation" but it never
29 actually came back up again, so it should have been
30 followed up by the person who had responsibility for it.

31

32 MS ELLYARD: Q. So was it a combination of a filing
33 system that should have been brought to someone's
34 attention, which didn't work, and a lack of attention by
35 the particular person to follow up?

36 A. Yes, there were a number of issues. It wasn't done
37 out of malice, it was done out of not paying the particular
38 attention - again, that's not acceptable.

39

40 Q. Do you have comfort that, thinking about 2022, that
41 kind of misfiling wouldn't happen?

42 A. Yes, there is - a lot has changed since then in
43 relation to our joint investigating teams, child
44 exploitation teams between the AFP and Tasmania Police.
45 That matter wouldn't have arisen, so if anything comes from
46 the AFP it goes to what we call the JACET team which
47 involves Tasmania Police and the AFP, and that sort of

1 situation would not occur.

2

3 Q. So the misfiling or the putting it on some kind of
4 retrieval system that didn't work, that wouldn't ever occur
5 knew?

6 A. It wouldn't occur; in fact a supervisor has to then go
7 back in and before it's filed they have to conduct further
8 enquiries to make sure it has been followed up.

9

10 Q. Thank you. Can I turn then to 2019. The Commission's
11 heard this morning from Detective Hindle about the
12 investigation that he conducted and he's answered a number
13 of questions about steps that he took and the contact that
14 he had with victim-survivors who came forward to give their
15 evidence, and you were present and you heard his evidence
16 this morning?

17 A. Yes, and I was impressed by his evidence and his
18 frankness.

19

20 Q. And you also, as I understand it, are aware of the
21 evidence that's been given over the course of the last
22 couple of weeks by victim-survivors about matters including
23 their experiences of contacting police?

24 A. Yes, I've seen a number of witnesses give evidence
25 online, and we've also had an experienced detective
26 inspector come to every hearing session as well to make
27 sure we have a really good picture and awareness of the
28 evidence, so I've been made aware.

29

30 Q. So you'll be aware from that evidence that, although
31 by and large witnesses felt well supported by Detective
32 Hindle and appreciated his efforts, a number of
33 victim-survivors did comment in their evidence on the
34 processes that were in place to assist them, particularly
35 thinking about after Mr Griffin passed away.

36

37 I wanted to draw your attention to paragraph 441 and
38 following of your statement and in that paragraph and in
39 the following paragraphs you detail the system that you
40 expect would have been in place for victim-survivors who
41 came forward, including after Mr Griffin's death. So, can
42 you tell us, what was the system that you understand was in
43 place and should have been responding to victims who came
44 forward?

45 A. Basically out of the Royal Commission, the National
46 Royal Commission, as in, if someone has passed away and
47 someone wants to make a statement, then we should take a

1 statement from that person.

2
3 In relation to Griffin, and I was aware of the
4 evidence that someone came in and they were given some
5 wrong information, there was a process in place where
6 they're given support by Laurel House and, if they wanted
7 to make a statement, then we should have taken a statement.
8 And as a result of that evidence that I heard - was it
9 yesterday?

10
11 Q. I think you're talking about Ms Knight's evidence?

12 A. Yes.

13
14 Q. Tuesday morning.

15 A. Tuesday morning, sorry, I'm losing track of days.

16
17 COMMISSIONER BROMFIELD: No, that was yesterday.

18
19 MS ELLYARD: Q. Yes, it was yesterday.

20 A. Yes, it is yesterday, and where the weeks are going, I
21 don't know, but I have reinforced with the Commander up
22 here to make sure that, if anyone else does come forward,
23 then of course we make sure we remind our people what the
24 process is.

25
26 Q. And to make sure that point is understood and not to
27 suggest that anyone is under an obligation to come forward,
28 but to the extent that there was anyone in the community
29 who wished to take the opportunity to come forward and
30 speak about the experiences that they've had, there is
31 still a system in place that will support them to do that?

32 A. Definitely, and we've found through various
33 experiences about Royal Commissions or Commissions of
34 Inquiry or someone coming forward in the public arena, it
35 does trigger people to come forward which is a good thing
36 so that we can help them recover.

37
38 PRESIDENT NEAVE: Q. The other thing I might comment is
39 that, in those circumstances, you might find further
40 information which relates to offences committed by other
41 offenders if that statement is made?

42 A. Commissioner, exactly, and we've found that the number
43 of reports that we have in relation to sex offences has
44 gone up because of a number of high profile cases and other
45 offenders have been identified, so one of the things I
46 always worry about is those ones we don't know about, and
47 whilst we've improved our systems, those ones who are still

1 suffering in the community, they're the ones that really
2 concern me.

3
4 MS ELLYARD: Q. So people shouldn't feel that it's too
5 late for them to come and tell their story if there's
6 things that they would like to speak to police about?

7 A. Absolutely not, it's not too late, in fact I would
8 encourage that, but also to encourage if they need other
9 support through Laurel House, Sexual Assault Support
10 Services down here in Hobart, whatever assistance that they
11 need I would encourage them to come forward so that they
12 get the assistance that they rightly deserve.

13
14 Q. Thank you, Commissioner. We've touched already on the
15 JACET, which is the Joint Anti-Child Exploitation Team, you
16 deal with this at paragraph 426 and following of your
17 statement. That was formed on 4 November 2019 and you've
18 perhaps already touched on the way in which it might have
19 made a difference to one aspect of Mr Griffin's matter, but
20 can I ask you to speak more generally about the change that
21 that new option has brought to the way in which Tasmania
22 Police can respond to issues of child exploitation?

23 A. It's a partnership with the Australian Federal Police,
24 so therefore it's, any barriers that we did have are
25 certainly broken down with the formation of that team. We
26 work closely with the AFP in Hobart to make sure there's
27 information that they're aware of we're aware of, and vice
28 versa, we record it on both our systems to make sure we
29 understand what they're doing; because as we know when we,
30 sadly, review some of these cases it's an information
31 failure, or an information misinterpretation, or are not
32 aware of further information, so we work really closely.

33
34 Whilst I know we talk about being a smaller
35 jurisdiction, being a smaller jurisdiction does have
36 advantages where we see each other quite regularly, whether
37 it's other Commonwealth services, we work really closely,
38 we treat them as part of our team and vice versa, so those
39 barriers, communication barriers, with the JACET team are
40 greatly reduced.

41
42 Q. Are you able to observe or monitor improvements in
43 outcomes, given that it's now been in place for about two
44 and a half years?

45 A. Overall there's a number of things that we want to do
46 to make sure that we're dealing with these situations
47 accurately, but just the number of referrals that are

1 coming through the JACET system has increased, the number
2 of prosecutions has increased.

3
4 But it's also what we can do to make sure from an
5 external point of view, how can we actually - how we deal
6 with child exploitation matters, how we can actually
7 monitor that; it might be about complaints, it might be
8 about feedback publicly, but it's also this financial year
9 in our business plan. We want to do random audits in
10 relation to how we're actually dealing with child
11 exploitation matters and family violence matters as well.
12 So, we want to go in, and with our Professional Standards
13 and our other management review team to go in and do random
14 audits just to make sure that we're getting the feedback
15 and we're doing the right thing and what we need to learn
16 from.

17
18 PRESIDENT NEAVE: Q. Would those random audits enable
19 you to differentiate between different districts and the
20 response rates and those sorts of things, matters that were
21 not pursued, how long it took to investigate matters and
22 reach some conclusion; is that what the purpose of the
23 random audits would be?

24 A. Yes, Commissioner. For example, we do random audits
25 in lots of different aspects of our systems. For example,
26 we do random audits who's looking up information on the
27 computer system and did they have the authority to do it.
28 Whilst it's random but we've actually divided it into
29 various districts, so we'll do audits across those
30 districts, and we'll pick out certain cases to review to
31 make sure any learnings from that we should learn from, and
32 also, identify where our people do a great job, and it's
33 fair to say that the majority of our people absolutely do
34 an excellent job in relation to these things, but we want
35 to be a learning organisation to make sure we continue to
36 learn.

37
38 MS ELLYARD: Q. Commissioner, I want to ask you now some
39 questions about another case study which the Commission has
40 heard about. The name of the young woman involved is Zoe
41 Duncan and the doctor involved is being called Dr Tim for
42 the purposes of this proceeding. At paragraph 455 and
43 following of your statement you answer some questions about
44 that and I'll come to your answers, but firstly, the
45 evidence that the Commission has received indicates that
46 Zoe made a disclosure on 19 May 2001, but that the
47 disclosure wasn't passed on to Tasmania Police by either

1 the hospital or Child Safety Services for some months until
2 1 October. Are you aware of that?
3 A. Yes, I am.
4
5 Q. Would you agree, based on the information that you've
6 been able to review about Ms Duncan's matter, that that was
7 an undesirable - can I perhaps put it mildly - delay?
8 A. I certainly agree and maybe a stronger term could be
9 used, but it wasn't ideal.
10
11 COMMISSIONER BROMFIELD: Q. Sorry, what term would you
12 use?
13 A. I think it needs a stronger term than "undesirable";
14 that it's not good practice, it's not best practice, those
15 sort of things should be --
16
17 MS ELLYARD: Q. Can I suggest the word "unforgivable"?
18 A. I think that's an emotive term but it's not good
19 practice and I --
20
21 Q. Unacceptable?
22 A. "Unacceptable" would probably be a better term.
23
24 Q. And certainly what seems to have happened is that,
25 rather than referring it to the police, Child and Family
26 Services took the approach of investigating the matter
27 themselves?
28 A. Tasmania Police is the primacy - has primacy for
29 investigations, so the earlier we can be notified of these
30 matters, that's a matter for Tasmania Police.
31
32 Q. And it would appear quite clear from the fact that,
33 within a couple of days of the notification being made,
34 ultimately by Zoe's parents in the absence of other
35 services doing what they should have done, within a couple
36 of days of it coming to Tasmania Police's attention action
37 was taken and interviews were conducted?
38 A. That's correct.
39
40 Q. But by that time a combination of delay and the
41 investigative practices that had been used earlier on by
42 the hospital and by Child and Family Services, that the
43 investigating police officer concluded that there were
44 going to be difficulties making out any offences against
45 the doctor?
46 A. That's correct.
47

1 Q. And again, that delay deprived Tasmania Police of the
2 opportunity to conduct a full and timely investigation into
3 the disclosure Zoe had made?

4 A. Possibly. I can't say definitively, but yes, any
5 investigation that's not passed on to Tasmania Police at
6 the earliest opportunity through other organisations may
7 prove that evidence is lost.

8
9 Q. For example, the opportunity to conduct a timely
10 forensic examination, given what was disclosed by Zoe, was
11 lost because the matter wasn't passed on by one agency to
12 your agency as the appropriate body to investigate?

13 A. That's correct.

14
15 Q. Thinking then about the way in which the investigation
16 was conducted you've provided, and the Commission has read,
17 materials from that investigation which, as I understand
18 it, summarise the investigative steps that were ultimately
19 taken by the detective who reached the conclusion that the
20 charge of rape couldn't be made out.

21
22 Would you accept from me that the conduct of any
23 investigation should relevantly include following up all
24 potential corroborating witnesses?

25 A. That's correct.

26
27 Q. And a full investigation into a matter would also
28 relevantly include following up other evidence that might
29 tend to corroborate the circumstances that have been
30 described by a victim?

31 A. That's correct.

32
33 Q. Including, for example, early observations of how a
34 victim presented in the immediate aftermath of the alleged
35 offence?

36 A. That's correct, and in relation to how a victim
37 presents doesn't necessarily show how they're feeling, as
38 in, we understand that - and being an experienced police
39 officer, you know, we've seen people react in different
40 ways. So, whilst I understand your question, I agree with
41 what you're saying, and obviously it was upsetting for
42 everyone involved, it doesn't actually make out that the
43 person is not absolutely traumatised, their reaction
44 immediately or afterwards shouldn't be taken into account.

45
46 Q. But also, where something's alleged that might be
47 thought to be unusual or unlikely, a proper investigation

1 would include testing out whether or not it's unlikely by
2 looking to evidence that might tend to show that, however
3 unlikely a state of circumstances, it had occurred?

4 A. Yes, I agree with that.

5
6 Q. So, for example, in the case of Ms Duncan there were
7 conclusions reached not necessarily specifically by your
8 investigator but by others looking at the matter, that it
9 was inherently unlikely that on a busy ward something of
10 what she alleged would have happened, but it appears there
11 was evidence to suggest that at the relevant time the ward
12 wasn't busy at all. Are you aware of that?

13 A. Yes, I'm aware of the evidence that has been given,
14 and it's one of those - the saying about assume, you can
15 never assume anything because, if you make an assumption,
16 you may bring a biased mind to the investigation, so
17 assumptions shouldn't be made.

18
19 Q. Given that you've already agreed with me that all
20 potential witnesses or corroborating witnesses should be
21 identified, what emerges from the reports available is that
22 Zoe identified at a very early stage someone who she said
23 had observed the immediate aftermath of the assault upon
24 her; are you aware of that?

25 A. Yes, and I listened to the evidence of the parents and
26 I've now reached the conclusion that not everything that
27 could have been done and should have been done was done.

28
29 Q. So, that was a potential witness who was known to
30 Tasmania Police but who, it appears, wasn't contacted at
31 all?

32 A. Yes, I would agree with that statement.

33
34 Q. Even taking into account the difficulties because of
35 the late referral of the matter to you by Child and Family
36 Services, would you accept, Commissioner, and perhaps
37 contrary to the words that you used in your statement, that
38 there were deficiencies in the way police investigated
39 Zoe's matter?

40 A. I think I used the word "complete", and having
41 listened to the evidence, I would withdraw that, the word
42 "complete"; there are other things that could have been
43 done. It was an experienced detective, that investigator;
44 that experienced detective did put that to an experienced
45 detective inspector who reviewed it and agreed with it, but
46 having listened to the evidence, I would agree that it
47 wasn't complete.

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Q. So, I think you used in your statement the word "comprehensive" but you wouldn't use that word in the light of the material that you're now aware of?

A. No, I wouldn't use - I withdraw that word, sorry, if I said "complete".

Q. The other thing, can I suggest, Commissioner, that the report prepared by the detective in that case shows is perhaps what we would now understand to be a fundamental misunderstanding about how children make disclosures of sexual abuse, and what I mean by that is it's apparent, and the Commission has heard about this, that Zoe revealed increasing bits of information about her experience over time but it appears that that gradual process of disclosure as we would now understand it was perceived as her changing her story or offering varying accounts?

A. The investigation undertaken back in that time was probably the practice at that time. We now know with hindsight, and the further best practice models, we know about the whole story and we do know about stories do evolve over time. In fact, with our interviewing vulnerable witness package that we've introduced in 2017 we do have a component which is called the Whole Story. So, we know that these stories do evolve over time, and maybe they change over time or there is more detail, but that doesn't mean to say that the person hasn't experienced the trauma that they've given us. So, we have taken steps, we have included in our new training package and we've also reached out to New South Wales and Victoria to understand what the whole story is to actually look at how we can better support victim-survivors.

Q. And, the Commissioners are going to hear about the Whole Story process later on this morning, but perhaps to finish off this point and to reflect on the way in which someone like Zoe would be treated were the notification to come forward to Tasmania Police today, how would a complaint like hers be received and taken by TasPol and how would her opportunity to tell the whole story of what had happened to her be promoted?

A. It would be completely different and, you know, whilst it was a common practice at that time, our practices have changed. We would - and hopefully we'll get into the Multi-Disciplinary Centres, so that will actually change how we respond to these situations. For example, if it happened today we'd have experienced detectives like

1 Detective Hindle assess the matter, we'd have maybe child
2 intermediary support in relation to taking that story and
3 support the victim and the parents right through the
4 process. So, I can confidently say if it happened today it
5 would be totally different. If it happens when our
6 Multi-Disciplinary Centres are up and running, it will
7 absolutely change again for the better.

8
9 Q. Can I turn then to the question of the
10 Multi-Disciplinary Centres that you've referred to in your
11 statement, and you've referred, I think, at a couple of
12 points in your statement to what's proposed by way of
13 Multi-Disciplinary Centres. You see this as, I gather, one
14 of the fundamental ways in which you hope to improve the
15 way in which Tasmania Police responds to allegations of
16 child sexual abuse?

17 A. Definitely. Once I became aware - the organisation
18 became aware of our failings in relation to our
19 investigations in relation to Griffin, we undertook a
20 review and there was - one part of that review, how we're
21 going to change into the future, we then did a business
22 case in relation to Multi-Disciplinary Centres. We did
23 have someone reach out to other states to have a look at
24 what they're doing, we sent people around to other states
25 and personally have a look. COVID hasn't allowed us to go
26 to every state but we've certainly looked at every state.
27 We then put up a comprehensive business case to government
28 in 2021 because we could see that we could improve and use
29 the experience of other states to do better, and I think I
30 made the comment that, whilst I respect the Commission of
31 Inquiry and the outcomes and the - we shouldn't wait, we
32 actually need to make sure that we can support
33 victim-survivors better and we should act now, so we put it
34 up to government and we were allocated \$15m to run a pilot
35 program which we've started - not started, we've started
36 the process to make sure the pilots will be in Launceston
37 and Hobart. We've identified some buildings where they can
38 go, we need to modify those buildings. We've been
39 authorised to put on 15 extra police officers to work
40 within those centres, ten down south and five up here, and
41 we hope to have those Multi-Disciplinary Centres, which
42 will be not only police, there will obviously be support
43 services as well and experts to be able to interview child
44 victims and also deal with family violence by the first
45 half of next year.

46
47 Q. Can I ask you, you've indicated that some money's been

1 allocated to meet the resourcing needs of Tasmania Police,
2 but of course the essence of a Multi-Disciplinary Centres
3 is that there are other disciplines present. Are you aware
4 of what, if any, funding is available to ensure that you
5 actually have got clinicians and support services available
6 to meet what you anticipate will be the needs of victims?

7 A. Yes, money has been allocated to other organisations
8 including the support services as well, and there's also
9 been a new funding agreement with - between government and
10 those other support services - was I think three years, now
11 it's five years, and there's other money being given to
12 those other support services to make sure it is a true
13 Multi-Disciplinary Centre in relation to support the
14 victims.

15
16 Police is one component. People must be ready to make
17 that complaint to police. They mightn't want to make a
18 complaint to police, so they need that support service.
19 And we've heard the evidence about going into police
20 stations: it is a cold environment as Detective Hindle
21 described, so these centres will be away from police
22 stations, they will have what we call those professionally
23 designed interview room and support room, and if they need
24 to go have the support services first or forensic
25 examinations, then those supports will be there and then if
26 they need to make a complaint to police, those police will
27 be there to assist with that process.

28
29 PRESIDENT NEAVE: Q. Sorry, can I just ask a question
30 about that? One of the really important things for the MDC
31 to work is that the various disciplines collaborate, talk
32 to each other. Have any preliminary discussions been held
33 about how that process will be facilitated?

34 A. Commissioner, that's a great question and it's one
35 that we have learnt through our response to family
36 violence. When we started off our collaborative approach
37 we have found that having all the agencies in one room
38 absolutely makes a huge difference, and we have our mapping
39 sessions with Family Violence, and so it's not only the
40 Communities, Justice, Education, Health, police in one
41 room, we do the mapping sessions to make sure that
42 everyone's aware of that situation and have a collaborative
43 approach. So, we're using that same approach, but we've
44 actually had a forum involving over 70 people in the room
45 because we may have come up with a good idea but we need to
46 get the victim-survivors, other professional services, to
47 help us design the governance and how these

1 Multi-Disciplinary Centres work. We've had that experience
2 from other states, but we need to make sure we -
3 Tasmanianise it to meet our community needs as well.
4 Sorry, that was a longer answer to your question, but yes,
5 we definitely need to make sure that collaboration works as
6 a team, and we've found that in our Safe Families Unit, it
7 works very well, and we have definitely the expectation
8 that it will work very well.

9
10 But the other, if I may make a comment; it's not
11 having those people in one area, it's having the right
12 people in that area. And that's one of the things we've
13 learned from other states: some centres work better than
14 others, and it comes down to about leadership, and it comes
15 down to the people actually involved and we need to learn
16 from that.

17
18 MS ELLYARD: Q. On the question of the people who are
19 involved is it anticipated, Commissioner, that the police
20 who are allocated to these Multi-Disciplinary Centres will
21 only be working on cases arising out of that centre or will
22 they have a broader policing workload?

23 A. Policing is difficult, and again I've listened to the
24 evidence of Detective Hindle, and we've got that really
25 difficult job of providing resources, what's required at
26 the time. You know, we talk about COVID, we have to divert
27 significant resources to assist the COVID.

28
29 Ideally, those people should be only allocated to the
30 Multi-Disciplinary Centres to deal with those issues, but
31 can I promise they'll always do that? Emergencies occur
32 where we have to get resources at a very short period of
33 time to be able to assist in other policing ways, but
34 ideally I definitely agree that they should be absolutely
35 allocated to that area and have that single focus.

36
37 Q. More broadly, as I understand your statement, one of
38 the other changes that's proposed together with
39 Multi-Disciplinary Centres is the allocation of police
40 whose sole purpose and role will be to respond to and
41 investigate child abuse matters?

42 A. Yes.

43
44 Q. And so, that would avoid the problem that presently
45 exists, as I understand it, where police attention is
46 sometimes drawn away from child abuse matters because they
47 have a broader obligation to respond to other kinds of

1 criminal activity?

2 A. That will certainly reduce but I don't want to say
3 that that will always - 100 per cent of those resources are
4 always there, because we've had occasions where we've, you
5 know, even I have had to go and assist in certain things
6 because, if you're a police officer, you're a police
7 officer and you have to go and assist.

8
9 Specialisation is really important to gather those
10 expertise in areas, but at the end of the day we all wear
11 this badge on our shoulder and we have to go and assist in
12 other matters, but your general premise is absolutely
13 correct

14
15 COMMISSIONER BENJAMIN: Q. Commissioner, with the focus
16 on Hobart and Launceston in the pilot which makes sense, I
17 guess, and I'm not looking for an answer I'm just looking
18 for your thinking, with areas like the west coast and the
19 north and the northeast coast where the populations are a
20 lot thinner, will there be some thinking in how you manage
21 those areas, because you're looking, I think, in the long
22 run at Hobart, Launceston, Burnie, Devonport, but then
23 you've got great distances, particularly down the west
24 coast and probably up towards the north and east coast as
25 well. Have you done any thinking in relation to that?

26 A. Commissioner, we have done some thinking about that.
27 Whilst we have the money for the pilot programs and we've
28 also engaged an evaluation process, and we know Hobart's
29 different to Launceston as it should be, it's unique, and
30 we know the western district is unique and the west is down
31 in Queenstown, so we have to make sure that, whichever
32 police station you walk into, you get the same service.
33 So, we have given some thought about it and how we can
34 actually - whilst we go through this pilot program we've
35 given some thought about what we need to do in what we call
36 the western district, the north west of the state, to make
37 sure we do provide that coverage.

38
39 Those areas are too small to actually have a dedicated
40 resource there, but we have to make sure that we do give
41 the same service or a similar service, whether it's
42 Scottsdale, whether it's Queenstown, whether it's Smithton,
43 Burnie and Devonport, so we definitely have done some
44 thinking in relation to the design of the two pilot
45 programs.

46
47 COMMISSIONER BENJAMIN: Thank you.

1
2 MS ELLYARD: Q. Can I ask a question about
3 specialisation, Commissioner, you answer a question about
4 this at paragraph 193 and following of your statement. The
5 Commission's aware of and indeed is going to hear a bit
6 later today more about specialist policing units that exist
7 in other jurisdictions including, relevantly, New South
8 Wales and Victoria where officers receive additional
9 training and become genuinely specialised in certain kinds
10 of investigations relating to sexual assault and child
11 abuse.

12
13 As I understand your statement, you see the
14 multi-disciplinary approach perhaps rather than the
15 specialist policing response as the best fit for Tasmania
16 and I wonder, have I understood you right and, if so,
17 what's the reason for that?

18 A. I think there's a combination of both. We are
19 developing a new investigative course that will be
20 implemented next year and we've worked closely with our New
21 South Wales colleagues - in fact, I believe they're giving
22 evidence today as well. So, again, we know that we need to
23 do specialised training to make sure we provide the right
24 service, and support, is probably the better word to
25 victim-survivors and people who want to come forward.

26
27 So, we have generalist training, we have specialist
28 training and then we have the really specialised training
29 for those people that are going to deal with
30 victim-survivors, so it's a combination of both, if I am
31 making myself understood.

32
33 Q. So, recognising the particular demographics and size
34 and scale of Tasmania, I mean, do you see a role for
35 something like a SOCIT unit as exists in Victoria of
36 specialised units in multiple parts of the state that only
37 deal with child abuse and sexual assault matters, or is
38 that not feasible?

39 A. I think the Multi-Disciplinary Centres will actually
40 fill that gap to make sure that those specialised services
41 are there. We are probably three-quarters of the way there
42 anyway, but I think going forward into the future, taking
43 into account our size and our resourcing, there will be
44 people available who have far more specialist training than
45 others to deal with these situations.

46
47 Q. Of course, the idea of a Multi-Disciplinary Centre is

1 that it brings additional disciplines other than policing
2 to provide perhaps a wrap-around service for a victim of
3 child abuse, but it will always be the job of the police
4 officer to do the investigation; would you accept that?

5 A. That's right, and that's why ten police officers have
6 been allocated to the south and five up in the north, so
7 it's not only taking the statements, it'll be also they
8 follow up the investigation as well, and they will be
9 supported by other police officers no doubt with that
10 specialised training.

11
12 Q. And perhaps thinking back and reflecting on what we
13 said earlier in relation to Ms Duncan's matter about what
14 we might call the outdated view or the understanding of
15 systemic child abuse that was present there, given that
16 it's always going to be police who have to investigate,
17 police themselves as well as surrounding support services
18 will need to have that nuanced and up-to-date understanding
19 of the dynamics of child abuse and of the patterns of child
20 abuse offending?

21 A. Definitely, and I think one of the things that we've
22 evolved over time is, and again through the evidence this
23 morning, it is about concentrating on calling the
24 perpetrator or the offender to account; now it's more about
25 making sure that we have a disruptive practice to make sure
26 we protect the victim-survivor at the absolute earliest
27 opportunity. On occasions it may interfere with a
28 prosecution, but what is the most important thing to do is
29 actually protect the victim-survivor.

30
31 Q. So there's a role for the police not just in
32 investigating crime once it happened, but preventing it
33 from occurring?

34 A. Definitely, we should always - prevention is always
35 going to be better than an investigation, and not only
36 Tasmania Police but we as a community, if we can actually
37 prevent together, that is a much better outcome for the
38 Tasmania community.

39
40 Q. The Commission's heard evidence in earlier weeks of
41 the hearing about, in other jurisdictions, the way in which
42 police actively work to disrupt child exploitation
43 including in the context of vulnerable cohorts of children,
44 like children in Out-of-Home Care and children who have
45 other vulnerabilities. You've referred in your statement
46 to the existence of the Youth Crime Units; is there a role
47 for those units in doing this kind of disruptive policing?

1 A. Oh, definitely. We have with our youth crime area, we
2 had a practice where actually we had them working in
3 colleges, but we know the best place for them to actually
4 work is in early education. And, the more resources we can
5 put in and disrupt this behaviour and look at working with
6 schools to disrupt these things, educate those other
7 organisations, the better off we're going to be as a
8 community. But we also need to educate our own police
9 officers. It's one of the things that, listening to the
10 evidence, we need to do further education internally about
11 what grooming looks like and to be always making sure that
12 we are questioning some of these behaviours as well so we
13 can then train our people in youth crime areas to go and
14 work with other education facilities or other organisations
15 so we can pass on that knowledge.

16
17 Q. One of the themes that has come through in some of the
18 evidence the Commission has received, particularly from
19 some victim-survivors, is a sense or a concern that there
20 are some cohorts of potential victims who don't get the
21 attention that they should from the police, for example
22 children in out-of-home care, children who are themselves
23 in Youth Detention, and there's evidence to suggest that
24 they're victims of child abuse which doesn't get
25 appropriately investigated.

26
27 Can I ask you, thinking particularly about children in
28 Youth Justice, in this case in Ashley, can children who
29 want to make a complaint of child sexual abuse when they're
30 in custody get access to the police to make such a
31 complaint?

32 A. Yes. The short answer is yes, and we need to look at,
33 and through the Royal Commission we need to look at how
34 that can be done in a supportive way. For example, we know
35 one of the recommendations out of the Royal Commission is
36 so people can report online or anonymously, so we're - out
37 of our allocation of \$46 million we are developing the
38 systems so we can actually get those anonymous complaints,
39 but it shouldn't matter where they're reporting from, they
40 should get a very similar service.

41
42 Q. And in part it would depend, if you think about
43 children who are in detention, it will depend on the
44 detention facility supporting and making possible contact
45 between a young person who's been a victim and the police?

46 A. Yes. Yes, I agree.

47

1 Q. Are you aware of any concerns about whether or not
2 police are able to access Ashley and speak to children who
3 are alleged to have been victims of offences?

4 A. I'm not aware of any direct matters that have come to
5 my attention, but yes, I suppose the short answer is not,
6 but there shouldn't be any barriers in relation to having
7 access.

8

9 Q. Certainly, children in Youth Detention are as entitled
10 as any other child to have their allegations heard and
11 properly investigated by Tasmania Police?

12 A. Of course.

13

14 Q. You mentioned an online solution and I think what you
15 had in mind when you mentioned the \$46 million is the
16 various aspects of what's called Project Unify or Unity?

17 A. Unify.

18

19 Q. And that, as I understand it, is a project that's
20 going to meet Tasmania's responsibilities under a number of
21 recommendations arising out of the Royal Commission?

22 A. That's correct.

23

24 Q. And so, what changes might the public expect to see
25 arising from the implementation of that program that will
26 improve the way Tasmania Police can respond?

27 A. For a start, it's about getting all the information in
28 a central repository and actually making it easier for our
29 police officers to access that information as well, report
30 and monitor those information reports. But also, it allows
31 the community to report matters of child exploitation or of
32 concern back to Tasmania Police electronically.

33

34 We know that computer literacy is not as high as it
35 should be in Tasmania, we need to work on that, but also we
36 need to make sure that young people who have a very high
37 computer literacy, they have other ways of communicating
38 with Tasmania Police, whether it's anonymously or they want
39 to come in and report. So, it's been less about walking
40 into a police station, but it is about actually interacting
41 with Tasmania Police through computers.

42

43 Q. Can I ask about information collection and storage.
44 One of the things that you may have heard Detective Hindle
45 say in his evidence this morning was about, and I'm
46 paraphrasing him, but there are times when perhaps a formal
47 police report's not made and recorded but nevertheless

1 information is received, intelligence perhaps is received
2 about a potential offender and it's disseminated to
3 superiors or otherwise made available in an informal way.
4 Is that your understanding too, that there's formal police
5 reports but also informal information gathering sometimes
6 by police?

7 A. Policing is about gathering information, but it's also
8 interacting with people and having those conversations. I
9 wouldn't like to interrupt in relation to having those
10 informal conversations by making a formal requirement to
11 record everything, but we do train police officers to
12 understand where something should be recorded on our
13 systems, but also, we also have to make sure that those
14 informal conversations aren't stifled for the right
15 reasons.

16
17 Q. And so, it may well be that there will be times when
18 information comes to the attention of Tasmania Police about
19 a victim who perhaps doesn't want to make a formal police
20 complaint, but nevertheless the information raises concerns
21 about the conduct of a person and whether that person might
22 pose a risk?

23 A. A common saying is, "You can't unknow what you know",
24 so therefore, if you have been made aware of something
25 that - we're mandatory reporters, that should be reported,
26 we have an obligation to report that matter whether the
27 person reporting requires that or not. But again, each
28 circumstance should be different.

29
30 Q. Because there's two separate issues, isn't there, if
31 information comes to your attention suggesting that someone
32 may have engaged in child sexual abuse: firstly, that's a
33 crime and perhaps there should be a criminal law
34 investigation, but there's the quite separate question of
35 the risk that that person might pose now and into the
36 future?

37 A. Yes.

38
39 Q. And that question of risk might not be a matter
40 directly for the police but it's a matter that should be in
41 someone's mind?

42 A. Definitely, and Working with Vulnerable People is one
43 of those areas that should be in their mind because they
44 have that greater access and knowledge about that
45 individual.

46
47 Q. In this context can I ask you some questions about

1 cooperation with other agencies. You said that one of the
2 things that emerged out of the reviews done in relation to
3 Mr Griffin was the recognition of the need for better
4 relationships or closer information exchanges with bodies
5 including Child Safety Services.
6

7 As I understand it, and you say this in your statement
8 at paragraphs 210 and following, there has perhaps until
9 the very recent past been a practice sometimes of Child
10 Safety Services thinking they need a warrant from Tasmania
11 Police to be able to share information relevant to risks
12 posed to a child; is that right?

13 A. Occasionally we've had to get a warrant, it's on the
14 rare occasion, but I think there has been a
15 misunderstanding of the MOU and the law in relation to
16 about sharing information.
17

18 So, people are really cautious about sharing
19 information, and I think that caution has come from
20 practices of the past. But, you know, we have moved on, we
21 need to make sure that we support people and the
22 legislation was changed reasonably recently where that
23 ambiguity has certainly been withdrawn so people - we can
24 share that information for the safety of the community.
25 But I also understand a reluctance sometimes to share
26 information because people are nervous about it, for the
27 wrong reasons, but of course that's not taking away that
28 concern; but the sharing of information, if there is an
29 incident and you track it back, and this is in relation to
30 the Griffin matter, it has been a failure of either
31 interpreting or sharing information.
32

33 PRESIDENT NEAVE: Q. So, should there be some training
34 for people in other agencies about their responsibilities
35 or at least ability to share information where it's
36 appropriate?

37 A. Yes, I agree with that.
38

39 MS ELLYARD: Q. Because you say in your statement at
40 paragraph 223 that as recently as 2021 police were still
41 observing instances, I'm not suggesting it's a common
42 instance, but instances of a reluctance on the part of
43 Child Safety Services to share information?

44 A. Yes, and I think, as the Commissioner said, it's about
45 a lack of knowledge or a lack of training; it's not through
46 being difficult, I think it's just about a lack of
47 knowledge and support for them to be able to actually share

1 that information.

2
3 Q. Can I ask a few questions about a couple of discrete
4 matters. Firstly, and perhaps you've already touched on
5 this in the way you've described what the
6 Multi-Disciplinary Centres will look like, Commissioner,
7 but we've had some evidence about interview rooms and
8 facilities and the way in which complainants are able to be
9 in an appropriate location and in appropriate surroundings
10 to give their statements.

11
12 You touch on this at paragraph 357. What's the
13 position at the moment and what's perhaps proposed by way
14 of improvements to how children who come to the police
15 station, or adults who come to the police station to
16 disclose abuse can do so in an appropriate surrounding?

17 A. I think Detective Hindle described far better than I
18 ever could; it is a fairly harsh environment where we take
19 people, so the Multi-Disciplinary Centres will change that
20 where it is a - it's not connected to a police station,
21 will not look like a police station. From the outside you
22 will not know that it is a police station, and that's not
23 only for the victim-survivors but also those people working
24 there as well.

25
26 For example, if I may, with our health and wellbeing
27 centres connected to a police station where people need
28 help from a health and wellbeing point of view, it wasn't
29 the best environment for them to go in so we've actually
30 moved those away from police stations and disconnected
31 them, and this will be the same with Multi-Disciplinary
32 Centres, so it's encouraging that we have now got the money
33 and we've actually secured some buildings - a building in
34 the south and we're just securing a building up here in the
35 north which will actually have those modifications done to
36 make sure it is good practice about what an interview room
37 should look like.

38
39 COMMISSIONER BENJAMIN: Q. I was just going to say, in
40 relation to the protection of children at risk, do you see
41 any advantage of some legislative change which would
42 prioritise the protection of children over some notions of
43 privacy and confidentiality?

44 A. I think it should always be the primacy; the
45 protection of the child or the victim should always be the
46 primacy, and legislation about sharing information should
47 always become secondary. I can give examples in the family

1 violence situation where we didn't share information where
2 that information would have absolutely been crucial to
3 protecting the victim, and that should always be the
4 secondary; the primacy should be protecting the child or
5 the victim in these cases.
6

7 PRESIDENT NEAVE: Q. Has that problem been overcome in
8 the context of family violence in Tasmania, and would that
9 legislation be an appropriate model to deal with protection
10 of children in the case of allegations of abuse?

11 A. Yes. The family violence space is well developed now
12 about sharing information, and sometimes it is about
13 understanding what their obligations are. And sometimes,
14 where the thought of the legislation gets in the way of
15 sharing information, it's not there at all; it's just that
16 thought and that's about that education, but a review to
17 make sure that there are no legislative obligations, and
18 we've clarified that just recently, that should be looked
19 at to make sure there are no - even ambiguities about
20 sharing that information, but the premise of your question,
21 you're exactly right, it's about the primacy of keeping
22 people safe.
23

24 MS ELLYARD: Q. May I ask you a question on a different
25 topic, Commissioner. At paragraph 346 and following you
26 describe the process by which forensic samples are taken in
27 appropriate situations, and I'd be grateful for your
28 reflections on some evidence that the Commissioners heard
29 last week about the experience of a person whose
30 professional role was to be involved in the taking of
31 forensic samples but who was told by her employer that, as
32 the mother of a child who had been sexually abused, there
33 might be a concern in terms of the way in which forensic
34 samples could be used in court because she might be
35 regarded as biased so that it wouldn't be appropriate for
36 her to continue in her work of taking forensic samples.
37

38 I think the evidence was that the suggestion that
39 there was inappropriateness or that it might be a concern
40 hadn't come from the police, but nevertheless can I invite
41 you for your reflection?
42

43 COMMISSIONER BROMFIELD: Ms Ellyard, part of the concern
44 raised with her was that, because she had been public about
45 it, then that may lead to questions were she to testify in
46 court.
47

1 MS ELLYARD: Thank you, Commissioner.

2

3 Q. So, can I invite your reflection on whether in your
4 view there's any substance to the concern that was
5 apparently existing that someone who had been public about
6 her family member's experience of child abuse might be
7 perceived as biased in the taking of forensic samples?

8 A. I see no reason at all to have that opinion. So,
9 yeah, no, I've thought about it and I can see no reason at
10 all for that - for the employer to have that attitude.

11

12 Q. Thank you very much. Can I ask you about the DPP, and
13 I'm conscious of the time, Commissioners, but at
14 paragraph 307 and following, Commissioner, you talk about
15 the DPP and as I understand it the state of the Criminal
16 Code in Tasmania is such that in certain categories of
17 sexual abuse offences the police need to consult with the
18 DPP before laying charges?

19 A. Especially under section, I think it's 125(a) of the
20 Criminal Code where we have to seek that permission from
21 the DPP.

22

23 Q. What does that process look like? Say, for example,
24 an experienced detective has interviewed a child in an
25 appropriate manner and gained some evidence sufficient in
26 the detective's mind to support the laying of the charge of
27 persistent sexual abuse of a child, what's the process in
28 practice that needs to be gone through before the ultimate
29 decision can be made to lay the charge against a person?

30 A. Normally the detective inspector would write to the
31 DPP to get that authorisation and that advice, and it's
32 normally a fairly quick turnaround and, if it's urgent,
33 obviously the relationship between the DPP and Tasmania
34 Police is really good, and especially the detective
35 inspectors. So, I certainly wouldn't expect much of a
36 delay, and again, that's where Tasmania being a small
37 jurisdiction - you know, I can pick up the phone or any
38 detective inspector can pick up the phone to the DPP to get
39 urgent advice and that is forthcoming very quickly.

40

41 Q. So, from your perspective, is there any impediment to
42 the timely investigation and laying of charges in child sex
43 abuse matters arising from the obligation to consult with
44 or receive advice from the DPP?

45 A. I'm not aware of it but obviously on some occasions if
46 the evidence is absolutely compelling, apart from 125 where
47 there is a legislative requirement, if the evidence is

1 compelling obviously the police often will take action
2 before going to the DPP, that's what I would expect, and
3 the DPP as we know under legislation can either continue or
4 modify, and a lot of the indictments are modified anyway.
5 But again, the primacy of the legislation is about
6 protecting the victim-survivor.

7
8 Q. At least one of the victim-survivors who's given
9 evidence to the Commission over the course of its hearings
10 had an experience of charges being laid and a prosecution
11 being prepared, but then quite late in the piece being
12 discontinued, and as I understand it there may be evidence
13 from the DPP when he gives his evidence about sometimes the
14 disconnect between the way in which a matter's investigated
15 by police early on and the view that's taken about whether
16 there's admissible evidence closer to the trial. Are there
17 ways in which police can take the benefit of advice from
18 the DPP in the course of investigations to make sure that
19 matters aren't going to fall over at the door of the court
20 because of a concern that could have been addressed earlier
21 on?

22 A. Definitely, and again, that relationship between the
23 office of the DPP, and they have offices in each district,
24 is very strong, and so therefore that advice can be given
25 immediately if we require that, because it is - the trauma
26 to the victim-survivor if a prosecution doesn't go forward
27 because of a misinterpretation of evidence is significant.
28 So, we certainly have that relationship and to make sure
29 that we understand each other, where we're coming from, and
30 also our prosecution areas internal to Tasmania Police,
31 very experienced prosecutors, and we have trained lawyers
32 in there as well to provide that advice, and we have
33 specialised family violence lawyers, for example, who give
34 that advice to police officers when they're investigating a
35 matter. But I have to say, the relationship with the DPP
36 is very good; I'm not saying we can't improve, and again,
37 the evidence before the Commission will help us modify our
38 response if we need to for our relationship with the DPP to
39 make sure that we're being as efficient as we possibly can
40 be and also to make sure we're supporting the
41 victim-survivor as best we can.

42
43 Q. Thank you, Commissioner. My final question loops back
44 to the discussion that we were having a little while ago
45 about specialisation and Multi-Disciplinary Centres and
46 your evidence, as I understand it, was that the location of
47 police officers in the context of a Multi-Disciplinary

1 Centre will do some of the work or meet some of the needs
2 that are in other jurisdictions met by specialist policing
3 units.
4

5 Resources aren't unlimited and different decisions
6 need to be made. Given a choice between specialist police
7 officers and co-location of police with other services, is
8 there a priority that you would identify? Is one more
9 important than the other? Does one depend on the other?

10 A. I think one depends on the other, and again, we're
11 still going through the mapping of what the governance
12 looks like around the Multi-Disciplinary Centres, who goes
13 in there, what it actually looks like as well, so we
14 haven't landed on anything and we are still talking with
15 other jurisdictions to make sure we have the best model.
16 The most pleasing thing from my point of view, we have got
17 the funding for 15 police officers for the centres. We
18 need to talk and we're continuing to talk and we've already
19 spoken to victim-survivors and support agencies to see what
20 it looks like as well. I can't really give you that
21 definitive answer and I'm not disagreeing with you, we just
22 haven't landed to see what it looks like quite yet.
23

24 Q. Would you agree that the presence or the co-location
25 or co-operative arrangements with services won't be much
26 good if the police officers investigating haven't been
27 appropriately trained in the specialist work of
28 investigating child abuse matters?

29 A. I actually agree with that statement because we do
30 have to make sure that our best trained and our best people
31 are in there to support that process. I thought your
32 question was going to having more outside of that area than
33 a more specialised as well. So, we're agreeing, it's just
34 a matter how we expand it outside the multi-disciplinary
35 teams or centres what that specialised training will be.
36

37 Q. One aspect of specialisation or the bringing in of
38 specialist resources is the use of witness intermediaries
39 which you touched on earlier in your evidence?

40 A. Yes.
41

42 Q. Has it been your observation that the use of
43 intermediaries has improved police capacity to respond to
44 the needs of children who are witnesses?

45 A. Yes, whilst it's a pilot program at the moment, I have
46 seen, I have examples, you know, in relation to how it's
47 working. It's working really well, and whilst I'll give

1 the example of the Hillcrest tragedy which sadly what
2 occurred and children involved, we use the witness
3 intermediary scheme to support that and it worked very
4 well, and we had other specialist services from other
5 states supporting us and they were very complimentary how
6 we used it. And there's also other examples, so before the
7 courts at the moment, where we used that scheme to actually
8 get the best evidence out of children as well, so
9 absolutely support the program.

10
11 Q. There's going to be evidence later on from Detective
12 Chief Inspector Yeomans about the use of intermediaries in
13 New South Wales and his observation is that there were
14 investigators who thought they were pretty good at
15 interviewing children but after using witness
16 intermediaries they came to understand that, however good
17 they are, they weren't as good as they could be. Would
18 that be the experience in Tasmania Police as well, that
19 good investigators are still helped by trained witness
20 intermediaries?

21 A. Absolutely, I've seen it again in the Hillcrest, and
22 I'm careful how I say this, but you know I've seen it work
23 in practice, and very impressed in relation to how they
24 assist in interviewing children; very impressed how it
25 does, and again, it's the giving the best opportunity to
26 get the best evidence out of a victim-survivor, especially
27 as a child, is an obligation we should all strive for.

28
29 MS ELLYARD: Thank you, Commissioner. Thank you,
30 Commissioners, those are the questions that I have.

31
32 COMMISSIONER BENJAMIN: I have no further questions.

33
34 COMMISSIONER BROMFIELD: Q. I had a couple. With the
35 move to the MDCs, as you've indicated, it's a pilot and
36 it's going to take time, it does include specialist police
37 as one component of the pilot. Is there anything that you
38 can do earlier in other areas to support the role of the
39 VCUs, the Victim Crime Units, so things like maybe
40 rostering and the Crime Car, those kinds of things that
41 seemed to be getting in the way of victim-focused policing
42 there?

43 A. You've used the term "rostering", that's a Commander's
44 nightmare about rostering people to make sure we provide
45 the right resources at the right time. Rostered is an
46 absolute - is difficult and making sure the right resources
47 are in the right area.

1
2 We'll always look at that and we've got commanders in
3 charge of the district, they can continue to look at that.
4 So, we'll always look at it, but rostering and resources,
5 you know, whether it's at the moment our fatal and serious
6 crashes is a concern to the community and Tasmania Police,
7 so we have to make sure we have the right resources there
8 to investigate fatal and serious crashes. We have to make
9 sure we do support those investigators as well, but I can't
10 guarantee we don't need them to actually do other duties,
11 and COVID was an example. Whilst these investigations were
12 going on, COVID occurred and we had to reallocate hundreds
13 of police officers to support that because that was a
14 concern. So, hopefully I've answered it in a way that
15 resourcing or rostering to support those police officers to
16 do their absolutely main role and their specialised
17 training, we'll always try and do that as best we can. So,
18 I'm not sure I've answered it in a direct way, but I'm not
19 sure if there's a follow-up.
20

21 Q. You've given me a good list of the considerations.
22 You've said right at the beginning of your evidence that
23 Tasmania Police is a learning organisation. Just because
24 some of those things can sound like a bit of jargon at
25 times, I thought I'd give you the opportunity to just
26 explain how you know you're a learning organisation and why
27 it's important?

28 A. We should always be a learning organisation. I agree,
29 it's easy to say and we had a witness that said out of this
30 Commission of Inquiry we need to see differences, they want
31 to see differences and not just how they report and that
32 sit on the shelf and not do anything, and that's why I
33 thought it was important and we've had other examples,
34 where once we found out where absolutely there were
35 deficiencies and we didn't do the right thing by
36 victim-survivors, it was important to apologise and learn
37 from that. So, therefore, not only learning, but coming
38 out and apologising, putting in review teams, looking at
39 all the thousands of pieces of information to make sure
40 there were no other gaps; investigating from a Professional
41 Standards point of view, and then, what can we do
42 differently?
43

44 For example, making sure - what we now have, mandatory
45 training for people to understand what they need to do in
46 relation to reporting matters of child sexual offences, and
47 we've got 94 per cent of the organisation have done that

1 mandatory training, so that was something new. Reviewing
2 our MOUs, that is something we did as a result of this.
3 Making sure we had a business case to put before government
4 in relation to the Multi-Disciplinary Centres, that was
5 something new we did. We reviewed our training in relation
6 to how we investigate child sex offences; that starts in
7 2023.

8
9 So all those things we have done and, whilst we want
10 to give meaning to the outcomes of this Royal Commission,
11 but it's also important that we don't advance what we can
12 do before those recommendations come through, so they are
13 just some short examples of what we've already done in
14 relation to this to make sure we're a learning
15 organisation. We want to support the Commission of Inquiry
16 to make it better for victim-survivors, but I didn't want
17 to wait before the outcomes are done, so we've done
18 numerous things to make sure that we learn and we better
19 support victim-survivors and the community.

20
21 COMMISSIONER BROMFIELD: Thank you, Commissioner, and this
22 Commission has repeatedly agreed that, where action can be
23 taken, it should be. Thank you.

24
25 PRESIDENT NEAVE: Q. Commissioner, I have a couple of
26 questions. We heard during the Out-of-Home Care week about
27 adolescents who leave out-of-home care, move in with their
28 abusers, and often move to other parts of Tasmania,
29 sometimes they're taken interstate, and we heard
30 suggestions about disruptive policing mechanisms to stop
31 that happening; warning, for example, perpetrators, and I
32 think there was even a possibility discussed of having some
33 sort of an order that the police could make which would put
34 the perpetrator on notice that they were being
35 investigated. Do you have any comments about that and are
36 you doing that yet?

37 A. I suppose policing is changing in many respects, and
38 disruptive policing a - getting more of a common term, so
39 if we can warn a perpetrator, a potential perpetrator,
40 early on to modify their behaviour, absolutely would do
41 that. If you look at terrorism events, if we're aware of
42 someone about to cause harm in the community, we have an
43 absolute obligation to interrupt that and disrupt that, and
44 the same would apply for child sex offenders. So, if we've
45 got the ability to warn people that we're aware of their
46 behaviour, and we do that in other situations, and we would
47 do that here now, so I agree with the premise that,

1 anything we can disrupt, we should.

2
3 Q. Thank you. My other question related to the
4 investigation of police where there have been allegations
5 that they've been involved in child sexual abuse. How do
6 you conduct those investigations to ensure that they are
7 truly independent?

8 A. We have a Professional Standards Command which they
9 answer directly to the Deputy Commissioner, so anything of
10 that serious nature would go to the Professional Standards,
11 it would be investigated under the direction of the Deputy
12 Commissioner, and that matter would actually then be
13 reported to the Integrity Commission so they have oversight
14 and they do regular audits of our investigations as well,
15 and then it would go before the courts and the DPP in
16 relation to these charges. So, there are a number of steps
17 to make sure that it is done independently from the area
18 where the person comes from, and to make sure that there is
19 oversight from the Integrity Commission, and we've got an
20 MOU with the Integrity Commission as well, and obviously
21 it's such an importance that that area answers directly to
22 the Deputy Commissioner.

23
24 COMMISSIONER BROMFIELD: Q. Can I just do a follow-up on
25 that. If there were people in the community now concerned
26 about sexual abuse by a police officer or indeed a former
27 police officer, and too scared to come forward to a police
28 station, what advice would you give them about seeking
29 help?

30 A. On our website there is advice about how they can
31 actually report a matter to Tasmania Police. They can go
32 directly to the Integrity Commission, they can go directly
33 to the Ombudsman's Office and, for example, in relation to
34 family violence there was some issues about perpetrators or
35 witnesses being police officers, so we have absolutely
36 changed our policy where a review panel chaired by an
37 independent person looks at that to make sure that the best
38 advice we have to have that independence, and again, that's
39 come from being a learning organisation.

40
41 So, absolutely we take these things very seriously, we
42 are oversighted by the Integrity Commission as review, it
43 is oversighted by the Deputy Commissioner, and if there are
44 victims out there I would absolutely encourage them to
45 contact Tasmania Police through the Professional Standards
46 or the Integrity Commission or another support service as
47 well before they want to come to Tasmania Police.

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PRESIDENT NEAVE: Q. Did I understand you to say that you have a review panel in the context of family violence or alleged family violence by a police officer?

A. Yes.

Q. And you don't yet have a similar review panel for allegations of child sexual abuse?

A. I think that's a natural progression, that we need to have a look at that as well; it's not as part of that remit of that panel as well, but it's certainly in our minds about having a look, making sure we embed this policy first, and it is in our minds to see if that is applicable as well, but it is family and sexual violence, so I can see that as a natural progression.

PRESIDENT NEAVE: Thank you very much, Commissioner. And, we'll rise, thank you.

LUNCHEON ADJOURNMENT

MS ELLYARD: Good afternoon, Commissioners, we have a panel as our next session comprising Detective Chief Inspector Peter Yeomans of New South Wales Police who appears in person and Dr Patrick Tidmarsh who appears remotely. I ask that each of them be sworn in.

<PETER CHARLES YEOMANS, sworn: [2.07pm]

COMMISSIONER BROMFIELD: You can remove your mask if you choose to.

<PATRICK TIDMARSH, affirmed:

<EXAMINATION BY MS ELLYARD:

MS ELLYARD: May I begin with you, Detective Chief Inspector, could you tell us your full name please?

MR YEOMANS: My name is Peter Yeomans, Y-e-o-m-a-n-s, I'm the Detective Chief Inspector of Police, New South Wales.

MS ELLYARD: You're presently attached to the Child Abuse and Sex Crimes Squad.

MR YEOMANS: That's correct.

1 MS ELLYARD: How long have you been attached to that
2 squad.
3
4 MR YEOMANS: On and off probably since 1995.
5
6 MS ELLYARD: You have made a statement to assist the work
7 of the Commission which is signed by you dated 24 April
8 2022. Do you have that statement with you?
9
10 MR YEOMANS: I do.
11
12 MS ELLYARD: Are its contents true and correct?
13
14 MR YEOMANS: They are.
15
16 MS ELLYARD: Thank you. May I turn to you, Dr Tidmarsh,
17 could you tell us please your full name?
18
19 DR TIDMARSH: Patrick Tidmarsh.
20
21 MS ELLYARD: And you are someone who's been an expert in
22 training and forensic interview advising. Could you
23 summarise please for us your relevant experience?
24
25 DR TIDMARSH: Yes. I'm currently Associate Professor at
26 the University of Suffolk working on a project called
27 Bluestone in the UK and that's a project looking to improve
28 the quality of sexual crime investigation across the UK. I
29 work with police forces around the world on improving and
30 understanding of sexual crime, investigation of forensic
31 interviewing. I've been doing that for the last 15 years
32 or so. I spent 12 years at Vic Pol as the head of Sexual
33 Offence and Child Abuse Team, and before that I spent
34 20 years working with offenders in treatment programs,
35 mostly in Australia with young people who commit sexual
36 offences.
37
38 MS ELLYARD: Thank you, Dr Tidmarsh. You've made a
39 statement to assist the work of the Commission which is
40 signed by you and dated 16 June 2022.
41
42 DR TIDMARSH: That's correct.
43
44 MS ELLYARD: Are the contents true and correct?
45
46 DR TIDMARSH: Yes, they are.
47

1 MS ELLYARD: May I speak with you to begin, Dr Tidmarsh.
2 At paragraphs 8 and following of your statement you
3 rehearse the history in Victoria of some significant
4 reforms beginning from the early 2000s into the way in
5 which sexual crimes, including relevantly child abuse
6 crimes, were investigated by police and you link that in
7 part to some understandings that existed at the time
8 perhaps within the broader community, some myths and
9 misconceptions perhaps about sexual abuse and sexual
10 offenders. Can you tell us a bit, please, about the
11 landscape 15 to 20 years ago from your perspective when
12 thinking about how child abuse matters were understood and
13 investigated?
14

15 DR TIDMARSH: Yes, well, as your Commissioners know all
16 too well, because it was the Law Reform Commission of 2004
17 that began it, that really kicked off a whole realm of
18 issues in Victoria which created the Sexual Offence and
19 Child Abuse Teams that now exist which began the movement
20 as a Multi-Disciplinary Centres across the state which now
21 see police next to Child Protection, Forensic Medicine,
22 specialist counsellors, or CASAs as they call them in
23 Victoria, and that report, to summarise, said that policing
24 at that time had cultures of disbelief, that they put the
25 false reporting rate somewhere between 50 and 60 per cent
26 depending on whether they were women from the city or women
27 from the country, or children; that they did not have an
28 understanding of sexual offending outside of two very
29 specific squads, which were then called the Rape Squad and
30 Child Exploitation Squad which looked at stranger rapes and
31 organised offending against children, which were very small
32 percentages of the overall rate of sexual offending so they
33 weren't meeting the need of the public, nor did they
34 understand their subject matter and they didn't have
35 specialist training. So, the advice at that time amongst
36 32 different recommendations for police were that they
37 begin to change the training within attempts to influence
38 culture and that they bring people in from outside, and
39 myself and my colleague, Mark Barnett, were two of the
40 people that they brought in to change the training program
41 to create a specialism and including a focus on forensic
42 interviewing which seemed to be a significant shortcoming
43 and of course a most important skillset in any policing
44 relationship-based crime.
45

46 MS ELLYARD: Thank you, Dr Tidmarsh. Can I look to you,
47 Detective Chief Inspector, you've worked in this area for

1 quite a long time. Can you reflect for us please on your
2 observations about understandings about child sexual abuse
3 and sexual crimes perhaps 20 years ago and what you have
4 seen in New South Wales as the change in attitudes, if
5 change there has been, about how those offences are
6 understood and addressed by police?

7
8 MR YEOMANS: Well, 20 years ago it was very, very
9 difficult for police, I believe, and also society probably,
10 to believe children were sexually assaulted probably in the
11 numbers that were being reported. It's such an abhorrent
12 crime, still is, but it was difficult for - even to get
13 convictions with jurors for that type of reason. Training
14 was very, very limited, the squads that we had in numbers
15 were very, very limited, and 20 years ago or more other
16 crimes had precedence over that and staff from those
17 particular squads that were dealt with, that were actually
18 child abuse investigators, were pulled into other areas
19 such as homicide and those areas, so it wasn't seen as the
20 type of investigation that it is today.

21
22 MS ELLYARD: And, thinking about the numbers and the
23 percentage of matters that come through the courts now in
24 your observation, have you seen a change over time in the
25 nature and number of child abuse related matters that make
26 it through investigation and into the courts?

27
28 MR YEOMANS: Our squad, the Child Abuse and Sex Crime
29 Squad, we have over 300 investigators, probably about 330
30 investigators, which is the largest squad in New South
31 Wales. At least two-thirds of that squad is the Child
32 Abuse Units which are 19 units spread throughout New South
33 Wales. Those units arrest approximately 700 persons per
34 year for serious child sexual assaults and serious physical
35 assaults. The majority of those charges are child
36 sexual-related.

37
38 And, one of the things that I have noticed I think
39 which is really, really important, we can talk about charge
40 rates, you can talk about numbers of staff and all that, is
41 the actual conviction rate is really, really high, which I
42 remember previously was extremely low. I saw some figures
43 some years ago, like we're up to around the 80 per cent
44 mark which is probably the highest in relation to
45 conviction rates in any other squad due to our training,
46 due to how we're formed, and due to the current structure
47 that we are in.

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MS ELLYARD: And I take it, that must reflect then the capacity for juries to be better informed than perhaps they were some time ago about the nature of child abuse and how to approach the evidence of victims?

MR YEOMANS: Yes, that's right. Also bearing in mind that both at Newcastle and in Sydney we have specific child sexual assault courts at the District Court, which obviously then judges are educated - with respect - in relation to the forms of evidence that are given by victims, which is different to any other way in which persons give evidence through, like the intermediaries and those sort of, you know, pre-recorded evidence and those sort of things.

MS ELLYARD: Can I turn to you, Dr Tidmarsh. At paragraph 15 through to about 18 of your statement you offer some observations about approaches taken by criminal defence lawyers which perhaps reflect misconceptions in the community more broadly about the credibility of victims; can you tell us a bit about that?

DR TIDMARSH: I don't actually have my statement in front of me except electronically, so do you mind if I just flick to go and read that?

MS ELLYARD: I don't mind at all. I'm drawing your attention to paragraph 15 which is at the bottom of page 2 and then the discussion in the paragraphs that follow.

DR TIDMARSH: Thank you. I just want to make sure I'm commenting on the right thing.

MS ELLYARD: It's the research that showed approaches of defence counsel in the 1950s and now.

DR TIDMARSH: Thank you, then I put the 2000s. Well, actually, it's interesting, but they are about rape cases. But one of the things I think it's really important to talk about is how similar all sexual offending is, how similar the behaviour of all offenders is and how much crossover there is and how much we now know about the crossover with family violence, and so while we're talking here just about investigating child sexual abuse or is there - you know, when you talk about specialism, is the specialism really the investigation of relationship-based crime, and I think

1 that's an important discussion we need to get to.

2
3 In terms of this, what it points to is that we have
4 come a long way in one sense in the last 60 years or so.
5 What they looked at --

6
7 COMMISSIONER BENJAMIN: Dr Tidmarsh, I wonder if you could
8 just slow down a little bit.

9
10 MS ELLYARD: People are taking a careful note of what
11 you're saying, Dr Tidmarsh.

12
13 DR TIDMARSH: I'm afraid I have fallen for this. I will
14 slow down. I've driven stenographers bonkers, I will clam
15 down.

16
17 COMMISSIONER BENJAMIN: You're speeding again, but if you
18 could slow down, that would be good.

19
20 DR TIDMARSH: My apologies. So, the research looked at 50
21 cases in the 1950s, rape cases, and matched them to cases
22 in the 2000s and their question was a simple one: is
23 defence doing anything differently now than they were doing
24 back in the 1950s? And the short answer was, no, they're
25 not, because the main point of counsel, as I'm sure all in
26 this group is all aware, is to attack the credibility of
27 the complainant essentially, usually the sole witness in
28 these cases, and that tactic remains unchanged.

29
30 However, there were some interesting differences in
31 what was being used in terms of sort of community
32 perception or myth and misconception back in the 1950s,
33 where they might run the argument of, he's an awfully good
34 guy and he wouldn't do a thing like that, they might
35 point to the fact that she had no injuries, that DNA was
36 not present, that she had not resisted in some way or
37 another and also, remembering back then, there was quite a
38 lot of resistance from the court in terms of being able to
39 introduce sexual history, certain warnings about who was
40 and wasn't credible and so on, so there was a body of
41 support for what defence ran.

42
43 Most of those were not run in the 2000s grouping.
44 Instead, they were employing the same tactic but using
45 delay in complaint, continued relationship with the
46 perpetrator, prior inconsistency which, if we talk about
47 interviews later, most inconsistencies are created by

1 interviewers and not by complainants. They would talk
2 about memory issues, using the trope of most people's
3 memories will run linear and have no gaps and be consistent
4 and will never change and, as we know from our
5 understanding of traumatic memory, that's extremely
6 unlikely in these kinds of cases and so on.

7
8 So what we're looking at essentially in adversarial
9 justice is the same fallout using the same conception, myth
10 and misconception, but different types, and so, part of
11 what I think we're also talking about today is that
12 cultural landscape that we exist within and most of the
13 attrition in sexual crime investigation with children and
14 with adults is still the issue of non-reporting in the
15 first place. So, this landscape of myth and misconception
16 is the main blocker of disclosure and then its policing
17 really that has the biggest issue with moving disclosure
18 into reporting and investigating, and I'm sure we'll talk
19 about that down the track.

20
21 PRESIDENT NEAVE: Dr Tidmarsh, can I ask you a question
22 about that, where was that research conducted, the
23 comparison of 50 cases in the 1950s and then in the 2000s?

24
25 DR TIDMARSH: Well, it includes Australian researchers. I
26 think it's multi - it's Zydervelt et al. I'm very happy -
27 I think I've provided that in my statement; if not, I'm
28 very happy to provide that.

29
30 PRESIDENT NEAVE: Thank you.

31
32 COMMISSIONER BROMFIELD: You did.

33
34 DR TIDMARSH: It's a very interesting piece of work, and
35 it essentially talks about the difficulty of all of these
36 complex narratives with few witnesses and a lack of, you
37 know, what usually investigators see as traditional
38 evidence, you know, the witnesses, third party independent
39 witnesses, CCTV, forensics, being inconclusive. It talks
40 about the difficulties of that in adversarial justice and
41 how sexual crime, particularly in that case rape
42 investigations struggle to be seen and understood properly
43 in adversarial settings.

44
45 PRESIDENT NEAVE: And perhaps your sample was too small to
46 answer this question, but I did wonder whether there have
47 been jurisdictions where some training directed at defence

1 counsel has resulted in people running those defence cases
2 differently or not?

3
4 DR TIDMARSH: Well, I'm sure the Commission has already
5 been made aware of the work done in New Zealand back in the
6 early 2000s, I think.

7
8 PRESIDENT NEAVE: Yes.

9
10 DR TIDMARSH: By Suzanne Blackwell and Fred Seymour around
11 research of non-case-specific jury education and the impact
12 that then had on defence leading myth and misconception.
13 I'm not aware if that then became a national model or only
14 a trial, but I'm aware of numerous conversations with
15 judiciary in Victoria and around the world about how useful
16 that would be, but how difficult it might be to persuade
17 the culture of both the legal professionals and the wider
18 culture and the value of that politically speaking.

19
20 I think, given what we know about how strongly juries
21 struggle to move beyond their own psychological schema,
22 their own understanding of sexual relationships, of sexual
23 offending relationships, their own judgment, to leave jury
24 members unprepared to meet the complexity and the nuance of
25 these kinds of stories, I think it does them and the
26 Justice System a significant disservice, and that anything
27 we can do, without prejudicing the fairness, the rights of
28 the accused, to inform them of the background of these
29 stories: what grooming is for example, would be very
30 beneficial and would certainly level the playing field.

31
32 COMMISSIONER BENJAMIN: Detective Chief Inspector Yeomans,
33 you've heard that evidence and yet you seem to - your
34 squad, although 300-odd people is hardly calling it a
35 squad, has seemed to achieve a fairly high degree of
36 conviction rates. Can you comment in relation to those
37 matters in relation to what's happened in New South Wales?

38
39 MR YEOMANS: Look, I just want to comment firstly on the
40 question that was given, I apologise, but when pre-recorded
41 evidence and intermediaries, they came into being at the
42 one time which really worked well for New South Wales, and
43 one thing that was done by our judges - I sit on a
44 committee with a number of judges and other legal people
45 that relates to the intermediary scheme, and what we did
46 was to educate members of the legal fraternity in relation
47 to how children were to give evidence at these now

1 hearings, which is going to be different to any other forms
2 of evidence that was given at any other trial and that's in
3 the pre-recorded evidence. So, they were educated
4 basically how to do that because what happens is, an
5 intermediary will discuss prior to any hearing about - to a
6 forum with the judge and the defence counsel and the
7 Crown - about appropriate questions for the child to answer
8 because of their intellect, because of the difficulties
9 that they may have. So, I think that changes it a lot in
10 relation to how the legal fraternity and police view how
11 evidence is given by the victim, if we're only talking
12 about the victim here, by the victim in those sort of
13 proceedings.

14
15 PRESIDENT NEAVE: Was that education directed at the
16 judiciary, prosecutors and defence?

17
18 DR TIDMARSH: Yes.

19
20 PRESIDENT NEAVE: It was?

21
22 DR TIDMARSH: Yes.

23
24 PRESIDENT NEAVE: Thank you.

25
26 DR TIDMARSH: Now, do you want me - I'll answer your
27 question?

28
29 COMMISSIONER BENJAMIN: Keep on, having finished the
30 answer, I take it no, but do you want to something further?

31
32 DR TIDMARSH: No. Just, as I say, conviction rates. I
33 think the reason it has worked is because we've got better
34 in how we interview children, we've got a lot better in
35 doing it. Look, that comes from things from how we
36 interview the child, the training we do, the suites we have
37 put children into, the type of equipment that we use across
38 the state, the continuous looking at our interviews and
39 being critical of those interviews to do better.

40
41 As I said, the training that we run is very, very
42 good, second to none, and it was commented on at the Royal
43 Commission about how we do that. I just think we do things
44 better, but we also needed to, because the number one thing
45 with all of what we do policing-wise or whatever is about
46 risk; it's about risk to the child, it's about risk to the
47 community, and there is no more important job to me in

1 policing than this: this is it. And, if we don't get it
2 right, the perpetrator will re-offend, or the child will
3 have additional trauma, the way we interview the child, or
4 we won't put that child towards the proper authorities in
5 relation to their counselling or whatever, because not all
6 matters proceed to criminal matters, and probably nor
7 should they. You know, I'm a law enforcement officer and
8 we'd say we'd like all matters to proceed to criminal
9 matters, but this is probably the only major crime where it
10 is a matter for the victim, it is entirely a matter for the
11 victim. It's such - you know, I used the word abhorrent
12 before, it's such an abhorrent crime, so we've got to be
13 careful about how we do it, we've got to be careful about
14 we don't do multiple interviews of victims, which we used
15 to do in the old days. You know, what used to happen is a
16 police officer turns up at the scene and asks the child
17 what happened, the ambulance officer would ask, the doctor
18 at the hospital would ask, and then the child would
19 eventually come to the police station and probably get
20 asked two or three times as well. That's just adding
21 trauma to the child and the family.

22
23 PRESIDENT NEAVE: And it creates inconsistencies because
24 you might be asked what colour jumper you were wearing on
25 one day?

26
27 DR TIDMARSH: Absolutely.

28
29 PRESIDENT NEAVE: And then you say something different the
30 next day and that's an inconsistency, I suppose?

31
32 DR TIDMARSH: Yes, it's about the evidence, but it's
33 about, you know, the welfare of that child always.

34
35 MS ELLYARD: Can I take up this question of interviewing?
36 Dr Tidmarsh, at paragraph 36 --

37
38 DR TIDMARSH: Sorry, just before you do can I make a
39 comment on that previous issue, is that okay?

40
41 MS ELLYARD: Yes.

42
43 DR TIDMARSH: Yes, because I very much agree with what
44 Peter said. First of all, I think it's the most important
45 job in policing and also interviewing of children and
46 complainants in these cases is the highest level skillset
47 in policing.

1
2 I do think we have got considerably better with
3 children in terms of the main remit of the Commission, we
4 have got better at interviewing children, we've got better
5 at investigating these cases, policing has definitely
6 improved in the last 10 to 15 years, and probably began
7 with JIRTs and the work of New South Wales and then on into
8 SOCITs and MDCs; that means you can chart that improvement
9 and we've definitely got better. And the introduction of
10 intermediaries first in New South Wales, and now Victoria
11 and other places, has been a huge boom for that and
12 improved the kind of - well, the processes that were being
13 used previously, so I utterly concur with that.

14
15 It's where this move into interviewing adults or
16 investigating adult crime, I think, we've still got a way
17 to go children, but in particular investigating adult
18 sexual crime we still have quite a considerable way to go
19 as well.

20
21 COMMISSIONER BROMFIELD: Dr Tidmarsh, when you speak about
22 investigating adult crime, I assume that in that category
23 are adult survivors of historical child sexual abuse?

24
25 DR TIDMARSH: Yes, yes. Adult survivors of child sexual
26 abuse. I think we've improved there, I think certainly the
27 National Royal Commission was hugely influential in
28 changing policing practice, interviewing practice, and the
29 hundreds of survivors who came forward for that Commission
30 did a magnificent job influencing public opinion too, so
31 yes, I would say that. But in general, if we're talking
32 about relationship-based crime of which child sexual abuse
33 is a part, it would be family violence, online abuse, child
34 sexual exploitation, historical child sexual abuse, and
35 rape and adult sexual assault, I would include them all as
36 in need of being seen within this process of investigating
37 and interviewing in relationship-based crime.

38
39 MS ELLYARD: Dr Tidmarsh, you identify the crucial
40 importance in this area of interviewing and I understand
41 that's because, perhaps in distinction to other kinds of
42 criminal offending, child sexual abuse is a kind of crime
43 where all of the evidence, or at least a very substantial
44 part of the evidence, is going to need to come from the
45 victim rather than there being other sources of evidence.
46 So, can you tell us please about the difference that a good
47 interview and a bad interview could make to the prospects

1 of a good outcome for a child who comes forward as a
2 victim?

3
4 DR TIDMARSH: Well, the short answer to that is, it's
5 absolutely everything. Interviewing is the core skillset
6 here. So we train to three, it's knowledge, attitude and
7 skill. Understanding, so the knowledge is, do you
8 understand the crime theme that you're investigating, do
9 you understand who these offenders are, what they do, how
10 they do it, what impact that then has on complainants, in
11 this case children but also adults; do you understand the
12 impact of that, and then has that changed the way you then
13 encourage disclosure, has it changed your training of the
14 language that is used, the way you set up your suites. So
15 Peter was talking before about the way we interview
16 children now, you know, the settings are matched to the
17 best opportunity to get children to disclose and report and
18 make statements.

19
20 And in this particular field, as we now understand,
21 most sexual offending happens in private, between people
22 who already know each other, mostly in child sexual abuse
23 cases have known each other for quite some time, where
24 there is a significant power differential, where that power
25 differential would have been constructed and maximised
26 through grooming processes of power and control and
27 authority and then sexualising that relationship; where it
28 may have happened so many times that particularising is
29 difficult, and so, the skills of an interviewer to take a
30 traumatised person, probably traumatised over months
31 or years, back to those memories, to elicit those memories
32 when we know from traumatic memory research that trauma
33 will have impacted how they were coded, how they were
34 stored, how they were retrieved. The skillset to then
35 elicit those memories without polluting them in any way,
36 without leading complainants into answers they think they
37 should give as opposed to retrieving memories that are
38 there is a highly complex skillset. It's also a highly
39 degradable skillset, so when we come to talk about
40 specialism later on, that it's a skill that must be
41 practised again and again and again in order to maintain it
42 at the high level that's required here.

43
44 And because there are seldom witnesses, CCTV
45 et cetera, all the sort of more traditional things that the
46 body of crime investigation might rely on, the interview is
47 absolutely everything.

1
2 COMMISSIONER BENJAMIN: Detective Inspector Yeomans,
3 you've just heard that evidence, do you have anything to
4 add to that?

5
6 MR YEOMANS: I totally agree, the interview is everything,
7 and the skillset of the police officer doing that is just
8 imperative. There's not much more you could say, it's just
9 everything, but that, it's not - so the police officer must
10 know it's about planning of the interview, even though they
11 might get a really brief amount of time to plan, but it's
12 all about the planning because you might only - or you
13 should only - I shouldn't say "should". In usual cases you
14 might only get one go at it to get that evidence, elicit
15 that evidence. And so, it's not picking up and saying,
16 okay, let's interview this person, it's a bit more than
17 that, it's about going out and planning as much you can.

18
19 Our organisation, we're part of a process where we've
20 got the Department of Community Services, which is now the
21 Department of Community, of Justice, Health and ourselves
22 working in unison, so we get a lot of that information from
23 those bodies prior to interview, which is really, really
24 important and we get it in a really timely response, and us
25 coming together immediately that we get that report is
26 really, really significant and it assists the police
27 greatly in relation to interviews.

28
29 MS ELLYARD: Can I turn then to the next phase or one of
30 the subsequent phases of an investigation after --

31
32 COMMISSIONER BROMFIELD: Before we do, sorry, Ms Ellyard,
33 you had a plan at some point, didn't you?

34
35 MS ELLYARD: That's all right, I'm here to serve.

36
37 COMMISSIONER BROMFIELD: Detective Inspector Yeomans, I've
38 heard police say before, and typically not in SOCITs, that
39 they're not going to undertake the interview because the
40 child is not ready to make a particularised disclosure. Do
41 you have any reflection on that kind of comment?

42
43 MR YEOMANS: A particularised disclosure?

44
45 COMMISSIONER BROMFIELD: M'mm.

46
47 MR YEOMANS: Each case is different, ma'am. A

1 particularised disclosure, you know, we go back and say
2 that we're police and we're law enforcement as I said
3 before, but the child has got a right to be interviewed,
4 and I think before a particularised disclosure comes into
5 it, it's about the trauma of that child, are they right to
6 give such a disclosure? So it may not be today, it may be
7 tomorrow or the next day or whenever, because it's about
8 trauma, it's about building rapport with the child and all
9 of those sort of things.

10
11 Particularising a particular event or events comes
12 from the interviewer, so it doesn't come from what someone
13 else tells you. So, it's about that rapport building, it's
14 about a whole lot of things and it's about gathering all of
15 that information first is what I'm talking about. Now,
16 when I'm talking about Health and our Community Services
17 and that, that child may have told Health at the hospital
18 something, and that's all important. And then a police
19 officer gets told, well, they can't really particularise a
20 date; well, that comes into the skillset of the police
21 themselves.

22
23 So, it's about the child being ready, and that comes
24 with police talking to the child; as I said, that rapport
25 building is really, really crucial at the start, and that
26 comes with the intermediaries to assist too in that regard.
27 Because an intermediary - you know, I've heard all the
28 definitions in the world about intermediaries, but solely
29 what they do is assist in getting best evidence from the
30 child, so they assist in that communication. They're not
31 there to assist the police in evidence gathering, they're
32 to assist in relation to the communication of that child,
33 which has been so helpful for us.

34
35 I mean, we're lucky in New South Wales that, you know,
36 I have police that do this every day; they do it each and
37 every day and we've got particularised squads - a squad
38 that just does this sort of work. So, when it comes to
39 assessing a child they're very, very good at it.

40
41 COMMISSIONER BROMFIELD: Thank you.

42
43 MS ELLYARD: On this question of a particularised
44 disclosure, can I turn to you, Dr Tidmarsh, because you
45 describe in your statement, and we'll talk about it in more
46 detail a bit later, the Whole Story approach which, and I'm
47 not doing justice in summarising it, but the idea that

1 rather than asking perhaps targeted closed questions of a
2 child to get particulars about dates and times, one should
3 adopt the approach of letting the child tell the whole
4 story as that child sees it and use that as the starting
5 point. Can you tell us a bit about that and why, in your
6 view, it's perhaps a better way to proceed?

7
8 DR TIDMARSH: Yes, although they're not mutually
9 exclusive, I think. I mean, I agree with what Peter just
10 said, that if you have an officer with the right knowledge,
11 the right attitudes and the right skillset and they're
12 making a judgment that the child isn't ready to
13 particularise, then they probably also understand that
14 disclosure is a process, it's not an event, and we do try
15 and keep it to one interview, but sometimes, you know, you
16 do need multiple interviews, you certainly need multiple
17 times before kids are ready to talk, adults too sometimes.

18
19 I have been involved in, I'm thinking back to the
20 Commissioner's previous question about historical sexual
21 abuse, I think the longest set of sessions that we did at
22 Vic Pol in the SOCITs was an historical complaint, where it
23 took 11 sessions for the full narrative to come out.

24
25 Underneath your question is really an issue of
26 technique. So, whole story is not a technique in and of
27 itself, it's a conceptual framework for investigating
28 relationship-based crime but it requires the interviewing
29 skillset of open and closed questions in particular. Now,
30 I know Peter's people are trained in open and closed
31 questioning, and closed questions aren't necessarily bad,
32 they're designed to come at a phase usually later on in the
33 interview.

34
35 So, to come back to the core of your question, if you
36 were going to interview a child both Whole Story and good
37 questioning technique would tell you to use open questions
38 and elicit a free narrative to get the breadth of that
39 story: "Then what happened, then what happened" and so on.
40 And then to come back and do a second or possibly even a
41 third run before then going to, "Can you take me back to
42 the part where such and such happened, tell me more about
43 that", to get the depth of that narrative, and only then,
44 once that process had been gone through, would closed
45 questions be routinely used in order to clarify certain
46 points.
47

1 And also, really good interviewers know when the
2 memory isn't there because, and I think you have a
3 particular example that's always the first one that pops to
4 mind of a relatively inexperienced interviewer who asked a
5 12-year-old girl who had alleged abuse by a step-parent
6 while her mother was out, and the interviewer said, "How
7 long was your mother out for?" And she said, "I don't
8 know", which for an experienced interviewer would be the
9 end of the matter, right? But he comes back to her later
10 on and he says, "How long was she out for?" She said, "I'm
11 not sure", which definitely should have been the end of it.
12 But he actually went a third time and asked, to which she
13 gave an answer which was provably false, and in that you
14 see really the worst kind of interviewing, which is about
15 the process of, I need evidence, I'm going to ask closed
16 questions to get to the things that I think I want, rather
17 than listening to the narrative that's actually coming at
18 you from that child or that adult.

19
20 So, it's a combination of understanding the crime
21 theme, understanding the way that these relationships are
22 built, and allowing complainants to tell you the breadth of
23 a story of what's taken place in that relationship using
24 predominantly the open questions but occasionally judicious
25 use of closed questions.

26
27 COMMISSIONER BENJAMIN: Detective Inspector Yeomans - I'm
28 sorry, I'm interrupting again - would you like to comment
29 on that, particularly in relation to closed and open
30 questions and multiple interviews?

31
32 MR YEOMANS: Open narrative is exactly right, how we do
33 things. I think interviewing across many of our states is
34 very similar, not always, but a child comes into an
35 interview room, by that stage they know what they're there
36 for and, you know, after you get some questions out of the
37 way and you ask what happened they're quite forthcoming.
38 I'd love to say that's the case in all cases but it's not.

39
40 But I agree, open narrative, get them to tell you
41 rather than us to tell them, because the problem with
42 police going back over an interview and either leading or
43 putting other evidence forward for the child is that that
44 child would then be cross-examined at another stage, so
45 just adding to the trauma and that's what we're trying to
46 get away from.

47

1 Legislation in our state is that pre-recorded evidence
2 in relation to evidence-in-chief basically that's it, then
3 they do their pre-records. But if the interview is found
4 to have some issues, like Patrick was saying, then that
5 child can get recalled and there will be all the problems
6 in the world. Closed and open questions: yes, you do that
7 and you come back to your narrative first and then you do
8 your closed and open questions.
9

10 We're also at a stage where you do get children that
11 just don't disclose, just don't disclose at all, and in
12 some cases because of the risk to the child and the risk to
13 the community, you have to lead that child, which is
14 something that hasn't happened previously in previous eras
15 of policing probably, that we now lose our criminal
16 evidence, or much of it, but again, you get back to the
17 risk to the child and to the community, you've got to look
18 at the bigger picture. It doesn't happen too often, but it
19 does happen, we must do it because you know that child will
20 not disclose so you have to add leading questions in
21 order for that child to disclose and there will be no other
22 evidence, and that child might go home with the perpetrator
23 or whatever it might be. So, it's difficult, it's a very
24 difficult field of investigation, but you've got to have
25 good people, good training, the right people, the right
26 fit. It's got to be the right fit, it's not everyone's cup
27 of tea. Patrick?
28

29 DR TIDMARSH: I definitely agree it's not everybody's cup
30 of tea. I just want to put one caveat which is sometimes,
31 for example, if children that have cognitive impairments or
32 other disabilities, we know that's a very heavily targeted
33 group by offenders and we also know that some of the more
34 traditional moves to improving narrative when interviewing
35 the children don't work very well if there are cognitive
36 impairments, so not only do you have a high level base
37 skillset, the interviewing of people with cognitive
38 impairments, particularly children, is an even higher level
39 skillset there, and in one sense I have to break some of
40 the rules in order to be effective, so yeah, back to the
41 conversation we're going to have later on about specialism,
42 I think.
43

44 MS ELLYARD: Perhaps as part of this discussion about
45 specialisation, Dr Tidmarsh, you describe in your statement
46 in some detail the various aspects of what you've called
47 the whole story approach which police need to be trained to

1 understand including the different stages of grooming.

2
3 Can I ask you, I'm drawing your attention to
4 paragraph 52 and following, but one of the things that you
5 describe at paragraph 56 is the way police officers going
6 through you're training are trained to understand the idea
7 of grooming, including by way of effectively a role play
8 where people are put in what might be the uncomfortable
9 position perhaps of having to pretend to be sex offenders.
10 Can you tell us about that?

11
12 DR TIDMARSH: Sure. Well, I think what's uncomfortable
13 about it for most investigators, even those that haven't
14 been in the field very long, they're starting out in this
15 field of work, is that, after they've done really a
16 relatively small amount of training in understanding
17 offenders and who they are, and what they do and how they
18 do it, when we put them into - I use two scenarios: one is
19 an adult rape and sexual assault that takes place over an
20 evening in the course of a night, and the other is a child
21 sexual abuse scenario of a perpetrator who moves to a
22 country town and how he manipulates that and they get split
23 into those two groups. And, a number of things occur: one,
24 you see very similar methodology; I think a lot of people
25 don't think adults get groomed too, but they do, but it's
26 incredibly obvious in the child one.

27
28 The next thing that always happens is they realise how
29 good they are at it, and police are generally very good at
30 understanding how crime happens but maybe a bit
31 uncomfortable in this field, then they realise that
32 actually they're very good at this and then they understand
33 how these people work, and the reason that is, and
34 obviously we help them with their discomfort and manage
35 their health and wellbeing, is that most perpetrators are
36 using human nature and manipulations of human nature that,
37 albeit in a disgusting - and abhorrent I think is the word
38 of the day - an abhorrent context but they are nonetheless
39 manipulations that we're all aware of from other contexts
40 and so they're very good at that.

41
42 And one of the most important things for all
43 investigators in this field to understand is the concept of
44 grooming because it tells you what he did and how he did
45 it. We ended up dividing it for our investigators because
46 they mostly when they were inexperienced came in with the
47 idea that grooming was all about sexualising the

1 relationship, particularly with children, but that actually
2 creating the relationship of power and control and
3 authority is the most important phase of that relationship.
4

5 And also, to come to the end of the process when it
6 arrives in court, one of the things that best explains what
7 is unfortunately called counter-intuitive victim behaviour
8 in the literature, most of that can be explained: so why
9 did the kid keep going round to his house, why didn't he
10 tell his mum, why did she send pictures from her phone,
11 most of those are actually explained by what happens in
12 Grooming 1 and the early stages of Grooming 2, and so if
13 juries are going to understand what's taking place in that
14 relationship, then they need to understand grooming, and
15 you can't get all of that unless you've elicited the whole
16 story of that relationship.
17

18 And what we found when we started is that
19 inexperienced investigators in this field would start with
20 the act that took place, the act that they were going to
21 charge them with, and really often thought that the
22 relationship context from before that was not relevant.
23 Actually, I would say it's the most relevant part in
24 order for people to understand the particularised acts that
25 later take place.
26

27 MS ELLYARD: You go on in your statement, Dr Tidmarsh, to
28 identify the importance of some of these understandings for
29 how investigators will then interview perpetrators rather
30 than using perhaps crime shows of the 70s approaches of
31 banging the table or that there's better and more
32 successful ways for investigators to question perpetrators
33 and perhaps elicit helpful evidence?
34

35 DR TIDMARSH: Yes. Well, you're absolutely right, no
36 1970s TV shows and no more Americanised style of that. So,
37 we use what are called humanity-based approaches, based on
38 the same rapport building, treating people with respect,
39 explaining the process, information gathering procedures
40 that we use with complainants, and they're far and away the
41 most effective in general with sex offenders and in
42 particular, I think, with child sexual abusers, where you
43 tend to get more introverted personalities. We know from
44 the psychology literature about their background, how
45 they're likely to struggle with the adult world and
46 engaging with adults, so those processes are particularly
47 important if we are interviewing. And we also then know

1 that the better we get the narrative from the complainant
2 the better we can create what's called cognitive load in
3 interview, the better we can impress upon that person the
4 need for them to give their version of events in the
5 interview because of the weight of evidence they perceive
6 to be against them.

7
8 And so, the better we get the breadth and depth of
9 relevant evidence about what's taken place in the entire
10 relationship, the better we can plan to interview the
11 suspects.

12
13 MS ELLYARD: Can I look to you, Detective Inspector.
14 What's the style of questioning of perpetrators these days
15 in New South Wales? Would we see it on TV shows or does it
16 more measure the approach that Dr Tidmarsh has described?

17
18 MR YEOMANS: It doesn't mirror the 1970s TV shows. I hope
19 not. No, look, I talked about it earlier in my evidence,
20 is that it's about gathering all the information, and when
21 you're dealing with offenders, alleged offenders, is that
22 you gather all the information about them also and how they
23 went about in orchestrating their crime, and it might be -
24 which we have many of them - befriending themselves with
25 single mums over many years and the actual sexual act is
26 not everything, it's about the power that brought them that
27 way and over a few years, so the sexual act is sort of only
28 part of it.

29
30 So, police do, I know my squad do, they look at all
31 the evidence and all the information about the perpetrators
32 to interview, and look we're taught that from our
33 detectives courses as well, that we do for all crimes
34 actually.

35
36 MS ELLYARD: Everything that we've been discussing does
37 lend itself to turning specifically to the idea of this
38 being an area of specialisation within policing. Clearly
39 in New South Wales it is, there's a Child Abuse Unit that
40 specialises in this kind of work; do you see that as a
41 necessary way for this kind of crime to be investigated and
42 responded to?

43
44 MR YEOMANS: I don't see any other way. I've seen
45 different areas, I've seen New South Wales do it
46 differently over the years, I've seen other states do it
47 differently. You've got to have a specialised squad that

1 deals with this type of crime. You've got to have
2 specially trained officers that deal with this type of
3 crime, otherwise the risk is too high. You know, we spoke
4 about risk before, but the risk is too high to that child
5 and to the community if we do our job poorly, because in
6 the end it is about, Dr Tidmarsh spoke about, it's about
7 the interview, it's about the investigation, because if we
8 don't do that job, you're not talking about thieves here or
9 robbers or whatever else, you're talking about the most
10 vulnerable in our society, so you've got to have dedicated
11 staff to do that, and we have that in our squad. We have
12 very, very outstanding officers that work there. Yes, I
13 might be biased, but we do.

14
15 And we have a process by, you know, we look after our
16 staff as well, because it's very, very difficult work. You
17 know, every three months we have what we call well checks,
18 so we go and see psychologists because of the type of work
19 we do. So, you know, the government and now the hierarchy
20 within the New South Wales Police have thought about a
21 whole range of things to try and get this right and to try
22 and get the model right and I think we have, and you know
23 that came out through the Royal Commission, but you've got
24 to have dedicated field of police; we do them for homicide,
25 why wouldn't you do it for child abuse which is a lot more
26 prevalent in our society, sadly. And, you've got more
27 people coming forward nowadays than what you did
28 historically because of that type of work that we do
29 because it's more positive, that we are having a positive
30 impact on the community and everybody else, so they are
31 free to come forward. So, it's just - it goes without
32 saying that you've got to have dedicated people doing it.

33
34 COMMISSIONER BENJAMIN: Detective Inspector, you said that
35 your main officers are focused in Newcastle and Sydney.
36 How do you manage areas, the north coast or out at Dubbo or
37 Wagga or those areas?

38
39 MR YEOMANS: Sir, I may have misinformed the --

40
41 COMMISSIONER BENJAMIN: I may have misheard you, that's
42 all; I do that from time to time.

43
44 MR YEOMANS: No, sorry. We have 19 Child Abuse Units
45 spread throughout the state. We have them in Queanbeyan,
46 Ballina, Albury, all over the place. People can go to
47 those units. In Sydney we have the central metropolitan

1 area, the southwest and northwest, so you've got them
2 spread throughout the state. You haven't just got - the
3 Newcastle and the Sydney part of it from my evidence would
4 have been, that is at the moment, the Sydney District Court
5 and the Newcastle District Court are the only two courts
6 that deal with intermediaries being mandatory.

7
8 COMMISSIONER BENJAMIN: How do you manage, say, in a place
9 like Griffith or where it might go out to Wentworth or up
10 to Broken Hill where you wouldn't have squads in those
11 places?

12
13 MR YEOMANS: We try and have most of our officers about
14 two hours away from - no more than two hours, some
15 obviously it's a bit more. We have an office at Broken
16 Hill, we have an office at Dubbo, so it pretty well works.
17 If we have to travel that far, we just do, but it's not too
18 bad, like, it's only within a couple of hours at maximum
19 anywhere we go, so it's pretty good actually.

20
21 COMMISSIONER BROMFIELD: I think we're all interested in
22 this. Where you have got the squads in regional areas and
23 you're trying to get that two-hour distance, I'm assuming
24 that not all squads are based in Multi-Disciplinary
25 Centres, some are, some aren't; is that correct?

26
27 MR YEOMANS: I've heard the word Multi-Disciplinary
28 Centres spread around, I don't really get it. I explain
29 how we work. We've had it before over the years where
30 we've had our Community Services and Health and police in
31 the one office, and up until about 2016 we changed that to
32 proximity. We just found it probably didn't work as well
33 as it should working in the same office. Police were doing
34 COVID methodology, they were doing things that police do,
35 and, you know, watching videos on television screens that
36 others shouldn't see. So, as long as you work in
37 proximity, so they could be in the office across the road
38 or whatever.

39
40 Say at a place like Inverell, the police there work
41 out of an old house there and across the road is a
42 Community Service Centre and across the road is the Health
43 Centre, so they are very in close proximity which works
44 really, really well. So that, whatever township you get
45 you usually have got the Health Centre or you've got
46 Community Services very, very close.

47

1 Whenever we get a job in - regional areas do it a
2 little bit differently, they actually get together
3 literally where, in Sydney probably because we've got more
4 jobs we do it through Teams, it's probably an off-cut of
5 COVID, but we do that immediately as soon as we get a job
6 through, so we work that togetherness, that corroboration
7 effect. I think that answered your question about the
8 regional areas.

9
10 We're pretty good. As I said, 19 areas throughout the
11 state is quite a lot. Two to three hours maximum away is
12 not too bad.

13
14 COMMISSIONER BROMFIELD: With the two to three hours
15 maximum, would you have the victim travel to you or do you
16 always travel to the victim, or which way around do you do
17 it?

18
19 MR YEOMANS: Majority of times we travel to the victim. I
20 think this is probably the only crime type where ownership
21 comes - if a crime happened at Dubbo but the child lived at
22 Bathurst, Bathurst CAU would do it because it's next to -
23 it's where the victim lives. So, it's not where the crime
24 scene is, it's where the victim is, which again, we're just
25 trying to look after the victim, the welfare of the victim.

26
27 PRESIDENT NEAVE: Just to clarify, as I understand it
28 Sydney and Newcastle have got specialist District Court
29 lists and that's the difference, isn't it?

30
31 MR YEOMANS: Yes, they --

32
33 PRESIDENT NEAVE: So that's a court specialisation as
34 opposed to a police specialisation?

35
36 MR YEOMANS: It is, in relation to the intermediaries,
37 yes.

38
39 MS ELLYARD: I want to give Dr Tidmarsh the opportunity to
40 comment on this question of specialisation, particularly in
41 the Tasmanian context. Dr Tidmarsh, you've offered some
42 reflections on that in your statement.

43
44 DR TIDMARSH: I have, and just to clarify the geography
45 issue as well, finish off that. So Victoria, it's 28
46 sites, 450 investigators spread across 28 sites all around
47 the state. Most of them are 9 MBCs. I think there are

1 nine MBCs but I may have that wrong. I think there are
2 nine MBCs. Also, as Peter was talking about, they're in
3 different offices but in the same building so the idea is
4 to have that specialism no more than a certain period of
5 time away from people, yeah, so given the Tasmanian context
6 that's definitely going to be a challenge.

7
8 I think there are two things I'd want to say about
9 specialism. The first is that when we looked at - did some
10 research with our own investigators we interviewed them pre
11 and post training and after 12 months in the field, about a
12 whole range of things, including what other skills and
13 qualities that they believe are most required by somebody
14 working in this field of investigation, and at that time it
15 was sexual offending and child abuse, so they were
16 investigating mostly in real life rather than online
17 offending although a proportion of their work was online
18 and it was both adult and children, and they said at the
19 12-month period the top five were: empathy, good
20 communication skills, patience, good investigative skills
21 and open-mindedness.

22
23 And sometimes when I have presented those findings
24 which we've published incidentally and I think are in the
25 report, if not I'm happy to send them, sometimes people
26 say, wouldn't that be useful in all policing? And mostly,
27 yes, but they are utterly crucial in this area.

28
29 And the other thing, just to draw empathy out, empathy
30 was the only market that stayed number one across all three
31 timeframes, and also what we understood about that is that
32 empathy is also potentially a bit of an Achilles heel. We
33 know that although most of the health and wellbeing issues
34 that police in our area experienced were to do with the
35 traditional things of leadership and management and
36 workload and interpersonal conflicts. We did know that
37 there was an additional loading of dealing with these
38 narratives on a regular basis and dealing particularly with
39 child exploitation material, and so Victoria Police now has
40 and has had for quite some years a specialist Investigator
41 Support Unit which has therapeutic professionals from a
42 Multi-Disciplinary Team who work in situ in the SOCITs,
43 both doing group reflective practice work and individual
44 work to look after the health and wellbeing of the members
45 who work in this particular field. So, some of the
46 specialism is the type of person we're looking for, some of
47 it is then, you know, it gives us the clear mandate that we

1 must work with people's mental health.

2

3

4 The other thing I want to talk about is what the
5 specialism actually is here, because it depends whether you
6 define it as investigating child sexual abuse or online, in
7 real life offending, or do you think it also includes rape
8 and sexual assault and potentially, as we now have in some
9 of our MBCs, family violence investigation units. So, can
10 family violence be investigated in the same way? And I
11 don't know if you want to discuss that so let me just park
12 that one for the moment, you may not want to go there.

12

13 PRESIDENT NEAVE: It would be helpful if you come back to
14 that.

15

16 MS ELLYARD: It was my next question.

17

18 DR TIDMARSH: Yeah, so just to deal with child sexual
19 abuse and rape and sexual assault investigations, so I'm
20 aware from working with different police forces around the
21 world and particularly in the UK, some put the two sets of
22 investigators together, some have them separate. My own
23 view would be that all sex offending is more or less the
24 same there are many more similarities than differences.
25 The knowledge is very similar, the attitudes required are
26 very similarly, albeit you need a whole another extra level
27 and skill with children, then why you would not put them
28 together. And also, I think, if you're talking about the
29 kind of geographical concerns that you have, probably, the
30 practicalities will outweigh that, you simply won't be able
31 to have in your context, a specialism of rape and sexual
32 assault, a specialism of child sexual abuse, a specialism
33 of online offending, you'll have think about them more
34 collectively and then whether you then use the more complex
35 addition of family violence.

36

37 MS ELLYARD: Can I ask you about the family violence
38 point, Dr Tidmarsh, what we understand from what's being
39 contemplated in Tasmania is that the Multi-Disciplinary
40 Centres which are contemplated were going to deal with
41 child sexual abuse and also family violence. You've
42 commented in your statement that you think that family
43 violence shouldn't go into the mix and should be kept
44 separate, so I'd be grateful if you could tell us why you
45 think that?

46

47 DR TIDMARSH: Yes, well that's probably - that's rather

1 clumsy phrasing on my point, I don't think it should be
2 kept separate, that's too strong. What I would say is,
3 there are differences in investigating sexual crime and
4 investigating family violence, and actually my colleague
5 Gemma Hamilton and myself are about to publish a book on
6 this, I'm sorry it's not ready in time for the Commission
7 so let me give you the gist of why I think that.

8
9 Most family violence is attended by uniform members,
10 most child sexual abuse of rape and assault are attended by
11 detectives. So, you're talking about whatever training,
12 whatever methodology you're using, whatever knowledge
13 attitude and skill, how will you manage that across uniform
14 members and detective members?

15
16 Whilst grooming and coercive control have many
17 crossover points, they are different. But a third
18 point would be that it is in one sense seen as much easier
19 to charge family violence related offences than it is rape
20 and sexual assault. I mean, we have spent many years
21 improving the risk assessment for family violence in
22 Victoria, but still there are very few - I think still only
23 one question about rape and sexual assault in that risk
24 assessment. Even though where the research literature is
25 telling us is that sexual abuse as a part of a family
26 violence are very highly correlated, one I could put it as
27 quote 'inevitable' but those abuses will be there. What
28 we're also beginning to understand is how much sexual abuse
29 is occurring within family violence relationships.

30
31 So I'm not saying that you couldn't put all of those
32 together, that you couldn't have, for example, a
33 relationship based Crime Command where you had people in
34 adjacent offices or connected together in their processes
35 who were investigating all of those things.

36
37 My concern is that family violence, because it
38 requires crisis response in a way that sexual offending
39 doesn't, that it is harder to prosecute, it is fraught with
40 more community myths and misconceptions than family
41 violence, becomes the dominant force and my concern is that
42 the, I suppose, the decades we have spent improving the
43 investigation of sexual crime, particularly the abuse of
44 children, will become engulfed in those processes and the
45 sheer volume of family violence matters that were being
46 dealt with. So, it's not that they can't be put together
47 but just that it needs to be thought through and the

1 specialism within the specialism of investigating sexual
2 crime in one sense needs to be protected.

3
4 MS ELLYARD: Thank you, Dr Tidmarsh, can I look to you
5 Detective Chief Inspector on that question? Clearly the
6 way your squad is set up, it doesn't encompass family
7 violence except to the extent that there are crimes of
8 sexual abuse committed in a family context. Do you have a
9 view on the desirability or otherwise of bringing together
10 investigative responses to family violence and sexual
11 crimes against children?

12
13 MR YEOMANS: It's difficult because I haven't been privy
14 to why this is happening here in this space, but I think
15 you can't dilute the expertise of dealing with child sexual
16 assault matters and the expertise that comes with it and
17 adding other crime types; I think that would be dangerous -
18 not dangerous, that's not the right term, sorry: it would
19 cause some difficulties and, wherever you've got other
20 crime types which you might deploy some of your staff that
21 you're dealing with child sexual abuse, is that you are
22 diluting your investigators in relation to that particular
23 field.

24
25 I know in COVID times and in other areas whether it
26 be - when we had the Olympic Games whatever it might have
27 been, is that we still kept people on the ground in
28 relation to child sexual assault because you needed to,
29 because those crimes were still happening. So, you can't
30 take away that staff that you've already got. Sometimes
31 you may never get them back, and they might be involved in
32 trials and things like that, so it's just difficult.
33 You're also then adding trauma to the actual investigators
34 because they're increasing their workload and they're
35 probably not going to do their work probably as - at best
36 practice as what they should if you do do that.

37
38 MS ELLYARD: Thank you Detective. Thank you
39 Commissioners, noting the time, I propose to stop there,
40 although I'm conscious we could keep going.

41
42 COMMISSIONER BROMFIELD: I have no further questions.

43
44 PRESIDENT NEAVE: Thank you very, very much Detective
45 Inspector Yeomans and Dr Tidmarsh. Brief adjournment.

46
47 **SHORT ADJOURNMENT**

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PRESIDENT NEAVE: Thank you, Ms Ellyard.

MS ELLYARD: Thank you, Commissioners. The final witness for today is Ms Christine Handy and I will ask that she be sworn in.

<CHRISTINE ELIZABETH HANDY, sworn: [3.27pm]

<EXAMINATION BY MS ELLYARD:

MS ELLYARD: Q. Ms Handy, could I ask you to tell the Commission, please, your full name?

A. Yes, so Christine Elizabeth Handy.

Q. And you are by professional a clinical social worker?

A. Yes.

Q. Where do you work at present?

A. So, I'm currently working at Griffith Youth Forensic Service which is part of Griffith University in Brisbane.

Q. What does your work at the Griffith Forensic Service involve?

A. I'm employed as a senior clinician and within this team Griffith, the GYFS team is to only provide pre-sentence reports and post-sentence treatment to young people who have been found guilty or are going through the court for sexual offences.

Q. And prior to your current position you worked for a long time as I understand it in a service which worked with young people who were going to be participating in restorative justice conferences in Queensland?

A. That's correct, yes.

Q. And as I understand it the work that you performed included working therapeutically with either the person who had engaged in harmful sexual behaviours or the person who had been harmed to support them to ultimately participate in the restorative justice conference?

A. Yes, that's right.

Q. Now I wanted to ask you some questions about the kind of work that as a clinical social worker you do or did in your role prior to your current one with either the people who have engaged in the harmful sexual behaviours or the

1 person who's been harmed.

2

3 As I understand it, if a child was referred to you for
4 therapeutic support ahead of being involved in a
5 restorative justice conference, there would be a period of
6 time where you would work with that child to prepare them
7 to participate in a conference?

8 A. Yes, that's right.

9

10 Q. And the context of them being referred would
11 ordinarily be that they were making some kind of admissions
12 to the allegations of harmful sexual behaviour against
13 them. Is that right?

14 A. Yes. So, to be eligible to be referred to a
15 restorative justice conference in Queensland for any
16 offence that there needs to be an admission of guilt, so
17 whether that's a police interview or whether that's
18 something that is then, is present then when they actually
19 are at court, so that's enough grounds for eligibility to
20 be referred to a restorative process.

21

22 Q. And just picking up what you've just said, referrals
23 into the restorative justice conference process could be
24 done either by the police or at court; is that right?

25 A. Yes, that's right.

26

27 Q. But only in cases where a young person was going to be
28 charged with an offence?

29 A. Yes, that's right. So, so under the Act my
30 understanding is that a restorative justice conference
31 referral would be made if it was deemed to be too serious
32 to be managed via a caution, but that then would be grounds
33 for all of the matters to be heard at court.

34

35 Q. So although it's called, and we're just speaking about
36 it in terms of restorative justice, would it be fair to
37 understand the system that you worked in in Queensland as
38 being part of the sentencing and diversionary arrangements
39 that exists for young offenders?

40 A. That's right. So, it can be more as a diversion, and
41 so, in that sense it's considered a victim-focused or - no,
42 sorry, an offender-focused process, but however, the way
43 Queensland implements this, is that it's then to be
44 victim-led or victim-responsive.

45

46 Q. And so, perhaps we'll unpack that a little bit because
47 as I understand it sometimes in the course of your work the

1 person that you were supporting ahead of a conference was
2 the person who was the victim?

3 A. That's correct.
4

5 Q. And so, in the model that was in use in Queensland did
6 both the child who had engaged in the behaviours and the
7 child who had been harmed by them receive equal levels of
8 therapeutic support?

9 A. So, I wouldn't say "yes", I'd need to clarify that.
10 So, when I was employed at Mater Family & Youth Counselling
11 Service, in that it was a service that operated between
12 2006 and 2021, and it was funded specifically for young
13 people who had engaged in harmful sexual behaviours, who
14 resided within the Greater Brisbane region and who were
15 having their matters dealt with by a restorative justice
16 conference, so it was a closed referral process that people
17 could only access if they were being referred by a
18 restorative justice conferencing. And, so, our primary -
19 in the accordance with our funding agreement our primary
20 responsibility was to provide therapeutic responses for
21 young people who had engaged in harmful behaviour and then,
22 if we also had capacity and where it was appropriate, we
23 were able to also provide therapeutic support to the people
24 who'd experienced harm, so the victims of that crime.
25 However, because of capacity it was a small team and so
26 often the referrals for young people who had engaged in
27 harmful behaviour were prioritised, and that was a
28 pre-service that was available.
29

30 We often had complaints from victim families that they
31 struggled sometimes to find appropriate and free
32 counselling services for themselves, so yeah, it's - I
33 wouldn't say it was necessarily equal and this - and it was
34 really looking at that Greater Brisbane region, there have
35 been some changes now but there is more opportunity via
36 telehealth to be able to access it statewide but there are
37 still some limits in place.
38

39 COMMISSIONER BROMFIELD: Q. Ms Handy, would that be
40 something that you would take as another lesson learned
41 then, that if you were doing these kinds of approaches with
42 both young people displaying harmful sexual behaviours and
43 children who have been harmed by them, that you need to
44 ensure that there is access to services for both?

45 A. Yes, absolutely, and that's something that I continue
46 to advocate for in Queensland and would still be
47 advocating, is that, there needs - yeah, there needs to be

1 adequate opportunity for all parties to be able to engage
2 with the therapeutic provider who is aware of what the
3 restorative process entails. So, not necessarily that it
4 doesn't necessarily need to be embedded in a restorative
5 justice approach, but that people are familiar with what
6 restorative processes are and practice principles to be
7 able to help support people if they do choose to go through
8 that process. And that it could be a therapeutic process,
9 but there are, in my experience too, there are a number of
10 people who have experienced sexual harm, or for family
11 secondary victims who may choose - they may not actually
12 want to access counselling or any therapeutic involvement,
13 but I think that they would benefit greatly from having the
14 opportunity to access a victim advocate who would be able
15 to support them in and share in that process if they were
16 able to participate in a restorative justice process.

17
18 MS ELLYARD: Q. And does that reflect, Ms Handy, as
19 we've already said, that the program in which you were
20 involved and which your service was funded to support could
21 be very much understood as a program designed to provide
22 therapeutic support to the child who'd engaged in the
23 harmful sexual behaviours and who had been brought before
24 the court because of those matters?

25 A. Yes. Yep, and also, we were limited in that we were
26 only able to accept referrals if we were actually currently
27 engaged with the young person who had been - who had
28 committed the offences, so we wouldn't be able to work with
29 a victim of sexual harm who - that where the offender was
30 receiving therapeutic services from an alternate service
31 provider.

32
33 Q. Thinking about the kinds of therapeutic support that
34 the young person engaging in the harmful sexual behaviours
35 would expect to receive, as I understand it the system in
36 which you worked linked the young person participating in
37 restorative justice conference to their eligibility to
38 receive therapeutic support from you; is that right?

39 A. Yes. So, in Queensland it's considered mandatory
40 that, if a young person is going to have their matters
41 dealt with, any sexual matters dealt with via a restorative
42 justice conference, that they must engage in some form of
43 therapeutic work, or depending upon their needs it could
44 actually be some sort of educative intervention as well,
45 but that they need to be engaging with some sort of
46 specialist provider who would then be able to assist in
47 assessing whether that person was suitable to engage in the

1 restorative process, and then once suitability was deemed
2 through the course of therapeutic intervention an
3 assessment will be made as to when that person may be
4 suitable to be able to actually - for the restorative
5 justice conference to be held.
6

7 Q. So, was the purpose of the therapeutic engagement then
8 to work with the young person until they had reached the
9 level of insight and understanding that would make them
10 ready to take responsibility for what they had done in the
11 context of restorative justice conference?

12 A. It was broader than that, but that is absolutely part
13 of what the work was. So, it was just like any other young
14 person who has issues with harmful sexual behaviour, you'd
15 want them to have a full assessment and then have
16 therapeutic goals identified that they'd then work towards
17 to reduce risk of re-offending in the future. So, then,
18 that was occurring so it was an event specific therapeutic
19 intervention service, but that throughout the process of
20 them engaging in that work, they would then be identified
21 as demonstrating indicators that they'd be suitable to be
22 able to participate in that restorative justice conference.
23

24 So, for some people that may happen earlier in the
25 piece and then they may still have some months of work to
26 do to continue to achieve their therapeutic goals. Other
27 people it may actually be closer to the end of their
28 treatment, that they would be best placed to be able to
29 participate in that conference process.
30

31 Q. And so what form in your experience would the
32 treatment take?

33 A. So, generally we would be working individually with
34 the young person, but we also were working with the family
35 or their care provider. So, in our model that we operated,
36 we actually had a separate therapist who would be allocated
37 to family members, so there was some parallel work that was
38 able to be provided. So, there's individual work with
39 carers and family members, and that would sometimes extend
40 to siblings who were not abused; it could also be
41 grandparents or other kind of significant others in that
42 person's life.
43

44 If they were in residential care it might be the
45 residential carers who support the young person so we'd be
46 able to educate them about harmful sexual behaviours,
47 safety plans, so we'd be able to resource the people who

1 are supporting them, but when it came to families members
2 we were also able to assist them to process their own
3 response to finding out that their child had engaged in
4 this behaviour.

5
6 So, there was therapeutic work that would happen with
7 their support people, but then individual work with the
8 young person which could be cognitive behavioural
9 restructuring, it could be a range of things, but it would
10 be all targeted at, yeah, reducing the risk of further
11 re-offending.

12
13 But also, we'd be wanting to not just focus on the
14 risk of re-offending sexually, but we know too that there's
15 greater risk of non-sexual re-offending and anti-social
16 behaviours and we'd try to target some of those issues as
17 well.

18
19 Q. As I understand it, Ms Handy, all of that work being
20 done both with the young person and in some cases as you've
21 described with family members or with carers, all of that
22 work would be done in the context of that child either
23 having been deemed eligible or being in the process of
24 being assessed as eligible to participate in a restorative
25 justice conference?

26 A. That's correct.

27
28 Q. So what would happen if they were deemed unsuitable?
29 Could that therapeutic work which was serving broader aims
30 continue?

31 A. So, in accordance with the funding agreement that we
32 have with the state government, there wasn't the facility
33 for that to continue, so if someone was no longer working
34 towards a restorative justice conference, then we weren't
35 able to continue to provide services.

36
37 We would make efforts to try and locate an alternate
38 provider and then could do some transition work, so hand
39 them over to an alternate provider, but sometimes the issue
40 that we would have would be that the motivation for young
41 people to continue to engage in a therapeutic process
42 wouldn't be there because they were through - so, in
43 effect, they were being mandated to attend counselling if
44 they chose to go through a conference process, but there
45 was no mandate yeah, apart from their internal motivation
46 to change, and so, if that wasn't present then they
47 wouldn't necessarily be required to attend any other

1 service.

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The other issue would be that, if they were returned as unsuitable, then there was the likelihood that they would be then referred from police - so, police would then take the matters in hand and they would have the option of taking no further action or they could then refer the matters to court, and so then we'd have to be mindful too about court processes and about whether or not it would be appropriate for that person to be engaging in the therapeutic process knowing that they were about to go through that court process.

Q. Can I just make sure I've understood everything you've said then? You described a process, Ms Handy, where if a child ceased to be engaged in working towards the restorative justice process they might be referred back to the police who might decide to take no further action. Are you referring there to categories of case where police have not yet made a charging decision and have in effect sent the child to a restorative justice process with a view to potentially not charging them at all?

A. No. So, I'm not sure in what situation they would do that. Occasionally that would happen where, if there were concerns about their capacity to be held accountable for the behaviour, but I probably couldn't speak too much further on that. I know that there - all I know is that under the Act there is that ability for police to take no further action if they deem that that would be a suitable response, but in the majority of cases my understanding is that they would be referred on to court.

Q. So can we think then about the process of a child getting ready to participate in a restorative justice conference and how that would be set up. As I understand it, there would be a number of potential indicators that a child was suitable to take part in a restorative justice conference where their victim might be present. What, in your experience as a clinician were the indicators that a child was at that point where they could do it?

A. Okay. So, the most important factor was that the young person was demonstrating that they were taking responsibility for their offences, so that would mean that they were making full admission, that they were not engaging in any - or displaying any cognitive distortions where they were minimising or justifying or blaming the victim, so they needed to be where they understood that

1 they did also had caused harm to others.

2
3 So, with that, we're wanted to see that young people
4 will say - were able to say, "Yes, I did that and yeah, I
5 take full responsibility, I understand that's a choice that
6 I made", it's not anyone else's fault", and that they're
7 not saying - that they understand the seriousness of it and
8 that they're not saying that it was a misunderstanding,
9 that the other person - it happened but the other person
10 was okay with it or using some sort of other excuse. So,
11 that was the primary thing and that, if that wasn't
12 present, then that would be most commonly the grounds of
13 assessing that someone was not suitable to participate.

14
15 We'd also look to see that they had the understanding
16 that their actions had caused harm to others and that they
17 were able to hear that from other people, that they could
18 acknowledge that. So, we would talk about, that they were
19 demonstrating sufficient empathy for the people who'd been
20 harmed by their actions. So, because it is not uncommon
21 for young people to be referred who had diagnoses of Autism
22 Spectrum Disorder, so knowing that they have some issues
23 with displaying empathy, we wanted to see that - and also a
24 lot of young people at that point in time may not have a
25 really well developed sense of empathy for the others
26 impacted. We wanted to make sure that they had some
27 understand but it wasn't necessarily a requirement that it
28 was a really full understanding at that point in time.

29
30 Q. Can you ask you, did it sometimes occur in your
31 experience that the young person who engaged in harmful
32 sexual behaviours would reveal during therapeutic treatment
33 that they themselves had been the victims of sexual abuse
34 in their own lives?

35 A. Yes.

36
37 Q. What was the relevance of that sometimes to whether or
38 not they were able to engage in therapy and participate in
39 restorative processes?

40 A. So, it wouldn't preclude them, so there were certainly
41 a proportion of young people who would disclose that they
42 had been a victim themselves. So, for some people that
43 then necessitated us doing some work about their own
44 victimisation, which then would allow them to be able to
45 take more responsibility for their actions.

46
47 Also, with the service provision and also how the

1 conferences were run, there was an emphasis too on ensuring
2 that all practice was trauma-informed, so we'd be
3 considering the young person's needs as well and thinking
4 about their distress tolerance, and so, sometimes we need
5 to work on that before a young person could even talk about
6 the potential impacts of their behaviour on other people,
7 and so, that also meant that shame would sometimes be a
8 barrier to people being able to really demonstrate that
9 they were taking responsibility.

10
11 Q. I can imagine it must sometimes have been quite a
12 confronting thing for a young person being asked to take
13 responsibility for the harm they've done when perhaps
14 no-one's ever been held accountable for the harm done to
15 them?

16 A. Absolutely, and so, they would be some of the
17 conversations we'd have with the young person, sometimes
18 with their family as well, and it wasn't always about their
19 own sexual victimisation history, it could sometimes be
20 where they'd had other maltreatment or other experiences
21 where they've been harmed themselves that had never been
22 acknowledged by others in their life and so sometimes there
23 would be some work done in relation to that which would
24 then create the opportunity for the young person to be able
25 to take responsibility for their own behaviour.

26
27 Q. Could I ask then about your observations of how the
28 conferences were then set up. They weren't done by you,
29 you were one of the clinicians, they were done by part of
30 the relevant government department in Queensland, but as I
31 understand it, preparations for a conference that might
32 take two hours would be quite extensive, there'd be a lot
33 of pre-conference planning and consultation; is that right?

34 A. Yes, that's right. So, once a referral is made to the
35 therapeutic provider restorative justice conferencing would
36 continue to maintain contact with us on a fortnightly or
37 monthly basis to track the progress of the young people, so
38 that could be the young person who's committed the offences
39 but also there is a consideration of the person who had
40 been harmed as well. Because, we've been talking about the
41 young person who's committed the offences, their readiness,
42 but there was also consideration for the readiness of the
43 people impacted, because sometimes they would take longer
44 but their needs meant that the young person may be suitable
45 and ready to participate in a conference but we might be
46 actually having the conference to ensure that the victims
47 were able to participate in a meaningful way.

1
2 So, I'll just go back to what I was saying. So, the
3 restorative justice conferencing would be having regular
4 communication about progress, then once the decision was
5 made about the person's readiness to participate in that
6 process, as a clinician I'd then submit a readiness
7 checklist or a report to the conference convenors which
8 would indicate why I felt that they were ready and how I
9 felt that they were responding to those criteria about
10 demonstrating that they were taking responsibility, that
11 they were demonstrating that they were engaging in some
12 behaviour change which was typically considered in relation
13 to, were they following their safety plan and were they
14 managing risky situations well.

15
16 The question also about, were they demonstrating
17 empathy, were they actively participating in counselling,
18 did they have an understanding about what the expectations
19 were of them in the restorative process, and were they able
20 to communicate about the offences in a manner that was not
21 going to traumatise others or re-victimise people, so we
22 wanted to make sure that they were using appropriate
23 language and, yes, and that they were going to be
24 respectful of others.

25
26 So, once the suitability checklist was submitted, then
27 pre-conference interviews would be held with the
28 restorative justice conference convenors and the various
29 parties, so they would go and meet with the person who's
30 harmed, the person who committed the offences and their
31 support people, and they would also work with - meet with
32 the therapeutic providers.

33
34 And so, the purpose of meeting with the therapeutic
35 providers was to assist with planning that conference, so
36 having an understanding about what were some of the - so,
37 if I'm working with the young person who committed the
38 offence and I'm speaking to the conference convenor, I'd be
39 giving them information about what happened, what were the
40 events around the offence, so we'd then be able to then
41 plan how is the young person going to - they would talk
42 about telling the story, like storytelling around the
43 events. So, how could they tell about what happened and
44 demonstrate that they were taking responsibility for their
45 choices without actually discussing the details of the
46 sexual offences.

47

1 Because the sexual offences had already been agreed
2 and the statements of facts had been agreed upon prior, it
3 wasn't necessary to go through the minute detail about what
4 had occurred, so there'd be discussion about the events
5 that occurred immediately before and then immediately after
6 the events. And so, there'd be discussion about what would
7 be most appropriate, where do we take the storytelling up
8 to and where do we pick it up after the actual sexual act
9 had occurred.

10
11 Q. It sounds then like, and this is by no means a
12 criticism, they were quite carefully stage managed events,
13 in that, there's a lot of attention paid to make sure that
14 anything anyone was going to say on the day was going to be
15 constructive and not potentially re-traumatise or add to
16 the trauma suffered by the victim of the offending?

17 A. So, some things were definitely. So, around
18 discussing the offences, yes, there was a lot of
19 consideration given to questioning. And so, and young
20 people - so it was more about that, that telling the story
21 of the events that absolutely was kept - the questioning
22 was considered. So, we'd also take into account if there
23 were any developmental needs or other special needs. So,
24 if a young person had auditory processing issues, how could
25 we give some advice to the convenors so that the young
26 person would be able to participate better in the
27 conference, or if they had a diagnosis of ASD or they had
28 anxiety issues, so we would discuss how we would be able to
29 manage those situations if need be.

30
31 Q. And thinking then about who would attend, as I
32 understand it, the young person who's engaged in the
33 harmful sexual behaviours would have to be present at the
34 conference, but no other person was obliged to be present,
35 and indeed, the victim didn't necessarily have to be
36 present in order for the conference to proceed. Is that
37 right?

38 A. That's correct, yep.

39
40 Q. Can I just ask you to explain it? I mean, it seems
41 counter-intuitive that a restorative justice process for a
42 young person would happen in the absence of the person
43 harmed.

44 A. Yes, yep. So, majority of the time there would be a
45 victim representative present, so generally that would be a
46 parent. The person who was directly impacted, so the
47 primary victim would not necessarily be present because a

1 lot of the time we were looking at situations where it was
2 a young child, and it was often assessed by whoever was
3 working with that person, or the parents would make a
4 decision that they didn't feel it was in the best interests
5 of their child, so generally we're talking about primary
6 school age or younger children wouldn't come and attend
7 that conference, so we would have a representative being
8 the parents or potentially their counsellor if they're
9 engaged in therapy.

10
11 Q. But would there always need to be someone present on
12 the other side of the table, as it were, to speak for or
13 represent the interests of the person who'd been harmed?

14 A. Yes. So, if it wasn't - so, if the people who had
15 been harmed chose not to have any involvement in the
16 process, the conference convenors, and under the Act there
17 was an ability for a restorative conference to be held if
18 there was a community representative who might be someone
19 who works with children who experienced sexual abuse, and
20 they might be able to come and speak in general about how
21 children might be impacted by this, how families can be
22 impacted, what the community's response and thoughts are
23 about this kind of behaviour.

24
25 So, if there was no-one that was going to be able to
26 be a victim representative or participate from that point
27 of view, there's a modified process which is similar but
28 just doesn't have that victim participation where it would
29 be deemed an alternate and diversionary process, so it
30 wouldn't technically be then called a restorative justice
31 conference.

32
33 Q. Thinking about circumstances where there is a victim
34 or victim representative present, and I won't ask you to go
35 through the whole process but I understand that the process
36 involves everyone involved having an appropriate chance to
37 speak, the child who's engaged in the behaviours'
38 therapists, the child who's been harmed or their
39 representative, but part of the aim or the ultimate aim as
40 I understand it of the conference would be to negotiate
41 some kind of agreement, an outcome that would have legal
42 force for the young person who was otherwise before the
43 court. Can you tell us a little bit about the kinds of
44 things that in your experience were included in those
45 conference agreements?

46 A. So because the agreement typically in non-sexual
47 offences is about looking at making restitution or

1 preparing harm that's been caused by the behaviour, it's
2 somewhat different in a restorative - a conference for a
3 sexual matter. So, typically what would happen would be
4 that the young person's engagement in counselling would be
5 noted, so it would often be a statement saying that "such
6 and such engaged in 15 sessions with such and such
7 provider", and so, that was considered helpful to put in
8 because it was a demonstration of the work that they were
9 doing to change and acknowledge their behaviour, so that
10 would be listed.

11
12 If there was any further counsellor recommendations
13 being made by the counsellor, then that would be noted down
14 too, so the young person would then be making a commitment
15 to continue to attend, let's say, another further
16 three months or so, whatever was deemed appropriate, and
17 then there would be a date and then it would be monitored
18 by conferencing to ensure that they continued to engage in
19 that process. So, there were aspects around the
20 therapeutic work.

21
22 If the young person had tendered an apology during the
23 conference, then more often than not that would be noted,
24 and so, one of the conference convenors would typically
25 document that and then that would be put in the person's
26 own words into the conference agreement. Some of the
27 thinking about that is that it's capturing some of what was
28 occurring on the day. But also with thinking about
29 particularly situations where the victim was a child and
30 who wasn't present at that conference, and thinking about
31 when they became older, if they had questions or were
32 looking for information about what had happened and how the
33 matters had been responded to, that information could be of
34 benefit for that person in the future.

35
36 The other common thing that would happen, and again it
37 would be more likely in situations where the victim hadn't
38 participated in a conference, there may be a request for
39 the young person to complete letters of apology. So, that
40 could be to that child, it could be to some of the other
41 secondary victims, and so, sometimes when there was
42 extended family or there had been long-standing
43 relationships between the parties, it might be that that
44 young person might be requested to provide a letter of
45 apology to the child that they committed the offences
46 against, but it could also be about a letter of apology and
47 acknowledgment of the harm that they caused to the parents

1 as well.

2
3 So, there may be letters, and sometimes there might be
4 multiple letters to the child - the victim as well. So, it
5 could be that, if the child's young, it could be a letter
6 that is written for the child at their current age, but
7 then a more detailed letter for when they're older, say,
8 pitched at when they're a teenager maybe which might
9 provide more information about some of the learnings that
10 the young person had made throughout the process.

11
12 Q. Can I ask really as the final main topic: you said
13 earlier, Ms Handy, that the idea of the process is that
14 it's victim-led or victim-informed, but the process that
15 you've been describing, as I think you've already agreed,
16 is very much a process that is focused on meeting the
17 rehabilitation needs of a young person who's engaged in
18 harmful sexual behaviours and that, whilst it's hoped that
19 it may be of benefit to the victim, it's not designed to
20 require that it be of benefit to the victim.

21
22 I understand that you've had some opportunity to
23 observe or become aware of a different model that is in
24 place in the ACT where perhaps the focus is different;
25 could you tell us about that?

26 A. I have - so, when the ACT commenced providing
27 restorative justice conferences for sexual matters, where
28 they approached people in Queensland who had the
29 opportunity to assist with training but also provide some
30 complex case consultation on an ad hoc basis; so, through
31 that I probably can't say that I have a really well
32 developed understanding, but I am aware that there appears
33 to be more options for how a conference might be run and at
34 which point in the legal process it might be run as well,
35 so it could run alongside a court process and that it can
36 be initiated by a victim. Rather than, in Queensland there
37 isn't the scope for it to be initiated by a victim, it
38 needs to be something that is deemed to be - is considered
39 for the young person.

40
41 So, I know that there are other options, and I think
42 too because when you look at the literature and speak to
43 people who have experienced abused, yeah, a lot of what
44 people want is to be able to have a say and have that
45 opportunity to be heard in the process and, if they don't
46 have the ability to actually make that decision themselves,
47 and they're not actually consulted always about whether or

1 not this is a decision they are happy with, I think that
2 that raises some concerns.

3
4 Q. As I understand it, the model in the ACT is such that
5 there would never be a process without the involvement of
6 the victim; is that right?

7 A. Yes. I believe that that's the case, but again, I'm
8 not really across their current legislation.

9
10 Q. One of the things that emerges to me, and I'd be
11 grateful for your comment on this, is that we can think of
12 restorative justice in this context as serving two perhaps
13 overlapping but perhaps not identical purposes: the one as
14 a diversionary means to assist young people displaying
15 harmful sexual behaviours to receive appropriate treatment
16 and to take accountability on the one hand, and on the
17 other end an approach that thinks from the starting point
18 of what the does the victim need outside of the criminal
19 justice process to recover.

20
21 Do you see a role for both forms of restorative
22 justice approach?

23 A. I do. I see that there can be benefits to both, but I
24 think that we want to, certainly with that offender-focused
25 or offender-led approach, that there needs to be a lot of
26 safeguards in place to ensure the rights of victims and the
27 needs of victims are being met.

28
29 MS ELLYARD: Thank you, Ms Handy. Thank you
30 Commissioners, those are the questions that I have for
31 Ms Handy.

32
33 COMMISSIONER BENJAMIN: Q. Very briefly. It's likely
34 that the child victim would have been traumatised by the
35 event, and I understand this is perpetrator-focused, but
36 the involvement of the child would need to be really
37 carefully considered, and perhaps maybe beyond the capacity
38 of the child's parents or even the child's therapist given
39 questions of whether the child should attend and, if so,
40 how they attend to prevent further trauma. Would that be a
41 fair assessment?

42 A. Absolutely, I agree with that. So, generally there
43 would be conversations. So, in the conference preparation
44 the restorative justice convenors would speak with the
45 family members about whether they were agreeable to or they
46 felt that it would be of benefit for the child to
47 participate. More often than not the child wouldn't

1 directly participate, and it may mean that there would be a
2 facilitated conversation with their counsellor or it would
3 be that the family would have a conversation with the child
4 where they might inform them that this process is occurring
5 and find out from them if they have any messages or
6 anything that they want to communicate to the person, the
7 young person committing these offences.
8

9 We don't want children who have experienced harm - and
10 if I was going to represent them at a conference sometimes
11 I would bring letters from them or I would have statements
12 that they might have put together, so sometimes it would
13 just be very brief where it would just be a few statements
14 about how they felt about the person, what they wanted them
15 to know. So, it could be about how it made them feel, how
16 they think now when they think about what happened and what
17 their hopes are for the future. It could be in the form
18 of, yeah, pictures or some therapeutic hugs where they
19 might identify feelings.
20

21 So, there are therapeutic tools like feeling bands and
22 things where you can help - they can represent their
23 emotions in a pictorial fashion and we would bring that to
24 the conference and be able to share that and communicate
25 what they - the emotions attached to those items. And
26 also, parents would make a decision about what they wanted
27 to share on behalf of their child and their family.
28

29 Whenever considering the information that a victim or
30 their family may wish to share in a conference, I always
31 stress to people that we really need to consider their
32 confidentiality and not assume that they're going to be
33 comfortable with having their personal information shared.
34 So, again, people sometimes would attend a conference, so
35 say a parent of a child who's been abused might choose to
36 attend but they might not actually want to have a speaking
37 role, again, because they don't necessarily want to share
38 any more information and make themselves even more
39 vulnerable to someone, and so they might just want just
40 general information about how victims experienced sexual
41 harm to be shared but they're very cautious about sharing
42 any further information about themselves or their family.
43

44 MS ELLYARD: Thank you very much, Commissioners. Thank
45 you, Ms Handy.
46

47 PRESIDENT NEAVE: Thank you very much, Ms Handy, that was

1 very helpful. We'll adjourn.
2

3 **AT 4.09PM THE COMMISSION WAS ADJOURNED TO**
4 **THURSDAY, 7 JULY 2022 AT 10.00AM**
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