
TRANSCRIPT OF PROCEEDINGS

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

**At Kannenner Room, Mövenpick Hotel
28 Elizabeth Street, Hobart**

BEFORE:

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

On 12 September 2022 at 9.39am

(Day 35)

1 PRESIDENT NEAVE: Thanks, Ms Norton.

2

3 MS NORTON: Good morning, Commissioners. I believe
4 there's a restricted publication order to be made.

5

6 PRESIDENT NEAVE: Yes, there is.

7

8 The Commission's committed to being open and
9 transparent respecting the preferences of victim-survivors
10 and, considering the impact that evidence from these
11 hearings may have on other investigations, legal
12 proceedings and the wider community.

13

14 The next witness has agreed to be identified.
15 However, in order to protect the identity of the particular
16 person the Commission has decided to make a restricted
17 publication order. In the context of the scope of this
18 inquiry the Commission makes this order because it is
19 satisfied that the public interest in reporting on the
20 identity of that person is outweighed by the relevant legal
21 and privacy considerations. I will now briefly explain how
22 this order will work.

23

24 The order requires that any information in relation to
25 the identity of the alleged perpetrator is kept
26 confidential; this means that anyone, including the media
27 and members of the public, who watch or read the
28 information given by the next witness must not share any
29 information which may identify that person, including on
30 social media.

31

32 The information is not limited to their real name and
33 may include other information which may identify them such
34 as where they live or work. I make the order which will
35 now be published. A copy of the order will be placed
36 outside the hearing room and is available to anyone who
37 needs a copy. I encourage any journalist wishing to report
38 on the hearing to discuss the scope of any orders with the
39 Commission's media liaison officer.

40

41 Yes, Ms Norton.

42

43 MS NORTON: Thank you, President Neave. Our first witness
44 this morning is Bob Boost and I'll ask for the affirmation
45 to be administered.

46

47

1 <ROBERT BERNARD JOZEF BOOST, affirmed:

[9.41am]

2
3 <EXAMINATION BY MS NORTON:

4
5 MS NORTON: Q. Mr Boost, can I begin by asking you to
6 state your full name and occupation for the transcript,
7 please?

8 A. Robert Bernard Jozef Boost, firefighter.

9
10 Q. You've prepared a statement for the benefit of the
11 Commission, it's dated 2 September 2022. Have you recently
12 reviewed that statement?

13 A. Yes.

14
15 Q. And is it true and correct to the best of your
16 knowledge and belief?

17 A. Yes, it is.

18
19 Q. I'll just begin by saying, partially for the benefit
20 of the Commissioners and those listening today, I
21 understand Mr Boost has a work injury which means that
22 sometimes his words don't come to him as easily as he might
23 like. You just do your best this morning and if you need a
24 moment, take it?

25 A. Thank you.

26
27 PRESIDENT NEAVE: Take your time, Mr Boost.

28
29 MS NORTON: Q. I'd just to start by asking you to tell
30 the Commissioners a little bit about your current family
31 situation?

32 A. Yep, g'day. So, currently, I'm happily married, have
33 been with my wife for 23 years, and we have a young
34 daughter, [REDACTED] years old, and a [REDACTED]-year-old son, and we just
35 live down at [REDACTED], and try and enjoy life, I
36 guess.

37
38 Q. And you work as a firefighter?

39 A. Yes, I do.

40
41 Q. Is that work you enjoy?

42 A. Yeah, I love it, yep.

43
44 Q. Can I now ask you some questions about your family
45 life when you were growing up. If you cast your mind back
46 to childhood, would you like to tell the Commissioners a
47 bit about the family you grew up in?

1 A. Yeah, so, mum, dad, two sisters. I was born in
2 Belgium and my parents had a business over there, and when
3 I was 4 we decided to emigrate, or my father decided to
4 emigrate to Australia. Just after my 5th birthday we came
5 to Australia, yeah; that was kind of where our new life
6 started and my parents still had their business back in
7 Belgium. My sisters are five and seven years older than
8 I am. Yeah, that's kind of it.

9
10 Q. And so, you arrived as a 5-year-old. I think you say
11 in your statement that your mother and your sisters
12 struggled a bit with English at least when they first
13 arrived; is that right?

14 A. Yes.

15
16 Q. And I think you also say that your father was not
17 around a lot when you were a kid, I think he was travelling
18 back and forth to Belgium, and perhaps so was your mother;
19 is that right?

20 A. Yeah, yep, that's right.

21
22 Q. And so, as a result of that, you and your siblings
23 spent time here either with just your mother or with
24 neither of your parents around; is that accurate?

25 A. Yeah. So, there was quite a long period of time not
26 long after we moved to Australia that my parents had to go
27 back to Belgium for their business and left my elder sister
28 in charge, who at the time would have been 11 or 12 -
29 sorry, 12, I think, about that. Yeah, I'm not really sure
30 how it worked, I was only 5 years old, but basically she
31 took care of my sister and I for the, you know, months on
32 end.

33
34 Q. You talk in your statement about your family forming a
35 relationship with another family, and we'll refer to the
36 father in that family as "the perpetrator" for reasons
37 which will become apparent. The perpetrator held a
38 leadership position at a local school; is that correct?

39 A. Yes, it is.

40
41 Q. Tell the Commissioners about that early relationship
42 that formed between your family and his?

43 A. So, when we moved to Australia my sisters obviously
44 needed to go to school and we all needed to learn how to
45 speak English. So, when the girls went to school, primary
46 school, they, um - sorry - yeah, this - the perpetrator and
47 his family offered to help my sisters and my mother with

1 their English and then showing them around, you know, shops
2 and places where they could kind of integrate into the
3 community, I guess, so we used to come up to the city at
4 times and go into the shopping centres and help my mother
5 and sisters with that kind of day-to-day living in
6 Australia.

7
8 Q. And so, it sounds like the perpetrator and his family
9 provided your family at that stage with welcomed support at
10 a time where you were in a new place and finding your feet?

11 A. Yeah, absolutely.

12
13 Q. You say in your statement that there were periods
14 where your parents were overseas and you and your sisters
15 were left in the care of the perpetrator and his family; is
16 that right?

17 A. Well, they, unbeknownst to me, and they were, I guess,
18 overseeing, making sure that the girls were okay at school,
19 yeah.

20
21 Q. So, you weren't necessarily staying with them while
22 your parents were away but they were keeping an eye on you,
23 is that a more accurate description?

24 A. Yes.

25
26 Q. How did you feel about the perpetrator in that phase,
27 that early phase?

28 A. In that early phase, I guess I was - had more
29 connection with his wife, but definitely, I was led to
30 believe to trust him through my parents, yeah.

31
32 Q. In your statement at paragraph 10 you say that your
33 parents separated in 1991.

34 A. Yep.

35
36 Q. And then the following year, 1992, you moved from the
37 school that you were at, which was a different school to
38 your sisters, and you moved to the school where he worked.
39 Why did that come about?

40 A. Well, yes, speaking to my mother since, she said that
41 she was told by the perpetrator that academically it would
42 be better for me at school, because I was still struggling
43 with English, particularly reading and writing, and that
44 he'd be able to, you know, keep a better eye on me and make
45 sure that things went smoothly, and seemingly everything
46 was good with the girls, so I guess it was a good decision
47 to, you know, all keep each of us together and all that

1 sort of stuff as well.

2

3 Q. When you moved to that new school you joined a
4 particular [REDACTED] and the perpetrator was the [REDACTED];
5 is that correct?

6 A. Yes.

7

8 Q. You also detail in your statement that from really the
9 time that you arrived at the school in 1992 until about
10 1994 the perpetrator sexually abused you; that's correct?

11 A. Yes, that's correct.

12

13 Q. I know you've provided a detailed statement to the
14 police and to the Commissioners, that's an exhibit or an
15 annexure to the statement. You need not go over any of
16 that detail, but is there anything that you'd like to tell
17 the Commissioners this morning about the abuse that you
18 endured?

19 A. I guess at the time it didn't feel like abuse. At the
20 time I was lacking in parental care, I suppose. So,
21 really, for me, I was in a relationship and had someone who
22 cared, I thought loved me and I loved him back, and so, at
23 the time it certainly didn't feel like abuse, that sort of
24 came later on. It was regular abuse, consistent, yeah,
25 that's sort of, without going into any sort of detail sort
26 of it.

27

28 Q. Am I right to think that it was abuse that occurred
29 between the ages of about 9 and 11?

30 A. Yeah, I think it was, yeah, 9 till 11, 12 years old.

31

32 Q. You've talked a bit about your vulnerability to abuse
33 given the nature of the family you grew up in; you also
34 reflect in your statement about the understanding you've
35 come to have as an adult about your mother's vulnerability;
36 would you like to expand on that a bit?

37 A. Yeah. So, mum left school at age 13, became a
38 seamstress in Holland. She comes from quite a big family,
39 working-class, so now as an adult I understand she's quite
40 uneducated and she lived and was with my father since I
41 think about the age of 14, and he was quite a - or is -
42 quite a sort of dominant character, so yeah, she's quite
43 submissive I would say, and that's sort of mum.

44

45 Like, I know, like, I know she loves me as her son,
46 but I think she has sort of a fair bit going on in her own
47 sort of life to really take that time to connect when I was

1 a kid especially.

2

3 Q. And so, looking back on what her life looked like at
4 that time, I think you reflect in your statement on her
5 being particularly vulnerable to the sort of support and
6 approaches that the perpetrator offered to your family?

7 A. Yeah, absolutely; I mean, here she was in a new
8 country struggling with the language and all the barriers
9 that come with that, and then along come someone to solve a
10 fair few of those issues, and why wouldn't you take that
11 up?

12

13 Q. What would you like to tell the Commissioners, and
14 again, you've given details about this in your statement,
15 but I'd just like you to tell the Commissioners about the
16 impact the abuse you endured has had on you over the course
17 of your life?

18 A. I guess I spoke about how I felt during the abuse, and
19 I guess it wasn't until the abuse was over and I sort of
20 hit that age of 13, 14, 15, where it really started to sink
21 in what had happened and, I guess, my own sexual maturity
22 started making me think that what happened wasn't
23 necessarily right, and I guess that's where the damage to
24 me personally started where I started to not like the
25 person that I'd - or what I was, I guess, and I really
26 split into two different people, and sense then I've
27 basically been living two separate lives: one where I try
28 and put on a facade and work through my life and become a
29 firefighter, and the other one where I'm basically damaged
30 and trying to keep my - you know, keep it together enough
31 to survive, and really that surviving is really all I was
32 doing, yeah.

33

34 Q. You talk about the impact that the abuse has had on
35 your ability to trust people; would you like to elaborate
36 on how that plays out?

37 A. Yeah. So, I don't trust anyone. I have a real trust
38 issue, so particularly with men, particularly men in charge
39 of me. That got reinforced throughout my life, you know,
40 basically every time there was a male that had some sort of
41 form of control over me it's - I've been let down and it
42 really started with the perpetrator and, I guess, has been
43 reinforced since then with, yeah, other sort of
44 abusive-style relationships within family and in the
45 workplace there's been times where the people in charge
46 have let me down, so that trust is really - you know, I've
47 really struggled with it.

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Q. Have those trust issues had an impact on the way you approach your role as a father and a husband?

A. Yeah. So, yeah, like, I really struggle with the kids and particularly in trusting other adults, trusting - you know, I'm always on edge about, you know, particularly if we go to a pool or to public areas where there's - you know, where the kids are kind of, I guess, a little bit more vulnerable; you know, sleepovers, all that sort of thing, it's just - yeah. Yeah, I'm hoping it doesn't have a negative effect on the kids going forward, but yeah, it's something I've really got to - I really need to, or I really do try hard to make sure that my mistrust in people doesn't get pushed onto them.

Q. You didn't make any complaint while you were at school about the abuse. Would you like to explain to the Commissioners what some of the reasons are why you kept the abuse to yourself?

A. Well, initially I didn't see it as abuse so, as I said, I was in a caring relationship and I thought I was special. When I did sort of start realising that it wasn't right, I didn't really know who I would speak to at the school, particularly with the perpetrator being in a leadership position; it's kind of really hard to get past that, I mean, who do you talk to other than - you can't push it up the chain any further, sort of thing.

And then, post-abuse, again, the shame, the guilt, and the fear of the perpetrator stopped me. I was having - you know, I struggled with sexuality; I didn't know whether, you know - like, I liked females at school but here I was in a relationship with a man that was seemingly caring, yeah. So, on one hand I was just really torn; like, I had a sexual preference to females, but I had basically been in a homosexual relationship, and as a 13, 14-year-old that's a really hard thing to grasp, yeah.

Q. Can I just ask you a question: this is a statement you make at paragraph 15 of your statement and it's in relation to feeling an absence of opportunities even if you had wanted to make a complaint about the abuse, you felt there was no-one to go to, and you say:

It seemed like the system was set up to protect the perpetrator, not me.

1 Can you explain for the Commissioners what you mean by
2 that statement?

3 A. Well, it's that, where do you break through to talk to
4 someone about the perpetrator? That, here's a man that's
5 in a powerful position at a school, someone that your
6 family trusts, that is quite a charismatic person who,
7 like, is very in charge and as a kid how do you get past
8 that, how do you break through that? And I just - yeah,
9 there was just no way of doing that.

10

11 Q. I'd like to come back in a little bit to your insights
12 into what changes might be made to make it easier for a
13 child in that position to come forward and have someone to
14 speak to, but before we do that can I ask you about the
15 disclosures that you did start to make. You say in your
16 statement it was in your 30s that you started to talk to
17 others about the abuse. You told your wife initially and
18 then you spoke to SASS and a private psychologist. What
19 was it that caused you to start to disclose at that
20 point in your life?

21

22 A. So, my whole life since the abuse or since that sort
23 of 13, 14 year age I have been running away from it and
24 setting goals. So, initially I thought, you know, if I get
25 a girlfriend I will not feel this way anymore, and then for
26 a moment everything's good, and then sort of the tortoise
27 and the hare: I run away and then the hare catches up -
28 sorry, the tortoise catches up. And then it's, okay, it's
29 still there, I get a job, and then move through that, do my
30 apprenticeship, become a builder, and get a job teaching at
31 TAFE, and every time the tortoise comes around and it's
32 like a black cloud around me. And I thought with the job
33 at the Fire Service it was something I really wanted to do
34 for a very long time, I thought that would really get rid
35 of the tortoise.

36

37 So, I was on a recruit course and I thought, oh, this
38 is great, and then next minute the sort of black cloud came
39 back around me, and I really needed to - I think at that
40 point I decided that I really needed to do something and it
41 wasn't going away. So, yeah, in a moment of, you know,
42 speaking to my wife, and she obviously knew that I was
43 upset and probably couldn't work out why, yeah, so I
44 disclosed to her and then, you know, sort of a week later I
45 went to SASS, and yeah, that was a whole different
46 experience, but yeah.

47

Q. Was it a positive experience overall?

1 A. It was, here I was, 6 foot 6, walk into SASS, and I
2 was standing behind a lady with her daughter and they moved
3 on, and the lady behind the counter looked up at me and she
4 said, "Oh, what do you want?", and yeah, at that time I
5 broke down because it was - and I said, "I'm here, I've
6 been sexually abused as a kid", and she went, "Oh, oh", and
7 ran off and grabbed someone, but it was that kind of
8 reaction of, you know - obviously they don't get men or,
9 you know, coming in all that often, let alone maybe sort of
10 tall people that they would consider to be sort of strong
11 enough to not go and get abused; yeah, everyone's a kid at
12 some stage, yeah.

13

14 Q. You say in your statement that you ultimately, and I
15 think this was in 2020, you went to the police and you gave
16 a statement and you talk about having a really positive
17 experience with Tasmania Police; would you like to
18 elaborate on why that was a positive experience for you?

19 A. So, Tas Police came about through my psychologist, who
20 worked alongside a program, we've got a critical incident
21 stress management program at work and they knew one another
22 through that, and it just happens that the detective is -
23 her role as a detective is in sexual abuse, so that was a
24 slow introduction.

25

26 It still took quite some time to run from, you know,
27 talking to my psychologist about it through to actually
28 doing the statement, but the compassion and the level of
29 professionalism that she showed through that, and allowing
30 me to do it in my own time and actually taking the time
31 coming from, like, an authority figure, I guess, really
32 meant that it was a comfortable and positive experience for
33 me to be able to do that.

34

35 Q. You say in your statement that ultimately a brief went
36 up to the DPP for consideration in relation to whether or
37 not to prosecute, and in your statement you say that you
38 had a less positive experience of the DPP, and I'll just
39 invite you to elaborate on why that was a less positive
40 experience.

41 A. Well, I guess throughout the investigation, like, I
42 wasn't given any false hope that this would end up being
43 done and dusted and go to trial or - but I guess, like,
44 initially I just wanted to speak to the police and then,
45 like I said, it was a progression through that to the
46 statement and then the investigation, and I guess by the
47 end of it all I had an expectation, I guess, and from what

1 I was told there was a good body of evidence, the DPP said
2 I'd make a reliable witness, but that they weren't going to
3 proceed with the taking it to court, which, yeah, left a
4 pretty - yeah, I think at the end of the day I was pretty
5 upset by that. I'm not 100 per cent sure why, whether it's
6 because it's historical or - being historical and the fact
7 that I was a little kid and the perpetrator was an adult
8 who had a - you know, in, to me, a powerful position makes
9 it much harder for me to be able to give solid kind of
10 evidence, I suppose, but yeah.

11
12 Q. In your statement you say that one of the reasons you
13 were given at the time as to why a prosecution wouldn't go
14 ahead was that there was a lack of corroborating evidence;
15 is that your recollection?

16 A. Yes.

17
18 Q. Just for clarity, and I've probably introduced this
19 inaccuracy myself, we've been talking about the DPP; can
20 you just clarify whether you had actual contact with the
21 Director of Public Prosecutions or just with people who
22 work in his office?

23 A. I didn't have any contact with the DPP, it came
24 through the investigator.

25
26 Q. I see, thank you. We talked before about your feeling
27 back when you were a child and being abused, or once you
28 had a realisation that you were being abused, that you felt
29 that the system was protecting the perpetrator, not you.

30
31 In paragraph 23 of your statement you reflect in
32 relation to your interaction with the Office of the DPP, or
33 indirectly with the Office of the DPP that it made you feel
34 like the perpetrator still has power over you today, "that
35 the system is there to protect him, not me". And, again,
36 I'll just invite you to elaborate on that for the
37 Commissioners?

38 A. Yeah, so, there's a real power imbalance, and that
39 power imbalance started when I was an 8-year-old,
40 9-year-old, or possibly younger being groomed from probably
41 the age of 5. That power imbalance carried through my
42 entire life so far, and now here again we have the power
43 imbalance with the DPP, where the perpetrator is, how I see
44 it, protected by the system through - because he did what
45 he did when I was a little kid and all that's worked in his
46 advantage and favour. If he'd done the same things to me
47 when I was 18 as when I was 8, it would be a whole

1 different story: that's how I feel about it.

2
3 Q. Thank you. I'd like to now look to the future. The
4 Commissioners are going to over the course of the next two
5 days hear evidence about reforms that are in motion or that
6 might be brought in that might mean that children in the
7 future are spared your experience. I'd just like to invite
8 you to offer any insights you would like to to the
9 Commissioners about the sorts of changes that might have
10 made a difference to you.

11 A. Well, firstly, as a society we need to recognise that
12 every adult is capable of this crime of doing this to kids.
13 We spend so much time worrying about adults' feelings
14 rather than the impact on the kids, so there's a lot of - a
15 lot gets said about protecting anonymity and making sure
16 that people's reputations aren't hurt, that God forbid
17 someone might lose a job, but what's not getting spoken
18 about enough is that we need to protect the kids and that's
19 our number one priority.
20

21 The systems that need to be in place need to be
22 child-centred rather than adult-centred, because at the
23 moment they definitely seem to be, like I say, worrying
24 about the adults' feelings. When incidents happen at a
25 school or anywhere, and an organisation knows about it,
26 they need to be more transparent which will in turn educate
27 parents and help the kids.
28

29 Q. Mr Boost, in relation to that point you've just made
30 there, can I ask you: you give an example in your statement
31 at about paragraph 36 of an experience that you had as a
32 parent of children at a primary school recently; would you
33 like to tell the Commissioners about that experience?

34 A. Yeah, so in 2020, so not historical by any means, at
35 my kids' school there's [REDACTED] lessons, they do it
36 every year near the end of the year, there was a teacher
37 who came in as a - I'm not sure whether it was relief or
38 because to take this specialty class or whatnot, had made
39 some inappropriate comments to some girls at the [REDACTED]
40 [REDACTED]. There were complaints made to the principal from
41 teachers, my wife being one of them. There was nothing
42 said to any parent, there was nothing brought up amongst
43 the teachers; the person who made the inappropriate
44 comments just didn't turn up the next day and there was
45 nothing said or done, so how do we instill trust in an
46 institution like the Department of Education when this
47 person potentially the next day could have just gone to

1 another school and done the same thing without - and again,
2 they're so worried about adults' feelings that they're not
3 sort of protecting the kids, if that makes sense: they're
4 so worried about it not getting out and it being bad
5 publicity or whatnot. That kind of behaviour needs to be
6 called out and made - aired and made - you know, it's for
7 everyone's benefit that they knew that that happened at
8 that school.

9
10 Q. Can I ask you, and I'm conscious that it may be that
11 steps were taken by the school but not communicated, or by
12 the department but not communicated to the parent body and
13 the teacher body; what sort of communications would have
14 made a difference to you as a parent in that circumstance?

15 A. Oh, just, it didn't need to have any detail, just that
16 there was an incident and, you know, if any kids needed
17 counselling or if parents had queries, to contact the
18 principal, just as simple as that.

19
20 Q. So, an acknowledgment that something has happened and
21 an offer of support?

22 A. Yeah.

23
24 Q. The final question I'd like to ask you, Mr Boost, is
25 you talk in your statement about, as a result of your
26 abuse, having difficulty trusting institutions. The
27 Commission of Inquiry is itself an institution of sorts and
28 I'd just like to invite you to explain what it is that's
29 caused you to, at personal expense, come forward and share
30 your story with the Commission?

31 A. Initially, I just wanted to speak to the Commission
32 and make a submission, and then that submission turned into
33 a conversation with Robert Benjamin - is that right?
34 Sorry.

35
36 COMMISSIONER BENJAMIN: Absolutely.

37 A. And I see an opportunity for us to do some really good
38 things, and some key focuses for particularly the Education
39 Department where my abuse stemmed from and the DPP looking
40 at historical charges. The, I guess, the - sorry, my
41 brain's just - yeah.

42
43 COMMISSIONER BROMFIELD: Just take your time.

44 A. I can see issues from a victim's point of view that
45 could have, maybe not stopped all the abuse, but certainly
46 would have helped me and how I feel it would help others,
47 firstly, not get abused; and secondly, if they did, have

1 the power to come out and actually say something, yeah.

2
3 MS NORTON: Q. Do you have any reflections on - you've
4 talked about finding it difficult as a student who had been
5 abused by someone in a leadership position, finding it
6 difficult to break through and make a complaint; do you
7 have any ideas about what might have made it easier for you
8 to find someone to complain to?

9 A. I think if we start just by educating on grooming
10 particularly: parents, teachers and children all need to
11 know about grooming; how it works, how effective it is, and
12 how any adult with the mindset can be capable of doing
13 that.

14
15 My two kids both attend a Department of Education
16 public school and not once have I heard about education on
17 grooming. It just seems like such a simple fix. Because,
18 even my ■-year-old, if you talked to him about something,
19 they take that in and they recognise, and he can - like, it
20 doesn't need to be highbrow, it just needs to be very
21 simple, you know.

22
23 And then also, I guess, if I had teachers that I had
24 trust in, it would have made a huge difference for me.
25 Teachers, speaking as a husband of a primary school
26 teacher, they're flat out, they don't have time, they're
27 lucky to have two minutes a day to actually connect with a
28 child. There's so much pressure on teachers to, even if
29 they see something, they're unlikely to have the time to
30 really do anything about it. They can see behaviour - they
31 spend probably more time with most kids than most parents,
32 but they still don't have the time to connect and be able
33 to actually communicate with those kids properly and be
34 able to pick these sort of things up.

35
36 Q. Thank you, Mr Boost. Is there anything else that you
37 feel we've missed that you'd like to say to the
38 Commissioners?

39 A. Yeah, I'd just - I mean, you guys are in the position
40 where you can make recommendations, and I'm sure you've
41 heard lots of victim-survivors and you've got probably a
42 book full of recommendations ready to go, but yeah, if we
43 can just concentrate on not worrying about adults' feelings
44 and worrying about the kids instead, that would be great,
45 yeah, but it's over to you. Thank you.

46
47 MS NORTON: Thank you, Mr Boost. Commissioners, I don't

1 have any further questions.

2

3 COMMISSIONER BENJAMIN: Q. Mr Boost, it's exceptionally
4 brave of you to tell your story; you did it eloquently and
5 powerfully, including your analogy of the tortoise and the
6 hare, or the hare and the tortoise. It will influence our
7 work, and we know that the Education Department are
8 listening as you speak.

9

10 I have no doubt that your bravery will be an
11 inspiration to other survivors who are still isolated and
12 alone in carrying the burden that you talk about, who are
13 still overwhelmed by the tortoise, and I suspect your story
14 will impact upon them and perhaps help them keep ahead of
15 that tortoise. Thank you.

16 A. Thank you.

17

18 PRESIDENT NEAVE: I want to second Commissioner Benjamin's
19 comments: thank you very much for your courage, your
20 eloquence, your moving evidence. I agree with Commissioner
21 Benjamin that we hope that the government is listening and
22 that changes will come about as a result of your evidence
23 and that of all of the other survivors of sexual abuse who
24 have given evidence to the Commission.

25

26 I also hope that hearing your evidence will help to
27 educate the community about grooming issues, about how
28 abuse occurs and about the powerlessness of children
29 compared to adults. We're sorry to hear of the long-term
30 effects that this abuse has had on you and will have had on
31 other people who have experienced it, but you've made a
32 really positive impact on us in terms of the areas of
33 change that you've identified, they're very, very important
34 issues that you've very carefully and clearly identified as
35 areas for change. So, thank you very much.

36 A. Thanks.

37

38 COMMISSIONER BROMFIELD: I don't have anything to add,
39 thank you very much. I hope that we demonstrate that we're
40 worthy of your confidence in us.

41 A. Thank you.

42

43 PRESIDENT NEAVE: Thank you, Mr Boost.

44

45 MS NORTON: Commissioners, we'll take the morning tea
46 break now.

47

1 A. I certainly can.

2

3 Q. Thank you. Can you please tell the Commissioners your
4 full name and professional address?

5 A. Yes, it's Catherine Maree Taylor, and the address is
6 31 Flinders Street, Adelaide.

7

8 Q. Thank you, and can you please identify your current
9 role?

10 A. I'm currently the Chief Executive of the Department
11 for Child Protection in South Australia.

12

13 Q. You have undergraduate qualifications in Law and
14 postgraduate qualifications in Law and Public
15 Administration, including Executive Masters of Public
16 Administration, and you have been the Chief Executive of
17 the department since 1 November 2016; is that right?

18 A. That's correct.

19

20 Q. And, as Commissioner Bromfield identified, you have
21 also been appointed as Adjunct Industry Professor with the
22 Australian Centre for Child Protection at the University of
23 South Australia; is that right?

24 A. That's correct as well.

25

26 Q. Now, Ms Taylor, I skipped over a few of your extensive
27 qualifications. Suffice it to say they are extensive and
28 they are provided in your attached curriculum vitae. Is
29 there anything that you'd like to draw to the Commission's
30 attention before you give evidence today?

31 A. Not at all.

32

33 Q. With that introduction, perhaps if you could tell the
34 Commissioners about how the current department in which you
35 serve arose out of the Nyland Reforms?

36 A. Certainly. So, the Nyland Royal Commission was held
37 between 2014 and 2016. In mid-2016, Commissioner Margaret
38 Nyland made an interim recommendation to the government
39 that, rather than remaining as part of the Department of
40 Education and Child Development, that a stand-alone
41 Department for Child Protection should be established, and
42 that recommendation was put to the then government and it
43 was accepted and the department commenced as the Department
44 for Child Protection on 1 November 2016.

45

46 Q. Just to pause there and just for those really watching
47 at home, can you briefly identify why the Nyland Commission

1 was called and what it was looking at?

2 A. Certainly. So, I was not part of the South Australian
3 Public Service at the time, but I can comment onto why it
4 was called: there'd been some very serious allegations
5 raised and subsequently a staff member working in
6 residential care had been charged in relation to sexual
7 abuse, and there were concerns about the ability of, not
8 just in terms of that staff, but that concerns had been
9 raised with supervisors and managers, and there were
10 concerns raised about the system that actually dealt with
11 significant allegations of sexual abuse both within the
12 department but also how Child Protection was dealt with
13 across the sector.

14
15 Q. And so, one of the interim recommendations was
16 effectively to split apart really those parts of the
17 department that dealt with Education, those that dealt with
18 Child Protection; is that right?

19 A. That's correct.

20
21 Q. So far as you understand in your current position, why
22 was that seen as an important thing to do?

23 A. Certainly Commissioner Nyland, as I understand it, had
24 received a lot of evidence about the integration, or as it
25 turned out to be, the lack of integration that had occurred
26 between Education and Child Protection. Commissioner
27 Nyland also looked at the Western Australian experience
28 where they had had a dedicated department focused on Child
29 Protection and family support, and my understanding is that
30 there was a belief that there was such change needed that
31 there needed to be a dedicated focus on Child Protection
32 going forward led by experience in Child Protection.

33
34 Q. Just to pick up on one of the issues you point to at
35 paragraph 14(a) of your statement, you say that one of the
36 reasons, as you understood it, for the recommendation was
37 that there needed to be a fresh start around Child
38 Protection. Could that not work the other way, so that a
39 fresh start might be created by the creation of a
40 mega-department or an integrated department?

41 A. Certainly in the South Australian experience they had
42 been in, you know, both Education and Child Development
43 which included Child Protection, so absolutely that fresh
44 start was about separating. There is no bar to a fresh
45 start bringing functions together, and I certainly reflect
46 on that during the course of my statement.

47

1 Q. You tell us in your statement from paragraphs 18 and
2 following what you see as being the important aspects that
3 need to be considered when you're thinking about a
4 mega-department, and you go through a number of those
5 matters. The first you list is Child Protection expertise;
6 can you tell us what you mean by that, why it's important?
7 A. Yeah. Look, I certainly can, and please don't
8 hesitate if I go on too long or I'm speaking too fast, to
9 interrupt me.

10
11 Certainly, it was the reflections of Commissioner
12 Nyland and subsequently what the South Australian
13 Government accepted at that time, was that staff needed to
14 have confidence that the leadership actually understood
15 what it meant to be responsible for Child Protection. So,
16 when we're talking about Child Protection expertise, they
17 were looking for not just leadership who had ever worked in
18 Child Protection but actually had understood what it meant
19 to navigate the Child Protection Systems, to be faced with
20 making complex decisions on a day-to-day basis, and really,
21 how did you maintain a focus, a dedicated focus on Child
22 Protection.

23
24 I think I say in my statement that I had worked
25 previously in Queensland in a number of very large
26 departments where a range of different functions had come
27 together, and that included Disability, Youth Justice,
28 Housing, Sport and Recreation, Multicultural Affairs, but
29 all the time the takeout, regardless of what functions were
30 placed with Child Protection, is that you actually need
31 people in the department who actually have expertise in
32 Child Protection.

33
34 PRESIDENT NEAVE: Can I just ask a question there?

35
36 MS BENNETT: Please.

37
38 PRESIDENT NEAVE: Q. As I understand it, your department
39 doesn't deal with the Youth Justice issue, is that right,
40 have I understood that correctly?

41 A. That's correct.

42
43 Q. Whereas, you mentioned that the Queensland department,
44 the large department, does include a Youth Justice
45 component, and obviously the Nyland Report didn't deal with
46 that issue, did it? So, would you have a view about - you
47 were asked by counsel about the possibility of bringing

1 functions together to create a fresh start, would you have
2 a view about including not just the Education component,
3 the Child Protection component, but the Youth Justice
4 component as well?

5 A. So, certainly, Commissioner, it's been my experience
6 in Queensland that Youth Justice has moved in and out of
7 Child Protection at different times. So, at times when
8 they've needed a dedicated focus, for example, on, might be
9 about, you know the numbers of children and young people
10 that were being held in watch houses and needing to do
11 significant legislative reform, it's been a standalone in
12 Queensland; then at other times it's come back into the
13 fold, and certainly there's a lot of overlap between Child
14 Protection and Youth Justice. You're often talking about
15 some of the same children and young people who might be
16 involved in the system because of the trauma and the abuse
17 and neglect that they may have experienced, so certainly
18 there is real merit in bringing Child Protection and Youth
19 Justice closer together but they are different
20 considerations, of course, and not the least of that is -
21 you know, one is a Justice response and the other is
22 obviously a response to trauma, abuse and neglect.

23
24 PRESIDENT NEAVE: Thank you.

25
26 MS BENNETT: Q. And so, your comments about the need for
27 expertise, do we take it that applies to whichever of those
28 portfolios are being rolled together; the people who are
29 running a department with those responsibilities, as you
30 understand it, need to have expertise in each of those
31 areas; is that right?

32 A. What I'm particularly making the point about is, with
33 responsibility for Child Protection, if you're a department
34 that has that responsibility it's important to have that
35 located, and I make the comment in my statement as many
36 levels of the organisation as possible about expertise and
37 Child Protection. What you don't want is just the
38 expertise being your practitioners on the ground, you
39 actually want to see that reflected across as much of the
40 Executive leadership as possible.

41
42 Q. Is that connected to your comments at paragraph 37 and
43 following where you talk about the delegations supporting
44 clinical decision-making and the relationship between the
45 people who are directly contacting the child and the
46 bureaucratic processes that might exist above them. Can
47 you explain the relationship there?

1 A. That's one of the - sorry for interrupting you.

2

3 Q. No.

4 A. That's certainly one of the considerations. Certainly
5 one of the things that Margaret Nyland recommended to us is
6 to pay attention to not just delegations but also flatter
7 structures so that you don't have decisions being made a
8 long way from the child, but also that they were being
9 heavily influenced by clinical decision-making that had the
10 child's best interests as a focus, rather than - and I'll
11 give you an example of a bureaucratic process. Often
12 you'll find yourself, you know, do you provide additional
13 support and it might be seen as a financial decision;
14 whereas it might be exactly what's needed because of
15 therapeutic delays, you may be waiting three to six months
16 to access a service, and from a child's perspective it's
17 far more critical that we be able to fund and prioritise
18 access to that service, so that's what I'm talking about
19 when I talk about Child Protection expertise versus
20 bureaucratic processes.

21

22 Q. How does that then connect in with the training that
23 you talk about in your statement, the workforce training
24 and support, paragraph 27 and following; is that enough to
25 get the kind of expertise that you're talking about or is
26 that additional and separate?

27 A. That's additional and separate. So, when you think
28 about it, so South Australia is a little different in that
29 our caseworkers are predominantly social work trained; we
30 also have psychologists and other multidisciplinary roles
31 as professional officers, but what we recognise is that
32 there's core information that staff acquire during the
33 course of their four-year degree and that will be
34 supplemented by placements. What we know is that, in
35 addition to that, we really need to bring the latest
36 research and evidence to the fore and ensure that our staff
37 have access to that.

38

39 So, for example, you know, one of the five areas I
40 focused on in my statement was, what is the latest thinking
41 in relation to trauma; how do we ensure that all staff,
42 whether they're a six-month caseworker or a six-year
43 caseworker, have access to, because in Child Protection the
44 evidence is continuing to grow and it's certainly the case
45 that what we understood to be the issues in Child
46 Protection 30 years ago when I first started working in
47 this area are continuing to shift and change.

1
2 PRESIDENT NEAVE: Q. So, can I ask: does that mean that
3 you need to have a department which not only responds to
4 difficult situations but anticipates the situations that
5 might arise and plans for them by reference to the latest
6 evidence; is that a fair comment?
7 A. I think it's a fair comment because you're absolutely
8 right: when you think about the history of Child Protection
9 and you think about Kemp in the 60s with the focus upon
10 battered children, and then through to the 80s and child
11 sexual abuse and now, what we know to be about the
12 complexity that children are being born into, you have to
13 be able to stay ahead of what the latest research is
14 saying, what are the best therapeutic responses, so it's
15 really important that there's that aspect of expertise that
16 the department can access.

17
18 Q. And how do you do that? I mean, in terms of
19 marshalling all of the most recent evidence and putting in
20 place evidence and informed policies, do you have a
21 separate policy area or how do you actually do that in the
22 department? And I might ask, and how would you do it if
23 you also had Youth Justice?

24 A. Yeah, so certainly it's really important that, we've
25 got a couple of different ways, Commissioner, that we deal
26 with it. So, we've got an area that deals with strategy,
27 partnerships and reform, so really this is where we're
28 looking out that three to five years, what is the latest
29 research telling us, where are the opportunities.

30
31 We also have an area around quality and practice which
32 is heavily driven by the outcomes of the latest research
33 and evaluations, but it's also the area that, for example,
34 where we're pursuing a number of partnerships across not
35 just the Australian Centre for Child Protection but other
36 industry partnerships, so with a number of universities
37 across the country, because what we're always conscious of
38 is, we will do some work in-house but we need to have
39 strong partnerships with those who are doing it.

40
41 So you know, for example, what is the latest research
42 about what is happening in terms of the interface between
43 Domestic and Family Violence and coercive control and Child
44 Protection? You know, originally we used to focus on
45 children witnessing domestic and family violence. What we
46 now know is that in fact they can be significantly impacted
47 by that regardless of whether they actually physically

1 witnessed that violence, and certainly domestic and family
2 violence is one of the most significant issues our staff
3 are dealing with each and every day in their practice.
4

5 So, in addition to the general practice elements of
6 the department, and if I was also thinking about Youth
7 Justice, you would want to have an area that has - you
8 know, continue to be focused on emerging strategy policy
9 and reform both at the state and national level but also
10 internationally, you know, what is happening in other
11 jurisdictions.
12

13 You also want to have a look at the area that's really
14 paying attention to the quality and practice, you know, the
15 safeguarding measures so that you've got some independent
16 oversight within the department of how that's performing.
17

18 And if I think about Youth Justice and think about
19 national and international obligations, for example, around
20 OPCAT and our obligations about, you know, torture and
21 trauma, you've got to have those sort of critical quality
22 and safeguarding mechanisms, not just happening in the
23 practice area, but also in an oversight space
24

25 COMMISSIONER BENJAMIN: Q. Sorry, Ms Taylor, is that why
26 your value proposition in your CV comes out; it's kind of a
27 circular process, isn't it? You say you need a
28 high-performing Senior Executive with expertise in Human
29 Service delivery, design, commissioning and operations as
30 one factor; the second, strategic policy and legislation;
31 then you go on to the evidence-informed policy and
32 decision-making; then leadership and reform which follows
33 that, and then influencing, motivating and mentoring for
34 success. Then you go back to the start again, it's kind of
35 a flowchart in your thinking. Is that the lay of it all?
36 No, go on?

37 A. I was going to say, I'm nodding, and then I realised
38 that's not particularly helpful for you because it doesn't
39 translate, but yes, you're definitely looking at moving
40 away from single loop learning, you know, that constancy of
41 a focus upon critical learning, evaluation, continuous
42 improvement, adjusting then your practice policy settings.
43 So it is, as you say, an ongoing circle; it's not a linear
44 process.
45

46 Q. And I guess it's twofold in some description : one is
47 to react to issues as they arise, but the other which this

1 talks about is looking at issues before they might arise
2 and then fitting them in with a holistic approach; is that
3 the thrust of your thinking?

4 A. That is probably a far more appropriate way to craft
5 my thinking, that it's not linear, but yes, continuing to
6 pick up both what is happening and then anticipating
7 emerging issues that might occur.

8
9 If I could give you an example. During the first
10 phase of COVID in 2020, myself and a number of other Chief
11 Executive Secretaries around the country reflected upon
12 their experience of the global financial crisis in 2008 and
13 knew that one of the issues that we needed to understand
14 was, even before COVID had been operating for a number
15 of months, what impact would COVID have upon the practice
16 and delivery of Child Protection and was it, you know, were
17 we going to see an increase in reporting and, you know,
18 were we going to see a decrease in reporting and all of
19 that. So, we worked hand-in-glove with the AOHW in 2020 to
20 do that work and subsequently there was a report published
21 about Child Protection in the time of COVID and that's a
22 good example of where, if you've been around and had Child
23 Protection experience for a good period of time you can
24 recognise that there have been experiences previously, and
25 when you see these sorts of experiences emerge you want to
26 have your eye to what it might mean going forward

27
28 COMMISSIONER BENJAMIN: Thank you.

29
30 PRESIDENT NEAVE: Q. Can I just have a follow-up on
31 that. We're dealing with a state where there's a problem
32 in recruiting caseworkers, I believe, and in recruiting
33 qualified people and they're busy, they're dealing with all
34 sorts of crises. What's the process for feeding the
35 conclusions that you reach in that strategic thinking
36 process for feeding that through so that it results in
37 changes in practice on the ground?

38
39 If I'm a busy caseworker I may not have time to read a
40 long report and put it into place and it might be difficult
41 to do it anyway because of all of the structures, so how do
42 you make sure that that gets fed through to the individuals
43 who are working on the ground?

44 A. I think that's one of the most significant and
45 challenging aspects that we have to encounter, which is
46 essentially what I would call, Commissioner, the knowledge
47 translation piece because, you know, it might have been a

1 fabulous piece of research, it might have been an adverse
2 event review, it might have been a thematic report, and the
3 question for us is, how do we take out the key aspects of
4 that and actually share that?

5
6 So what we are currently doing is, we have workplace
7 learning that our learning and practice development area
8 delivers on a regular basis every month across all of our
9 offices as well as a Governance Committee. What we really
10 try to look at are some of the critical themes that are
11 emerging from that.

12
13 So in recent times, for example, notifications that
14 involve unborn children. We've seen that, you know, where
15 it's subsequently resulted in maybe the death of a child,
16 or it might be it wasn't the death but there was serious
17 injury concern, and the question for us is, how do we
18 change the processes, the practices, even the systems
19 around that?

20
21 So, we've done what we call practice guidance papers.
22 Claire Simmons who is our lead practitioner - in other
23 states they might refer to them as the Chief Practitioner
24 and there's similar roles in other jurisdictions - she's
25 then out with her team actually talking directly to staff
26 in our offices as well as delivering it through workplace
27 learning.

28
29 So, what we're trying to do, because you're right,
30 time is a precious commodity, but what we're trying to do
31 is that distillation into knowledge translation. Some of
32 it's also working with our university partners, so it's
33 about, you know, are there seminars and other pieces where
34 we can - as I said, it's the knowledge translation, distil
35 the key themes in a way that there's, you know, takeouts.

36
37 So, most recently, for example, we've been partnering
38 with Flinders University in relation to specifically
39 working with some of our southern offices and a number of
40 our NGOs around some critical learnings about how we need
41 to look at how we assess risk when it involves domestic and
42 family violence.

43
44 PRESIDENT NEAVE: Thank you.

45
46 MS BENNETT: Q. Ms Taylor, with what you've just been
47 speaking about I wanted to ask you about the Corporate

1 Services of a mega-department, if I could use that term;
2 So, for example, the IT Legal Services, HR, and how they
3 might need to differentiate for the different functions
4 that that department is carrying out. Can you tell the
5 Commissioners about that issue and if that's something that
6 you've faced or can assist us with?

7 A. I certainly can, and it was actually an area that
8 Commissioner Margaret Nyland made reference to. In my
9 statement I make the comment about, obviously one of the
10 benefits of a larger department is you get economies of
11 size and scale, and the challenge is, how do you balance
12 that with also having knowledge and understanding of Child
13 Protection?

14
15 What happened in the experience in Education here in
16 South Australia was, particularly if I start with the HR
17 Department is, you know, we certainly had experiences where
18 there was a general policy position that was used to both
19 recruit and also assess suitability for roles. What
20 Commissioner Nyland recommended was that we needed, based
21 on the history and concerns about our residential care
22 workers, we needed to really pay a lot more attention to
23 how we recruit, how we assess suitability, so we now
24 undertake psychological assessment and we do assessment
25 centres. So it's about understanding - it's just not as
26 straight forward as, you know, putting out a job ad or an
27 EOI, what you're really trying to do is much more, and this
28 is right across the board, is assess suitability for the
29 role: why do people want to work in Child Protection, you
30 know, what is their motivation, how will they deal with
31 complex matters, and so, we try to deal with those in
32 there.

33
34 What was good for us is that Education were very good
35 partners even as we separated into two departments and it
36 took us time to stand up, standalone corporate functions in
37 each of the areas, so we went very early on finance and HR.
38 Then IT was the third area that we did, but we did things
39 like investigations, work health, safety, they were sort of
40 really the third phase. Education kept delivering some of
41 those functions for us until we were able to stand it up.

42
43 One of the issues that I'll just say is, when you're
44 in a large department and you're looking for efficiencies,
45 particularly in a corporate area, think about - and I
46 reference in my statement - are people at different levels?
47 We discovered that the Education staff had all been at

1 different levels to the Child Protection staff, they had
2 different policy settings about recruitment, so very early
3 on, as I said, I think in my first week I needed to do the
4 training so I could chair a panel and I discovered that it
5 was still an Education policy that we needed an Australian
6 Education union representative: entirely appropriate for an
7 Education setting, not so appropriate for a Child
8 Protection setting. Much more critical that there was
9 Aboriginal and Torres Strait Island expertise on the panel
10 given the levels of over-representation.

11
12 So, across each of them, when I talk about
13 understanding of Child Protection, they don't have to have
14 necessarily practised but they do need to understand, you
15 know, why the history of the EB exists the way it does,
16 what had been the previous attempts to recruit, why each
17 jurisdiction is configured in the way it is.

18
19 Q. Can I ask you, Ms Taylor, about the care and concern
20 process that you identify in your statement at around
21 paragraph 63 and following, and this is really about, as I
22 understand it, how the department responds to allegations
23 of abuse in care and the care concern process that you
24 outline. Can you tell us briefly at a structural level
25 what you needed to put in place to ensure proper oversight
26 and monitoring over those issues?

27 A. Yes, and to be fair some of this existed prior to the
28 Nyland Commission. What the Nyland Commission did was
29 suggest to us that we needed to hone our focus, and of
30 course that was the year before the Federal Royal
31 Commission handed down its final recommendation, so some of
32 it is also about point in time.

33
34 What we needed to do was be very clear about the
35 difference between receiving a concern about abuse in care.
36 So, as I've said earlier, one of the reasons Nyland came
37 about was concerns that issues had been raised with
38 supervisors and managers and they hadn't been dealt with,
39 so we now have an obligation: any concern about abuse in
40 care is reported to a Child Abuse Report Line, it is dealt
41 with as we deal with all concerns from the community. At
42 that point we then go through a process about the level and
43 nature of the concern and the type of concern, so we are
44 talking about not just abuse in care of child sexual abuse,
45 we're talking about neglect, physical abuse, emotional
46 abuse as well. And, if it's a serious matter, one of the
47 Nyland Commission recommendations which we took on board

1 was actually about having investigation ability within the
2 department, and so, that involved people who had previously
3 undertaken investigations, that sort of expertise.
4

5 So, we've got - you know, reporting is through the one
6 avenue, Child Abuse Report Line regardless of whether it's
7 abuse in care or not; it's screened in the way that we
8 screen in matters across the board. As I said, when it
9 involves abuse in care and it's a serious matter, a very
10 formal investigation is undertaken regardless of whether
11 that's about a staff member in the department, a staff
12 member in a non-government sector, whether it's a foster
13 carer or whether it's a kinship carer, so all our serious
14 matters are investigated regardless of who is deemed to be
15 responsible for that concern.
16

17 Q. Do you have a view on the leadership of a
18 mega-department of that kind? Do things of this kind need
19 to be dealt with at a Deputy Secretary level, or an
20 Executive Director level? Where does the responsibility
21 need to lie?

22 A. I think, look, it's interesting because certainly the
23 Education Department had a view that it needed to be
24 significantly senior and then be able to report up to a
25 Minister. We had a similar look a couple of years ago and
26 the view was that actually the Chief Executive really
27 should know of serious abuse in care. I don't need to be
28 in the middle of the investigation but I do need to know
29 what the outcome is, and on a monthly basis in a
30 de-identified way we provide that level of information
31 about serious care concerns to the Minister of the day, and
32 that's been a practice now for a number of years, so it
33 actually enables both Cabinet members as well as senior
34 executives in a department to have line of sight.
35

36 What you don't want is the old plausible deniability
37 problem where, if it's sitting with an Executive Director
38 and the Chief Executive says, "Well, I didn't know about
39 that", actually if it's abuse in care and we've intervened
40 in a family, we've removed a child and there's been
41 allegations of abuse in care, I would think, as the
42 Guardian responsible for the care of the children and young
43 people, you would want to know about serious allegations of
44 abuse in care.
45

46 Q. Does the size of a mega-department cause some
47 practical difficulties in making that happen?

1 A. It does, but similarly it's like if you think about
2 it, not from a Child Protection side and think about it
3 from an Education side, if there are allegations of sexual
4 abuse by a teacher, again, you want the systems in place
5 such that they're being escalated; if they're serious
6 criminal matters, as a Chief Executive you'd want to know
7 about them, you'd want to know they're being investigated,
8 you'd want to make sure that the relevant Minister of the
9 day has - you know, we're being briefed about it.

10
11 So, I mean, you're right, there's always that question
12 of size and scale, but I think that's one - and I think I
13 recommended in the statement - early on that needs to be
14 landed and settled about, where is the most appropriate
15 place, what does the Chief Executive, what are they going
16 to be informed about, what's the Minister going to be
17 informed about and settle that in such a way that there's
18 clarity for all people within the department regardless of
19 which area they work for.

20
21 PRESIDENT NEAVE: Q. Can I just ask you about your
22 internal investigation process. Do you also have an
23 independent process? Because one of the concerns that
24 might be raised with an internal process is, it's actually
25 used in a way almost to obscure events, which might be
26 embarrassing, particularly if it's a failure of the
27 department, so how do you deal with that issue?

28 A. Certainly. We have a role in South Australia, it's
29 referred to as the Guardian for Children and Young People
30 in Out-of-Home Care, and we have a protocol with the
31 Guardian, and it's known as the R20 protocol, which turns
32 out to be a Recommendation 20 from a number of inquiries
33 ago, and we provide regular information to the Guardian.

34
35 What we don't have in place in South Australia which,
36 as you'd be aware a number of jurisdictions have in place,
37 is for example a Reportable Conduct Scheme. So, you know,
38 certainly New South Wales established that and now both the
39 ACT and I believe Victoria both have such a scheme in
40 place, but we certainly have the case that the Guardian
41 receives, under the protocol the advice about that; it sits
42 on the panel to look at how that is being dealt with, but
43 that is certainly an area that you always are conscious of,
44 is that sort of external scrutiny.

45
46 Q. And, as I understand it, the Guardian doesn't have a
47 detailed investigative power; am I right in that? Have I

1 understood that correctly?

2 A. That's correct, yes.

3

4 PRESIDENT NEAVE: Thank you.

5

6 MS BENNETT: Commissioner Bromfield, did you...?

7

8 COMMISSIONER BROMFIELD: I will ask my question now, I
9 wasn't going to interrupt your flow, but since we already
10 have.

11

12 MS BENNETT: No.

13

14 COMMISSIONER BROMFIELD: Q. Ms Taylor, in your statement
15 you talk about the differential size of divisions in
16 mega-departments sometimes creating risks, and I think you
17 used the particular example of the number of teachers
18 compared to the number of Child Protection practitioners
19 and that then, I guess, being a potential risk when you
20 were looking for efficiencies like where you were going to
21 spend your workforce development dollars. But I've given
22 you a question; are you good?

23 A. Certainly. Was there a particular question that you
24 wanted me to address?

25

26 Q. I just wanted you to talk a little bit about what were
27 some of those potential risks with differential sizes of
28 divisions.

29 A. Look, in my statement I refer to, you know, for
30 example investment in things such as professional
31 development and training, and look, it's the case that
32 every department, regardless of size and scale, always is
33 looking for the most effective and efficient way that they
34 can deliver services. Two of the areas that invariably -
35 and I've mentioned one in my statement but I'll mention the
36 other - that invariably you look at a time when finances
37 are tight is, you look to reduce travel costs and you look
38 to reduce training. We used to call it the haircut, you
39 know, you give yourself a bit of a haircut.

40

41 Interestingly in Child Protection they are the two
42 areas that in fact I would always prioritise not to cut,
43 and at times - because travel is more often than not
44 client-related and relationship is incredibly important, so
45 it might mean - and, while you can do now an extraordinary
46 amount online, and we've used that through COVID and I
47 think it's demonstrated to us how important and valuable a

1 tool that is, there is still time when we need to, for
2 example, go and assess a potential carer in Mt Isa who
3 might become a kinship carer for a family in the future.
4 But it's particularly about the learning and development
5 area, this is one where in fact when times are tough, when
6 you're under scrutiny, when you're coming out of scrutiny,
7 this is the time to invest ongoing and regular, you know,
8 dollars in professional development and training.

9
10 And I'll relay to you that when I arrived Treasury
11 were fixing the budget for us in 2016 and they told me how
12 much they were going to put aside for professional
13 development in the department, and I said to them, "Look,
14 I'd rather you didn't give us that little unless - you
15 know, if you're going to give us the money, give it to us
16 so that I can actually do what we need to do". So, we made
17 sure it was a good proportion of our training and
18 development.

19
20 And what's important is, it's not about all internal
21 staff, it's not all about internal training; sometimes, as
22 I said earlier, it's about accessing the latest national
23 and international evidence; that has been, for me, one of
24 the things that actually has been the most valuable, is to
25 continue to invest in ongoing professional development and
26 training, because you will see turnover in staff, you will
27 see emerging practice, and it will give, considering how
28 much we rely upon professional judgment in Child
29 Protection, nothing supports good professional judgment
30 than good professional development and training.

31
32 MS BENNETT: Q. You speak, Ms Taylor, in your statement
33 about harmful sexual behaviours and responding to harmful
34 sexual behaviours. Can you tell us about what you're doing
35 in that space to develop processes for responding to
36 harmful sexual behaviours for children in care?

37 A. Yeah, I will speak about where the department's doing
38 some work, but probably most critically where we're
39 leveraging off another jurisdiction's work and this is the
40 importance of this area.

41
42 So, a couple of years ago the Ombudsman here in South
43 Australia received a complaint and then looked at the
44 question of placement of children who had a history of
45 harmful sexual behaviours, and what became clear is that we
46 had a way of working, the Education Department had a way of
47 working, and it was a discussion that a number of

1 jurisdictions at that time were looking at. You know,
2 certainly the Morcombe Foundation in Queensland were having
3 a look at this question, as was the Australian Centre for
4 Child Protection.

5
6 So, the Children's Commissioner here in South
7 Australia convened a meeting of all of the players in this
8 area, including ourselves, Health, Education, as well as
9 our partners, and then it became very clear to us very
10 early on that in fact Western Australia had progressed a
11 lot further than we had in terms of, not just commissioning
12 research but actually then guidelines and frameworks that
13 they were going to then be training all of their staff in.

14
15 So when I talk about us leveraging, the Western
16 Australian Government funded significantly the partnership
17 with the Australian Centre for Child Protection, and I
18 think we've benefitted from that partnership; we've
19 contributed a much smaller amount of money, but have really
20 benefitted from the research, the knowledge and the wisdom.
21 So, we're working with the Western Australian Government
22 and the Australian Centre for Child Protection about how we
23 can actually see this training being delivered across our
24 staff in the coming weeks and months, and this is just
25 about to press "go" in terms of all of this.

26
27 So, some of our most senior practice leaders and a
28 number of others - I will get the numbers wrong, but I
29 think approximately 60 from our side and 60 from the
30 Western Australian side will be going through these master
31 classes and modules of training over the coming weeks
32 and months.

33
34 MS BENNETT: Now, Ms Taylor, I fear that we could
35 spend hours discussing the matters of your evidence, but
36 time is against us, so I'll ask the Commissioners if they
37 have any additional matters they'd like to raise. I won't
38 say I have nothing further for this witness but I have many
39 other things, but I think for today's purposes those are
40 the questions I propose to ask.

41
42 COMMISSIONER BROMFIELD: I have one question.

43
44 Q. You mentioned in your evidence that knowledge has
45 changed in the last 30 years. We've certainly heard in
46 this Commission, I guess, about the pipeline from Child
47 Protection intake into Out-of-Home Care, into Youth

1 Justice, and at each point of that pipeline there's been
2 discussions about Early Intervention and Prevention and the
3 need for it. It's not a unique problem. I just wondered
4 if you had any reflections based on the 30 years and what's
5 changed about, you know, current thinking in that area?

6 A. Look, this is going to be one of these ones where I'm
7 either ageing myself badly, but certainly when I think
8 about when I started working in this area we believed that,
9 if families got access to Prevention and Early Intervention
10 Service early we could in fact divert them from becoming
11 involved in a more significant way with the statutory
12 agencies such as, in South Australia, the Department for
13 Child Protection. South Australia had introduced mandatory
14 reporting to this country, it introduced structured
15 decision-making and a range of things.

16
17 What has become clearer in the last few years, and
18 this has been really assisted by a very deep dive into our
19 files. When you've been through a Commission of Inquiry
20 such as we did here in South Australia, we knew the only
21 way was up but we opened all our files up, we shared all of
22 our data, and Nyland had recommended that we really invest
23 in an Early Intervention Research Directorate and the
24 government accepted that recommendation, established it.

25
26 What became very clear was, actually, the community
27 wasn't over-reporting; we weren't seeing lots of reports
28 that didn't meet the threshold of harm or significant harm,
29 but what we were seeing was that the old ideas that, you
30 know, if we could get in early in the first, you know,
31 thousand days we could divert a child from having further
32 involvement in the statutory system has proven not to be
33 the case. In fact, children are being born into
34 complexity, and what we now know is that children and
35 families aren't presenting with one or two risk factors,
36 they're actually presenting with multiple risk factors and
37 the chronicity of the neglect that we're seeing, you know,
38 huge issues in relation to domestic and family violence.

39
40 While the formal reporting to us in terms of
41 notifications might sit under 40 per cent, when we did the
42 deep dive into all our files we actually discovered it was
43 sitting closer to being a feature in 90 per cent of all of
44 the notifications that were coming into the attention of
45 the department.

46
47 So what we're seeing, Commissioner, is children being

1 born into complexity. We used to refer to the toxic trio
2 of thinking that, you know, if you got in early with mental
3 health or drug and alcohol or DV we could change the
4 trajectory. What we now know is that we need much more
5 intensive family support services that have got the ability
6 to work with the family to hold quite significant levels of
7 risk for quite an extended period of time, you know, in
8 order to avoid placement in out-of-home care.

9
10 But I think the big one, as I said, is the idea of
11 playgroups is really important, but the families we're
12 being notified about are not the families that will benefit
13 more often than not from a participation in a play group,
14 we're talking about very significant and complex families
15 that are now being notified to Child Protection systems.
16 In South Australia it's now one-in-three children born in
17 South Australia during the course of their lifetime will be
18 notified to the department

19
20 COMMISSIONER BROMFIELD: Thank you.

21
22 PRESIDENT NEAVE: Thank you very much indeed, Ms Taylor,
23 that was really interesting evidence and we'll certainly be
24 taking it into account, thank you.

25
26 MS BENNETT: Commissioners, the next witness is
27 Mr Bullard. He's present in the hearing room, it might be
28 best if we simply roll on to Mr Bullard, if we have just a
29 moment, thanks to Ms Taylor.

30
31 PRESIDENT NEAVE: That's good, thank you.

32
33 MS BENNETT: If I ask Mr Bullard to come forward to the
34 witness area and we'll ask that he be sworn or affirmed in
35 accordance with his preference. While that's happening --

36
37 PRESIDENT NEAVE: I've got another restricted publication
38 order to make, so perhaps I'll make it now while Mr Bullard
39 is stepping forward.

40
41 MS BENNETT: Certainly.

42
43 PRESIDENT NEAVE: In previous hearings the Commission has
44 made a number of restricted publication orders. This
45 includes the restricted publication orders issued on 9, 10
46 and 11 May 2022 in relation to the Education hearings. The
47 Commission made those orders because it was satisfied that

1 the public interest in reporting on the identities of
2 certain people who may be discussed during the hearings is
3 outweighed - I'm sorry, do sit down while I read this - is
4 outweighed by the relevant legal and privacy
5 considerations. Those orders continue to operate.
6

7 This means that anyone including the media and members
8 of the public who watches or reads the information given
9 during this hearing must not share any information which
10 may identify the individuals who are listed in these orders
11 including on social media. I encourage any journalist
12 wishing to report on this hearing to discuss the scope of
13 any orders with the Commission's media liaison officer.
14 Copies of those orders are available on the Commission's
15 website and outside the hearing room door.
16

17 Thank you, and we can now swear the witness.
18

19 MS BENNETT: Please the Commissioners.
20

21 <TIMOTHY JOHN BULLARD, affirmed: [11.48am]
22

23 <EXAMINATION BY MS BENNETT:
24

25 MS BENNETT: Mr Bullard, can you please tell the
26 Commissioners again your full name and professional
27 address?

28 A. It's Timothy John Bullard, 4 Salamanca Place, Hobart.
29

30 Q. And your current position?

31 A. I'm the Secretary of the Department of Education.
32

33 Q. You've made statements to this Commission in the past,
34 I believe the most recent of which is dated today. Can you
35 tell the Commissioners if you have read that statement
36 recently and if its contents are true and correct?

37 A. Yes, I have read that statement recently. I would
38 like to make one amendment and it relates to paragraph 5(b)
39 where it says:

40
41 *Mark: This matter has been referred to me*
42 *to determine whether or not to proceed to*
43 *an ED5.*
44

45 That should now read that:

46
47 *This matter has been referred to me and I*

1 *have determined to proceed to an ED5.*

2

3 Q. Thank you. With that change, is your statement of
4 today's date true and correct?

5 A. It is.

6

7 Q. We'll take it that that updates any previous statement
8 that has dealt with the same subject matter, if that's
9 convenient?

10 A. Yes, thank you.

11

12 Q. Mr Bullard, you said you're presently the Secretary to
13 the Department of Education. Soon you'll be the Secretary
14 to what we understand will be called the Department of
15 Education, Children and Young People?

16 A. Yes, that's correct.

17

18 Q. And that change will take effect on 1 October 2022; is
19 that right?

20 A. That's correct, yes.

21

22 Q. Mr Bullard, roughly what will be the head count of the
23 new department in terms of employees?

24 A. I believe it will be around 11,000.

25

26 Q. Are you able to identify at a high level how many
27 children will be associated with or within the orbit of
28 that department?

29 A. So, there are a number of factors to that; there's the
30 children in out-of-home care which will be around 1,000 or
31 1,100. There are children in public education which total
32 around 62,500, but then of course the agency will have the
33 responsibility for all children in Tasmania, which
34 I believe is around 100,000 or so.

35

36 Q. So, the new department of which you will be head will
37 have responsibilities across those three domains; is that
38 right?

39 A. That's correct, yes.

40

41 Q. And two of those domains are new to you in terms of
42 responsibility; is that right?

43 A. In terms of out-of-home care, yes.

44

45 Q. Out-of-home care and Justice?

46 A. Child safety and Youth Justice, yes.

47

1 Q. Have you seen or been briefed on the evidence around
2 out-of-home care that's arisen in this Commission?

3 A. I have seen some of it and been briefed on some of it,
4 yes.

5

6 Q. And, for the Ashley Youth Detention Centre weeks are
7 the same?

8 A. Yes.

9

10 Q. And I think there have been some hearings concerning
11 Youth Justice to an extent; have you seen those matters?

12 A. I have seen or been briefed on those, yes.

13

14 Q. Are you able to provide any reflections to the
15 Commissioners on the kinds of challenges that you see as
16 likely that you will face coming into a role of that size
17 and significance?

18 A. Certainly. I think that what we've heard during that
19 evidence is that, in the past, there have been some
20 significant failings in the ability to keeping children
21 safe and well in both Youth Justice and in out-of-home
22 care, and that we need to put in place stronger processes
23 and procedures, but also a better understanding amongst all
24 our staff around our expectations to keep children safe and
25 what that actually means in practice.

26

27 Q. There's been some evidence, Mr Bullard, that you'd be
28 familiar with that some people have expressed perhaps a
29 concern that children in out-of-home care, for example,
30 might not be safe at present or that certain public
31 servants might not be able to say whether children are safe
32 or not, as Dr Renshaw last week was perhaps unsure about
33 changes since the events in Launceston General Hospital.
34 Are you able to provide any reflections around that or how
35 you've been able to respond to those issues or concerns?

36 A. So, I've noted statements to that effect, and of
37 course they're concerning. I think I was asked during
38 Education week whether we could guarantee that every child
39 was safe and I said that all we can do is to ensure that
40 they are safer because, if we let our guard down, then
41 we're never going to be diligent enough. And, what I
42 really want to understand is how we improve the processes
43 and the training and the procedure across all the staff to
44 ensure that everyday there are improvements made in
45 out-of-home care in schools and in Youth Justice to the
46 safety of children and young people.

47

1 Q. Have you yet begun to review what those processes are
2 going to look like, taking first out-of-home care, that
3 kind of review process? Where are you up to on that?

4 A. Certainly in terms of my induction into taking on the
5 new agency, I've been very fortunate to have senior leaders
6 available to me for quite a number of months now providing
7 briefings and updates. In terms of Out-of-Home Care, for
8 example, I have been briefed on the Out-of-Home Care
9 Standards. I think when the Commission last came to those
10 they weren't yet launched and they have now been. I have
11 attached those to my statement. I understand that they are
12 now in a self-review mode but will move to more of a
13 regulatory mode depending on the legislation.

14
15 I'm really interested to understand how that works
16 certainly within the Department of Education as it's now
17 constituted. We have both an informal and reflective
18 review process through school review, but we also regulate
19 the Education and Care sector, the Child Care sector in a
20 formal capacity with me as regulator, and I understand the
21 challenges and benefits of both of those models, so I think
22 that we can bring a lot of that thinking to see what
23 happens next in that out-of-home care space.

24
25 Q. So, there are challenges and benefits, let's take them
26 one-by-one. With the benefits, what are some of the
27 benefits that you see as potentially being available from
28 that structure?

29 A. In terms of?

30
31 Q. Out-of-home care?

32 A. But in terms of the review structure?

33
34 Q. Yes?

35 A. So, in terms of self-review, as a learning
36 organisation it has a very strong focus on looking at where
37 there are failings and what we can learn from those. The
38 internal review process works very well for us in terms of
39 schools. What we find is that it encourages people to come
40 forward with concerns or with areas where they don't
41 understand what they should be doing and to seek advice and
42 support.

43
44 In the regulatory world I think we found that harder
45 to achieve. We've certainly worked very hard through the
46 Education and Care Unit to be supportive and look at how we
47 can improve services in partnership, but of course at the

1 end of the day we come with a regulatory stick which says
2 that, if you're not up to the mark, then there may be a
3 sanction imposed. And what I've seen over my time working
4 in that space is that sometimes that will mean that people
5 won't come forward early but rather wait until something
6 serious happens.

7
8 Q. So, let's just pull back so I can get a picture in the
9 mind, the Commissioners can get a picture in their mind
10 about what the structure's going to look like come October.
11 You've provided a draft structure which, as I understand
12 it, to be a consultation draft.

13 A. Yes.

14
15 Q. Now, the Commissioners won't have seen this yet so
16 I'll do my best to describe it. It's you at the top and
17 you have six Executive - well, sorry, two Executive
18 Directors and four Deputy Secretaries reporting up to you;
19 is that right?

20 A. That's correct, yes.

21
22 Q. As I understand it the Executive Directors are
23 effectively operating at the same level as the Deputy
24 Secretaries?

25 A. Within our structure they're SES3 and the Deputy
26 Secretaries are SES4. I think it's important to say that,
27 in the Department of Communities which has been disbanded
28 they would have been called Deputy Secretaries, they're a
29 smaller agency and therefore have a different structure.

30
31 Q. I'm informed that my very diligent instructors have
32 printed copies, for which I'm very grateful. There might
33 be one version which I'm looking at which has a large -
34 Mr Bullard, is there any problem with me holding this up to
35 the Commission?

36 A. No, absolutely not.

37
38 Q. If we're looking at this version which has the
39 colourful reports going to the Director. So, in effect,
40 you have a Deputy Secretary for Portfolio Services For
41 Development and Support?

42 A. That's right.

43
44 Q. Can you explain to the Commissioners how that Deputy
45 Secretary operates across the areas of responsibility of
46 the department?

47 A. Yes, certainly. So, can I just open by saying that --

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Q. Please.

A. -- whilst this is in, I suppose, vertical structures which we call them or will call them in the new agency "portfolios", each function within those structures to the most part does have a role to play in supporting the others, so they are not broken into, here's everything to do with schools, here's everything to do with early childhood, here's everything to do with Youth Justice.

In terms of the portfolio for Development and Support, the function of that portfolio is basically to provide the materials, the supports, the training and professional learning that is necessary for people who are directly interacting with children and young people to do their job and to do it well.

Q. So, if there needs to be training at Ashley for a therapeutic approach in that environment, or if there needs to be professional development on literacy for teachers, both of those things will be managed through that portfolio?

A. Yes. So, I should just caveat and say over time what we are trying to do is focus very clearly on 1 October to bring those services in and our priority is that they continue to run and provide the services to the children and young people. We've already identified a number of synergies, and some members of staff who may have sat, for example, within Services for Children and Families will automatically move to be with policy counterparts or data counterparts.

But our intention is very clearly that, if you required training and professional learning, whether you're in Ashley or you're in a primary school, that that will over time come from that portfolio.

Q. And just to pause there, you've got 1,100 people who are associated with - or is that right, 1,100 with Youth Justice?

A. No, I think that in total - that would be in total for the whole community staff coming in, yeah.

Q. I see, 1,100 for all of Communities. We'll continue on with this structure and we'll come back to the issues around size and scale in a moment. Looking then to the Deputy Secretary, the portfolio Services For Children and Young People, how is that going to operate across the areas

1 of responsibility?

2 A. So, at the moment that really is the receiver of that
3 support that comes from the other areas; that houses the
4 actual operations of running schools and Child and Family
5 Learning Centres. It also manages the principalship and
6 looks after their wellbeing, and it manages a number of
7 high priority partnerships with schools who need to be
8 supported to improve.

9

10 Q. I see, and then you have an Executive Director for
11 Services for Children and Families, and how does that fit
12 in?

13 A. So, they are the services coming across from the
14 Department of Communities that at the moment in the most
15 part support child safety.

16

17 Q. There's a dotted line between that and the portfolio
18 Services for Children and Young People; why is there that
19 dotted line?

20 A. So, the Deputy Secretary of Services for Children and
21 Young People runs what we call at the moment student
22 support, which are the social workers, speech pathologists
23 and psychologists that currently work in schools, also
24 manages the Child and Family Learning Centres which are for
25 zero to 5-year-olds providing wrap-around supports for
26 children and their families, especially those that are
27 vulnerable and at risk, so there's a natural synergy
28 between the Executive Director, Children and Families and
29 the portfolio Services for Children and Families. As you
30 would appreciate, both of those services will be dealing in
31 large part with the same children and young people.

32

33 Q. Then we move across to the Services for Youth Justice
34 which has the Executive Director, Mr Simcock, who the
35 Commission heard from last week; is that effectively the
36 Youth Justice branch for the Ashley Youth Detention Centre?

37 A. Yes, and it's also the Youth Justice Reform, and maybe
38 to save you a question, the dotted line then for the
39 portfolio services for continuous improvement and
40 evaluation recognises that. So, that purple portfolio is
41 very much focused on data and evaluation, it's also focused
42 on strategic policy and advice, and given, as you would
43 have heard from Mr Simcock, the significance of the Youth
44 Justice Reform process that's underway, that Deputy
45 Secretary is a providing support and guidance to
46 Mr Simcock.

47

1 Q. Then what we've heard referred to as the Corporate
2 Services comes under what's here called the portfolio
3 Services for Business Operation, so IT, Human Resources,
4 Finance and Budgets?

5 A. Yes.

6
7 Q. And while there's one department there, will they
8 differentiate their functions according to the role of the
9 person they're dealing with? So does HR have different
10 policies for Youth Justice, to Education?

11 A. Absolutely, they will and in the first instance we
12 will move to adopt the policies that come with those
13 entities and over time look at opportunities and synergies
14 to harmonise those which are appropriate. It's probably
15 very important to say, because I did listen to the evidence
16 about the South Australian experience, that we already run
17 different entities. So, I know that out of the Nyland
18 Report, having read that chapter, you know, the sort of
19 criticism that pervades that is that it was a department
20 for schools.

21
22 We run Child and Family Learning Centres across the
23 state in early childhood providing those wrap-around
24 supports; we also run libraries, and so, the Corporate
25 Services area are used to differentiating the support that
26 they provide depending on the needs of the different
27 entities that they're supporting.

28
29 Q. You provided with your statement a copy of the
30 National Principles for Child Safe Organisations; can you
31 tell the Commissioners how they will be embedded across
32 this structure?

33 A. So, they're very much guiding the work that's going on
34 in the Office of Safeguarding Children and Young People and
35 using those as a guide. I think in previous statements
36 I've said that we recognised that the Department of Justice
37 work was underway to legislate those and bring them into
38 effect, but we've already started to use those, recognising
39 that, if we were to land in a different place, we were
40 agile enough to pivot.

41
42 Q. Can you tell the Commissioners what the thinking is
43 behind not having a Deputy Secretary for CSS, Child Safety
44 Services and Youth Justice?

45 A. So, we really want to look over time at how we can
46 build a more cohesive structure. I think that we're very
47 aware of the fact that the services were seen as a bolt-on

1 in the South Australian experience; that's probably being
2 harsh.

3
4 What we know is that if we put the child at the centre
5 then we need to build a service structure that supports
6 children and young people and doesn't delineate between the
7 different - doesn't over-bureaucratise the way in which
8 those services are delivered. So, at the moment if you
9 have a child in a school they may well be seen by a school
10 social worker and a psychologist, they may have a community
11 social worker involved, they might have a Child Safety
12 Officer involved, they might have a relationship with a
13 teacher or other outreach services.

14
15 At the moment I feel that the way in which that's
16 approached can be quite adult-centric, so what bureaucratic
17 structure are providing those services, when do they come
18 in and do that, what's the timetabling of those. If we
19 have a child at the centre we really need to understand,
20 where is the trusted relationship that that child has and
21 how do we channel and coordinate the services around the
22 child, not expect the child to be interacting with various
23 services.

24
25 So to come back round to your point, we're leaving
26 space in this interim structure to look at where those
27 synergies exist rather than jump in and either lock
28 everyone in, which I don't think would allow the space to
29 grow and learn, or to collapse them all into the other
30 portfolios, which again, I think would be very disruptive
31 to the workforce

32
33 Q. So where does the Office of Safeguarding sit in
34 respect of these portfolios?

35 A. You will see that that is directly under me. So,
36 there's another little line that goes down under Youth
37 Justice which has Office of Safeguarding Children and Young
38 People; the Culture and Growth Area as well, which is the
39 project team that is responsible for, under my leadership,
40 the establishment of the new agency.

41
42 Q. I see, so that will be a new agency and it's intended
43 to be - it's located underneath Youth Justice but it's not
44 actually under Youth Justice, that's how it fits on the
45 map?

46 A. That's right, that's just a way to fit it in.
47

1 Q. So it's a standalone office?

2 A. It is.

3

4 Q. And does it have oversight across the six portfolios?

5 A. Yes, it will.

6

7 Q. So, it will be able to dip into any one of them and --

8 A. Absolutely, and already in coming up with the
9 safeguarding - developing a safeguarding policy for the
10 whole agency, we've already started that as a collaborative
11 process with Communities, so that in terms of the policies
12 that we are trying to examine to see how they need to be
13 harmonised, or in terms of the Department of Education some
14 of them need to be decommissioned, we've worked closely
15 with our Communities colleagues to do that, recognising
16 that it will be a policy for everyone.

17

18 Q. There was some evidence from Ms Taylor - sorry,
19 Commissioner Bromfield, please.

20

21 COMMISSIONER BROMFIELD: Q. Given you're questioning
22 things on the structure, I also want to clarify: where is
23 the procurement contract management and quality assurance
24 of out-of-home care sitting in this structure?

25 A. So, at the moment that lives in the yellow.

26

27 Q. Can you tell me where in the yellow?

28 A. I can't directly tell you where, no.

29

30 Q. Would you be able to maybe come back to us on that
31 one?

32 A. I can absolutely. I think there's a - or, I believe
33 there's a real opportunity to look at how we provide some
34 distance between those functions, so especially in terms of
35 the evaluation of out-of-home care, over time that would
36 naturally sit in continuous improvement and evaluation
37 where it will sit with our other review functions.

38

39 I believe that commissioning is an area that we need
40 to really closely look into. My understanding at the
41 moment is that Communities through child safety and
42 out-of-home care commission a large number of services, and
43 one of my priorities will be very quickly to understand
44 what's been purchased, whether what's been purchased is
45 appropriate and whether it's being delivered as expected.

46

47 Q. And I think the evidence that we've heard is that

1 there is one FTE for procurement and in fact not contract
2 management or quality assurance or oversight, hence my
3 question.

4 A. Yes, and that is my understanding, and I don't believe
5 that that's adequate.

6
7 MS BENNETT: Q. A structure of this kind obviously
8 carries the risk of silos, what do you see as being the way
9 of managing or mitigating that risk of fractures or silos
10 in a structure of this size?

11 A. So, the first thing that I should say in terms of the
12 portfolios is that we have been working to learn from and
13 grow an integrated structure since 2018; that's been our -
14 that's from the Department of Education perspective, and
15 we've learnt a lot from the way that we've done that and I
16 think that people in the Department of Education understand
17 that is the expectation and look at ways to do that.

18
19 I certainly had really positive discussions with the
20 Services for Children and Families Executive Director
21 Claire Lovell, she's very eager to leverage off the
22 expertise of the other portfolios, and I think we can look
23 very quickly at those synergies.

24
25 Q. Are these directors going to meet? When are they
26 going to talk to each other?

27 A. So, if you look at the boxes across the top, and I
28 think you held up the big one at one point.

29
30 Q. Yes.

31 A. So that's the senior leadership group which will
32 provide executive oversight of the new department.

33
34 Q. And so, will they be meeting on a regular basis?

35 A. Certainly we meet weekly already, so we've already got
36 those meetings in place, and I think we've done so for
37 about 16 or 17 weeks now and we will continue that
38 obviously.

39
40 Q. Obviously, they're all reporting up to you?

41 A. Yes.

42
43 Q. That's an enormous workload. What's the plan for
44 how - are you planning to manage that on your own or will
45 you be delegating some functions?

46 A. So, I'm in a really fortunate position that I have
47 been the Secretary of the Department of Education for five

1 years, so I don't really need to work hard to understand
2 that business and I have very high degrees of trust in the
3 Deputy Secretaries, many of which have been there for the
4 same time as I have.

5
6 I've made it very clear that my priority is bringing
7 together the new agency and child safety and Youth Justice
8 in the first instance, and I'm confident that, with the
9 appropriate authorisation in place, that the schooling side
10 of the business will be well taken care of whilst I do
11 that.

12
13 Q. There's been some evidence or perhaps some concerns
14 expressed that a department of this size will simply - the
15 larger side of it, being Education, will simply overwhelm
16 the smaller side in terms of the number of children
17 involved. Can you tell us if you share that concern and
18 how you're responding to it?

19 A. I don't share it, and I would make a reflection on
20 maybe - I don't want to keep talking about South
21 Australia - but where South Australia was and where we are.

22
23 So, I can absolutely understand that in 2016 there
24 would have been a delineation seen between why child safety
25 was there and why Schools were there and a mismatch really
26 in understanding about why they were even together. And
27 Education thinking has come a long way in a very short
28 period of time in terms of the importance of child
29 wellbeing to learning outcomes.

30
31 What we see now since 2018 in the Department of
32 Education we've had a wellbeing strategy that's based
33 around the ARACY domains, the six domains, and it not only
34 challenges but provides an expectation on schools to be
35 accommodating, if you like, of aspects of a child's life
36 that would normally have sat outside the domain of
37 learning: so, are you safe and well, do you have the
38 material basics, are you participating?

39
40 Where we've ended up is actually a frustration from
41 schools and school leaders that the power or authority, if
42 you like, that they have to influence things outside the
43 school gate which they know is going to make such a
44 difference to engaging young people in learning hasn't been
45 there, and so, there's a real appetite for this change,
46 that there is more, if you like, control over a continuum
47 of a child from actual, the real material basic of being

1 safe, to that self-actualisation of learning.

2
3 And what we're talking about as we bring the new
4 agency together is that we're all here to ensure that
5 children are known, that they're safe and that they're well
6 and that they're learning and I haven't heard a member of
7 staff challenge me on that.

8
9 PRESIDENT NEAVE: Q. Can I just ask you as a follow-up.
10 Professor Taylor talked about the fact that there are
11 probably a small proportion of children who come from
12 families where intensive support is needed, and that the
13 old models of Early Intervention did not recognise that
14 sufficiently - I hope that's an accurate description of
15 what she was saying. That those families will need support
16 in a whole wide range of areas - I mean, it might include
17 things like housing, issues related to family violence,
18 there are lots of others. How does this model facilitate,
19 or how does the focus on Education facilitate that issue?
20

21 Let's assume you have a child in a school who comes
22 from a family which has faced very, very significant
23 difficulties in lots of different areas: how in this
24 structure is that issue addressed so that the issues around
25 all of the different factors - and I haven't referred to
26 them all - are brought together and that child and that
27 family is looked after?

28 A. So, if I could just answer in two aspects: one is
29 that, we've been very fortunate to be running Child and
30 Family Learning Centres since 2010, and I was involved in
31 the initiation of that project and we've learnt so much in
32 zero to 5 about how you need to provide wrap-around
33 supports to families who need them in order to ensure that
34 their children can engage in learning on entry to school,
35 and what we've seen there is, it's the coordinated
36 response; so, the ownership of an accountability and a
37 relationship with a family, but the ability to coordinate a
38 range of responses from different agencies to service the
39 family need.
40

41 In this model it's important to point out that, whilst
42 I'll be the Secretary for the Department of Education,
43 Children and Young People, I'm not in control of all of the
44 other aspects: child and adolescent mental health,
45 paediatric psychiatry, CHaPS Nursing. But the Premier in
46 his most recent statement to parliament charged me and the
47 Secretary of the Department of Premier and Cabinet to come

1 back to him about how we are going to establish a model
2 that drives accountability and responsiveness across all
3 agency heads to respond to children in need, and I think
4 that that's an important part of me being able to do this
5 job well.

6
7 PRESIDENT NEAVE: Thank you.

8
9 MS BENNETT: Commissioner Bromfield looks ready to ask a
10 question.

11
12 COMMISSIONER BROMFIELD: I am, you're very good at reading
13 me.

14
15 Q. Mr Bullard, thank you for the evidence and the
16 thoughtfulness you are giving to this. Necessarily this is
17 all very child-focused but one of the things that we know
18 in the field of Child Protection, that supporting children
19 to be safe actually involves the engagement of a large
20 number of adult services to support parents to be able to
21 keep children safe. I'm just wondering in your discussions
22 with the Premier what thinking you're doing to ensure
23 you're going to be able to provide that holistic
24 wrap-around service to parents around unmanagement or
25 illness, active substance addiction, active domestic
26 violence, housing and stability?

27 A. Certainly it is in discussion. There is already
28 underway what I understand was a pilot for intensive family
29 support services that exactly did that. So, rather - I
30 shouldn't say "rather", but as well as supporting the child
31 to be safe, supporting the family to keep the child safe.

32
33 PRESIDENT NEAVE: Q. So, you say there's a model. I'm
34 sorry, can you just clarify that: where is that and who
35 is --

36 A. That model is currently being delivered as part of the
37 Child Safety Service, is my understanding.

38
39 Q. Thank you.

40 A. To me, that model makes perfect sense because it
41 assists families to build their own protective factors for
42 keeping children and young people safe and I believe that
43 is exactly where we should be heading; that's certainly
44 what we've seen in the Child and Family Learning Centres
45 over time, that supporting families to support children is
46 a very effective model.

1 MS BENNETT: Q. My reading of the evidence is that Early
2 Learning was part of the South Australian Department, it
3 was Department of Education and Child Development in South
4 Australia, but I don't think that detracts from the
5 point you're making though, it's part of a model that's
6 been developed.

7 A. Yes.

8

9 Q. Just returning, though, to the question of potential
10 overwhelm of one to another, can I put it in another way.
11 Let's assume that somebody is accessing because of their
12 Youth Justice connection, the child has had access, perhaps
13 at Ashley, to particularly intensive psychological
14 assistance or social worker assistance. Then when they
15 leave and they go to their school in the local community:
16 does the support follow them? This might be too detailed,
17 but does this wrap-around model mean the support follows
18 them or do we need to re-apply and allocate that support?

19 A. Currently?

20

21 Q. Sorry, under the contemplated model?

22 A. That's exactly what we need to look at. We would call
23 it a warm handover at the very least, that there is
24 practitioners in one institution or entity handing over to
25 another, but I think we do really need to explore where the
26 relationship of trust lies. I think what we've heard very
27 clearly through the evidence, especially from the
28 victim-survivors, is that if there had been a relationship
29 with a trusted adult that they could have made a disclosure
30 to it would have made the trajectory very different from
31 where it ended up. So, we are humans and human
32 relationships are at our essence; I am really interested in
33 this structure at looking at how we maximise those trusted
34 relationships rather than changing adults, because they're
35 in different structures or they're in different
36 bureaucracies, and rather than thinking about who the child
37 needs.

38

39 Q. Let me put that another way: what about the money that
40 funds the services for the child, do they flow or is that a
41 barrier?

42 A. At the moment they are in silos absolutely. So, for
43 example, if you look at the therapeutic supports that are
44 provided through Ashley, that is a funding stream that goes
45 to Ashley. When you go back to your school you will be
46 funded by a funding stream that attaches to student
47 support. At the moment it's not packaged up around a child

1 as a holistic set of supports and that is a potential
2 barrier, yes.

3
4 Q. I think part of Ms Taylor's evidence was that under
5 the mega-department model in South Australia, that had led
6 to children being treated differentially depending on the
7 locus of their funding. So, even if there was an intention
8 to have them treated the same, where the funding was coming
9 from had an impact and caused division?

10 A. I think, and reading the Nyland Report, I think there
11 was a very odd situation whereby children in out-of-home
12 care were being expected to be funded from an out-of-home
13 care budget even when they were landing in their home
14 school and the other students that sat around them were
15 being funded from a schooling context. That's certainly
16 something that we do not support in a Tasmanian context,
17 and in fact there was an example of that a number of years
18 ago whereby I understand that in a particular school the
19 Out-of-Home Care Service was being required to fund some
20 additional support and we put a stop to it as soon as we
21 became aware of it.

22
23 Q. In terms of the risks to the model that you're seeking
24 to implement, I take it that a funding level is required to
25 implement this over a period of time. Can you tell the
26 Commissioners about what the risks are to you being in a
27 position to implement an effective model?

28 A. So, maybe if I go to a positive: one of the most
29 positive things in Education improvement has been Gonski
30 funding. So, we've had funding that's been locked in over
31 10 years and that's allowed us as an Education Department
32 to forward-plan; not in a budget year or for two years but
33 over a 10-year period of time.

34
35 What we can then do, as in our realm of continuous
36 improvement, is to know that we can phase the things that
37 we want to bring in over time, not overwhelm staff or
38 schools, and know that, well, we can do that in Year 3, or
39 we might even do that in Year 4. So, we've been very
40 deliberate in prioritising the improvements that we've put
41 in place and we know that we have the funding there to do
42 it.

43
44 I think a risk is that we move from a year-to-year
45 budget cycle which automatically puts us into reactivity;
46 you know, what's the problem that's at the top of the list
47 today that we need to fund? Rather than, where will we get

1 to that over a period of time.

2

3 Q. Leading to the haircutting that Ms Taylor was talking
4 about earlier that perhaps attaches itself to some of the
5 most easily available savings that aren't necessarily the
6 best for the department, is that --

7 A. Yes, and what perhaps resonated for me there was that
8 training always goes, and if we are a system that is really
9 there made up of people who need to make the best decisions
10 they possibly can, in circumstances that are often highly
11 stressful and ambiguous, then removing the professional
12 learning budget is absolutely counter-intuitive.

13

14 Q. There's been a lot of evidence over the weeks around
15 the different cultures that work in these different spaces,
16 and without suggesting that any is better or worse than the
17 other, it's fair to say that different parts of the
18 department are at different stages of their Child
19 Protection journey or the child safety journey; how do you
20 bring them all up to best practice?

21 A. That's a very, very good question, and I think in my
22 previous evidence I said that, until I could go out and be
23 assured that everyone from the gardener, to the canteen
24 manager to the senior executive understood how to identify
25 child sexual abuse and harmful sexual behaviours,
26 understood how to respond to a child that made a disclosure
27 and understood what to do next we hadn't succeeded.

28

29 I think that our absolute priority needs to be
30 ensuring that we are providing people, through training and
31 supportive materials, with the best evidence-based
32 approaches to do that. So, we have already started on
33 that; I think even since I appeared last time we've already
34 started on the mandatory reporting training which we'll be
35 rolling out. In Education we've got trauma-informed
36 practice training underway for senior leaders, for
37 teachers, for principals, and we're looking at how that can
38 be tailored for Child Safety Services. We've got a series
39 of flow charts and we've got a very, very clear remit that
40 people need to be reporting in.

41

42 But one of the reasons that I'm leading this project
43 myself, the Culture and Growth Project, is that I know that
44 it is very important that I provide the leadership and am
45 seen to prioritise this as we go forward.

46

47 Q. We understand that the Department of Justice is

1 leading legislative reform, and we understand as well that
2 there is in train the introduction of a failure to protect
3 offence and the creation of a presumption that young people
4 cannot consent to sexual intercourse with adults in a
5 position of authority over them; noting they're at
6 different stages of development, do you have any
7 reflections about the planning work that's being undertaken
8 around those two reforms from your perspective at the
9 moment?

10 A. Not at the moment, no.

11
12 MS BENNETT: Commissioners, it's the scheduled time for
13 lunch and it's actually a convenient time to break with
14 Mr Bullard and return to ask some specific questions around
15 the particular offices that he administers now and will
16 administer, so if that's convenient now we might break for
17 lunch.

18
19 PRESIDENT NEAVE: We'll do so, thank you.

20
21 **LUNCHEON ADJOURNMENT**

22
23 MS BENNETT: Thank you, Commissioners.

24
25 Q. Mr Bullard, we've spoken a bit about the structure for
26 your department coming in about two weeks' time which we've
27 called a mega-department. Are you satisfied that the top
28 levels of that department, the Executive Directors and the
29 Deputy Secretaries have enough expertise in child safety or
30 Child Protection to embed the principles that we've been
31 talking about?

32 A. Absolutely. So, if we split out for a moment child
33 safety and Child Safeguarding from what might more commonly
34 be known as Child Protection, in terms of I think evidence
35 I've given previously the organisation obviously has the
36 Office of Safeguarding Children and Young People which will
37 work right across the new department, and I also reflected
38 that we recognise that leadership of this issue at the
39 highest level was of importance and that Child Safeguarding
40 matters are discussed weekly at executive meetings and will
41 continue to do so.

42
43 In terms of child safety, and I'm very aware of
44 evidence that was led during the Nyland Commission around
45 the need for high level of understanding around the
46 operation of child safety. I'll note that Claire Lovell,
47 directly reporting to me, will lead that functional unit

1 and she has over 18 years' experience right from the ground
2 up until a Senior Executive, and certainly in meeting with
3 her and listening to her and being briefed by her I've been
4 very impressed with the depth of understanding that she has
5 around child safety.
6

7 Finally, I think it's important to note that in terms
8 then of two other leaders, those being Deputy Secretary
9 Trudy Pearce and Deputy Secretary Jodie Wilson, they are
10 both incredibly experienced educators who have worked in
11 very difficult and challenging contexts over the course of
12 their 40-plus careers and they're also well appraised of
13 the risks and opportunities in keeping children safe.
14

15 Q. We heard, for example, some evidence from the
16 Executive Director, Services for Youth Justice that he
17 holds no particular training or qualifications in
18 therapeutic decision-making, for example; is that the kind
19 of expertise that you would expect to have at that level,
20 or is it acceptable as part of this structure to seek the
21 input from external experts?

22 A. It's absolutely acceptable. The role of the Executive
23 Director Youth Justice is to coordinate the services and
24 approaches that are required to deliver on what we
25 understand to be a contemporary approach for Youth Justice.
26 I will just note, maybe when he appeared he mentioned that
27 the Australian Childhood Foundation had been retained and
28 that they were in the centre, I understand, four days a
29 week already as part of his push to bring around really
30 positive change in that centre to ensure that it's
31 reflecting contemporary practice.
32

33 Q. And so, across the six then, are you satisfied that
34 they have sufficient Child Safeguarding expertise or that
35 they will have access to it? I'll just draw your attention
36 to the specific nature of that question. Are you satisfied
37 they have the expertise or are you satisfied that they will
38 be able to access it?

39 A. Able to access it apart from, I should say, Claire
40 Lovell who has direct on-the-ground middle management and
41 Senior Executive experience.
42

43 Q. We talked a little bit about training earlier and I
44 don't wish to revisit that, but in terms of monitoring or
45 auditing how these departments or parts of the department
46 are functioning in terms of child safety, where will we see
47 that audit review function being carried out?

1 A. So, I think there are two aspects to that: there's
2 the, if you like, micro level which is, the outputs that
3 are expected being achieved? And, I'll just give a very
4 practical example. We've obviously committed to everyone
5 in the agency having annual training in mandatory
6 reporting. Now, we are building that system so we will be
7 able to count every single employee and know who has or
8 hasn't done that.

9
10 In terms of the outcome around, are children in the
11 agency known, safe, well and learning, over the course of
12 my time in the Department of Education we've already put
13 together a range of measures that start to go some way
14 toward understanding whether or not we are achieving our
15 key objectives around things like wellbeing and safety and
16 learning outcomes, but we'll need to revisit those as we
17 move to the new agency and come up with measures that are
18 really meaningful in terms of the aspects such as Youth
19 Justice and child safety, but we have the capacity to do
20 that in our evaluation function.

21
22 PRESIDENT NEAVE: Q. Can I ask whether you have sought
23 expertise from outside Tasmania on mechanisms for
24 evaluating the effectiveness of the changes that are being
25 put in place?

26 A. Not to date. I will reflect, though, that certainly
27 over the course of our journey that is something that we
28 have as part of our practice. So, going to other
29 jurisdictions, understanding where they've faced similar
30 challenges or wanted to harness similar opportunities; and
31 interestingly in terms of our education journey, we've
32 learnt very heavily on South Australia for some of the great
33 work that they've done around the wellbeing of children.

34
35 PRESIDENT NEAVE: Thank you.

36
37 MS BENNETT: Q. Mr Bullard, what is it that you see
38 needs to change around disciplinary processes? And I'm
39 referring here to Code of Conduct presently in place and
40 the ED5 process. What needs to change in your view to
41 enable faster reaction to child safety or Safeguarding
42 issues?

43 A. So, I would make a couple of reflections, and I think
44 when I appeared last time I was asked the question, "Well,
45 is that because you're there or is that because of the
46 process, and I think that there's a mix of the two.

1 In terms of codifying or, if you like, being really
2 explicit around some of the things that I think should be
3 written down which are current practice, if you are the
4 subject of an allegation that may pertain to child sexual
5 abuse, I think the immediate removal from the workplace
6 rather than needing to then turn your mind to a suspension
7 should be something that should be examined
8

9 In terms then, too, of the actual process itself,
10 since I think I appeared last time we've made adjustments
11 to the ED5 process to ensure that we are requiring of the
12 independent investigators that they take a trauma-informed
13 approach and look at issues such as gender appropriateness
14 of investigators. We're also just at the end of
15 establishing a panel arrangement so that we'll have access
16 to investigators that have those things at hand. Again,
17 they're choices that we've made, not necessarily choices
18 that are codified.
19

20 Finally, I think I reflected in my earlier evidence
21 that the Code of Conduct, whilst it works in an Education
22 context because, for example, failure to exercise due care
23 and diligence in the course of employment is tied back to
24 very specific policies around protective behaviours and
25 that's how we make the link, there isn't at the moment a
26 code element that relates to a serious misconduct offence,
27 for example, under which something like child sexual abuse
28 could fit.
29

30 PRESIDENT NEAVE: Q. Sorry, just to follow up on that.
31 Would you contemplate the possibility that either through
32 an education-specific Code of Conduct or the Code of
33 Conduct generally you would have a much clearer statement
34 about what is and what is not appropriate conduct? And I
35 reflect on the fact that at various times I think you've
36 received - not you necessarily personally - or advice has
37 been given confining the operation of the obligations of
38 teachers.
39

40 So, you have a situation where a teacher has a
41 relationship with somebody who is a student but it's
42 outside the school context and the advice that's been given
43 has been that that doesn't necessarily amount to a breach
44 of the Code of Conduct. Would you contemplate that changes
45 be made there or perhaps in a teacher or education-specific
46 Code of Conduct?
47

A. I think there are a number of ways into it. One might

1 be to have, for example, a regulatory instrument that
2 outlined particular behaviours that gave rise to serious
3 misconduct.

4
5 Q. Yes.

6 A. Another would be the ability to make specific Code of
7 Conducts, and I know that there's a tension there because
8 you can't have a big one or little ones, or are they
9 standing orders that allow certain things to occur which
10 are much more direct in describing the behaviours that are
11 and aren't acceptable, and then the breach becomes not a
12 breach of care and diligence because you didn't follow this
13 particular policy, it just goes straight to, you didn't
14 follow this particular policy.

15
16 Q. Yes, you had a relationship with somebody you met in
17 the school.

18 A. You had a relationship and you were told you shouldn't
19 in your context.

20
21 Q. Do you have a preference for either one of those
22 approaches?

23 A. Certainly, if I could reflect on the professors'
24 report, they came back with a recommendation that we should
25 have an education-specific Code of Conduct, they called it.
26 Our advice is that that would be difficult under the
27 current drafting of the Act because you're going to end up
28 with duelling codes, but the closer that we can get to
29 describing behaviours that are or aren't acceptable in a
30 context, the better.

31
32 Q. And has your department yet considered making a
33 recommendation to government that those sorts of changes
34 might be made; that you need a refinement?

35 A. Yes, we have. Yes, and we have been talking to State
36 Service Management Office about that.

37
38 PRESIDENT NEAVE: Thank you.

39
40 MS BENNETT: Q. As we understand information provided to
41 commission there have been, I think, 13 stand downs since
42 the last time that you appeared at this Commission of
43 Inquiry.

44 A. Yes.

45
46 Q. Can you assist the Commission in understanding how
47 they came about or what prompted the review that led to

1 those stand downs?

2 A. So, they were, if you like, own motions that have come
3 from either members of staff or students raising concerns,
4 so they are not as part of a wholesale review. They
5 pertain in most part to allegations of inappropriate
6 touching or inappropriate language, if you like, between a
7 teacher and a pupil.

8

9 I have to say that, whilst for some that may be
10 shocking, that in the short period of time I haven't been
11 before the Commission we've had 13, I actually take heart
12 in it. What I can see is that people are getting the
13 message: (a) that if you are a member of staff that has
14 concerns about the actions of a colleague, report it in;
15 but also too that children and young people are feeling
16 that they have agency to raise these matters with trusted
17 members of staff.

18

19 Q. And, what's the pathway in? Are they getting to you?

20 A. Yes.

21

22 Q. And so, what's the pathway? They're coming from a
23 teacher, to the principal; is that right?

24 A. Yes.

25

26 Q. And then to you?

27 A. Yep, so then they go into Workplace Relations and then
28 to me, and our operating procedure is that the Assistant
29 Director of Workplace Relations will write to the
30 individual and ask them to leave the workplace and then we
31 do the necessary paperwork around the ED5.

32

33 PRESIDENT NEAVE: Q. So, how do those complaints, how do
34 people know where to go with those complaints? We heard
35 evidence that, at least previously, people would take it to
36 the principal and the principal might say, "Well, I'll
37 handle it" and it wouldn't go any further. Now, you may
38 have given evidence about this previously and if you have,
39 forgive me for asking the question again.

40 A. No, that's fine. We've created a series of
41 flowcharts, just on a page what you do when an allegation
42 is raised with you so that - and they have been distributed
43 and explained to principals and also to student support
44 staff; they're the two places that these allegations are
45 most likely to go. Teachers will always elevate it to a
46 principal or, for example, a senior social worker or a
47 senior psychologist. We're also continuing to refine

1 those.

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10 Q. And what about children? What information have they
11 been given?

12 A. That's a very, very good question. In terms of the
13 curriculum that is rolled out in schools around respect,
14 for example, it certainly now has elements of consent and,
15 if you're across programs such as Brave Hearts, for
16 example, I think they do some really great work around what
17 is and isn't appropriate touching and how you would speak
18 to a trusted adult around that.

19

20 Q. As I understand it, they're only doing that in some
21 schools; have I got that right?

22 A. Yes, so certainly one of the things that we've
23 recognised is that there is, if you like, a breadth, and
24 I'm not saying that that's wrong, but there's a breadth of
25 approaches that schools may take. On consent education in
26 particular we're concerned that there is a uniform approach
27 to how that occurs and we're actually commissioning some
28 work out of the Student and Child Wellbeing Unit to go
29 around and review what the delivery looks like on every
30 site so that we can come up with something that has less
31 variance.

32

33 Q. So, it would be fair to say that that's a
34 work-in-progress?

35 A. A work-in-progress, yes.

36

37 PRESIDENT NEAVE: Thank you.

38

39 MS BENNETT: Q. I was going to ask now about the
40 Teachers Registration Board. In the earlier weeks of the
41 hearings before this Commission there was evidence that it
42 was facing challenges including a lack of funding,
43 insufficient or perhaps difficult information sharing, and
44 that there was perhaps a disagreement around the powers
45 that it needed to carry out its functions. Could you
46 outline for the Commission what, if any, engagement
47 activities you've undertaken with the Teachers Registration

1 Board to address those issues?

2 A. Absolutely, and we have undertaken conversations with
3 the Teachers Registration Board that are twofold: (1) to
4 properly understand their issues, and (2) to check in on
5 whether they have validity.
6

7 So, for example, the assertion by the Executive
8 Officer of the TRB that we weren't sharing information and
9 that maybe that was a choice rather than our obligations
10 under the PIP Act. We've gone back and revisited, well, is
11 the advice that we have around the PIP Act been properly
12 implemented? We've satisfied ourselves that it is. We've
13 also recognised that there's an ability under that Act to
14 apply for an exemption for certain information flows and
15 we've got work underway to do that.
16

17 In terms of the investigative functions, and I think
18 it's fair to say the Executive Officer reflected
19 frustrations that they couldn't have access to our whole
20 file. We've again had a look at whether for example we
21 could undertake joint investigations with the Teachers
22 Registration Board or in some way co-commission an
23 investigation to be undertaken. That doesn't look possible
24 because we're looking at different matters to them: they're
25 looking at fitness to teach and we're quite rightly looking
26 at Code of Conduct, but I think there's an area there that
27 we can explore more.
28

29 I'm pleased to say that my understanding is, in terms
30 of resourcing, I think I mentioned that there was money in
31 the budget for the TRB to employ further investigation
32 officers, and I understand that that's underway and that
33 our people have or are being appointed. So, we are trying
34 to address in a very pragmatic way the issues that they
35 raised.
36

37 One thing that does still sit rather uncomfortably
38 with me is that they may be waiting until we have finished
39 our investigation before they commenced, and now that we
40 know that really, as the law stands at the moment, we can't
41 provide that file, I think certainly what we need to
42 discuss is that they need to start when we start and
43 potentially run parallel investigations until such time as
44 we work all these issues through.
45

46 PRESIDENT NEAVE: Q. Should that all be changed?

47 A. Absolutely. I think, from my perspective, we invest

1 resource into undertaking an investigation and my hope
2 would be that there would be an opportunity for us just to
3 provide the file in full to them.
4

5 PRESIDENT NEAVE: Thank you.
6

7 COMMISSIONER BROMFIELD: Q. I just want to confirm
8 there: in their not being able to provide the file, that
9 would mean that, even if you have simultaneous
10 investigations going on, that you could conceivably need to
11 interview the child twice, one under each investigation?

12 A. I think the witness statements are the easier part.
13 So, at the moment our custom and practice is that the
14 investigator asks all witnesses to provide permission for
15 their statement to be provided to the TRB, to RWVP and to
16 the Integrity Commission, so there wouldn't necessarily be
17 that requirement.
18

19 The part of the file that we don't provide is where
20 the investigator makes assertions as to the fact or
21 potential breach of the code, so, if you like, the
22 narrative that sits behind it.
23

24 Q. And on that potential for collaboration, particularly
25 given the different purposes of the investigations, is
26 there potential then for the investigator to check in with
27 TRB on any questions that they would want asked as happens
28 with, for example, police interviewers and Child Protection
29 workers in multidisciplinary teams?

30 A. Absolutely, and I think if you think about what the
31 investigation does, the investigation does two things: one
32 is to establish, or not, fact. Now, if those facts are
33 established they're useful to both decision-makers, absent
34 of what you're using that fact to then determine. And then
35 the second is to look at whether or not that constitutes,
36 in my case, a breach of the Code of Conduct and that's
37 where it differs with the TRB.
38

39 It is absolutely conceivable that the remit of the
40 investigator in looking at the fact could be broadened. I
41 will say, though, that investigators do go very broad now,
42 so we don't constrain them at all. Because, for example, I
43 wouldn't want an investigator to be making a determination,
44 "Oh, that looks like it was outside the course of
45 employment, therefore I won't pursue that anymore". We do
46 expect them to exhaust that fact even if when they come
47 back it's a negative finding.

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MS BENNETT: Q. So, is it the PIP Act that's the barrier to you carrying out a single investigation in concert with the TRB?

A. The PIP Act is a barrier to us providing the investigation. My understanding and my advice is that the TRB formed a view that it was the differing purposes of the investigation that maybe meant at this point in time a co-commissioned investigation couldn't be proceeded with.

Q. I see, and so, in order to ensure as much as possible there's a single investigation that might be used for multiple purposes, it would be amendments to the PIP Act that we're talking about; is that right?

A. I think there would be two things, if I can just think about the complexity of this.

Q. Please.

A. One would be, how or when do you share the investigative file? Now, in terms of my role as Secretary of Public Education, because I know that I've stood that person down from a public school and the investigation's underway, whether or not it takes a period of time between that and the TRB getting the final investigative report is immaterial, but what I'm really aware of is that that person could still go and teach in a non-government setting unless they've had their RWVP suspended. So, there does need to be some way of - I don't know whether it's an immediate suspension or there's some protocol that sits underneath that stops the person from working in any sector until such time as it's complete.

PRESIDENT NEAVE: Q. What would be wrong with a simple legislative provision which says that information derived from the examination of issues about child safety can be shared across the board: police --

A. I think that that would be excellent.

MS BENNETT: Q. Yes, between any involved regulator, be it the department, the TRB, the police, the Working with Vulnerable People Registrar and any others that I've failed to identify, wouldn't there be a synergy and appropriateness in having that information sharing to be seamless?

A. I agree with that and I wonder whether it's permissive or mandatory.

1 PRESIDENT NEAVE: Q. I think it should be mandatory in
2 my view. I mean, I think that's the Victorian model - it's
3 more complicated than that, but more or less the Victorian
4 model. Whereas here my understanding is, there's been
5 reliance on MOUs, and of course MOUs tend to be expressed
6 in permissive terms, not in mandatory terms?

7 A. Either MOUs or a power of an entity to request.
8

9 Q. That's true, yes.

10 A. Such as the Integrity Commission, but if they don't
11 request it doesn't have to be provided.
12

13 Q. I mean, the simple principle, and I'm not sure yet of
14 the details that you might think about in terms of
15 legislative amendment, would be, child safety trumps
16 concerns about privacy?

17 A. Yes.
18

19 PRESIDENT NEAVE: Thank you.
20

21 COMMISSIONER BENJAMIN: Q. Do you have a view yourself
22 as to whether it should be permissive or mandatory?

23 A. I think mandatory makes it a lot easier because then
24 there is, if you like, no decision or judgment that needs
25 to be entered into, it's just a matter of something that
26 has to happen.
27

28 Q. I read a couple of ED5s over the last few months and
29 you have my deepest sympathy in managing staff, teaching
30 staff in the context of that - I say that not in any
31 jocular manner, but it's a very complex, almost rigid
32 structure from what I've observed.
33

34 Would it help you in terms of your responsibilities
35 for other teachers, for that teacher and for the students,
36 to have some broader powers? And I'm not quite sure what
37 they should be, but I presume one might be, if a teacher
38 loses your confidence to teach in one form or another,
39 would that assist in terms of your dealing with these often
40 difficult human issues that arise and get thrown onto your
41 desk?

42 A. I think anything that provides some more breadth to
43 what can be considered would be useful, and I believe that
44 I've said either in evidence or in other statements that
45 the TRB is by far the most powerful body at the moment in
46 terms of regulating teachers because it goes to good
47 character and fitness to teach and matters that sit way

1 outside the remit of what I can examine.
2

3 The other reflection that I would have is that these
4 matters, as you may have seen, are often incredibly complex
5 and whether on matters of this complexity there's a
6 decision maker that sits outside Heads of Agency that
7 undertakes the investigation and makes the determination in
8 relation to them rather than it sitting with Secretaries
9 who change over time and may have differing views of the
10 application of the Code and the ED as it stands.
11

12 COMMISSIONER BROMFIELD: Q. And outside of Secretaries,
13 would you see that as sitting outside of government or
14 within the head of State Service? Do you have ideas?

15 A. Certainly, my understanding, and I've been in the
16 Public Service for quite a while, we used to have a
17 Commissioner for Public Employment and a Commissioner for
18 State Service Employment. Now, they did have a power to
19 consider matters and make determinations. I understand
20 that it was rare for that to be exercised, but something
21 similar to that I think may have a place now given the
22 complexity of the matters that we're looking at.
23

24 MS BENNETT: Q. Mr Bullard, you were present in the
25 hearing room for the evidence earlier this morning from
26 Mr Boost; is that right?

27 A. Yes.
28

29 Q. Are you able to offer any reflections on what you
30 heard from him?

31 A. As with the evidence of other victim-survivors, I
32 found listening to Mr Boost's evidence very confronting.
33 Obviously, in terms of the relationship that he had with a
34 senior leader within the Department of Education his trust
35 was let down and I'm incredibly sorry for what he suffered
36 at the hands of the perpetrator, and I recognise that we
37 need to learn from that experience.
38

39 I was very grateful that he gave me some time outside
40 the room to provide a personal apology, and also, I have
41 extended an invitation for him to come and speak to me if
42 he wishes.
43

44 MS BENNETT: Commissioners, those are the matters I sought
45 to raise with Mr Bullard today, if the Commissioners have
46 any more questions.
47

1 PRESIDENT NEAVE: Q. Thank you, I have one more
2 question. One of the comments that Mr Boost made related
3 to keeping parent and student communities informed. He
4 gave that example of, they'd heard something that had
5 happened and the relevant teacher didn't come back, but
6 no-one really knew what had happened.

7
8 It does seem to me, and I think this might have been
9 covered in the Nyland Report, I might be wrong about this,
10 that there needs to be some kind of protocol about what
11 parents are told, what students are told; you need to let
12 the fresh air into these allegations. And it might be, "We
13 investigated this, there was nothing there", it might be a
14 whole series of things, but have your policies yet
15 addressed that issue?

16 A. Well, we can't, again, for the PIP Act. So, we have
17 been back a couple of times on this, and I did have a very
18 difficult ED5 matter, it wasn't related to child sexual
19 abuse, but it involved a large number of staff and, as far
20 as I could get, was to write back and say, "The
21 investigation's completed", and I find that does not sit
22 well. And certainly I've had a victim-survivor recount
23 that the most hurtful thing that happened in the process
24 was thinking that the Department of Education had never
25 done anything about the allegations that she raised.

26
27 Now, that person was the subject of a disciplinary
28 proceeding, et cetera, but of course what's the mechanism
29 to go back? So, I think some thought to be given to what
30 information is provided to various parties and when would
31 make a difference. It's trauma-informed, isn't it, that --

32
33 Q. Certainly is, yes.

34 A. -- that you have an opportunity to know what happened
35 with that information that you asked --

36
37 Q. As I said, it may not even be the particular child, it
38 may be - there will always be rumours in school
39 communities, it may well be that all of the parents are
40 sitting there worrying about whether their own child was
41 affected.

42 A. Yep.

43
44 Q. And this is certainly nothing for which you were
45 responsible, but you will recall that we heard evidence
46 about a newspaper statement that was made clearing a
47 particular teacher, as it turned out incorrectly. So, in

1 that case I think that was the TRB that did that, but I
2 could be wrong --
3 A. No, it was the department, and I think I gave evidence
4 about how horrified I was.
5
6 Q. You did.
7 A. And I think it was in 2004 or so, but certainly not
8 something that we would ever do today.
9
10 Q. So, any legislative obstacles to doing that need to be
11 removed, is what I think you're saying?
12 A. I think there are two elements, if I may?
13
14 Q. Yes.
15 A. I think one is the legislative obstacle, but one is
16 some reflections about what good practice would look like.
17
18 Q. Yes, exactly.
19 A. Because I could see this going off in a thousand
20 different directions.
21
22 Q. Yes, you're quite right.
23 A. And there must be some best practice that we could
24 look to.
25
26 Q. Yes, you must have some protocol or something to look
27 to?
28 A. Yes.
29
30 COMMISSIONER BENJAMIN: Q. For the protection of
31 children, is it possible for you to put your thoughts -
32 sorry, for the protection of children - I'm being told to
33 speak up, that happens every day in this Commission, I
34 think - but for the protection of children is it possible
35 for you to codify those thoughts and let us know what would
36 be of assistance to you and your department and obviously
37 the children sometime in the immediate future, whether it's
38 two, four or six weeks?
39 A. We can certainly do that, and I know that the Office
40 of Safeguarding's already been turning its mind to it
41 because it's an issue that's concerning us, so I'm happy to
42 undertake to do that.
43
44 COMMISSIONER BROMFIELD: If it helps the department, it
45 was the South Australian DeBelle Inquiry that codified
46 this.
47 A. Perfect, thank you.

1
2 COMMISSIONER BENJAMIN: Q. We've heard over the last few
3 weeks or few months some fairly dark stories out of the
4 Ashley Youth Detention Centre. One of the things we have
5 heard which casts some light is the benefit of education
6 and the interest in education a lot of these children have
7 in the Ashley Detention Centre. Have you turned your mind
8 or has the department turned its mind as to how that can be
9 improved with the change that you're bringing into place?
10 A. We certainly see it as a very, very big opportunity,
11 both for people going to and through Ashley and also
12 children in out-of-home care, and one of the issues that we
13 are turning our mind to is engagement. So, we have a lot
14 more offerings of how we deliver education - you don't need
15 to be in a formal school how we might conceptualise
16 anymore.

17
18 What we need to do is to make sure that we're tracking
19 those young people out of Ashley and who are in out-of-home
20 care and make sure that we are putting significant energy
21 and effort into designing a learning program for them that
22 supports them once they come out of Ashley, because I think
23 we heard from the principal that young people like to learn
24 when they're there, and certainly on my visits to the
25 school that's what I've seen, and so, I think we need to
26 capture that and make sure it translates when they're going
27 back out into the community to be engaged in a learning
28 program that meets their needs.

29
30 Q. The South Australian Youth Detention Centre have some
31 interesting approaches for children coming into and going
32 out of which seemed to show some continuity for the
33 children.

34 A. I think my reflection, and this is the work that the
35 Youth Justice Blueprint and the reform is doing, is that
36 it's very blunt. You know, what happens before you're
37 there and what happens after you're there is very
38 segmented, and I think if we look at a continuum of
39 engagement and support, we need to recognise that there
40 will always be a place for some kind of detention facility,
41 but what's important is what supports have been in place to
42 divert you from being there beforehand and then what
43 supports are available afterwards to ensure that you can
44 re-engage in learning and be safe and well rather than
45 re-offend.

46
47 Q. And I guess that has to be tied into whatever comes

1 out of the new centres which are going to be put in place
2 in two years from now?
3 A. That's right, and one of the things that we know we
4 need to be very deliberate about is understanding what the
5 purpose of those centres are. So, if you redefine a
6 continuum of Youth Justice, and I think we need to define
7 it as a continuum of engagement and re-engagement, then who
8 are the cohort that you are left with that actually need to
9 be in a secure detention facility? And that's absolutely
10 front and centre; we've already started to work with
11 communities on the Blueprint and we see that putting that
12 education engagement through line through that work is such
13 a great opportunity for us, and I was very heartened to
14 learn when Mr Simcock commenced that one of the reasons
15 that he came here was because he saw that as the
16 opportunity.

17
18 COMMISSIONER BENJAMIN: Thank you.

19
20 COMMISSIONER BROMFIELD: Thank you.

21
22 PRESIDENT NEAVE: Thank you very much indeed, that was
23 very helpful.

24
25 MS BENNETT: Commissioners, the next witness is Ms Ginna
26 Webster. I wonder if we might have a brief adjournment
27 before we commence that evidence, which will be the final
28 witness for the day.

29
30 **SHORT ADJOURNMENT**

31
32 MS BENNETT: Commissioners, the next witness is Ms Webster
33 who appears.

34
35 <GINNA MARIA WEBSTER, affirmed: [2.49pm]

36
37 <EXAMINATION MS BENNETT:

38
39 MS BENNETT: Q. Ms Webster, please tell the
40 Commissioners your full name and professional address?

41 A. Yes, Ginna Maria Webster, 85 Collins Street, Hobart.

42
43 Q. Can you tell the Commissioners your current role?

44 A. Secretary of the Department of Justice, Tasmania.

45
46 Q. Thank you. Ms Webster, you've appeared in this
47 Commission, I think, twice; is that right?

1 A. That's correct.

2

3 Q. And you've otherwise seen or been briefed on the
4 evidence in the hearings; is that right?

5 A. Yes, I have.

6

7 Q. At the start I'd just like to ask for your reflections
8 on the evidence of Mr Boost from this morning?

9 A. Yes, thank you. I was present for Mr Boost's evidence
10 this morning. I would say that it was extremely difficult
11 for him to come forward, obviously, and tell his story like
12 other witnesses that we've heard from. It was also very
13 difficult to hear that story, but I would reflect on that,
14 despite what he described, he has made such a positive
15 contribution as a firefighter, so I think that would be my
16 first reflection.

17

18 In terms of the evidence around the Justice System, I
19 would say the issue around the DPP obviously is a matter
20 for the DPP as an independent statutory decision-maker, but
21 I would also reflect that these decisions are made not
22 because witnesses are not believed; they're often made for
23 a range of reasons, and I'm not familiar with that case and
24 that wouldn't be appropriate for me to comment on it
25 anyway, but I would like to be very clear that that doesn't
26 mean that witnesses are not believed.

27

28 Q. While we're speaking about reflections, can I ask, if
29 you're in a position to, and you may not be in a position
30 to, provide any reflections about the evidence of the
31 Commission since you last appeared and I ask that in the
32 context of your previous role as Secretary of the
33 Department of Communities in July 2018 and before that the
34 Deputy Secretary in Children Youth Services and the
35 Department of Health and Human Services. So, I don't ask
36 you to speak about every aspect of the evidence, but if
37 there's anything that you'd like to particularly raise or
38 reflect upon, I give you the opportunity to do that?

39 A. Yes, thank you. I think since my last evidence we've
40 obviously had the Ashley hearings. Again, that evidence
41 has been extremely difficult to hear, but obviously more
42 difficult for those who have come forward from
43 victim-survivors, people with lived experience, but also
44 from staff who have come forward.

45

46 I would generally say that there is, obviously, a very
47 clear need to rebuild trust and confidence in the system

1 and I think Cathy Taylor in her evidence this morning
2 talked about their Commission of Inquiry as being the low
3 point, and I would hope that this is our low point; that we
4 can really create a child safety culture and a culture that
5 enables and ensures people speak up.
6

7 I think my other reflection is that, when heads of
8 agency who have appeared who have no doubt given statements
9 that, when we're informed of information, we take action
10 and I think we need to make sure that we create
11 organisations that are designed, trauma-designed,
12 trauma-informed to engage better with victim-survivors and
13 people with lived experience but also create an environment
14 where staff are coming forward as soon as they see anything
15 that they feel they should speak up about, and clearly
16 we've heard evidence that that hasn't occurred.
17

18 And I think we - and I'm sure the Commission will want
19 to hear about the progress of the Child and Youth Safe
20 Organisations Bill, but that Bill will enable us to
21 prioritise the safety of children and young people to keep
22 talking, keep examining and prioritising child safety.
23

24 And I think the other thing that I would say as a
25 reflection is to be vigilant around that and not to rely on
26 regulation as the only mechanism to make sure that children
27 are safe, so it is about creating, I think, a different
28 culture.
29

30 PRESIDENT NEAVE: Q. Can I just have a question there?
31 Cathy Taylor made reference to cultures, and she wasn't
32 speaking about Tasmania, but she made reference to cultures
33 of plausible deniability in some cases. Do you think that
34 that is sometimes - a notion of plausible deniability has
35 sometimes operated in Tasmania?

36 A. I think the evidence we've heard would suggest that
37 that has sometimes been the case.
38

39 PRESIDENT NEAVE: Thank you.
40

41 COMMISSIONER BROMFIELD: Sorry, following up from that.
42

43 MS BENNETT: Please, Commissioner Bromfield.
44

45 COMMISSIONER BROMFIELD: Q. You talked about creating
46 cultures in which staff can come forward, but what steps do
47 you think need to be taken to ensure then that those

1 matters that are raised are actually briefed in a full and
2 frank way and that reach where they need to be?

3 A. Yeah, thank you, Commissioner. I think it's asking
4 the right questions at the right time and I think having a
5 framework for ethical decision making and the work that
6 we're currently doing around, as I said, the framework and
7 the Reportable Conduct Scheme provides a really good
8 blueprint for that, but it is really also about, and I
9 think we've heard quite a bit about people not getting
10 information back about their complaint and not getting
11 information about what's happened, and I think we've been
12 very careful to, you know, for confidentiality reasons, and
13 Mr Bullard also talked about a range of other frameworks
14 that exist that may hinder that or be barriers to that, so
15 we need to remove those barriers so that we can provide
16 information back to complainants in particular. It might
17 not always meet their expectations around what's occurred,
18 but it would be very important for people to hear what has
19 occurred, and I think that has been something that we need
20 to improve.

21
22 Q. And sorry, just kind of coming back to that ensuring
23 that things are briefed up, am I to understand then that,
24 if there's a culture of complainants expecting to get news
25 back, then therefore it has to go somewhere; is that the
26 thinking there?

27 A. That's right, because it's about accountability, I
28 think, in that regard.

29
30 COMMISSIONER BROMFIELD: Thank you.

31
32 MS BENNETT: Q. What are the other tools that you need
33 to create that Child Safety culture that you're talking
34 about? What are the key tools?

35 A. I think we've talked about the Child and Youth Safe
36 Organisations Bill; is that an appropriate time for me to
37 talk about that?

38
39 Q. Please.

40 A. So, we do have the Bill, the consult Bill is almost
41 ready to be released, it would be imminent, I would say
42 hopefully this week it will be publicly released for
43 consultation. I think that Bill creates a really good
44 legislative framework for the establishment of Child and
45 Youth Safe Standards; it includes a Reportable Conduct
46 Scheme including independent oversight and regulation and
47 information sharing provisions that are aligned with the

1 Royal Commission, but also from what we've heard as well
2 throughout this Commission of Inquiry so far.

3
4 The Bill adopts the 10 National Principles for Child
5 Safe Organisations as the Child Safe and Youth Safe
6 Standards, it outlines the 13 classes of institutions that
7 those standards will apply to. It also creates the
8 Reportable Conduct Scheme, and I think at my last
9 appearance I outlined the dates for those and those dates
10 have not changed and they are embedded in the legislation,
11 the draft legislation.

12
13 So, that is that the independent regulator and the
14 oversight body for the framework will be established by
15 1 July next year, 2023, and again - sorry, if I'm repeating
16 myself from my last evidence, but the Bill will - the
17 framework will be implemented in two phases and the first
18 phase will commence on 1 January 2024 for all organisations
19 in scope for both the Child and Youth Safe Standards and
20 the Reportable Conduct Scheme, and then phase 2 on 1 July
21 2024 with all the remaining organisations.

22
23 And, as I said, we have been consulting on the draft
24 Bill already and we'll have a consult draft ready to go
25 this week, I believe.

26
27 Q. Ms Webster, how hard is it to get an amendment
28 considered for changes to the law? And I don't mean now
29 to - leaving aside Parliament, its processes, getting it to
30 the Parliament door, how difficult is that?

31 A. I think it depends on the authorising environment and
32 the Bill itself. So, we would have a number of amendments
33 from a Justice Miscellaneous Bill, for example, where we
34 might have small amendments that need to be made to a range
35 of different pieces of legislation that are not significant
36 enough for a standalone Bill but can be placed into one
37 miscellaneous Bill. That isn't difficult, but it can
38 sometimes be a little bit time-consuming to get a
39 sufficient number that can create a Justice Miscellaneous
40 Bill to put before the Parliament.

41
42 If it's controversial or significant reform, that can
43 take some time. It is a balance between having something
44 to go out to consult with and making sure that you engage
45 with the right stakeholders, versus having something that's
46 really blank that people can create their own Bill, if you
47 like, so there is a delicate balance to that.

1 And I think what we've done, for example, to use the
2 Child Safe Organisations framework, we have already
3 consulted with the Children's Commissioner, the Tasmanian
4 Children's Commissioner, the Tasmanian Aboriginal Centre,
5 the Circular Head Aboriginal Corporation, the Registrar of
6 Working with Vulnerable People. We have an
7 inter-government working group that has been working on
8 that draft, we have been consulting with the Victorian
9 Commissioner for Children and Young People and the New
10 South Wales Office of Children's Guardian, so we have a
11 framework that we think is really quite good, but now it
12 will go out for wide consult. So, there will be, I'm sure,
13 some tweaks to that Bill that will be required, and it's
14 not going to satisfy everyone in every section of that
15 legislation.

16
17 PRESIDENT NEAVE: Q. Do you have a shortage of drafters
18 here?

19 A. It is a very bespoke occupation, and yes, it is very
20 difficult to get people, but we have a very hardworking
21 Office of Parliamentary Counsel who really is very good at
22 understanding the prioritisation that's required of
23 something like this Bill, so we've had no trouble getting
24 OPC to concentrate on this Bill for us.

25
26 MS BENNETT: Q. But that's an issue perhaps more
27 broadly?

28 A. More broadly, that's right.

29
30 Q. You heard some evidence earlier, I think from
31 Mr Bullard, that there's what might be seen as an
32 identified deficiency in information sharing, for example;
33 is that something that's on the radar of your department?

34 A. Yes. So, the Child and Youth Safe Organisations Bill
35 does include a section around information sharing, and that
36 will address a number of the things that Mr Bullard
37 mentioned around prioritising the child, and I think the
38 Commissioners raised that at the end of Mr Bullard's
39 evidence.

40
41 It allows for information flow between the Regulator,
42 so the Children's Regulator, if you like, entity
43 regulators, the Registrar of Working with Vulnerable
44 People, police, to enable a range of things, so it does go
45 to that. It does override certain elements of the RTI and
46 the PIP Act but we may need to do some consequential
47 amendments to other pieces of legislation to make sure that

1 we put the safety of children at the centre of information
2 sharing.

3
4 And, if I also may, there's some other work being done
5 through the Premier's statement, Keeping Children Safe,
6 that considers what legislative solutions and other
7 initiatives might be required to make it easier to share
8 information around risks to children. That work is being
9 led by the Department of Premier and Cabinet and Justice
10 are assisting with that because the legislation sits under
11 the Attorney-General, but I understand that we're looking
12 at preparing something for consideration for Cabinet by the
13 end of this year.

14
15 Q. While we're discussing those matters, the Commission's
16 been told of changes to the law including the introduction
17 of a presumption for children and young persons aged 16 or
18 17, that they can't consent to sexual intercourse with a
19 person in a position of authority. Are you familiar with
20 that amendment?

21 A. Yes, that's correct.

22
23 Q. Just to start with, how is the notion of a presumption
24 arrived at? I understand that to be a relatively unusual
25 model in this space; are you able to help us understand why
26 a presumption was identified as appropriate?

27 A. I probably don't have that level of detail on me, but
28 I can tell you that that is a part of a Justice
29 Miscellaneous Bill that has been prepared, and again, we
30 should be ready to consult on that in the next few weeks.

31
32 PRESIDENT NEAVE: Q. So, have there been any
33 consultations on that issue so far?

34 A. Not so far, President. So, the consultation draft
35 will allow us to undertake that work now to consult.

36
37 Q. Just as a matter of interest, it's a different model
38 from that which was, I think, supported by the National
39 Commission and also from what has been put in place in
40 other states, at least a couple of which I'm aware.

41 A. Yes, that's correct, and I'm happy to provide that
42 information in a supplementary statement.

43
44 Q. Right, that would be helpful, thank you.

45 A. Yes, absolutely.

46
47 COMMISSIONER BENJAMIN: Q. There would be a concern,

1 would there not, if you use presumption with regard to a
2 survivor of child sexual abuse, that that child may well be
3 left exposed to cross-examination in relation to the
4 question of whether the presumption is rebutted or not.

5 Has any thought gone into that?

6 A. I am aware, I think the DPP has raised issues around
7 that, I am aware of that and certainly it would be my
8 intention to engage with the DPP to discuss those issues
9 and will directly, as we do with most of our other Bills,
10 we will directly engage with the DPP, but I am aware - and
11 the DPP has shared with me his concerns around that.

12
13 MS BENNETT: Q. Are you able to update the Commission
14 while we're on the topic on the status of the failure to
15 protect legislation?

16 A. Yes, so that will be a Justice Miscellaneous Bill,
17 will be included in that package; that's almost ready to go
18 for the draft, so it will be in the same Bill.

19
20 Q. And, that will be released this week, or close to?

21 A. I'm not sure that that will be released this week, but
22 it's imminent, absolutely.

23
24 Q. Similarly, are there some amendments on foot to
25 require certification of interlocutory decisions in a
26 criminal trial context?

27 A. Yes, so the work on the Bill that I mentioned includes
28 the three that you have now just raised as well as the
29 reform and tendency coincidence laws which are consistent
30 with the model Bill agreed by the Counsel of Attorneys
31 General, and also to ensure that all child sexual offence
32 charges are not subject to the limitation period, so all of
33 those five key things are included and a range of other
34 matters as well.

35
36 PRESIDENT NEAVE: Q. I think these are all included in
37 the fourth report?

38 A. Yes, that's correct.

39
40 Q. The fourth progress report, but what you're saying, I
41 think, is that the final form of those changes, which is
42 something that the Commission might well want to comment
43 on, has not yet been settled because there will be this
44 process of consultation?

45 A. That's correct, and I think the consultation letters
46 that I've approved over the weekend include to the
47 Commission itself around that.

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PRESIDENT NEAVE: Thank you.

MS BENNETT: Q. In the hearing week concerning the Ashley Youth Detention Centre there was evidence about the large number of claims now coming through the National Redress Scheme and the Abuse in State Care Scheme; are there any proposed changes to assisting managing the scale of the matters coming to the attention of those schemes?

A. Yes, so in terms of what we have found since certainly the matters that came to the attention of the Commission through that but also through the civil and criminal litigation areas, that we do need some additional resourcing in the civil litigation, the Abuse in State Care area. It's clear that that includes legal practitioners, administrative support, and I think, depending on the final model, the management of those matters could probably also benefit from some clinical advice on how they're managed as well; and by that I mean trauma-informed practice, yes.

Q. Where do you get that clinical advice from, do you know?

A. I know that the Abuse in Care team have been working with the Department of Justice psychologists, and just having conversations around that, but I think we would have to look at who would be best placed nationally to provide some of that support and advice, and that's part of what we're doing as well, is that sort of jurisdictional scan around what's happening in other jurisdictions at the moment.

PRESIDENT NEAVE: Q. So that's something that you're doing at the moment in relation to a number of these amendments?

A. Correct.

Q. I must say one of the things that's struck me a bit has been that sometimes expertise is available in other states on particular issues that it might be helpful for Tasmania to draw upon.

A. And part of the advice is - sorry, part of the advice to the Attorney is about what other jurisdictions do with these matters and what they have got at their disposal, absolutely.

PRESIDENT NEAVE: Thank you.

1 MS BENNETT: Q. Are there moves towards the
2 consolidation of the records or the processes between those
3 two schemes?

4 A. Not that I'm aware of, no, sorry. There may be but
5 I'm not aware of that.

6
7 Q. No, thank you. There's been some discussion about the
8 ED5 process, and I'd like to ask you some questions about
9 that.

10 A. Certainly.

11
12 Q. I think it's fair to say that some of the evidence has
13 identified some concerns about that process as one of the
14 mechanisms to respond. Would that be your assessment of
15 the evidence as it's come out?

16 A. Yes, absolutely.

17
18 Q. What can you tell us about the response to those
19 deficiencies that have come out in the past few months?

20 A. I think - well, what I can say, that the Bill, the
21 Child and Youth Safe Organisations Bill includes government
22 and local government entities as one of the signatories, if
23 you like, of the standards and the Reportable Conduct
24 Scheme, so we will be required to place children at the
25 centre and embed those standards in the work we're doing,
26 including the work we do with victims or complainants
27 around ED5 matters.

28
29 I think generally the deficiency has been a couple of
30 things: (1) the length of time that it can take for these
31 matters to settle, and I'm aware that the Department of
32 Premier and Cabinet is leading some work to revisit and
33 revise those Employment Directions.

34
35 I think, if some of the lower level Code of Conduct
36 issues were able to be dealt with more easily, then it
37 would free up time and expertise to be able to focus on the
38 more serious level of Code of Conduct issues that do
39 require trauma-informed practice and also the
40 identification of properly trained investigators that, if
41 Heads of Agency were allowed to do some of that lower level
42 work, then that would free that up, and the Department of
43 Justice is involved, as Mr Bullard said, in the discussion
44 of around what that might look like in the future.

45
46 PRESIDENT NEAVE: Q. What about the actual content of
47 the Code of Conduct? For example, I know that in the past

1 that provision about "in the course of employment" has been
2 applied relatively restrictively; and particularly in the
3 context of schools where the legal advice that's been
4 received has been, "Well, this occurred, this relationship
5 between the teacher and the child occurred outside the
6 school context, so it's irrelevant", which I think is a
7 disturbing view.

8 A. Yes, I think that I would agree.
9

10 Q. So, are they looking at the actual content of the
11 Code?

12 A. They are, yes, that's right, they are looking at the
13 content of the Code is my understanding.
14

15 COMMISSIONER BROMFIELD: Q. In relation to some of the
16 ED5s that we've had the opportunity to review, it appears
17 on reading them that there's, I guess, traditional justice
18 approaches really inherent in them that haven't been
19 updated reflecting all the recommendations of the National
20 Royal Commission, including things like tendency and
21 coincidence particularly for the behavioural breaches,
22 boundary breaches. I'm wondering how broad the review is
23 of the ED5 process?

24 A. I know that it is designed to take into consideration
25 the work - you know, what we've heard here at the
26 Commission of Inquiry in particular, I would say, but all
27 agencies have agreed that we will embed trauma-informed and
28 child-centred principles, if you like, into the way we go
29 about ED5s. Now, my agency doesn't do really any that
30 necessarily that are related to children, or very many, so
31 I think there's an opportunity for us to learn - to pick up
32 what we've learned through the Commission of Inquiry and
33 embed it in our ED5 processes.
34

35 I think the other issue is that we haven't really put
36 the complainant at the centre of any of those processes
37 either, and I think it doesn't really matter if we're
38 talking about child sexual abuse necessarily, it's the
39 entire process where people might be waiting a very long
40 time, they have made a complaint, it can often be very
41 difficult to come forward and make a complaint, but they
42 haven't necessarily heard anything and we have agreed to
43 ensure that we provide more feedback to complainants.
44

45 PRESIDENT NEAVE: Q. I think the other issue, too, is
46 that separate complaints have not been brought together; so
47 you might have six complaints about one individual

1 involving different complainants - this is just a
2 hypothetical - and those different bits of information
3 haven't been brought together, so each has been treated as
4 a separate matter. So, is the revision going to look at
5 that issue?

6 A. That is my understanding. As I said, DPAC are leading
7 that reform, but that's my understanding, and we already
8 now have an information sharing - we're reviewing those
9 information sharing protocols around what we can share; and
10 what are the barriers to that in relation to employment
11 matters, for example.

12
13 Q. What's the timeline? I know that this is not within
14 your department, but what's the timeline because, speaking
15 only for myself, that does seem to me that that's been a
16 very prominent issue that's been raised with us.

17 A. Yes, I believe it's March next year. It could be the
18 end of this year, but it could be March next year, but I'm
19 just relying on memory there.

20
21 MS BENNETT: Q. In a similar vein, I think in a media
22 release that's been reviewed by the Commission, the
23 implementation of the remaining Royal Commission
24 recommendations, and I mean of course the National Royal
25 Commission recommendations, are being fast-tracked?

26 A. Yes.

27
28 Q. Are you able to tell us when you anticipate they will
29 be implemented based on the current plans?

30 A. Yeah, so the main one that we are focusing on at the
31 moment is certainly the Child and Youth Safe Organisations
32 Bill and the Reportable Conduct Scheme, and I think that's
33 probably my other reflection from the evidence throughout
34 the - you know, from May till now, is that it's very clear
35 that that has to be rolled out very, very quickly and that
36 we need to ensure that that is absolutely fit for purpose.

37
38 The other one's the legislative reform that I just
39 mentioned that will be part of the Justice Miscellaneous
40 Bill that we'll be putting to Parliament before the end of
41 this year.

42
43 The other thing that I would say is that in August we
44 facilitated a workshop that was attended by the relevant
45 Heads of Agency as well as other senior members of
46 departments with responsibility for the rollout of the
47 Royal Commission recommendations, and we did have an

1 opportunity to reflect on the recommendations that we've
2 implemented to date and including those that we may revisit
3 and ensure that we have right following the work of the
4 Commission. We discussed the recommendations that are not
5 yet fully implemented and we talked about the areas of
6 greatest impact, and also future governance arrangements,
7 because this year the fifth and final annual report of the
8 Royal Commission is due in December.

9
10 I have to say, in terms of that, we agreed that
11 culture was probably the most important thing in relation
12 to those Royal Commission recommendations, and the Child
13 and Youth Safe Organisations Bill - and I don't want this
14 to be seen as a panacea for everything because it certainly
15 isn't - but it is very much front and centre of the work
16 that we need to fast-track.

17
18 PRESIDENT NEAVE: Q. So, as an experienced, very
19 experienced senior public servant, how do you change
20 culture?

21 A. I asked a similar question to many a few years ago,
22 the head of the Integrity Commission, and I was asking him
23 for particular advice about something, and it was really
24 around, in some cases it's one thing at a time and it's
25 focusing on a key thing and getting that right, but I also
26 think it's taking action where we need to take that action,
27 so I think, as I said earlier, the Commission hopefully is
28 a low point for us in terms of the information that we've
29 heard.

30
31 It is really now being able to walk the walk and
32 provide an environment that does actually place children at
33 the centre of that decision-making. It is really hard to
34 change culture, it really is.

35
36 Q. That's probably a five-year program at least, is it?

37 A. At least five-to-ten I would say and, you know, it
38 takes a long time to turn around something, you know, even
39 a small thing, but I think having a plan and sticking to
40 that plan and being able to - and being accountable for the
41 actions is really one of the ways I think we would be
42 looking to change culture.

43
44 I think holding each other to account in relation to
45 the way we implement the reform, and I think we have got an
46 authorising environment; you know, the Commission of
47 Inquiry really creates a very strong authorising

1 environment.

2

3 MS BENNETT: Q. What's an authorising environment in
4 that context?

5 A. I guess what I'm referring to is, you know, the
6 scrutiny of the Commission, you know, we have agreed to
7 actions, the Premier has said that he'll accept the
8 recommendations of the Commission, government's already
9 taken action, Heads of Agency have already taken action, so
10 I think that creates a shared authorising environment of,
11 we're all - I guess to use a colloquialism, we're all in
12 this together really, so we all agree this is the most
13 important thing. And we all have completing priorities as
14 Heads of Agency, we all have services to deliver to the
15 community, but having an environment that says, for you
16 collectively this is a priority is very, very important and
17 very compelling.

18

19 Q. And, in terms of embedding child safety or child
20 protection at the highest levels of each of those agencies,
21 can you tell us about the progress that's been made since
22 we last spoke on that topic?

23 A. Yes, so I think I mentioned last time that Heads of
24 Agency have included in their performance agreements a
25 priority around keeping children safe, and those Heads of
26 Agency have submitted their performance agreements as I
27 understand. I have - I'll speak for myself, I have, and I
28 have a meeting I think at the end of this month to work
29 through that document and to sign that document.

30

31 The other thing that I would say is that the
32 Department of Justice, in particular our strategic plan
33 from 22 to 27, includes the strategic priority of embedding
34 the National Principles and the Child Safe Principles for
35 us as an organisation. So, there's the work that we're
36 doing to lead the whole-of-government and non-government
37 sector around Child and Youth Safe, but there's the work
38 that we have to do actually as a department around that as
39 well.

40

41 PRESIDENT NEAVE: Q. This is an awkward question but
42 it's in everyone's performance agreements: what happens if
43 they don't live up to that performance agreement? Is there
44 a process for assessing that and what are the consequences?

45 A. Yes, well, we are on contracts, I guess, so that's,
46 you know, a fairly clear indication. But I would like to
47 think, like other areas, you know, like other employees, if

1 you like, there's an opportunity to improve, but I would
2 say that, if the Premier's asking me to make it a priority,
3 then I'd say that it would be a priority for me, and
4 clearly, the relevant Heads of Agency who have this
5 responsibility for children in any way, it's across all of
6 those performance agreements.

7
8 PRESIDENT NEAVE: Thank you.

9
10 MS BENNETT: Q. You've referred a couple of times to the
11 Reportable Conduct Scheme, I'd like to ask you a little bit
12 about the nature of that scheme. Is there a body that will
13 carry out that function that will be identified?

14 A. Yes, so the intention is that there will be an
15 overarching or an oversight body that would educate,
16 oversee, be responsible for overseeing investigations
17 within their range of entities that are within the scheme,
18 the criteria of the scheme, and also be able to do own
19 motions around investigations and, I guess, be the
20 watchdog, if you like, around a whole range of conduct, and
21 that conduct is described in the Bill, the entities are
22 described in the Bill, and the responsibilities of the
23 oversight Commission, if you like - and that's my
24 language - are also described in the Bill as well.

25
26 COMMISSIONER BROMFIELD: Q. Can I ask what's envisaged
27 in terms of access to information? So, for example, access
28 to intelligence in police databases or Child Protection
29 databases, the Registrar for Working with Vulnerable
30 People; would that be through request or direct access?

31 A. It's specifically described in the Bill, and I have to
32 be sure, but I think it's direct access; it's very clearly
33 described in the Bill.

34
35 COMMISSIONER BROMFIELD: Thank you. I hope you're right.

36
37 MS BENNETT: Q. Is it going to be independent?

38 A. Yes, it is appointed by the Governor, the Commissioner
39 or whatever we call it, sorry.

40
41 Q. No.

42 A. So, that would be appointed by the Governor
43 independent statutory authority reportable to Parliament.

44
45 Q. And, is their funding protected as well as
46 contemplated at the moment?

47 A. Yeah, so it would be similar, I would imagine, to the

1 Integrity Commissioner who directly gets funding and is an
2 agency, if you like, for the purposes of financial
3 management.
4

5 Q. And this might be a level of detail that is beyond
6 where things have progressed to, but are you aware of
7 whether or not the functions and powers will be similar to,
8 for example, Victoria?

9 A. Very similar to Victoria and New South Wales. So, I
10 guess the - I had this discussion with the Director last
11 week and he described it as agnostic in terms of, it can
12 be - we want to do some consultation around what's the best
13 model for the oversight body, but very much taken advice
14 from Victoria and New South Wales, so we haven't
15 re-invented the wheel.
16

17 Q. Is this body, speaking of re-inventing the wheel, is
18 it going to be a new body or is it going to be added on to
19 the current role of an existing body?

20 A. It's designed to be a new body.
21

22 Q. And that's presumably the intention and --

23 A. Yes.
24

25 Q. What's the timeline for the Reportable Conduct Scheme?

26 A. So, the actual, the oversight body and the Act would
27 go live, if you like, on 1 July 2023. The entities that
28 come in for the Child Safe Standards and the Reportable
29 Conduct Scheme, 1 January 2024. So, there's a bit of work
30 that we would need to do to establish the oversight body,
31 including finding the premises, for example, and staffing,
32 those sorts of things.
33

34 Q. Is it contemplated they will have some expertise in
35 children's safety, and children's rights, disability
36 rights, those sorts of matters?

37 A. Yes, that's the understanding, and obviously the
38 investigation as well which will be one of the components
39 of the scheme.
40

41 PRESIDENT NEAVE: Q. I've got a question which may fall
42 outside your sphere of expertise, but let me ask it anyway
43 and you can say that. There are some areas where the
44 Commission is concerned about what may be happening to
45 children right now before any new body is put in place, and
46 obviously Ashley is one of the areas that we're
47 particularly concerned about. Do you have any comments

1 that you want to make on those issues? As I said, it may
2 well be outside your area of expertise or responsibility?

3 A. As in, sorry, Commissioner, what might happen in the
4 interim or how --

5
6 Q. Yes, yes, the 11 or 12 or so children who are
7 currently in Ashley, for example.

8 A. What I can say is that I am aware that there has been
9 a lot of work to ensure the safety of those children and
10 to - and I did hear Chris Simcock give evidence, but I've
11 also been involved in conversations around those children
12 and ensuring the safety of those children, and I guess it
13 would be - if I was involved in the management, I would be
14 really interested to know what the Commission felt we could
15 do to make them safer.

16
17 PRESIDENT NEAVE: Thank you.

18
19 MS BENNETT: Q. Ms Morgan-Wicks gave some evidence last
20 week that it was the intention of her department to
21 increase the number of staff with Working with Vulnerable
22 People certifications or registration from about the
23 17 per cent where it presently sits to 100 per cent of
24 Health staff. Are you able to speak about whether or not
25 there's been consideration given to the potential
26 implications of the expansion of that requirement or the
27 expansion of that expectation in terms of cost and workload
28 for the administration of the Scheme?

29 A. Yeah, so we have been working with Health around that,
30 and we're obviously aware that that is happening and that,
31 you know, the system changes that we might need to do in
32 relation to adding that cohort to registration of Working
33 with Vulnerable People. I think I just would offer that
34 that process, you know, the systems and the data processes
35 are only as good as the information that's fed into them,
36 so we need to make sure that it's easier for people to be
37 able to identifiable reportable behaviour and then report
38 it, so that's one key thing that we'd need to consider.

39
40 I think the Registrar gave evidence that the resources
41 have flowed because the scheme itself is actually
42 relatively self-sufficient in terms of funding.
43 Notwithstanding that we have provided some additional
44 resource for the Registrar in recent times with the
45 increase in notifications that we've had, but we are
46 working with the Department of Health to work out how we
47 would be able to implement that in a phased way and what

1 support they might need to make that happen, I suppose.

2
3 COMMISSIONER BENJAMIN: Q. With the Registrar of Working
4 with Vulnerable People Scheme, my recollection is he gave
5 evidence that he wanted a review procedure. Has that been
6 contemplated in your Miscellaneous Provisions Act or?

7 A. No, it hasn't, Commissioner, but it's certainly
8 something I'd be happy to look at in the future, but it's
9 certainly not something in the Miscellaneous Justice Bill.

10
11 COMMISSIONER BENJAMIN: Thank you.

12
13 MS BENNETT: Q. In the power of the oversight body that
14 is being contemplated for the Reportable Conduct Scheme,
15 how would that interact with the Commissioner for Children
16 and Young People and their powers in relation to children?

17 A. Yes, so, it will be necessary to look at the current
18 powers of the Commissioner for Children and I think a range
19 of other bodies to see how they interrelate. It may be, as
20 I think Victoria and New South Wales have done, I think
21 some of the advocacy powers, for example, in Victoria don't
22 sit with the Commissioner for Children because the
23 Commissioner is the oversight body for the Reportable
24 Conduct Scheme, so that would be something that we'd work
25 through as we work through the detail of what the body
26 would look like and what functions and powers might
27 overlap. So, I think there is a fair body of work that
28 needs to happen now we have a draft Bill and, once that's
29 passed by Parliament, what are the other pieces of
30 legislation and what are the oversight bodies that might
31 need to be reviewed in terms of that Bill.

32
33 PRESIDENT NEAVE: Q. Because you would have to consider
34 how that interacted with, for instance, the Ombudsman and
35 the --

36 A. And the Integrity Commission, and I guess what we
37 don't want is to create overlap or uncertainty or lack of
38 clarity around this sort of one-stop-shop, if you like, or
39 the one front door that we want for children's safety.

40
41 MS BENNETT: Q. The no wrong door model where, even if
42 you make a complaint to one agency, it will refer you; is
43 that the idea?

44 A. That's exactly right.

45
46 Q. So, even if somebody goes to one of the agencies,
47 they'll end up in the right place?

1 A. Correct.

2

3 Q. Are you able to talk about how the voices of young
4 people are incorporated into all of these reforms that
5 we've been discussing at a high level?

6 A. Yes. So, from the work that we're doing on the Child
7 and Youth Safe Organisations Bill, we have been working
8 with a Child Advocate in the Department of Communities
9 around how we include the voice of young people, and
10 obviously we've been working with the Children's
11 Commissioner specifically.

12

13 I think that there is certainly work for us to do in
14 ensuring that the voice of young people are embedded in -
15 and that's clearly one of the standards within the Bill -
16 that are embedded in the work that we're doing, but also
17 the voices of people with lived experience and
18 victim-survivors, so I think there is a way for us to go in
19 relation to a framework that includes that as a default
20 position, if you like.

21

22 Q. What are the barriers to meaningful change that the
23 Commissioners should have in their mind as they're drafting
24 recommendations at the conclusion of this Commission?

25 A. Look, I think we are a small State and I think, you
26 know, just in relation to other work that I'm involved in,
27 it is often really difficult to find staff, and that's
28 because we're in a fairly hot employment market at the
29 moment as well, and so, it is difficult to find staff.

30

31 We're not unlike all other states that we are
32 regionalised, but it can be difficult to fill positions.
33 So, I think that is a barrier, our size can be our barrier,
34 but it also can be an opportunity for us, as a small state
35 we should be able to have the relationships to get that
36 right. But, because we are small, when we have something
37 like a COVID pandemic there isn't a lot of opportunity to
38 draw on a huge public sector or a huge community sector to
39 do some of that work, and I think - so, that is definitely
40 a barrier.

41

42 I think one of the barriers that I touched on at the
43 beginning was the need to rebuild the trust and the
44 confidence of the community, so I think that work will have
45 to be done as well as we progress, and I think that's
46 through regular reporting and monitoring. And, I think I
47 heard Mr Boost actually say this morning in relation to,

1 you know, something along the lines of, and I'm
2 paraphrasing, but "If you make a mistake or you get it
3 wrong, then it's better to be transparent".
4

5 So, you know, I think reflecting on what I've heard
6 since May, I think all the public servants that I know want
7 to do a really good job, and I know that I've certainly
8 reflected on my role and what I could have done better and
9 differently, so I think it's very hard for us to hear that
10 we haven't done our best job, but it's important to hear
11 and I think reflecting on how we build the trust and the
12 confidence of the Tasmanian community is really important,
13 but I think it is going to be - it is going to be difficult
14 in some areas.

15
16 PRESIDENT NEAVE: Q. And, how will you know when you've
17 got there?

18 A. That's a good question, Commissioner. Hopefully, when
19 we're getting less complaints and that people say, I
20 suppose, that "I might not have got the outcome that I
21 wanted, but the experience wasn't harmful".
22

23 PRESIDENT NEAVE: Thank you.
24

25 MS BENNETT: Commissioners, that was my last question, so
26 I'm grateful to the President.
27

28 PRESIDENT NEAVE: Sorry.
29

30 MS BENNETT: No, no.
31

32 COMMISSIONER BROMFIELD: I had two.
33

34 Q. The first relates to adult survivors of child sexual
35 abuse. And, I know you've spoken at length about the Child
36 Safe Organisations Bill, but I was curious to know what, if
37 any, work was happening within the portfolio of Justice
38 around taking a trauma-informed approach to adult survivors
39 of child sexual abuse who were engaged in the Justice
40 System both as survivors of child sexual abuse, but also,
41 we know that there's also overrepresentation in the Justice
42 System due to some of the impacts of child sexual abuse.

43 A. Yeah, so I mentioned that embedding the standards were
44 part of our strategic plan, but I think that also goes
45 through - we have had conversations, you know, at an
46 executive level about what we've learned from our adult
47 offenders, for example, throughout this Commission and

1 we've talked about what we can learn from it.

2
3 So, I think, to answer your question honestly, we
4 haven't done a lot to date other than what's continuing and
5 what's already been happening, but I think there is a lot
6 for us to pick up from the Commission of Inquiry that is
7 very relatable to the work that we're doing in the adult
8 offender system, both in Community Corrections and the
9 Prison Service. And I think most of those people, as we've
10 heard, particularly from Ashley, you know, they have moved
11 into the adult system, so there's training and there's work
12 that needs to occur, and we do some of that with our
13 Correctional Officers and some of our Community Corrections
14 officers, but there's clearly more that we need to do
15 absolutely.

16
17 Q. And so, are you committed to doing that further work?

18 A. Absolutely, and I think I can say that my executive is
19 certainly committed, the Director of Prisons is part of
20 that executive, he is committed to doing it. Again, I
21 would be - you know, I think the Commissioner, the
22 President mentioned looking at what other Commissions are
23 doing: I know that New Zealand are doing some really good
24 work in this space, so we're looking to some of that work
25 as well, but we're absolutely committed to doing that work.

26
27 Q. Thank you. My second question really comes from the
28 reflection that you mentioned, that you hoped this was the
29 low point for Tasmania. I would hope so too. I think that
30 this Commission has been hard for all the many people who
31 have come as witnesses to this Inquiry and those people who
32 have engaged with this Commission in a variety of different
33 ways.

34
35 We've asked you about the barriers. We, of course,
36 want this Commission to be a legacy, that the pain is worth
37 it. I wonder if you had any thoughts about what you saw as
38 the strengths of Tasmania in implementing recommendations?

39 A. Yeah, I think I do know that, whilst it may not have
40 always been apparent, that the group of people that I sit
41 around the table with around the Secretaries Board as it's
42 known now, Heads of Agency, is extremely committed to this
43 and have been fairly devastated, as I have, to hear this
44 evidence; so, I think that, I suppose, that kindness of
45 what I experience as part of that group and as part of my
46 executive makes me very hopeful that, you know, this is -
47 that's one of the opportunities that we have.

1
2 I think the size, as I mentioned, is an opportunity as
3 well, because we are a small state so we should be able to
4 get that right. And, in larger States when we get letters
5 from stakeholders we may not be able to have a personal
6 relationship or a professional personal relationship with
7 them, but in Tasmania we know the people, we can pick up
8 the phone and say, you know, "Tell me about this problem
9 that you've got, tell me why this is issue for you", and I
10 do that all the time, and people do it with me all the
11 time, so the relationships are very strong, and I think we
12 have a - you know, I have very good respectful
13 relationships with those people who can ring me and say, "I
14 don't think you're doing this very well", so I think that
15 is a strength.
16

17 I think the fact that we've had people who are working
18 in our system who are also victim-survivors and impacted by
19 trauma is an opportunity for us to use their experience and
20 their story to learn from, and I think that would be a
21 missed opportunity if we didn't take that from people who
22 have been very willing, despite their circumstances, to
23 actually say, rather than blame the State, say "Actually,
24 we want to be part of the solution". That's been pretty
25 remarkable, I have to say.
26

27 Q. Yes. I'd agree.

28 A. So, I'm not sure that I would feel as magnanimous
29 about that as what I have seen: that's been very, very
30 remarkable.
31

32 PRESIDENT NEAVE: Ms Webster, thank you so much for your
33 evidence. We've heard a lot of darkness during all of the
34 hearings, we've heard some terrible stories, but it's good
35 to have some hope, and I think that the evidence you've
36 given - not just you, but our other witnesses today, have
37 provided some hope that there will be some improvements in
38 the future and these terrible events will become much less
39 likely to happen again. So, thank you.

40 A. Thanks, President.
41

42 MS BENNETT: Those are the witnesses for today, if we
43 might adjourn.
44

45 **AT 3.40PM THE COMMISSION WAS ADJOURNED TO**
46 **TUESDAY, 13 SEPTEMBER 2022 AT 10.00AM**
47