
TRANSCRIPT OF PROCEEDINGS

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

**At Hearing Rooms 6A and 7A
Tasmanian Civil and Administrative Tribunal,
38 Barrack Street, Hobart**

BEFORE:

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

On 9 May 2022 at 10.19am

(Day 6)

1 PRESIDENT NEAVE: Ms Bennett.

2

3 MS BENNETT: If the Commission pleases, I appear with
4 Ms Norton for this, the second week of the Commission's
5 hearings. We commence again by paying respects to the
6 traditional and original owners of this land, the Muwinina
7 people. I pay my respects to those who have passed before
8 us and acknowledge today's Tasmanian Aboriginal people who
9 are the custodians of this land.

10

11 Commissioners, before we call the first witness I'd
12 like to outline in some detail the key themes and issues to
13 be explored this week. Like every other Australian state
14 and territory, children between the ages of around 5 and 18
15 are required to attend school in Tasmania. For those who
16 attend state schools that means that five days a week, 40
17 weeks a year between around 8.30am and 3.30pm children are
18 in the care of the state. They deserve to be safe during
19 that time.

20

21 Associate Professor Moore who we heard from last week
22 and Emeritus Professor McCarthy have interviewed Tasmanian
23 children about a number of things, including what it is to
24 feel safe. Children who are safe describe feeling calm,
25 relaxed, not being stressed, anxious or afraid.

26

27 All the students reported that feeling safe influenced
28 their ability to concentrate, relate to others and focus on
29 the world around them. Conversely, one child said of
30 feeling unsafe:

31

32 *It's in your body, like when you're*
33 *shaking ... your body is tingling.*

34

35 During school hours teachers and other staff step into
36 the role of supervisors for the children "in loco
37 parentis". On the whole, Department of Education employees
38 are a dedicated and committed cohort who provide
39 incalculable value to the children of this state.

40

41 There is an increasing recognition, however, that the
42 school environment can be one with vulnerabilities. The
43 power dynamics between teacher and student are complex and
44 there are well documented risks ranging from boundary
45 violations to more serious issues about which you will hear
46 today and in the course of this week.

47

1 The importance of the role of teachers was again
2 underscored by the research of Professors Moore and
3 McCarthy. Children have told them about the importance of
4 adults stepping in to take action if they report concerns.
5 One student said, to quote:

6
7 *Children would get kind of depressed if*
8 *adults don't protect them, because we're*
9 *told the teacher is there to look out for*
10 *us but, when they don't help us, who are we*
11 *supposed to turn to? It makes you feel*
12 *unsafe because you're all alone and you*
13 *have to do it by yourself. You would feel*
14 *horrible because there's no-one you can*
15 *trust.*

16
17 On the specific topic of sexual harassment and abuse,
18 young people reported feeling it was important for
19 responses to be visible because the absence of visible
20 consequences reduces confidence.

21
22 One child said, and I quote:

23
24 *It's sometimes good that the school's*
25 *response to harassment is kept quiet, but*
26 *at the same time students are watching to*
27 *see what the school is doing. So, if you*
28 *don't know what they've done, you wonder if*
29 *they've taken it seriously, for both people*
30 *who harass others and for those who have*
31 *been the victim.*

32
33 Other students spoke to them about the importance of
34 being believed. If they are not, this becomes a barrier to
35 disclosure. You are worried that people won't believe you.
36 That hinders your ability to get help because you don't
37 think you will be treated seriously.

38
39 Each day we will hear from witnesses who will share
40 their own experiences. The first of those witnesses you
41 will hear from this morning, she's a current employee of
42 the Department of Education and her experiences as a
43 student have plainly informed her perspective on
44 safeguarding children. She brings that passion and
45 commitment to her evidence.

46
47 We will then hear from Professors McCormack and

1 Smallbone, both were commissioned by the State of Tasmania
2 to carry out an inquiry into Child Safety in the Tasmanian
3 state education system. Their exceptional work has been of
4 substantial value to this Commission. We will hear about
5 their findings around issues like the limitations on the
6 state code of conduct as a document that doesn't actively
7 put children first; record-keeping and analysis;
8 situational steps that can reduce or remove the risk of
9 offending; improvements to policies and procedures that
10 could be taken in order to improve the standards of
11 identification and response to incidents of child sexual
12 abuse, harmful sexual behaviours and precursor conduct to
13 future sexual abuse.

14
15 We will then hear from Ignatius Kim, an employee of
16 the department who will give evidence at the request of the
17 Commission of this inquiry. He is a mental professional at
18 the Child and Mental Health Service, often called CAMHS, a
19 specialist in dealing with childhood trauma. His evidence
20 will cover what a trauma-informed response looks like,
21 particularly where it is in response to the disclosure of
22 child sexual abuse.

23
24 He will also speak to the compounding effect of
25 betrayal trauma in cases where institutions fail to
26 adequately and sensitively respond to disclosures.

27
28 Tomorrow, we will hear another lived experience
29 witness. She was abused as a teenager in a state school by
30 a teacher over a six-month period. It seems that another
31 teacher noted the contact between her and her abuser seemed
32 unusual but took no steps and did not appear to intervene.
33 Other teachers later told the witness they'd also had
34 concerns about how "friendly" her abuser was with students.

35
36 Her circumstances, Commissioners, are a vivid
37 illustration of the matters raised by a number of the
38 witnesses, including Professors Smallbone and McCormack who
39 talk about the importance of identifying and intervening
40 where boundary violations become apparent. Boundary
41 violations can include grooming behaviour or other
42 impropriety; they could be precursor conduct.

43
44 The witness will talk about how she was made to feel
45 responsible for her own abuse and how that got in the way
46 of her finding safety in school. These are barriers that
47 persist to this day. She will talk about the lack of

1 support following her disclosures and the struggles that
2 she had without those supports in place.
3

4 The witness tomorrow, her abuser has been convicted
5 and she will talk about the impact of the offending on her
6 life. This is an example of a person who felt well
7 supported in her travels through the criminal justice
8 system but still found it an intensely burdensome process
9 to go through. She is now a teacher in the private system
10 and able to reflect on what happened to her through her own
11 professional experience.
12

13 Commissioners, we'll then hear from some witnesses
14 about harmful sexual behaviour. We'll hear from Ms Pepper
15 of the Sexual Assault Support Service and her evidence
16 concerns particularly the experience in responding to
17 harmful sexual behaviours in a school context and what
18 training and procedures she has seen and the present state
19 of best practice response.
20

21 Ms Pepper explains that harmful sexual behaviour in
22 the following way. She talks about it as sexual behaviours
23 by children and young people under the age of 18 that are
24 developmentally inappropriate, may be harmful towards
25 themselves or be abusive towards another child, young
26 person or adult. This sort of behaviour can occur for many
27 and complex reasons; it presents particular challenges,
28 including ensuring the safety and appropriate response for
29 all of the children involved in the conduct.
30

31 We will then hear from a panel of three professionals
32 about the challenges that harmful sexual behaviour presents
33 in a school context. In particular, we'll hear from
34 Mr Russell, a teacher of substantial experience and about
35 the impact on him where damaging harmful sexual behaviours
36 were inadequately responded to.
37

38 Ms Drake is a school support worker and she will share
39 her observations about the opportunities to improve access
40 to Child Safety Services with specialisation in
41 interviewing children and the Strong Family Safe Kids
42 Advice & Referral Line which the Commissioners will recall
43 we have referred to as the ARL.
44

45 We'll also hear from Ms Monique Carter in response to
46 a notice from this Commission and Ms Carter is a principal
47 who has undertaken some innovative steps in responding to

1 harmful sexual behaviour, and she will talk about the way
2 in which this important issue is managed in a real world
3 sense.

4
5 Finally on Tuesday we'll hear from Kris Reardon from
6 Working It Out, an LGBTIQ+ advocacy support and education
7 service. They will speak about some of the vulnerabilities
8 of some children who identify as LGBTIQ+ and the importance
9 of an inclusive approach to gender as a way of enhancing
10 the protection of all children.

11
12 On Wednesday we'll commence with the account of a
13 person we will refer to as "Rachel". Rachel was a student
14 who developed what she thought was a friendship with a
15 teacher. She will give evidence about the way in which
16 that teacher became abusive and how she tried to report to
17 those in authority. She will speak about the barriers to
18 reporting and the extraordinary delay in the investigation
19 of her complaints. We will trace Rachel's experience
20 through the week as it illustrates issues that arise time
21 and time again.

22
23 The balance of Wednesday will focus on complaint
24 procedures and investigations in an education context.
25 We'll consider how complaints are and should be managed
26 within the school community and supports for students and
27 their parents, guardians and carers.

28
29 We'll hear from the representative of the Australian
30 Education Union and their concerns with the ED5 process and
31 present methods for responding to child sexual abuse.
32 We'll explore the role of unions where members are accused
33 of child sexual abuse and how they can prioritise the
34 wellbeing of children in that context.

35
36 We'll hear from Ms Sanders and Ms Girvin with
37 experience from Victoria and South Australia respectively.
38 Ms Girvin will explain how the incident management
39 Directorate with the South Australian Department For
40 Education responds to critical incidents, including
41 allegations of child sexual abuse, including its
42 investigative processes and the ways in which it supports
43 schools to respond to disclosures of child sexual abuse.

44
45 Ms Sanders will speak about the Victorian Reportable
46 Conduct Scheme and the ways in which that state's
47 Commissioner for Children and Young People supports

1 organisations to investigate allegations of child sexual
2 abuse.

3
4 Later that day, that is the Wednesday, Commissioners,
5 we'll hear for the first time from the Secretary of the
6 Department of Education, Mr Bullard, who will attend a
7 number of sessions this week. He will provide insight into
8 the department's disciplinary and investigative process,
9 recent stand downs in the department, and the current
10 status of the implementation of the National Royal
11 Commission recommendations within the department.

12
13 On Thursday, we'll examine some particular case
14 studies with Mr Bullard to explore what they can reveal
15 about the systemic issues in responding to child sexual
16 abuse. This will include consideration of the case study
17 illustrated by Rachel from whom we will hear on Wednesday;
18 another case in which a teacher communicated
19 inappropriately with a student over social media and will
20 examine the ways in which the policies and procedures
21 responded to the particular issues of that case, how they
22 fell short, while examining whether they're different
23 today.

24
25 We'll hear about the case in which a teacher under a
26 disciplinary cloud from New South Wales was able to teach
27 in Tasmania without the authorities here being aware of the
28 previous allegations. Once here, the same teacher was a
29 relief teacher who was then the subject of various
30 complaints about boundary violations and other
31 inappropriate conduct.

32
33 In that instance, Commissioners, we'll consider and
34 analyse the capacity of the regulatory system presently in
35 place to properly respond and whether current
36 record-keeping is up to the task and whether there needs to
37 be any additional changes to the way that information is
38 obtained, stored and shared to make sure that the proper
39 responses are in place in the right places.

40
41 We'll explore a case study at the same time where the
42 allegations made against a teacher coincided with the
43 criminal process and we'll use that lens to examine the
44 responsiveness of the complaints handling process used by
45 the state in that context and the interaction between the
46 different agencies when different processes are underway.
47

1 Commissioners, a key regulator in the education space
2 is the Teachers' Registration Board or the TRB, and we will
3 hear evidence from a representative of the TRB on Thursday.
4 Ms Moxham will give evidence about the processes and
5 procedures of the TRB and how they can be strengthened to
6 respond to the particular risks of child sexual abuse.

7
8 We will hear, in addition, from some plaintiff
9 solicitors about their experience of civil litigation in
10 the State of Tasmania. We will hear from them about the
11 improvements that they have observed in recent times and
12 about some of the areas where they consider the state's
13 approach is not trauma-informed or responsive to the needs
14 of victim-survivors.

15
16 On Friday, Commissioners, we will hear from Mr Sam
17 Leishman. Mr Leishman will give evidence about the abuse
18 he suffered as a child in the late 1970s at the hands of a
19 teacher. Commissioners, his perpetrator was charged and
20 convicted in 2015. Mr Leishman's evidence focuses on the
21 way in which he felt ignored by the Department of
22 Education. He felt there was a lack of support for him as
23 a former student who had been abused in the state's care
24 and he felt there were barriers to him getting the
25 information about his abuse and his abuser held by the
26 department, and he will tell us about how lack of support
27 made it harder for him to recover from the abuse.

28
29 We'll hear again from Mr Bullard about the state's
30 approach to civil litigation and how it's evolved over
31 time. We will then hear from some witnesses on Friday
32 afternoon about the current and future processes for
33 preventing and responding to child sexual abuse and for
34 that purpose we will convene a panel. It will comprise
35 evidence from Ms Elizabeth Jack, a newly appointed
36 executive director of the Office of Safeguarding Children
37 and Young People, newly-established within the Department
38 of Education.

39
40 Ms Jack will give evidence about her role and the
41 current status of the implementation of recommendations of
42 both the National Royal Commission and the recommendations
43 of the Independent Inquiry undertaken by Professors
44 Smallbone and McCormack.

45
46 The second panel member, Dr Kerryann Walsh, is an
47 academic with expertise around best practice prevention in

1 schools including protective behaviour curriculums. We
2 will use the week to test various hypotheses about the kind
3 of improvements to policies and procedures that could
4 assist the department to better protect against and respond
5 to child sexual abuse and harmful sexual behaviours. We
6 will seek to identify the current gaps. In this respect we
7 note and observe that Mr Bullard's evidence identifies a
8 range of gaps which he perceives to exist in the systems as
9 they presently operate.

10
11 Without being exhaustive, the issues that he has
12 identified include a following number of things. The
13 department can do more, he says, to improve the processes
14 for investigating allegations of child sexual abuse
15 committed by current staff. He accepts there have been
16 delays in investigations, some of which have not been
17 carried out in accordance with best practice. He accepts
18 the department's failures to provide support to children
19 and young people who have made allegations of child sexual
20 abuse against an employer or peer in some instances.

21
22 He accepts there have been deficiencies in
23 information-sharing within the department and across
24 agencies and with bodies such as the TRB. Mr Bullard
25 frankly concedes, and I quote "there is more we must do".
26 The department's record-keeping systems have also been
27 lacking which has hindered the sharing of relevant
28 information across the department and the department's
29 ability to access historical information and data to inform
30 its understanding of present and past matters. Mr Bullard
31 accepts that this has meant the department has not always
32 been able to deal with allegations and suspicions of child
33 sexual abuse.

34
35 Mr Bullard says further that the department must do
36 more to support its staff to help them understand how to
37 prevent, identify and respond to suspicions and allegations
38 of child sexual abuse, to listen to the voices of children
39 and young people, to respond appropriately and to speak up
40 when something does not fit within the culture the
41 department is trying to build.

42
43 Commissioners, we proceed this week in light of these
44 appropriate commitments to improvement and we will seek to
45 understand how the present situation developed and what
46 further areas for identification can be identified.
47

1 Consistent with our general approach, we will be
2 seeking to explore and test these matters which might
3 assist your work, Commissioners, in identifying appropriate
4 recommendations to assist the creation of a better system.

5
6 As we've adverted to in our earlier submissions, we'll
7 maintain a steady focus upon the experiences of the people
8 who have provided their evidence to this Commission of
9 Inquiry. We respect their preferences on whether they wish
10 to be identified or share their experiences publicly and
11 with this in mind we will sometimes adopt pseudonyms and
12 restricted publication orders as required to enable us all
13 to focus on the power of their individual experiences.

14
15 With that introduction, Commissioners, and unless
16 there are any questions, can I propose a brief adjournment
17 so that we can arrange ourselves for the first witness?

18
19 PRESIDENT NEAVE: Thank you, Ms Bennett.

20
21 **SHORT ADJOURNMENT**

22
23 PRESIDENT NEAVE: Ms Bennett.

24
25 MS BENNETT: Thank you, Commissioners. Before I call the
26 first witness for this week, could I ask, as foreshadowed
27 in our opening, we noted that where appropriate we would
28 ask Commissioners to make pseudonym and non-publication
29 orders, provided a copy of the proposed orders to the
30 Commissioners, and could I ask that they be considered
31 prior to calling this witness?

32
33 PRESIDENT NEAVE: Last week I explained that it will
34 sometimes be necessary for the Commission to make an order
35 which restricts publication of certain information. The
36 Commission is committed to being open and transparent,
37 respecting the preferences of victim-survivors and
38 considering the impact that evidence from these hearings
39 may have on the wider community.

40
41 This week the hearings are focused on a particular
42 institutional setting, namely education and schools. The
43 Commission recognises that evidence about particular
44 schools may be distressing for those school communities,
45 including students, their families, guardians, carers and
46 staff who are trying to do the right thing. Even where
47 victim-survivors who give evidence are no longer students,

1 their experiences may still be traumatic for others,
2 including current students.
3

4 Therefore, the Commission's approach this week will
5 sometimes be to avoid identifying particular schools. The
6 Commission understands that the Department of Education
7 will be working with any schools which may be relevant to
8 the evidence which may be given during this week to ensure
9 appropriate supports are available. The Commission
10 welcomes and expects a trauma-informed approach to dealing
11 with these sensitive matters.
12

13 The next witness has agreed to be identified.
14 However, to protect the identity of any relevant schools,
15 the Commission has decided to make a restricted publication
16 order in relation to those schools and a particular person.
17

18 In the context of the scope of this inquiry the
19 Commission makes this order because it is satisfied that
20 the public interest in the reporting on the identity of any
21 schools and that person is outweighed by other
22 considerations, namely, the potential impact of the
23 evidence on the wellbeing of the relevant school
24 communities and relevant privacy considerations.
25

26 I'll now briefly explain how the order will work. The
27 order requires that anyone who watches or reads evidence
28 given by the witness to the Commission must not share any
29 information which may identify any school which may be
30 referred to during the evidence or identify the person who
31 will be referred to as "John". The information is not
32 limited to John's real name and may include other
33 information which could identify them.
34

35 I make the order which will now be published. I
36 encourage any journalist wishing to report on this hearing
37 to discuss the scope of the order with the Commission's
38 media liaison officer. A copy of the order will be placed
39 outside the hearing room and is available to anyone who
40 needs a copy.
41

42 Thank you, Ms Bennett.
43

44 MS BENNETT: Thank you, Commissioner. I call Ms Kerri
45 Collins to give evidence.
46
47

1 <KERRI ANNE COLLINS, affirmed: [11.21am]

2

3

<EXAMINATION BY MS BENNETT:

4

5

MS BENNETT: Q. Ms Collins, can you tell the Commissioners again your full name and professional address?

6

7

A. Kerri Anne Collins. Fidler Street, Cooee.

8

9

10 Q. Ms Collins, you've made a statement to assist this Commission, is that right?

11

12

A. Yes.

13

14

Q. Have you read that statement recently?

15

A. Yes, I have.

16

17

Q. Are the contents of that statement true and correct to the best of your knowledge and belief?

18

19

A. Yes, they are.

20

21

Q. Tell us about your current role, Ms Collins?

22

23

A. I'm a senior social worker within the Education Department, so I have approximately nine staff in the western network which is geographically from Forth through to Circular Head down to the West Coast.

24

25

26

27

Q. But you are speaking to us today in your personal capacity; is that right?

28

29

A. Yes, I am.

30

31

Q. Ms Collins, I'd like to start by talking to you about your days in primary school and there's an incident we're going to come to at primary school, but I'd like to just start by asking you about what you remember before those incidents, the kind of young person you were in Year 5 and 6 and 7?

32

33

34

35

36

A. It is a long time ago because it was - I was 7, so I think that - well, I had a very happy family life, I had great parents. My mum was a stay-at-home mum, my dad was a fireman. I have three siblings and I was the second eldest, so I was a quite compliant child I think, my sisters would refer to me as the goody two-shoes, but we lived a good life, we were in surf club, we did dancing, yeah, we were pretty happy.

37

38

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Q. Did you enjoy school?

47

A. I loved school. I used to eat my recess too slow so

1 mum had to pack me less but that was about all, I loved
2 school, yeah.

3

4 Q. What was it you liked about school when you first
5 went, do you remember?

6 A. I like learning, I like reading, I've always liked
7 reading, I like friendships. Yeah, just generally, I
8 wasn't a child that never wanted to go to school, I really
9 enjoyed going to school, all aspects really.

10

11 Q. There was a teacher there who we're going to talk
12 about whose name is not John but we're going to give him
13 that name for the purposes of today. You know who I'm
14 talking about?

15 A. M'hmm, yes.

16

17 Q. Can you tell the Commissioners about him generally?

18 A. He was a teacher at my school. He wasn't my core
19 teacher, but he was very well-liked by everyone in the
20 school, and yeah, I guess he was young - well, I didn't
21 realise young at the time but now I know that he was young
22 and I think that's why, you know, he was sort of not - not
23 an elderly teacher who had lost, you know, that real
24 connection with kids, I suppose, it was that young
25 energetic teacher and, in the role he was in, kids enjoyed
26 his class.

27

28 Q. He seemed well-liked by the teachers and the students;
29 is that fair?

30 A. Yes.

31

32 Q. Between 1988 and 1989 John committed acts of sexual
33 assault against you; is that right?

34 A. Yes.

35

36 Q. You weren't alone in that abuse?

37 A. No. At times I was on my own but other times I had
38 other people present, other students, who were also subject
39 to the abuse over a two-year period and numerous times.

40

41 Q. You came to make some disclosures, can you tell us
42 what the process for you was like to make a decision to
43 make some disclosures when you were a child?

44 A. Extremely difficult. We were 11 and there was three
45 other girls, they weren't even all in my class and I can't
46 recall how we all came to know that it happened to the four
47 of us. One of them would have been present when I was

1 there, but the other two I don't know. I heard that one
2 had made a disclosure previously. But we had a new school
3 counsellor come to our school and we were all encouraged
4 that if we wanted to go and speak to this school
5 counsellor, we could. So the four of us did, we went
6 together to talk to her and detailed to her what had
7 happened, and to my knowledge - well, what I saw, was that
8 she took absolutely meticulous notes, she definitely
9 believed us, and I guess I don't know what her training was
10 or - at the time, but she said to us that she would have to
11 go and speak to the principal but we were asked to go back
12 to class. So we did that and then we were called
13 individually each one at a time to the principal's office.
14

15 Q. I just want to pause there because I want to unpack a
16 little bit about what it was about this school counsellor
17 that made you feel you could go to her?

18 A. She came and introduced herself in our classes and
19 everybody was just like, she was very nice, she seemed
20 really authentic, I guess, and we just felt like we could
21 go to her. It is a long time ago, so I can't recall any
22 further than that but I know that her response to us was
23 really appropriate when we actually did disclosure to her.
24

25 Q. What happened then after she said she was going to go
26 and tell the principal, what was your experience of what
27 happened after that?

28 A. We were called individually to the principal's
29 office - or I didn't know the others were called, I did
30 know one because she was in my class, and he took us into
31 his office and he had the female assistant principal also
32 present and he questioned us about what had happened, and
33 he asked me to sit on her knee and demonstrate the position
34 I was in when I was sexually assaulted by John.
35

36 Q. Just to pause there for a moment. You're now a senior
37 social worker; can you reflect for the Commissioners a
38 little bit about that mode of discussing disclosure of
39 abuse with children?

40 A. It would never happen, and it's highly inappropriate;
41 if anything, it's re-traumatising for the child to be
42 actually put in that position and I can definitely see that
43 now. And, if I ever had any knowledge of that happening in
44 a school now I would have a lot to say about that. But,
45 yeah, it's even distressing thinking about it; at the time
46 I remember feeling extremely uncomfortable about having to
47 be put in that position.

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Q. Tell me about what made you feel uncomfortable about that?

A. That, not only what I was saying wasn't being believed, I had to actually show them; I couldn't really believe it at first when he said "can you do that" and I was just like - but, there was no-one else there either, it was just the two of them, like, I didn't know if I was in trouble, I didn't know if my parents had been told, I had no idea.

Q. So the two of them being the principal and the vice principal, or deputy principal, and did they take you in one-by-one, one child at a time?

A. M'hmm.

Q. Was that in the principal's office or the deputy principal's office?

A. Principal's office.

Q. Is that where you go when you get in trouble?

A. I didn't get in trouble but that's where you do go if you get in trouble, yeah.

Q. So it was in that space where - and did you feel believed?

A. No, not at all.

Q. Why didn't you feel believed?

A. Just the questioning was about, "Oh okay, well, if that happened how were you sitting, can you do that? Can you sit over there, you go and sit on Mrs - knee and show me".

Q. And these are presumably pretty traumatic memories for you and having to effectively reenact your own abuse, how did that make you feel at the time?

A. Horrified.

Q. What were you told about what was going to happen next as part of the process?

A. We weren't told anything. We were told to go - after that I was told to go back to class as well, and then when we - my parents - the teachers must have called my parents and the other girls' parents and we left and walked home.

Q. Did the principal say anything to you about whether

1 you were believed or not?

2 A. No, not at that time.

3

4 Q. Do you have any idea about who took the next step, who
5 contacted the police?

6 A. My understanding is, my parents did.

7

8 Q. What happened with John, was he at school the next
9 day?

10 A. Yes.

11

12 Q. And you were expected to go to school the next day?

13 A. Yes. By the school I was, not by my parents.

14

15 Q. What happened when your parents heard you were
16 expected to go to school?

17 A. They kept me home and we made police statements. I
18 don't know, I think they may have contacted Child Safety,
19 they took me to the police station. We were kept out of
20 school. So were my siblings I remember because mum and dad
21 weren't going to send them either.

22

23 Q. Do you feel like your parents believed you?

24 A. Absolutely.

25

26 Q. And how did that make you feel?

27 A. They've always believed me and I guess that's the main
28 thing that stays with me, because the system hasn't ever
29 believed me, and so, I guess that's - yeah, it's
30 incredible, I guess, as a survivor to know that you've got
31 that and a lot of people don't; so, to have that, and I
32 know the other girls were also believed by their families,
33 so that made a huge difference for all of us.

34

35 Q. I think you said you gave some statements to the
36 police?

37 A. Yes.

38

39 Q. And then, what happened about going back to school?

40 A. My recall, and of course like if we're talking when I
41 was 11, is that my dad and a couple of the other dads went
42 to speak to John at school and he ran from the school. I
43 don't know if they were going to speak to John but they
44 were going to see John. And, after that he was moved to a
45 different school.

46

47 Q. Do you know what happened to John after that?

1 A. No. No, I learnt years later when I was working in a
2 different role and I knew where he was working, but I
3 returned to school after that and was very much not
4 believed by a lot of the staff, and it was really evident
5 in how I was treated. My class teacher at the time,
6 Mrs Jones, was absolutely incredible and she took me aside
7 into a reading corner and told me that she absolutely
8 believed me 100 per cent and so I felt safe at school and
9 in her class.

10

11 Q. And, I think you said some teachers made it clear they
12 didn't believe you. How did they make that clear to you?

13 A. They just wouldn't speak to you. And years later even
14 in this role as a senior social worker I respond to
15 critical incidents and I've walked in to be the support or
16 the lead at a critical incident and they look like they've
17 seen a ghost.

18

19 Q. How did that effect that child who - that goody
20 two-shoes child who enjoyed going to school?

21 A. It was really difficult because all of a sudden you
22 were seen as different, or other, or a liar, is how I felt,
23 and that was my final years of primary school; like, as in,
24 so not only had that in my formative years of primary
25 school but the final years, that's what you had.

26

27 Q. Can you tell us about what sort of support you were
28 offered?

29 A. Nothing, from school.

30

31 Q. From school?

32 A. Yeah, no, nothing.

33

34 Q. Was it acknowledged again by the principal or the
35 deputy principal?

36 A. No.

37

38 Q. Did you manage to maintain a connection with that
39 counsellor that you'd felt comfortable to disclose with?

40 A. No, I don't believe we did continue to see her, but it
41 is a bit fuzzy, but I don't believe so.

42

43 Q. How do you feel reflecting on that now, and I accept a
44 long time's past and memories fade, reflecting on that now
45 how do you feel about your primary school years in light of
46 all of those matters?

47 A. I had some really good teachers in primary school, and

1 so, he was never my core teacher, so my actual experiences
2 of primary school in that sense were really good, but that
3 very much mars that time and there are certain things that
4 I know my siblings can recall from my childhood around that
5 time that I can't. I used to cry and say I didn't want to
6 go to school on those days or ask for a note to not be in
7 that class, which mum wouldn't have known why because I
8 enjoyed that subject immensely; so, I guess it did
9 definitely change. And I recall my brother being born when
10 I was 7, and I cried the entire night for my grandparents
11 screaming that I wanted my mum because I just didn't want
12 to be away from her.

13

14 Q. Perhaps I have haven't been clear, but there was a
15 gap, wasn't there, between the time of the abuse and the
16 time of the disclosure?

17 A. Yes.

18

19 Q. And at that time is when you were not telling your
20 parents why you didn't want to go to that class?

21 A. M'hmm.

22

23 Q. And that's when you were hiding things from people?

24 A. Yes.

25

26 Q. How did that affect you having to do that?

27 A. Initially we didn't - you knew it was wrong but you
28 didn't understand, because we were so young, and then after
29 that you did understand - like, you'd done sex education at
30 school and those sorts of things and you knew what had
31 happened wasn't right. But then, how do you tell somebody
32 that, and how do you - you know, as a child you're
33 second-guessing yourself, like, is that me, did I do that,
34 was that my fault? You know it's wrong but then also you
35 think, what's going to happen? Am I going to be in
36 trouble? It's all of those questions, I guess, that take
37 that time, but then you get to an age where you go, well,
38 he could do it to someone else if I don't tell someone and
39 I guess that's where that decision sort of shifts.

40

41 Q. And then you did take that step?

42 A. Yes.

43

44 Q. And you did make that disclosure?

45 A. M'hmm.

46

47 Q. And then you felt that the school didn't believe you?

1 A. Yep.

2

3 Q. Is it fair that the effects of that experience at
4 school stayed with you as you grew older?

5 A. Yes.

6

7 Q. Can you tell the Commissioners a little bit about
8 that?

9 A. Well, I went to high school, I went okay at high
10 school, but I went to - eventually went to university and
11 as a young woman I was studying to do psychology and social
12 work and I wasn't sure which one I wanted to do; not very,
13 very mathematically inclined, so probably not psychology so
14 much, but it really just came crashing down on me that he's
15 still teaching children, he's allowed to be in a classroom
16 and he was working in a primary school and had been since
17 that time, and I still - to my knowledge was, well, there
18 will have to be more victims because there can't not be, he
19 doesn't just stop.

20

21 And so, I became quite depressed and I was suicidal at
22 the time and I moved back home to my parents for 18 months,
23 and my mum engaged me with the counselling at the Centre
24 Against Sexual Assault, and they arranged for a counsellor
25 to come and see me - sorry, a police officer to come and
26 see me and they re-interviewed me again. And, they stated
27 to me at the time that, you know, "If we proceed with this
28 it's going to rip a can of worms open", and so, that's when
29 the other women, or now women, were approached by police
30 and they also made statements again and John was charged.

31

32 Q. Let me go back, because let me just establish the
33 timeline a little bit. I think you said the effects of
34 this stayed with you; you arranged for some supports for
35 yourself; is that right?

36 A. Yeah.

37

38 Q. Can you tell the Commissioners about what sort of
39 supports you were able to access for yourself?

40 A. So, I saw a psychologist in Hobart for a brief period
41 before relocating back to my parents' house, and then mum
42 linked me with the Centre Against Sexual Assault and I was
43 supported by them and also a private psychologist.

44

45 Q. Did that support help you?

46 A. Yes, but it was - yeah, it was still a really
47 difficult time, but it took a long time.

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Q. Ultimately, you made the decision to go to the police again?

A. M'hmm.

Q. Was that part of your own healing story or tell us about how that decision got made?

A. I couldn't sit with the fact that John was still teaching children; I just couldn't - I couldn't reconcile that with myself, I couldn't sit with that discomfort and know that there was the potential that I could stop him from doing that or doing what he'd done to me.

Q. Let's now talk from your perspective about what happened next, and I understand there's lots of other - there will be lots of other things that may have been going on behind the scenes but I really want to understand your experience about what happened next. Is it fair to say that it took a reasonable amount of courage to go to the police again?

A. Yes.

Q. Can I pause then to ask you if you ever knew what happened to your original disclosure to the police?

A. No.

Q. Back when you were 11 years old, did you ever know what happened?

A. No.

Q. Did anyone ever tell you?

A. No.

Q. When you went to the police that second time, did anyone ever tell you about whether they could find the records of the earlier complaint?

A. No.

Q. They didn't tell you or they didn't know?

A. They didn't actually tell me, and I didn't ask. I did say to them that I had been to the police when I was 11, but I didn't actually ask any questions further than that, and no-one told me anything further than that.

Q. Can I ask you, Ms Collins, has anyone - before today, has anyone ever told you that it is the DPP's present position that the police in 1991, the time of your early

1 disclosure, that the police were in error when they
2 believed they could not proceed with your case without
3 corroboration and that they didn't refer the matter to the
4 DPP at the time: has anyone ever told that to you?

5 A. No.

6

7 Q. And, would it have made a difference to you to know
8 that?

9 A. I think I'd have been more angry and hurt actually if
10 I had have known that the second time that I made the
11 complaint. If I had known that then, I actually don't know
12 whether I would have been able to handle it at the time
13 because I was not actually in a good state anyway, but it
14 doesn't surprise me that there's a system that's failed.

15

16 Q. Why does it not surprise you?

17 A. Because all the way through it has, and it still,
18 continues to.

19

20 Q. And is it your experience that these things haven't
21 been communicated to you; is that part of it?

22 A. All the way through, to actually get any information
23 from the state, in any department, it's been a fight.

24

25 Q. We might come to some specific matters around that,
26 I'd like to go back to where we were the second time you
27 made the complaint to the police. We're at about 2001 at
28 this point, and you went to the police the second time.
29 Can you tell us what kind of supports there were for you
30 the second time around. This time you're an adult and
31 you've had the benefit of some assistance in deciding to go
32 to the police.

33 A. It was much better. The female officer who took the
34 complaint came to me at the Sexual Assault Centre. When I
35 was 11 we went to the police station and I was in a room on
36 my own with a male police officer. She actually - the
37 worker from the centre was in there with me as well. It
38 was very much my choice about how I wanted to proceed and
39 she made that very clear, but she did actually also say
40 that it would be proceeded on so I knew where it was going,
41 and that from the information she had that he would be
42 charged, and then it progressed from there.

43

44 Q. I just want to draw out the parts of that that were
45 better the second time.

46 A. Yep.

47

1 Q. So, the police officer came to you?

2 A. Yes.

3

4 Q. How was their manner or demeanour this time?

5 A. She was clearly trauma-informed trained in
6 interviewing witnesses. She was very much at my pace, she
7 also was really open and transparent about what could
8 occur, what she was capable of and what she wasn't capable
9 of. It was at the Centre Against Sexual Assault which is
10 also trauma-informed, you've got nice couches, nice
11 cushions, you're not in a sterile room with just a chair
12 and a desk, and I guess that was markedly different from
13 when I was 11 at the police station with no windows, just a
14 room.

15

16 Q. And so, did that make it a more positive experience
17 for you as an adult?

18 A. Yes, it did.

19

20 Q. When you were 11, I think you said it's a room with no
21 windows?

22 A. M'hmm.

23

24 Q. What else was there about it that you think could have
25 been done better?

26 A. When I was 11?

27

28 Q. Yeah?

29 A. Everything. There was, like, I was taken to the
30 police station by my parents. They weren't in with me. I
31 think I might have been given a choice but at the same time
32 I was with my dad, you don't want your dad sitting there
33 listening to what someone's done to you, I felt quite
34 embarrassed about that, and like it was somehow my fault.
35 There was a male, he was sitting on the other side of a
36 desk taking notes and that was about it. It was very
37 short.

38

39 Q. After you spoke to police in 2001 as an adult, what
40 happened next?

41 A. My understanding is that John was charged and there
42 was - it was sat down for a committal hearing. There was a
43 committal hearing over two days in which some of the other
44 witnesses appeared. I didn't because I recall the
45 particular charge that he was on in relation to me, which
46 might have been, "maintain a relationship with a young
47 person under the age", didn't have to give evidence at a

1 committal hearing - I could be wrong, I just had that - I
2 know some of the other girls did have to provide evidence.
3 I think my parents provided evidence. The counsellor who
4 had taken meticulous notes, she provided evidence and it
5 was found that there was enough evidence for it to proceed
6 to a Supreme Court trial.

7
8 Q. Just to pause there. The counsellor came, was she
9 able to produce the notes?

10 A. I wasn't present in court so I don't know, I just know
11 that she had a conversation with my mother and stated to
12 her, "I knew this would come up, I took meticulous notes".

13
14 Q. As far as you understand the process, John was then
15 committed for trial?

16 A. Yes.

17
18 Q. And your expectation was that that trial would
19 proceed?

20 A. We were called to the courthouse on a number of
21 occasions to meet with the Senior Counsel that was actually
22 running the case, going through statements, we were weeks
23 away from him saying to me, you know, "Next time we meet
24 we'll be going through the courthouse and where you're
25 going to sit and what it's going to look like, this is your
26 statement and have you signed off?" We received the
27 summons to appear in court and with the date, so yeah, we
28 were 100 per cent thought it was going ahead.

29
30 Q. And then what happened?

31 A. I got a phone call from - it wasn't the Director of
32 Public Prosecutions, or his office, or the counsel that had
33 been dealing with it; it was from the Western District
34 Public Prosecutor which was within our network, or within
35 the police network, and he rang and just said that he'd
36 been directed to tell me that it wasn't going ahead and he
37 had no explanation why.

38
39 Q. And, how did that make you feel?

40 A. I was furious, I was upset, I was angry. I just - I
41 couldn't fathom how it could go through that process and
42 get to that point for one person to be judge, jury and
43 decide that that's not going to go ahead. I just didn't
44 understand that.

45
46 Q. Was that a difficult decision for you to accept?

47 A. Yeah, I didn't accept it. No, I wasn't going to

1 accept it.

2

3 Q. And so, what did you do in response?

4 A. I tried to speak to the Director of Public
5 Prosecutions, he wouldn't take my phone call. I did speak
6 to the Senior Counsel involved and he sort of said - yeah,
7 he couldn't say much. I think he may have said something
8 along the lines of, and I definitely recall this, that he
9 "couldn't guarantee a guilty finding and it costs too much
10 to have a Supreme Court trial". There was all sorts, yeah.

11

12 So in the end, when he wouldn't take my phone call, I
13 wrote him a letter and I wrote the Senior Counsel a letter,
14 and I registered it so they'd have to sign for it
15 individually, not that I know if that happens in government
16 departments, but that was my intent.

17

18 Q. So, do you remember if you ever spoke to the Director
19 of Public Prosecutions in relation to the decision?

20 A. No, I didn't.

21

22 Q. It might be suggested that you had a conversation with
23 him, but do you remember anything like that?

24 A. No, I don't remember having a conversation with him.
25 I do with the Senior Counsel that actually was fronting our
26 case; I did have a conversation with him, but I don't
27 recall having one with the Director.

28

29 Q. Do you remember the name of the Senior Counsel that
30 you spoke with?

31 A. Yeah, Mike Stoddard.

32

33 Q. I just want to pause there. We're speaking as though
34 these are all easy things to remember. This is, I think,
35 about 2004-ish; is that right?

36 A. M'hmm.

37

38 Q. How do you remember that time generally? Is it a
39 difficult time for you to --

40 A. Oh, yeah, like, it's really difficult and I guess
41 that's the hardest part; like, this was all-consuming for,
42 like, till I was 21 till 26, till it was sort of - yeah,
43 until - until I couldn't go any further with trying to
44 prevent him in teaching in a school, I guess that's where
45 it was actually all-consuming at that time, and there are
46 certain things that inevitably I don't recall in the right
47 sequence because I got rid of all documentation after this

1 particular - that I'd ever kept, because I was told by an
2 independent private lawyer that I'd engaged that it would
3 never go any further, so I got rid of everything.

4
5 Q. I want to ask you about a letter which I found on a
6 file that appears to have been written by the Office of the
7 DPP to the complainants in the matter and I want to read
8 one part of it to you.

9
10 I might ask - just one moment. I'll bring it up on
11 screen so you can have a look at it.
12 TPOL.0002.0004.0036_99. I'll read it out. This is at the
13 end of three pages, it says - it's about the decision not
14 to proceed with the prosecution. It says:

15
16 *I expect you'll be disappointed by this*
17 *decision. To an extent I accept that my*
18 *office's involvement may well have led you*
19 *to expect a trial would proceed and, for*
20 *the creation of that expectation, I*
21 *apologise. I have set out my reasons in*
22 *detail so as to make clear (I hope) that*
23 *the decision not to proceed does not mean*
24 *you are not believed or believable. I have*
25 *included case citations both as an*
26 *aid-memoire for me, and to assist if you*
27 *feel the need to seek legal advice.*

28
29 I just want to pause there, Ms Collins, and leaving
30 aside the question of whether or not you ever received this
31 letter, did you receive this message?

32 A. No. When they won't take your phone call, no.

33
34 Q. What I mean by that, I guess, is, did you feel that
35 you were believed and believable?

36 A. If I was, it wouldn't have got to that point for them
37 to not go ahead, so I don't understand how it can get to
38 that point in an investigation through a committal hearing
39 and not continue; isn't that up to a jury and a - or a
40 judge to then decide that it's true or not?

41
42 Q. The part there where it says, and I'll ask the
43 operator now to bring it down, the part there where it
44 says:

45
46 *I accept that my office's involvement may*
47 *well have led you to expect that a trial*

1 *will proceed and, for the creation of that*
2 *expectation, I apologise.*
3

4 Again, leaving aside whether this letter was received,
5 that message, did that message come through to you?

6 A. No. I would have - wouldn't you expect that, if
7 that's what his office did, that his office would phone me
8 and not somebody in a regional office be phoning to say,
9 you ring and deliver this message?

10

11 Q. And I've been moving around a fair bit but I want to
12 again pause at that point in 2004 and bring in some of what
13 you now know about how a trauma-informed approach would
14 operate, what it looks like and what can be the barriers to
15 dealing with people who are suffering from the effects of
16 trauma. Can you tell us about why sometimes it be can -
17 well, how it can be hard to communicate messages like this,
18 or how you've got to be careful to communicate messages
19 like this?

20 A. Yeah, I guess - well, for this particular instance
21 there's no justice. Like, obviously you would have a
22 face-to-face meeting, you would actually tell them why,
23 what was going to happen, or that there was something - you
24 know, that you had some news that wasn't going to be great
25 that you needed to discuss. You would ask them if they
26 needed to bring a support person, you wouldn't just phone
27 them out of the blue and tell them no matter where they
28 were standing, whether they were at work or whatever, this
29 is what's happening. You know, this was after four years
30 or so of having been to police so it's not like it was just
31 a two-week investigation and they went, we didn't find
32 enough evidence to proceed. You know, there was more than
33 enough evidence to proceed to a committal hearing, there
34 was more than enough evidence for the DPP to invest four
35 years of their counsel actually working on the case and
36 believing he told me that he could get a guilty finding,
37 but then to have that just delivered in a letter, that's
38 just the most untrauma-informed thing I've ever seen -
39 well, I've experienced, so I guess that's - I don't think
40 that it's any different really today.

41

42 Q. We'll come to your experience today in a moment, I'd
43 like to just work through the sequence. As you understood
44 it at the time the DPP evaluated the case and made a
45 decision not to proceed, and that had the legal
46 complexities around it that we're not really talking about
47 today, and we're really just talking about the way that

1 that was communicated to you.

2 A. Yep.

3

4 Q. Is there anything else you want to say about the way
5 that felt in terms of how it was communicated to you?

6 A. I just felt like I was another one of - you know, the
7 cases that have come forward that weren't believed.

8

9 Q. I think you say in your statement that you remained
10 concerned about John continuing to teach?

11 A. M'hmm.

12

13 Q. I don't want to ask an obvious question, but why did
14 that concern you?

15 A. Clearly I was concerned that he was going to re-offend
16 or was continuing to offend, and I didn't want anyone else
17 to experience what I had.

18

19 Q. You contacted a number of people about that concern.
20 There was the Minister, wasn't there?

21 A. Yes. So, originally I contacted the Teachers'
22 Registration Board.

23

24 Q. Okay, tell us about that?

25 A. And, when I spoke with the Teachers' Registration
26 Board it was a really difficult process. The person that I
27 was talking to was extremely unhelpful. They told me that
28 if I wanted to make a complaint about John, that I would
29 have to either go through a lawyer or, if I did make a
30 complaint about him to determine that he wasn't of good
31 character, I would need to potentially appear in person
32 with him in the room to determine that, which I wasn't
33 prepared to do, to - well, I was frightened for lots of
34 reasons: (1) I didn't want to come face-to-face with him to
35 stop him teaching on a Registration Board, I wanted him to
36 be found guilty in a court. And (2), I was actually
37 frightened that, because he hadn't been found guilty in a
38 court - not that he'd not been found guilty, he hadn't even
39 been acquitted; he was never acquitted, he was never found
40 guilty, he was just discharged, so that's not even - that's
41 neither of those things. So, the fear for me was then I
42 would be placed face-to-face against him and, if he won,
43 determining that he was of good character, that he could
44 sue me for defamation.

45

46 Q. And, how did those fears impact on what you did next?

47 A. Well, I didn't at that time. My mum wrote a letter

1 which the Teachers' Registration Board received, and even
2 after that they still registered him, re-registered him,
3 and essentially after that for a period we gave up. There
4 was - you know, I just felt that there was absolutely
5 nothing else I could do, like, at that time. I think I
6 went to a private lawyer - I did go to a private lawyer, I
7 think that might have been about that time, my timeline's a
8 little bit mixed up, and he said to me there was absolutely
9 nothing I could do; that no-one could override the DPP, the
10 Teachers' Registration Board were registering and there was
11 nothing else I could do and encouraged me to apply for
12 Victims of Crime compensation. I didn't want to do that.
13

14 At the time I was really angry and distressed because
15 I just didn't want John to teach, I didn't want money, I
16 wanted him to not be able to teach kids. However, I did go
17 ahead with that and I got \$10,000 and \$2,000 in further
18 psychological counselling, and that was when I had - I
19 stopped for a while and just felt like I had nothing else
20 to give. I had a relationship breakdown at the same time,
21 obviously this was probably a lot that attributed to that.
22

23 And then I was working and had graduated and was
24 working in social work, and I went to a training around the
25 bounds of child sexual abuse in Hobart actually and it was
26 about a victim-survivor who is also a psychologist telling
27 her story about breaking the bounds of child sexual
28 assault, and I just felt like I needed to do something: he
29 was still teaching kids.
30

31 So, that's when I contacted a Minister and shared my
32 concerns, who asked me the same question at the time, like,
33 "Why have you waited a year to come" and it's because we
34 had - we'd given up, like, on what we could do. My
35 understanding is that Minister wrote to the then Education
36 sitting Minister, who opened an investigation into the
37 actual processes around or review of processes around
38 making complaints to the Teachers' Registration Board, and
39 then there was an amendment made to allow for special
40 witnesses to be able to make complaints as well as police
41 without it having to be the victim.
42

43 Q. You say in your statement that by this stage you were
44 about 26 years old?

45 A. Yes.

46
47 Q. And you were feeling pretty exhausted?

1 A. Yep.

2

3 Q. Can you tell the Commissioners about the kind of toll
4 it has all taken on you?

5 A. Oh, it was immense, I was really not in a good spot.
6 I had a relationship breakdown, I moved back into my home -
7 this finished at exactly the same time, so the \$10,000
8 cheque arrived while I was on my couch, upset by that and I
9 was just exhausted with all that had gone on and there was
10 nothing else I could do, I had been beaten by the system,
11 there was no question about it, there was nowhere else you
12 could go, nothing else I could do. I had approached
13 everyone including the Commissioner for Children about
14 trying to prevent John from teaching and that was it.

15

16 Q. What happened when you approached the Commissioner for
17 Children?

18 A. I believe that they raised their concerns. I was
19 actually on a placement at a work placement and my
20 supervisor was on a board with the Commission for Children
21 and so she passed on the concerns that way and I do believe
22 they made contact with the government at the time.

23

24 Q. At that time you say you got rid of all the documents
25 you had in relation to the matter?

26 A. Yep.

27

28 Q. What made you do that?

29 A. Oh, everything, I was like, there was nothing else I
30 could do, I'd exhausted every possible avenue, you know,
31 paid money to engage a private lawyer, I'd been to the
32 Commission for Children, the Ministers, I had gone through
33 the court process, tried the Teachers' Registration Board,
34 there was absolutely nowhere else to go and I'd been
35 stonewalled by all of them and he's still teaching kids, so
36 there was very little else I could do, apart from
37 publically outing John who could then go me for defamation.

38

39 Q. What you did do then, though, Ms Collins, was you
40 dedicated yourself to the pursuit of your current career,
41 can you tell us how that intersects with your experiences
42 as a child?

43 A. Yeah, I went into social work, I guess looking at the
44 system, systems, that seemed to just continually fail; the
45 only way to have some level of influence is to embed
46 yourself within that system and make sure that you're not
47 one of those people that don't let children's voices be

1 heard, and so, I went and worked in Youth Justice and I
2 worked there for 14 years and I worked in intake in Child
3 Safety for a brief period, and then I wasn't ever thinking
4 I would be able to work in the education system, but given
5 this had finished I knew where he worked and it wasn't
6 within the region that I worked, and I felt that I could
7 effect some change there.

8

9 Q. Is it fair to say that also motivates the evidence
10 you're giving today to this Commission?

11 A. Absolutely.

12

13 Q. After you'd been through all of that and you started
14 your career in social work, I take it you felt that you'd
15 put that behind you?

16 A. Yeah, as much as you could. I - there was nothing
17 else I could do to keep pursuing it, so it was very much, I
18 had got to a point where that was sort of 2006; we're
19 looking, you know, 10, 12 years later and I had moved on to
20 a point in my life, I had a pretty good life.

21

22 Q. And you at this stage had some children of your own;
23 is that right?

24 A. Yes, two boys.

25

26 Q. And you were a senior social worker at the Department
27 of Education?

28 A. M'hmm.

29

30 Q. And that was a role where you had contact with
31 Tasmania Police fairly often?

32 A. Yes, we do. The criminal investigation branch
33 specifically in the western network, we work really closely
34 with them.

35

36 Q. So you had a good relationship with Tasmania Police,
37 but you were surprised in 2018 to receive a call from one
38 of them because they wanted to talk about John?

39 A. Yes.

40

41 Q. Tell us about what happened in 2018?

42 A. Actually, I employed a social worker - this is sort of
43 to the side of that but leads into it - I employed a social
44 worker who, in my network, who I had met face-to-face.
45 Then I asked her to meet me at a particular school, which
46 happened to be the school in which I had been subject to
47 abuse. When I arrived to meet her there with another

1 social worker she looked at me and said, "I know all about
2 you and this school", then she went like this (witness
3 gestured).
4

5 I was on the Parent Association at the time and I
6 didn't recognise her because she's much older than me and I
7 said "well, it's not a secret". But I was actually with
8 this new social worker in a rural school some weeks after
9 that and I was obviously mentoring her and she was with me
10 when the phone rang and it was a police officer so I
11 answered the phone because we were dealing with a critical
12 incident at the time and I just assumed that it was in
13 relation to that because it was a police officer I work
14 with often. And then she said to me while this other
15 person was next to me, "Oh no I'm not ringing about that, I
16 want to speak to you about John" and I nearly fell off my
17 chair because it had been so long since I had had any
18 information or any involvement, and what she advised me is
19 that somebody else from the Federal Royal Commission had
20 made a disclosure and that they'd re-opened the case - that
21 case.
22

23 Q. Can you tell us how that made you feel?

24 A. Sick. Yeah, I didn't - I just knew that I could not
25 participate again and it had taken so much energy and time.
26 So, to participate again was just like, here we go, here we
27 go again, and it was like literally that's what happened,
28 it was here we go again. So, I had a conversation with
29 that police officer, who again is very trauma-informed and
30 believing of the information, indicated to me that the file
31 would be prepared extremely different from the original
32 statement in 91. Then they attached our file to my
33 knowledge to the other file for the new complainant and
34 sent that through to the Director of Public Prosecutions
35 for their determination.
36

37 Q. Just to pause there. You assisted again?

38 A. Yep.
39

40 Q. So, after all of that and having exhausted yourself
41 with the system the first time, how did you find it in
42 yourself to do it again?

43 A. Because I knew it wasn't finished and I thought, you
44 know, even though I was told it won't ever go any further,
45 there's a hope that it would and that you could stop him
46 from teaching, and that was my ultimate aim, was to stop
47 him being near children. So, I couldn't not, I couldn't

1 not participate again.

2

3 Q. Did that take a personal toll on you?

4 A. It has done, yes.

5

6 Q. I think you said that the approach of the police was
7 trauma-informed?

8 A. Yes.

9

10 Q. Can you tell us what that looks like?

11 A. The police officer involved - obviously I knew her,
12 but also, she was extremely receptive to how much I wanted
13 to be involved. I know she didn't involve some of the
14 other victims and she asked me because she knew me and
15 whether I wanted to be involved. She was really open and
16 transparent and clear about what her intention was, but
17 also the limitations that could be placed by the DPP given
18 the file and, of course, she's not a lawyer, so she was
19 really clear and open about that. She was very responsive
20 to me if I ever phoned to say, "What's happening with that,
21 where's that at?", you know, "Still trying to get the file
22 done, this is what I'm doing". When the determination did
23 come back and it was obviously not favourable --

24

25 Q. Let's pause there, when you say the determination,
26 that's the decision whether or not to lay charges?

27 A. Yes.

28

29 Q. And, when you say it was not favourable, what were you
30 told?

31 A. I was told about the other complainant and what --

32

33 Q. I'll pause. Were you told that the charges would
34 proceed or that they were not going to proceed?

35 A. Not going to proceed; it wouldn't be natural justice
36 to him, was what I was advised.

37

38 Q. You were initially told, I think you say in your
39 statement, that there was a report explaining the reasons?

40 A. M'hmm.

41

42 Q. And you were initially offered to read that report?

43 A. Yes.

44

45 Q. At the time that offer was made to you, did you take
46 it up?

47 A. No, I was too upset, I was - I just didn't see the

1 point in reading it when it was just like, you know, why
2 read it when it's just the DPP saying no again; like,
3 what's the point?
4

5 Q. Tell the Commissioners how you felt at that point.
6 Having steeled yourself to involve yourself again, how did
7 it feel to have that outcome this time?

8 A. Oh, just so defeated, it's just like another - I
9 just - yeah, I was really upset, and I was angry, yeah, and
10 it didn't effect any change, like, the outcome of him still
11 teaching, so ...
12

13 Q. You changed your mind a few months later and asked to
14 see the report; is that right?

15 A. Yes, I did.
16

17 Q. What happened?

18 A. I was told initially that it was - the file was
19 somewhere else because the Working With Vulnerable People
20 Board had asked for a copy of the file and we had all
21 signed - we all had to sign, the four of us, to say that it
22 could go to the - and so, it had gone there. And then when
23 I asked again I was told that somebody above had told them
24 they weren't to - were not to read the file and they were
25 not to give anything out, but they could tell me what was
26 in the file.
27

28 Q. So that's the report about whether to proceed?

29 A. Yes.
30

31 Q. Commissioners, that's a document of which a claim of
32 privilege is maintained.
33

34 I'd like to put to you what I understand to be the
35 DPP's current position to see if it accords with what you
36 were told at the time. As I understand the current
37 position of the DPP about that decision, it is this. There
38 have been five people who have complained about sexual
39 abuse by the accused in the late 1980s:
40

41 *They are entitled to feel a sense of*
42 *injustice. If they all had first*
43 *complained recently there is no doubt a*
44 *prosecution would have been launched as the*
45 *evidence of one would be admissible in*
46 *respect of the charges of the others.*
47

1 *However, a series of complex legal issues*
2 *and principles that arose at the time of*
3 *the charges in respect of the first four*
4 *complainants, most of which now do not*
5 *exist, meant the charges were never*
6 *proceeded with at the time. The problems*
7 *with autre vie acquit mean they cannot be*
8 *revived.*

9
10 Has that been explained to you in the time since the
11 2018 decision not to proceed?

12 A. It was explained to me that effectively the report
13 said, if we had have come forward now, he would be charged,
14 he would be tried, he would be convicted, he would be
15 imprisoned.

16
17 Q. Was the part about the entitlement to feel a sense of
18 injustice communicated to you?

19 A. From the officer I was dealing with (nods) because it
20 was really clear that she obviously from the evidence she
21 had seen believed us as well, and a conversation that my
22 understanding is that she had had with the DPP, and she
23 conveyed that to me, but I wasn't allowed to read the
24 report.

25
26 Q. Were you told about, in 2018 or after the decision not
27 to proceed then, were you told about the series of complex
28 legal issues and principles that arose at the time which do
29 not now exist, meaning the charges were never proceeded
30 with and that they cannot now be revived; is that something
31 that was communicated to you?

32 A. No, only when you've communicated to me about
33 corroboration, otherwise - which it didn't need, so in
34 other words, it's just the police's failing.

35
36 Q. Commissioners, I don't propose to interrogate the
37 basis of the decision making behind the discretion, the
38 exercise of the discretion in 2018, I'm really just
39 interested in what Ms Collins was told and how it was
40 communicated with her.

41
42 And you acknowledge, Ms Collins, I take it, that there
43 would be things going on behind the scenes that you weren't
44 told at the time?

45 A. There always is, yes.

46
47 Q. I'd just like to return now to how you were feeling at

1 that stage. So, you've now, I think three times, given
2 statements to police, and three times the decision's been
3 made not to proceed?

4 A. M'hmm.

5

6 Q. How is your faith in the system doing by this stage?

7 A. I don't have faith in the system.

8

9 Q. Did you make any application for redress?

10 A. Yes, I did.

11

12 Q. Can you tell the Commissioners about what that process
13 was like?

14 A. So, I contacted the National Redress Scheme and, when
15 you contact the National Redress Scheme you speak with a
16 lawyer; they're very trauma-informed, it was really - it
17 was a really easy process as a victim when I phoned the
18 number. What they indicated when you meet with that lawyer
19 for an hour, they meet with you and talk to you about your
20 story and they decide whether you should make an
21 application under their National Redress Scheme or whether
22 they give you advice to seek independent representation
23 from a lawyer to then proceed against the state
24 individually.

25

26 Q. As part of that process, you had to see a
27 psychiatrist?

28 A. Yes, that was an individual lawyer, yeah, I had to see
29 a psychiatrist, yep.

30

31 Q. They made a report; did you get a copy of the report
32 at first?

33 A. I did in the end, but when I actually had the
34 appointment with the psychiatrist, who also was great, I
35 did ask the question when they asked me, "Do you have any
36 questions?" And I said, "Do I get to see the report?" And
37 they actually said to me at the time, "I don't know if
38 you'll get to see the report", which I guess caused a
39 little bit of angst, because here you are being completely
40 honest and open and transparent with somebody about your
41 entire life and mental health, but then you're not even
42 knowing whether you're actually able to read that report,
43 or who reads it. I know it goes to government, I know it
44 goes somewhere, I know it's on file somewhere in the state,
45 but I was told that I might not get a copy, which again,
46 didn't surprise me given that anything I've ever asked for
47 I've not been allowed to have.

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Q. In the end you did receive the report; can you tell us how that happened?

A. It was - well, my lawyer, I actually said to her, "Look, I've been told that I might not receive that", and she said, "Well, you will receive that", and she said, "We'll have a conversation about that". My understanding from her is that I would always have received it, but it's not the message I received from the psychiatrist, not through any fault of his own, he probably didn't know either.

Q. And someone from the Department of Justice assisted you to do that; is that right?

A. That's a different report so at the time --

Q. Tell us about that?

A. At the time prior to seeking legal advice I actually rang - I sent a letter to the Secretary of the Department, to the Premier, a number of people, around John still teaching, and I sent that and I was contacted by - I know his name but I don't know his role about him being - you know, advising me that John was on suspension and whilst he's still employed by the Education Department they're not teaching children, and that that was a matter for the Teachers' Registration Board and Working With Vulnerable People.

And, because I never kept any documentation and I was making the redress application, I contacted the Victims of Crime Unit and I asked them for a copy of my psychologist's report that my psychologist at the time in 2004 had prepared in relation to me and presented to that board, and I was advised by the Victims of Crime Unit that that wasn't my property and I wasn't allowed to have that document because it was lodged by a lawyer and that my lawyer would have to request it at that time. So, that was the lawyer I went to see who applied for the Victims of Crime Compensation money.

In turn, that lawyer doesn't actually - they've moved up in their career and they don't actually have a law firm anymore, so there was no law firm to even go back to even ask them to go to Victims of Crime and assist, which is when I was contacted by Amber Mignot from the Justice Department, who advised me that she would make some enquiries and she sought assistance to get that report and

1 gave it to me.

2

3 Q. And she got it for you?

4 A. M'hmm.

5

6 Q. I'd like to pause there, I want to talk about your
7 current experiences, but before I turn to that I just want
8 to ask about how you feel as an employee, a current
9 employee of the Tasmanian State Service and the Department
10 of Education about whether or not you felt any concerns
11 about providing evidence to this Commission of Inquiry?

12 A. Absolutely, yeah.

13

14 Q. Why was that?

15 A. Because there's a lot of things that aren't right at
16 the moment, there's a lot of things that still happen, and
17 there is a public image and there's also a public purse and
18 they're two things that are actually quite protected, I
19 think, by the government at all levels in different various
20 ways: very layered.

21

22 Q. Are you concerned at all about the impact on your
23 career by talking to us in this way?

24 A. Oh, yeah, potentially.

25

26 Q. Why is that?

27 A. When you see how the system fails all the way through,
28 you know, you can be a paedophile teacher and still teach
29 children, so the government's capable of doing anything
30 they want really; it's just being on the right side of the
31 right person, because the systems don't work.

32

33 Q. What do you mean when you say it's about being on the
34 right side of the right person?

35 A. I guess when we were hearing evidence around - before
36 from the professionals about, you know, you get jobs
37 because you know someone or you've been in that job for a
38 long time and it's personality dependent: it's very true,
39 and so, you don't know what that's going to look like when
40 you're here today and who that's potentially going to feel
41 as though they've been implicated or you're talking about,
42 even though you're not necessarily talking about a person,
43 but people take it personally.

44

45 Q. With that preamble I recognise the courage it takes to
46 speak to us about the things we're going to talk about next
47 and that's your current experience in the Department of

1 Education. You're a senior social worker, can you just
2 briefly outline to us - this is at paragraph 30 or so of
3 your statement - about how many people report to you and
4 how many schools you cover?

5 A. My quota was 8.4 up until the Commission.

6
7 Q. 8.4?

8 A. 8.4 full-time equivalent social workers and that's not
9 including 0.6 of that that's my role as a senior to oversee
10 all those people, so I provide supervision to those staff,
11 so that's about 7.6. That's increased and I now have 11
12 full-time staff employed, however, I only have about eight
13 on the ground, so that's to cover roughly 35 to 38 schools
14 and it's a really large geographic area. And, we have a
15 lot of trouble in recruiting. We're only Level 1/2, yet
16 the work we do is all priority 1 which is where a child is
17 potentially at risk of harm.

18
19 Q. Just pause there because I want to understand. So,
20 you've got a team and let's call it a team of about nine
21 people?

22 A. M'hmm.

23
24 Q. And they're all Allied Health, are they?

25 A. We're all social workers, yes.

26
27 Q. What's the key role of your team with those 38
28 schools, what do you do with those schools?

29 A. Our role is, in an education role, is a specialist
30 role, and that is to reduce learning to barriers - barriers
31 to learning, sorry, and create an inclusive environment for
32 all children.

33
34 Q. Just pause there, there's two elements: there's
35 reduced barriers to learning and what was the other?

36 A. Create an inclusive environment.

37
38 PRESIDENT NEAVE: Sorry, I didn't catch that?

39
40 MS BENNETT: Create an inclusive environment.

41
42 PRESIDENT NEAVE: Thank you.

43
44 MS BENNETT: Q. Can you tell us about how that role can
45 sometimes intersect with issues of abuse and child sexual
46 abuse?

47 A. It does all the time. We have a scale of four

1 priority lists, and so, priority 1 is actually like family
2 violence, child safety, suicide risk assessments, mental
3 health; quite significant high-level issues, and at the
4 moment my team - and I know that this is not unique to my
5 area - solely really work in the priority 1 space.
6

7 Q. What's the priority 1 space?

8 A. That's the child safety, so it could be disclosures of
9 abuse or harm, could be sexual assault, not necessarily in
10 an institutional context, but it might be familial, yet
11 it's disclosed at school. So, that's where we're all
12 stretched and we don't - like, when the Sexual Assault
13 Service said that they can - to look after their staff, you
14 know, three people a day because of the trauma they're
15 hearing; we can't say, no, we're at the coalface front and
16 centre with students who are disclosing, and when other
17 agencies don't respond, you're it.
18

19 Q. Is your office acting like a safety net underneath
20 those 38 schools?

21 A. Absolutely.
22

23 Q. How do your staff cover that?

24 A. We don't, we're really stretched and we're trying as
25 hard as we can. You know, you've got police phoning us
26 because Laurel House have a wait list and asking us to see
27 a suicidal student that has, you know, a police ongoing
28 case and they're on a wait list for three weeks because of
29 what's happened and the offender's been charged. A social
30 worker will always prioritise seeing that student at
31 school, even though that's not evidence-based best practice
32 to see a child about sexual abuse and then ask them to go
33 back to math. But we would see them and that's the thing,
34 we're not actually seeing children in our best practice
35 like we would ongoing because we're just so busy responding
36 to crisis. So, we're very reactive and we're not
37 proactive, we have no capacity to be proactive at this
38 current time.
39

40 In saying that, since the Commission's come on board
41 there's a real appetite to employ more, however --
42

43 Q. Since this Commission has come on?

44 A. This Commission, since this Commission, and even the
45 Safeguarding Children role, you know, that came out of the
46 professors, but as all these things that are happening but
47 it's not working. Like, the Safeguarding Children role, if

1 I can elaborate on that, they've gone into - there's a new
2 flowchart that came out on 22 April and it's throughout the
3 department and it's actually a flowchart on how schools
4 have to respond to sexual assault, and there's all these
5 different, it's a share point, where you click on this and
6 it tells you to do this, you click on this and it tells you
7 to do this. It's quite the rabbit hole, but once you get
8 to the end of the rabbit hole - we did this at a team
9 meeting on Thursday so that our staff were all aware of
10 what we're guiding principles to. And it actually refers
11 to a document in 2006 where you contact CPARS which was an
12 intake or an ARL from two reforms ago, so that's what we're
13 doing now. Like, you know, professional support staff
14 within the department aren't being called to the table to
15 help with what we're actually really doing and using now.
16 So, I don't know if that error has been fixed because one
17 of my staff said, "Who do we email about that?" And I
18 said, "You email the director of safeguarding", who again
19 is an ex-teacher so I guess that's that kind of thing, so
20 as much as we say we're doing stuff now, we're not.

21
22 Q. And it takes hours, I take it, to get from one school
23 to another?

24 A. Yes.

25
26 Q. How many cars do you have?

27 A. We've got two now. So, I cover the West Coast, one of
28 the schools at the West Coast, so I go two days a week and
29 that's what that's used for and someone else uses one for
30 the West Coast and we've got one that's used for Circular
31 Head but that's all, everyone else is a required user.
32 School social workers statewide don't get to school
33 holidays and we are Level 1 and 2 workers, so really it
34 needs to be five years plus out, you are dealing with
35 everything on your own autonomous in a school where there
36 are teachers and you're one lone profession.

37
38 And I've got an incredible staff group that do that
39 and dealing with not only that but we're taken away to
40 address critical incidents which in my network we had seven
41 at one time, so those staff are taken out of schools,
42 there's no backfill for that, and then we don't get the
43 school holidays as Allied Health.

44
45 So, in Health like CAMHS and other facilities like
46 that, they are Level 3 workers, they're all co-located.
47 Where we are they're 1/2, they're really autonomous, they

1 need to be experienced, and they stay because this is
2 statewide. We did a survey, they stay because the sense of
3 meaning for the work for them is at 80 per cent, but the
4 sense of workload, as in balance, is at 70 per cent.

5
6 So, it's just, people do it because this is what they
7 want to do, they want to effect change, but we need more.
8 We could alleviate today recruitment and retention issues
9 by allowing social workers to have school holidays. It
10 would be really lucrative for people interstate, other
11 areas, everywhere, to come to Tasmania and work even
12 without an increase, that would be cost neutral to the
13 government, they could do that now, but they don't, they
14 say industrially we can't do that, but they've done it with
15 the psychologists, they've done it with the teachers'
16 assistant specialists, they can do it.

17
18 Q. And so does it mean if I understand your evidence
19 correctly is that you experience the system that you want
20 to be acting proactively to address barriers to learning
21 for students?

22 A. M'hmm.

23
24 Q. But the way that the staffing and the stretch works
25 out, you're only responding to the critical incidents and
26 the priority 1s?

27 A. Yes, and that's also the lack of other services
28 responding, or they're capped and over-resourced -
29 under-resourced as well, so it's not necessarily finger
30 pointing but it's certainly that that's the case and the
31 experience is because you're at school and the children are
32 at school, the ARL can say we're not going to send that
33 through to Child Safety in your area and there's nothing
34 you can do about that.

35
36 Q. Let me pause and ask you about the ARL. What's your
37 experience of the line?

38 A. It doesn't work. I'm not 100 per cent sure of the ARL
39 as such, but I know that child safety in itself was
40 deprofessionalised in that they would employ people who
41 didn't necessarily have a university degree and that can be
42 evident in their - not all, but in some people's
43 assessments. To get it past the ARL to a local office is
44 near impossible. It's a conversation. By the time my
45 staff ring, they are ringing with a really solid
46 assessment, and they're very skilled staff around the risk
47 and safety of children, and they're treated as though they

1 don't know what they're talking about.

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They changed the language from what used to be a "notification" to now a "conversation", "What would you like to do, what would you like to see happen? Can't you ring the mum about that bruise?" And at the coalface, at the school we're trying to maintain relationships with the families, and that service is set up there so the children are still visible coming to school. But, I have numerous families and numerous social workers who say, "That family won't work with me anymore", because they know we're the ones that have had to ring and say we know that child has a bruise.

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We've had children, one particular child who is special needs had made a disclosures and the ARL's suggestion was to place him in a shelter; it was highly inappropriate, and together with myself and the principal we actually got the parents' permission, even though it's not our role, to take them to another service that was really appropriate for him. But that's because the ARL clicked over to 5 o'clock, you can't even get through, they said, "No, it's not ours, no-one's coming", you know, this is a highly special needs child and that's just one of many.

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We've had children who have disclosed sexual assault from a family member, or close to, and we've had to send that child home because the ARL won't respond. We've had an instance where there was a disclosure of rape, police became involved and the family member admitted to that rape but the ARL hadn't even done the police referral and the children were still in the home, and I think that's the thing we're experiencing, is that the level of distress that education staff, not only social workers but more broadly - in one of those cases the principal went home and didn't come back.

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It's really distressing for people on the ground to be knowing that children are going into dangerous situations and the adequate-like services that should be responding aren't. We now phone CIB, we have a very close relationship with CIB in Burnie. There are youth teams and there's other teams in our agency, however, we find they may be a block, not necessarily in all areas, but in ours the way it works, and so, we contact them directly and they'll come to the school and interview the child that

1 day. This is in terms of evidence, we had a disclosure of
2 a rape and the police could come and interview the child
3 that day, they could go around and find evidence in the
4 bed. So, it's about having hard evidence that then the
5 child doesn't have to go through the court system being
6 interviewed and also having them, you know, given a safe
7 place that day, like.

8
9 But that's what we've had to do and there have been
10 incidents where, we've phoned police, they're so tied up,
11 there's nothing else we can do; we've got no power to keep
12 the child at school, ARL won't send it through to Child
13 Safety, so the child has to go home.

14
15 Q. I'd like to ask you a final series of questions about
16 mandatory reporting training. What's your experience of
17 the adequacy of mandatory report training, in your
18 experience, in the Department of Education?

19 A. There is some documentation but it's very old. So,
20 the one that's actually current, like, was there, it had -
21 that we had access to, I'm not sure if there's been
22 anything updated, it hasn't been circulated that I've got -
23 that talked about gateway and intake, which is the last
24 reform; so, it's the system before this one.

25
26 The other content on there is quite good, it talks
27 about grooming and sexual assault and what that is and what
28 that looks like and it goes through the types of assaults.
29 It also goes through, partially, staff's responsibility
30 should there be a report because some people won't or don't
31 know about mandatory reporting. So, we've adapted that
32 document within our own network and we run that training to
33 schools if we're asked to. I know that we're supposed to
34 do it each year; there is written in there somewhere as a
35 policy but it's up to the discretion of the school as to
36 whether they put that in their PL calendar, and they are
37 very busy but it's not necessarily prioritised, and that's
38 something that really does need to be prioritised.

39
40 In one school I did actually run the training and the
41 principal actually said to me, we have a teacher here, and
42 that was in private, that was off for three years, you
43 know, and so, with the grooming part might be just a bit
44 cautious around that. Of course, we weren't, but you
45 know --

46
47 Q. Please don't be too explicit about your training about

1 grooming in case it embarrasses one of the staff.

2 A. Yes, and at that same session there were two staff
3 members, male, who sat with their eyes closed the entire
4 session.

5

6 Q. How did you feel the culture is around mandatory
7 reporting, is it variable, is it led from the top; what can
8 you tell the Commissioners about it?

9 A. There are some principals who are just incredible, you
10 know, and they have just got such really good insight
11 around what is and isn't okay, staff boundaries, all of
12 those things. There's other others that get nervous and
13 either want to maintain the relationship with the family
14 or, I'm not sure why, but there are staff that aren't
15 allowed to or don't feel they're allowed to mandatory
16 report without running it past the principal first. We
17 tell them that that's not the case, but that's definitely a
18 culture that's developed within the school and it's also by
19 the principal.

20

21 Q. How do you feel the remote communities are
22 prioritised? Are you able to speak to that at all?

23 A. Yeah. Look, it's really difficult, remote and rural
24 communities don't get much, and so, in terms of a statewide
25 approach, Education are there each week and that's because
26 I allocate myself, only because, not being a hero, it's
27 just because it is so complex and there is no - there are
28 no other services that attend the area.

29

30 We have had more recently one of the adolescent mental
31 health services link in, but you know, I had a child who -
32 it's very rural the area, I'm trying not to identify --

33

34 Q. We might be a bit cautious with the examples in those
35 areas perhaps.

36 A. It's just the driving, you know, being asked to come
37 to Burnie for an appointment when you live two hours away,
38 and it's just not financially but also physically, that's a
39 five-hour round trip, if you've got other children, if
40 you're already struggling as it is, it's just such a big
41 ask and they do it for most things. All people who live on
42 the West Coast for all the services they access, they're
43 like, "I have to go up the coast", it's hospitals it's -
44 there is a hospital there but it's not surgery, it's just
45 such a stretch for the kids, they're so isolated. In other
46 areas they can go and self-see places, you know, and go
47 into town, but there's nothing there for them to do that

1 and so that's where I know the councils themselves, so
2 particularly the West Coast council themselves, they would
3 have employed somebody but again we can't incentivise. So,
4 in the Northern Territory, for example, they have nine
5 weeks holidays for school counsellors, they get housing,
6 they get cars, they get wages that are much higher, they
7 get rural allowances. Teachers get rural allowances in
8 Tasmania on the West Coast but professional support staff
9 don't, so there's all of those complexities that tie into
10 it, so it's - I've just been allowed, because this
11 Commission is happening, to advertise for a Level 3 and go
12 over establishment for the West Coast and I think it's
13 because of this.

14
15 Q. Is burnout an issue for your staff?

16 A. 100 per cent, and with the merger that they've looked
17 at. So, we looked at that before. Department of Health
18 and Human Services is what it was: that didn't work. So,
19 we separated that out and we put the Department of
20 Communities and Department of Health. Now the Department
21 of Communities are in all sorts of strife because they're
22 just not able to respond, so we'll throw them in with
23 Education. I don't know where that's going to work, it
24 doesn't work in any other state in the country and what
25 that's going to look like is that ultimately one will have
26 to take over from the other. So, you've got the core
27 business of education is learning, supposedly, and we're
28 already not that great at that in Tasmania, and then you've
29 got risk and safety, so you put them together, what's that
30 going to look like? One's going to take over from the
31 other. It already does in a social work sense now. And
32 you've got specialist social workers such as us in
33 Education that is a unique role. We don't want to be
34 sitting in schools trying to help a child that could have a
35 barrier to learning, but we're too busy doing an affidavit
36 for court for a Child Safety assessment, it just doesn't
37 work. So, burnout, particularly with the announcement of
38 the merger, is incredibly high. I know there's a lot of
39 staff across the state that have said that if it goes ahead
40 they're going to leave, because they can't be possibly
41 doing more of what they already are.

42
43 And, we're carrying extremely high caseloads, so when
44 you're looking at somebody who has a wait list, we don't,
45 we can't, so we either outsource it, we see the child, and
46 it's not just us, it's the psychologists as well. But you
47 see, social workers usually get everything because the

1 psychologists, their reports mean money and funding so,
2 they're just asked so much to respond to the critical
3 incidents we do, but they're just doing so many educational
4 assessments because that's what they need done.

5

6 Q. And they're the education assessments that go towards
7 specialised funding for the child and the school?

8 A. That's right.

9

10 Q. Rather than providing the supports --

11 A. Therapeutic, any intervention to the children, yes.

12

13 Q. Overall is it your experience, and I understand your
14 experience, it's just your own, do you feel like responding
15 to child sexual abuse is getting the priority it needs in
16 your experience at the moment?

17 A. No. No, not within the structures that are set up to
18 help it, particularly the ARL; it's just a block; it's, you
19 know, we've got staff that say, "Why bother ringing?
20 Nothing will happen". And actually, to be honest, often if
21 they can't get parents on the phone, so you ignore them,
22 they'll close it.

23

24 Q. You've set out in your statement, paragraph 50 and 51,
25 what you think should be different and I commend those
26 paragraphs to the reading of the Commissioners. I'd like
27 to ask you, just in your own words, just - I know we've
28 covered a lot of territory today, we've covered your own
29 experiences and we've covered as a child, an adult and now
30 as a social worker. I'd like to ask if you have any
31 concluding observations about what you think, having regard
32 to all of those experiences, could be different, could be
33 better? What do you want the Commissioners to know?

34 A. I think that lots could be better. I think that as a
35 government, particularly if we're looking at an education
36 context, we've actually prioritised learning. The
37 government likes to speak to a wellbeing across all of
38 government, but by just going, teachers are our core
39 business here, and not prioritising professional support
40 staff, that's not going to support that learning, that's
41 not going to look after that wellbeing, because it's
42 clearly not.

43

44 And I think that there could be differences in how we
45 recruit and train staff, particularly in our context of
46 Tasmania. We have to be attractive about how we do that,
47 we have to be smart about how we do that, and we could

1 cross neutral do that now and actually attract really good
2 staff, and given that the climate is that they would employ
3 them, it would create such a safety net in schools for
4 those children to have someone to talk to.

5
6 Reforming the ARL completely. We used to have it
7 localised so intake was in each region, so it was in the
8 south, north and northwest. The localised knowledge that
9 provides is second to none. It was CPARS and that's where
10 it didn't work, so they put it back to intake and then put
11 it back to the ARL, and we've just had history repeat, it's
12 not working.

13
14 Also the people at the frontline doing the first
15 assessment should be extremely skilled, that's where the
16 assessment is first made and all that information
17 gathering. The taking down of walls between systems. So,
18 I've got access to SSS which is the Student Support System.
19 Police have got family violence, the FEMS for the family
20 violence stuff, they've also got the courts with SIMS, and
21 then you've got CPARS who have got CBIS over here. So, in
22 an intake capacity I can look at all those systems and
23 actually do an assessment about what all those families are
24 involved with.

25
26 The blocker for us in education is that that sits with
27 a team that doesn't work in schools, and so if I want to
28 know that this young person, there's a family violence
29 incident involved, I've got to contact that person who
30 might be at interagency meetings because that's what they
31 do and we're not knowing what's happening on the ground, so
32 it's being able to access that information more freely but
33 also how you do that with maintaining people's
34 confidentiality is also another question. So, lots of
35 things I would like to see different there.

36
37 And the adequate recognition of the high skill set of
38 staff. I disclosed to a school counsellor when I was 11,
39 she believed me and I think that's what we actually need
40 more of in our schools.

41
42 MS BENNETT: Commissioners, I have no further questions
43 for this witness.

44
45 PRESIDENT NEAVE: Thank you, Ms Bennett. Any questions?

46
47 COMMISSIONER BROMFIELD: I don't have any questions, but I

1 did want to acknowledge your persistence and what has
2 really characterised your evidence for me is a sense of
3 urgency you bring to try and protect children every day.
4 Thank you.

5

6 COMMISSIONER BENJAMIN: I simply echo the remarks of my
7 fellow Commissioners. Thank you.

8

9 THE WITNESS: Thank you.

10

11 PRESIDENT NEAVE: I would also like to echo Commissioner
12 Bromfield's remarks. We are so sorry to hear about the
13 abuse that you experienced, the difficulties you've had in
14 being heard and receiving justice, and incidentally all of
15 the other little girls who were abused in the same way as
16 you were by the same person.

17

18 We are very grateful for your courage in speaking to
19 us despite your concerns about the way that this might
20 affect you. We're very grateful for the sense of urgency
21 with which you have imbued your comments. We understand
22 that you're motivated by your wish to make sure that
23 children don't experience what you experienced, and we hope
24 that many other people in the Tasmanian community will be
25 similarly motivated. So, thank you so much.

26

27 THE WITNESS: Thank you.

28

29 **LUNCHEON ADJOURNMENT**

30

31 PRESIDENT NEAVE: Ms Bennett.

32

33 MS BENNETT: Commissioners, the next two witnesses are
34 what I might describe as friends of the Commission, they
35 are Professors Smallbone and McCormack who, as the
36 Commissioners are aware, carried out an independent inquiry
37 into the Department of Education's Response to Child Sexual
38 Abuse, and in a moment I will ask them to come to be sworn
39 in. Before I do that I just want to clarify again the
40 parameters of that evidence and it really is to speak to
41 the report and the findings of that report. That report
42 was submitted on 7 June 2021, and so, I emphasise in the
43 evidence that will come now, is that it concerns matters up
44 to that date and not afterwards, and the role of Professors
45 Smallbone and McCormack ended at that time so I have not
46 called them in order to ask them about things that have
47 happened since.

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So, with that clear limitation at the start, could I ask Professors Smallbone and McCormack to take the stand.

<TIMOTHY LLOYD HEARN DEN MCCORMACK, affirmed: [1.36pm]

<STEPHEN WALKLEY SMALLBONE, affirmed:

<EXAMINATION BY MS BENNETT:

MS BENNETT: Professor McCormack, starting with you first, can you tell the Commissioners your full name and professional address?

PROF McCORMACK: Timothy Lloyd Hearnden McCormack. Professional address? I think it's called Grosvenor Place, Sandy Bay, the Law School at the University of Tasmania.

MS BENNETT: You've made a statement to assist this Commission?

PROF McCORMACK: I have.

MS BENNETT: Is the contents of that statement true and correct to the best of your knowledge?

PROF McCORMACK: Yes.

MS BENNETT: Professor Smallbone, could you please tell the Commissioners your full name and professional address if relevant?

PROF SMALLBONE: My full name is Stephen Walkley Smallbone, I have no professional address. I have been retired for five years.

MS BENNETT: Thank you, and you have made a statement to assist this Commission?

PROF SMALLBONE: I have.

MS BENNETT: Is that statement true and correct to the best of your knowledge?

PROF SMALLBONE: Yes, it is.

MS BENNETT: Professor Smallbone, Professor McCormack, you

1 each carried out an independent inquiry into the Department
2 of Education's Responses to Child Sexual Assault; is that
3 right?

4
5 PROF SMALLBONE: Yes.

6
7 PROF McCORMACK: It was a joint report but we were both
8 involved, yes.

9
10 MS BENNETT: Thank you. The terms of reference asked that
11 you examine past and present systems relevant to preventing
12 and responding to child sexual abuse and to make
13 recommendations; is that a fair summary?

14
15 PROF SMALLBONE: Yes.

16
17 PROF McCORMACK: Yes.

18
19 MS BENNETT: You are asked to make no findings about
20 individuals, is that right?

21
22 PROF McCORMACK: Correct.

23
24 PROF SMALLBONE: That's right.

25
26 MS BENNETT: You were asked to make no findings about
27 compensation? Is that right?

28
29 PROF SMALLBONE: Yes.

30
31 PROF McCORMACK: Yes.

32
33 MS BENNETT: Any other limitations on your report that you
34 think are worth mentioning at this point?

35
36 PROF SMALLBONE: There weren't originally, but we did make
37 some changes to our original plans once the announcement of
38 a more wide-ranging Commission of Inquiry was to be
39 established.

40
41 MS BENNETT: And your Final Report was submitted on 7 June
42 2021; is that right?

43
44 PROF SMALLBONE: Yes.

45
46 PROF McCORMACK: Yes.

47

1 MS BENNETT: And is now publicly available, is it?

2

3 PROF McCORMACK: In a redacted form, yes.

4

5 MS BENNETT: The purpose of today as I mentioned to the
6 Commissioners is to try and take the benefit of some of
7 your of your work. Can you tell us a little bit, Professor
8 McCormack, starting with you, about how you went about
9 undertaking your task?

10

11 PROF McCORMACK: Sure. There are a number of aspects of
12 our approach to our terms of reference. One of them was to
13 call for any survivors of sexual abuse in Tasmanian
14 Government schools to make written submissions, and we
15 received some of that kind and we gave each of the people
16 who'd made written submissions the opportunity to meet with
17 us in person, and some of them availed themselves of that
18 opportunity.

19

20 Once the Commission of Inquiry was announced we wrote
21 to those we hadn't yet met with and explained that there
22 was a Commission of Inquiry going to be established and if
23 they would prefer to wait until the Commission was
24 established, they would have the opportunity to appear
25 before the Commission or to make written submissions to the
26 Commission and, if they preferred to do that rather than us
27 as well as the Commission, then we certainly provided that
28 opportunity. But we met with seven - well, six survivors
29 of sexual abuse and one family member of a seventh.

30

31 We also decided that it would be helpful for us to
32 travel around the state and to visit a select number of
33 schools. We couldn't possibly go to all 196 of them, but
34 we, in consultation with the department, thought it would
35 be good to have a select representation of primary,
36 secondary, college and district schools in regional areas;
37 that there should be some geographic spread and that there
38 should also be a spread of schools from different
39 socio-economic circumstances in terms of where most of the
40 students come from, and we went around the state to do
41 that.

42

43 We also met with a range of government officials from
44 different departments, from professional support staff from
45 schools, and anyone we thought would be helpful and
46 appropriate to our terms of reference.

47

1 MS BENNETT: And Professor Smallbone, is there anything
2 you'd like to add to the methodology that you adopted,
3 along with Professor McCormack?
4

5 PROF SMALLBONE: Yes, I think one important aspect for us
6 was to engage with the Department of Education over the
7 course of the inquiry in an effort to be as helpful as we
8 could to that organisation. We took that quite seriously
9 because we thought that the most important thing to do was
10 to see improvements made to the safety and wellbeing of
11 children in State Government schools and that, by engaging
12 with the department over the course of the inquiry, we
13 could talk to them about what we were thinking, test some
14 of the ideas that we had for improvements that could be
15 made, and to learn more about what the department itself
16 thought about the problem, where it saw its strengths and
17 limitations as well.
18

19 MS BENNETT: Following on from that, was there a
20 recognition within the department, in your experience, that
21 there were improvements that had to be made?
22

23 PROF SMALLBONE: I think most definitely, yes; certainly
24 at the senior executive level, yes. The picture was
25 probably more varied at the school level, both at the
26 teacher level and the principal level, so the degree to
27 which - I think it would be fair to say that the degree to
28 which this was seen as a significant problem varied
29 certainly at school level. We didn't see so much variation
30 at senior executive level; there seemed to be, I think,
31 more or less a universal acceptance that it was an issue
32 that needed attention.
33

34 MS BENNETT: Professor McCormack, would you add anything
35 to that or?
36

37 PROF McCORMACK: No, I agree with that analysis. We found
38 the department at the executive level welcoming of our
39 inquiry because of a uniformly held acceptance that there
40 was - there had been major problems in the past and there
41 were still some unquestionably and room for improvement.
42

43 MS BENNETT: Professor McCormack, you said before that you
44 met with six survivors and the family members of a seventh
45 and I'd like to ask you in broad terms, respecting the
46 confidentiality of those people, if you can offer any
47 reflections upon what you heard when speaking to

1 victim-survivors?

2

3 PROF McCORMACK: The victim-survivors who met with us were
4 uniformly desirous of meeting with us because of their
5 shared concerns about the possibility that what they'd
6 experienced could be repeated on children/students in
7 Tasmanian schools now and in the future.

8

9 So, I think one observation I would make is a
10 uniformly shared commitment on the part of those who
11 approached us to that end, which of course we also shared;
12 that's one of the reasons for accepting the invitation of
13 the attorney to undertake the inquiry.

14

15 They all explained to us what they'd experienced and
16 what they saw as the key failings in how it was that the
17 circumstances they experienced occurred and what they
18 believed individually could have been done differently to
19 help prevent it or to stop it sooner in circumstances of
20 ongoing and recurring abuse. Those things, I think, were
21 common.

22

23 MS BENNETT: Professor Smallbone, is there anything you'd
24 like to add to those reflections?

25

26 PROF SMALLBONE: Yes. I think my impression in speaking
27 to these people was that, whatever the effects of the
28 original alleged abuse may have been, in almost all
29 circumstances we were hearing compounding effects of
30 circumstances subsequent to that abuse.

31

32 So, it was quite common for us to hear stories about
33 affected people trying to engage with the department to - I
34 think seeking, really, an acknowledgment of their
35 experiences, in some cases explicitly seeking an apology
36 for those experiences, and quite often hearing frustrations
37 that those things weren't made available to them, and it
38 appeared as though, sometimes over very significant periods
39 of time of years, and sometimes even decades, of these
40 attempts being frustrated and ending with a much more
41 complex set of circumstances than were ever originally -
42 you know, the problem for them.

43

44 So that, notwithstanding whatever those effects of the
45 original incident might have been, very often there were
46 compounding effects in subsequent periods.

47

1 MS BENNETT: And were those subsequent compounding events
2 often located within the Department of Education, that's
3 why it was coming to your attention?
4

5 PROF SMALLBONE: Yes.
6

7 MS BENNETT: You mentioned about "apologies", I just
8 wanted to segue into that territory for a moment. Was that
9 something you heard a lot of from victim-survivors, the
10 desire for an apology?
11

12 PROF SMALLBONE: Yes.
13

14 MS BENNETT: An apology about what exactly?
15

16 PROF SMALLBONE: Well, an apology but also, before that,
17 an acknowledgment, just some clear statements that "we
18 believe", or, "we take seriously", or, "we don't disbelieve
19 what it is that you're telling us", which I think is
20 somewhat distinct from an apology. I think an apology for
21 some of the people that we spoke to would have been greatly
22 valued, but I think more fundamentally it was the
23 acknowledgement in the first place that was really perhaps
24 the most important concern.
25

26 Having said that, I don't want to be speaking on
27 behalf of those people either, and they have their own
28 experience; our role was to convey something of that
29 experience, but we're not - I'm sure Professor McCormack as
30 well - would not want to speak on their behalf.
31

32 MS BENNETT: No, I understand. I want to then turn to
33 issues of culture and education. I think, Professor
34 Smallbone, you tell us in your statement and it's reflected
35 in the report, that there was little diversity of
36 educational experience in the system generally. Can you
37 tell the Commissioners and those watching why that's a
38 matter of some importance?
39

40 PROF SMALLBONE: Well, yes; I mean, in many circumstances,
41 and this is an example, we were really unable to determine
42 a specific figure on how many, for example, teachers in
43 Tasmanian schools were trained at the University of
44 Tasmania, but we were led to believe that at least the
45 majority of the currently serving teachers were trained at
46 that institution.
47

1 I think that there's potentially something to be said
2 for a greater diversity of educational experiences;
3 teachers work together as groups, so they will bring ideas
4 together in schools, and I imagine that people could bring
5 different sorts of training experiences together in their
6 peer relationships in schools and I think that would be a
7 good thing.

8
9 So, there's probably less of that in Tasmania than we
10 might see in other jurisdictions; it's not necessarily the
11 fault of anybody, that's just the way that is, but when we
12 talked with representatives of the University of Tasmania
13 we found that there was quite little explicit training of
14 graduate teachers in the particular problem of sexual abuse
15 of students, least of all the sexual abuse of students in
16 schools.

17
18 So, there's some attention to this by way of
19 instruction in mandatory reporting and so on, but really
20 nothing to speak of with respect to helping graduate
21 teachers understand how it might be that a student may be
22 sexually abused within a school setting, and one of our
23 recommendations in fact was for the department to engage
24 with the university to review that training with a view to
25 improving the training around those kind of ideas: how does
26 abuse occur, why does it occur in schools, and the kind of
27 dynamics, what sort of abuse are we talking about because
28 it's multi-faceted. So, we found that new teachers coming
29 into Tasmanian Government schools tended not to arrive at
30 the school with much in the way of assistance to help them
31 to understand how this might play out in their school.

32
33 MS BENNETT: Professor McCormack, are you able to speak to
34 how that plays into the culture development of a department
35 as a whole?

36
37 PROF McCORMACK: Yeah, but perhaps before I do, with your
38 permission --

39
40 MS BENNETT: Yes, please.

41
42 PROF McCORMACK: -- to make one observation, because
43 there's an irony and potential benefit in the fact that
44 there might be a relative lack of diversity in terms of
45 educational training, and that is that, if the majority of
46 Tasmanian teachers are going through the one university in
47 the state, that university and the Department of Education

1 in consultation with it can ensure that the training of
2 those teachers is much more specific and detailed and
3 effective, that would potentially have a very significant
4 flow-on benefit. So, I'd make that observation to
5 supplement Professor Smallbone's comments, which I of
6 course agree with.

7
8 In terms of the feeding into culture, I think in our
9 experience of interacting with teaching staff, it was
10 limited because when we went on our school visits we tended
11 to meet with the principal and school leadership. We tried
12 to proactively reach out to student support staff as well,
13 so we sometimes met with school psychologists and/or with
14 social workers in the school context, but our conversations
15 with rank and file teachers, if I can describe it that way,
16 were limited. Some of them actually approached us and our
17 conversations with those people were very helpful.

18
19 And I'd say that, of those we met with, especially
20 those with more experience over protracted periods of their
21 career in teaching, they were very sensitive to the
22 importance of proaction on the part of more experienced
23 teachers in advising less experienced teachers of some of
24 the behaviour they were observing.

25
26 MS BENNETT: Can you give us an example?
27

28 PROF McCORMACK: Well, there are a couple of examples in
29 our report of this sort of thing. And, interestingly, the
30 two examples that we refer to in the report show exactly
31 the sort of response you'd hope for from the new teacher
32 and exactly the sort of response you wish you didn't get.

33
34 So, one example from a very experienced teacher who
35 observed a relatively junior colleague, she thought was
36 engaging inappropriately with male students in the school,
37 and she proactively had a chat: the sort of thing you hope
38 happens, I think. I mean, just, you know, "I've seen some
39 things and I'm a little bit concerned about them and my
40 advice would be that you change the way you interact with
41 some of the male students", and in that particular instance
42 the experienced teacher who came to see us lamented the
43 fact that that younger colleague at the time went on to be
44 subsequently criminally convicted for sexual abuse of a
45 male student. She wondered whether - the teacher who spoke
46 to us wondered whether she could have done more.

47

1 The other example was of an experienced teacher who
2 witnessed an incident on a bus on the way home from, I
3 think it was a swimming carnival, some sort of
4 all-of-school activity, with some of the senior girls in
5 the school interacting with a male teacher and she had a
6 quiet chat with the male teacher and he really appreciated
7 the chat and the advice that he was given and acted on it.

8
9 So, that's what I mean, I think, by two examples that
10 experienced teachers being proactive which we would want to
11 see being encouraged and helping the development of the
12 culture of the school and of the Education Department more
13 broadly.

14
15 MS BENNETT: I just want to understand what you mean by
16 that culture that you're trying to encourage to develop,
17 and it seems to be centred around respect for boundaries
18 and being able to mentor more junior teachers in an open
19 way; is that roughly the culture you're talking about when
20 you're raising those examples?

21
22 PROF McCORMACK: Yes. Professor Smallbone and I, I'd say
23 I learnt a lot from him actually in relation to this, spoke
24 a lot about the importance of prevention as a strategy;
25 it's much better for everybody if the sexual abuse doesn't
26 happen in the first place, and one key way of encouraging
27 circumstances that make it more difficult for sexual abuse
28 to occur, at least adult on student abuse we're talking
29 about now - I'm talking about - is to have a culture within
30 a school and within the department that values observation
31 and proactive engagement to give advice: may or may not be
32 accepted.

33
34 Those two examples are not isolated; I mean, we had a
35 number of conversations with principals who had made their
36 own proactive steps to have some words to a more or less
37 experienced colleague whose behaviour they were a little
38 bit concerned about. Not making accusations, you know, not
39 seeing a threshold level of conduct that required mandatory
40 reporting, but back before that, in taking the opportunity
41 to engage to ask some questions or to make some
42 observations that might result in reflection on the part of
43 the person being subjected to the conversation.

44
45 I think the department really could benefit from
46 understanding how all of that manifests and encouraging it
47 on a more systematic and comprehensive basis, because it

1 did seem to us like it was ad hoc, that there wasn't a lot
2 of talk about how that could change a set of circumstances.

3

4 MS BENNETT: Professor Smallbone, it seems you helped
5 Professor McCormack on a journey around those issue, could
6 you take us on that journey as well?

7

8 PROF SMALLBONE: Well, you framed the issue in terms of
9 culture, I think that's a helpful way to think about this,
10 but I think that culture can be served by quite clear sets
11 of rules, for example, and really, when we were conducting
12 the inquiry the department did in fact have some really
13 quite helpful guidelines around how adults in schools ought
14 and ought not to interact with students.

15

16 So, there was some discussion and definition about
17 this idea of professional boundaries and, you know, kind of
18 not getting too close to children in terms of personal
19 relationships as opposed to professional relationships.

20

21 But there wasn't necessarily - Professor McCormack
22 gave two examples a moment ago: one which failed in the
23 sense that the subject person went on in fact to abuse
24 children and one who apparently did not. The common thing
25 there was, in neither instance would that intervention,
26 that informal intervention by the senior teacher, have been
27 documented anywhere; it was something that had been said
28 and then it was gone.

29

30 So, we in the report talked about the possibility of a
31 system that in fact required these things to be recorded
32 because when we look, for example, at the National Royal
33 Commission and the case studies that were examined there,
34 there were many, many examples of incidents - the first
35 incident of abuse being preceded by often numerous
36 observable incidents; that people had seen things that had
37 concerned them, but they were all left as individual sets
38 of incidents that had never been joined up until the point
39 where a child becomes abused which, from our point of view,
40 is a bit late, we don't want that to happen. And so,
41 there's a certain logic to, well, can we instead have a
42 system where these dots are joined?

43

44 Now, there are a number of complications that arrive
45 with that to do with who records things, at what level do
46 you make a record, who has access to that information,
47 et cetera, so very tricky things. This is a system that

1 would need to be worked through at some length by an
2 individual organisation together with its members; so, you
3 know, this isn't something I think that a senior executive
4 member can just decide on, it seems to me that you would
5 want to engage with the broader community of staff to come
6 to some kind of agreement about how this system might work;
7 otherwise, we'll have pushback and people won't do what's
8 being required of them to do.

9

10 MS BENNETT: One thing I'd like to explore a little bit, I
11 think in the examples that Professor McCormack gave you had
12 what sounded like an informal intervention that wasn't
13 framed as anything that could - it was framed as an
14 informal and collegiate intervention. Is that a fair
15 description of what you were talking about?

16

17 PROF McCORMACK: Yes.

18

19 MS BENNETT: Is there some risk that, in formalising that
20 and having it recorded in the system for the purposes of
21 information sharing, that it's less likely that the teacher
22 would have that intervention? Is that a concern with a
23 system like that, Professor Smallbone?

24

25 PROF SMALLBONE: I think it would depend on the
26 expectation that's made or that's required of the staff.

27

28 MS BENNETT: Just to explore that, so creating a culture
29 that indeed values that mentoring, is that part of what is
30 part of that process, so it's not seen as a disciplinary
31 black mark to have this record; is that part of it?

32

33 PROF SMALLBONE: Yes. If the system operates at the level
34 of simple rules. As an example, we might have a rule that
35 a teacher is not allowed in a room with a student with a
36 door closed or - yep, we'll use that just as an example.
37 If a teacher is observed in a room with the door shut, it
38 provides an opportunity for somebody to remind them of that
39 rule without there needing to be the burden of an
40 accusation of serious misconduct.

41

42 So, this, I think, is the attraction for me, perhaps
43 us, of having such a system that operates on the basis of
44 low level concern; that these matters can be dealt with
45 informally and without there being the heavy weight of
46 responsibility where a teacher is effectively being accused
47 of serious misconduct, all it is is a simple rule and it's

1 an opportunity to remind somebody of that rule and why that
2 rule exists.

3

4 So, a single breach can probably be dealt with in most
5 cases informally. If it's repeated, well, there may be a
6 different level of concern that has to be attached to that.
7 And, if it's breached repeatedly over a period of time,
8 then perhaps there has to be some disciplinary response,
9 but that doesn't have to happen first necessarily.

10

11 MS BENNETT: And that's where the need for record-keeping
12 comes in, you can only do that if --

13

14 PROF SMALLBONE: Some way of tracking the concerns.

15

16 PRESIDENT NEAVE: Can I just ask a question about that,
17 and this may be beyond - I think it possibly is beyond what
18 you did, but systems of performance management in schools,
19 do they have such systems, and could this not be - I mean,
20 if there's for example a regular meeting once every
21 six months between a teacher and a more senior teacher, I
22 mean, that's the sort of situation in which you could, when
23 you're reflecting back to the teacher on their performance,
24 that would be something that could be raised in that
25 context.

26

27 PROF SMALLBONE: Yes.

28

29 PRESIDENT NEAVE: So they do have those systems?

30

31 PROF SMALLBONE: Yes, they do and that would be, in my
32 mind, a sensible and an appropriate mechanism by which this
33 system might function.

34

35 PRESIDENT NEAVE: Okay. I mean, you would obviously want
36 to intervene if it was something more serious than that,
37 not wait for performance management.

38

39 PROF SMALLBONE: Of course.

40

41 PRESIDENT NEAVE: But you could imagine situations where
42 you could give some feedback about being a bit too familiar
43 with students, for example?

44

45 PROF SMALLBONE: Yes.

46

47 PROF McCORMACK: In fact, we had an example of that, of a

1 performance management process being put in place at a
2 particular school we visited, and the principal was
3 describing her observations of what she considered to be
4 inappropriate behaviour, an informal chat, which didn't
5 seem to produce the desired result so she instituted a more
6 formal process of the writing up of notes, of regular
7 meetings with the teacher advising them that she was - "my
8 eyes are on you".

9

10 PRESIDENT NEAVE: Yes.

11

12 PROF McCORMACK: So, I found that a very good example of
13 precisely the sort of process that you're raising with us,
14 President Neave.

15

16 MS BENNETT: It seems to have cultural and systemic
17 elements to it, doesn't it: you need to have the culture
18 that accepts that kind of feedback and expects it to be
19 given and you need the systems that can record it. Is that
20 fair?

21

22 PROF McCORMACK: It is. Of the two original examples,
23 Ms Bennett, the one that seemed to fail; that the
24 experienced teacher told us that she observed similar
25 behaviour after having had the initial informal chat, and
26 there, it doesn't seem as though there was any formal - I
27 don't know exactly the details of it, but perhaps there was
28 no formal process to institute: not sure whether that
29 experienced teacher reported that to the school leadership
30 but, I mean, what she expressed to us was profound lament
31 about the fact that this initial approach didn't have the
32 desired result.

33

34 MS BENNETT: Actually, just to segue again: is it your
35 experience speaking with people as part of your review that
36 instances of child sexual abuse also affected the school
37 community when they occurred?

38

39 PROF McCORMACK: Unquestionably.

40

41 MS BENNETT: We've been speaking a bit about --

42

43 COMMISSIONER BENJAMIN: Professor Smallbone, you talked
44 about the lower level record-keeping. I think we heard
45 some evidence last week about using a term of expression of
46 "concern", because if you give a notice or notification of
47 risk, that has all of the concerns that raise in using that

1 term. If you simply had an expression of "concern", that
2 would keep it at the level that you talked about, wouldn't
3 it?

4

5 PROF SMALLBONE: Yes, exactly, yes. Yes, I think so. I
6 mean, we also heard from people who felt the weight of
7 responsibility in a mandatory reporting circumstance was
8 very great indeed and sometimes, in effect, kind of worked
9 against its own purpose. The extent to which it becomes
10 difficult for people to say something about a colleague,
11 for example, who they might like and admire is a very
12 difficult problem. That has to happen sometimes, but our
13 view was that it would be a much better system if we could
14 operate underneath that so that small things were taken
15 care of before it became a big thing.

16

17 COMMISSIONER BENJAMIN: But you'd still have to have some
18 device to monitor that.

19

20 PROF SMALLBONE: Yes.

21

22 COMMISSIONER BENJAMIN: So, if a teacher received one or
23 two expressions of concern and modified their behaviour,
24 then it shouldn't impact on their ongoing --

25

26 PROF SMALLBONE: That's right.

27

28 COMMISSIONER BENJAMIN: But if a teacher has 10 or 15, or
29 whatever the appropriate number happens to be, you'd want
30 somebody monitoring that to say, hang on, this is going to
31 an area where there needs to be more formal steps.

32

33 PROF SMALLBONE: Yes, or --

34

35 COMMISSIONER BENJAMIN: And whether that falls to the
36 principal or someone else, I don't know. Have you got any
37 thoughts on that?

38

39 PROF SMALLBONE: Well, much as you've put it, I think.
40 That, if there are multiple breaches of small rules one
41 would have to ask, you know, why does this person simply
42 refuse to obey these rules, and that characteristic might
43 not be a terribly desirable one to have in a teacher, one
44 would think.

45

46 COMMISSIONER BROMFIELD: Professor Palmer spoke to us last
47 week about what he called high reliability organisations,

1 and I believe the proposition he was putting was really,
2 if, for example, you had the door closed when the policy
3 was doors need to be open if there's no windows, that you
4 would treat the breach of the Protective Practices policy
5 to be seen as the near miss rather than waiting for the
6 abuse to be seen as the critical incident of the near miss,
7 and that you would then be inviting staff to have a
8 conversation about, well, why is this happening, so you can
9 also identify whether it's sight levels, that there are
10 things contributing to poor implementation. Do you think
11 that kind of thing would work? Is that kind of consistent
12 with what you're saying or not?
13

14 PROF SMALLBONE: Yes, I think it has to be worked through
15 with any organisation, but I'd also like to add that this
16 is not - I don't think this is unique to the Department of
17 Education in Tasmania and I don't think it's unique to
18 Tasmania, I don't think it's unique to Australia. The fact
19 is that most organisations have historically slowly built
20 policies that focus much more on responding after the fact
21 to abuse than they do trying to think through how might
22 this organisation prevent the abuse from occurring in the
23 first place.
24

25 And, while we'll always need the responses to abuse
26 after the fact, they're so important to have good
27 responding, but that really isn't good enough for kids, is
28 it? I mean, I don't mean to ask that rhetorically; I can
29 almost assert, it's not good for kids, it's not good for
30 children if our policies are designed to wait until they're
31 abused before they're designed to work: that just doesn't
32 make sense to me. So, we need to think about, how do we
33 think about prevention, and that requires an understanding
34 of why we think this happens in the first place. Who is
35 more likelier than other people? In what circumstances?
36 What sort of activities are riskier than others? They're
37 the questions I think that are really important.
38

39 MS BENNETT: We've spoken a little bit about
40 record-keeping and about the need for there to be good
41 record-keeping to implement a system of this kind. Can you
42 tell us about, in your experience, carrying out the review
43 pre-June 2021 what your experience of the Department of
44 Education records system was? And I'm starting with you,
45 Professor McCormack?
46

47 PROF McCORMACK: We were given very early on in our tenure

1 on the inquiry a spreadsheet of suggestions or allegations
2 of wrongdoing, and we were - I mean, we had complete
3 freedom to delve into any of those references to particular
4 incidents to try and - to get to the actual substantive
5 records. And, we did that a number of times, I mean,
6 that's the basis of the case studies written up in the
7 report; tried to provide a selection of case studies, some
8 historic cases that may have contributed to the calling of
9 the inquiry in the first place as well as some more recent
10 ones with different types of allegations, not only adult
11 student abuse but also peer abuse or student-on-student
12 abuse.

13
14 And, when we tried to sort of delve into the detail,
15 to the more detailed substance of the reports, we found all
16 sorts of inconsistencies in the keeping of the records and
17 in the management of them and that became, I'd say,
18 increasingly frustrating for us as we tried to undertake
19 our work. It wasn't that we were being obstructed from
20 access, it was more about the fact that it was actually
21 really difficult to identify where the records were and in
22 what state they were in.

23
24 We also were deeply concerned about the fact that
25 there was no systematic keeping of records that made the
26 records system amenable to any high-level analysis, and
27 that's something that we spent a lot of time talking about
28 in the report. The fact that the Department of Education,
29 when we were undertaking our inquiry, couldn't tell us
30 basic information about the time between when the alleged
31 incident occurred and when it was reported; the
32 relationship between the person undertaking the abuse and
33 the person who was being abused, all sorts of basic
34 information that would enable analysis to see trends: I
35 mean, are we seeing increasing numbers of sexual abuse or
36 is it decreasing? Are we seeing an increase or a decrease
37 in adult to student abuse? Are we seeing an increase or
38 decrease in peer on peer abuse? None of that analysis is
39 capable of being undertaken because of the state of the
40 records and, yeah, we feel like, for the department trying
41 to address the problem to not be able to access some
42 systematic and comprehensive record-keeping system makes it
43 very, very difficult - or, not only difficult, impossible.

44
45 MS BENNETT: Professor Smallbone, would you add any
46 reflections to that?
47

1 PROF SMALLBONE: I think it's a good example or an example
2 of a system designed to be concerned about the outcomes of
3 abuse rather than the causes. That record system, while we
4 were told in fact the purpose of the record system was to
5 facilitate enquiries to do with compensation or, you know,
6 information requests and so on, but it hadn't been arranged
7 in a way that allowed, as Professor McCormack said, to
8 analyse this what could have been a very rich source of
9 information in ways that would lead to an understanding of
10 how these incidents had occurred and where and when over a
11 period of time: that's the kind of intelligence that, it
12 seems to me, is useful from a prevention point of view.
13

14 So, it's regrettable that any of these incidents
15 occurred. One thing that can come from a record, though,
16 of those incidents is that we can understand something
17 about the patterns of the problem: were there particular
18 schools where this was happening more often? Were there
19 particular periods of time where it was happening more
20 often? Is adult to student abuse more prevalent than
21 peer-to-peer abuse? When peer-to-peer abuse occurs, how
22 and when and where does that occur? So these are the kind
23 of questions that are very helpful to ask if our business
24 is trying to prevent the abuse of children, because then we
25 can concentrate responses and interventions in those
26 particular times and places and sets of circumstances that
27 is likely to see a reduction in fact in those abuse
28 incidents in the future.
29

30 MS BENNETT: Are those what we might call red flag
31 indicators? Areas or hot spots of multiple reports that
32 might --
33

34 PROF SMALLBONE: Yes, there's all sorts of things that can
35 lead to. I mean, if we discover that there was a period,
36 for example - and I don't know whether this is a relevant
37 period - but if we knew that there was some kind of spike
38 in allegations at a particular school in a particular year,
39 we could ask some follow-on questions about what might have
40 been happening at that place at that time, you know. Was
41 there some particular culture problem at that school at
42 that time? Or was there a particular student cohort or,
43 you know, what was happening. So, there are a series of
44 follow-on questions that can be made providing that data
45 available in the first place to begin to answer some of
46 those questions.
47

1 It's unlikely that there will ever be a perfect
2 system, but there are ways of improving these systems, I
3 think.

4

5 MS BENNETT: Just so I understand, the spreadsheet you
6 were given, that wasn't generated from the system, was it,
7 or from whatever system there is or? You might not know
8 where it came from.

9

10 PROF SMALLBONE: We understood that that record system was
11 generated on the advice of the Solicitor-General after the
12 National Royal Commission had commenced around concerns
13 that the department needs to know more about the detail of
14 these incidents that have occurred there.

15

16 COMMISSIONER BROMFIELD: Professor Smallbone, do you have
17 any reflection on the fact that it takes a Royal Commission
18 for the department to decide that it needs to know these
19 things?

20

21 PROF SMALLBONE: Well, I think that's a sad reality, and
22 again, I would say that it's not confined to the Department
23 of Education in Tasmania, nor to Tasmania, nor to
24 Australia. This is sadly part of the way that humans have
25 dealt with this problem, and I think partly the reason is
26 that we don't want to believe really that this happens to
27 begin with, we certainly don't want to believe that it
28 happens perhaps as much as it might. It's a difficult, and
29 frankly, it's an ugly problem and it's not an easy one to
30 look at, and it's not an easy one to look at frankly and
31 honestly and, as a result, we get some blinkered views
32 perhaps about it, and there's a tendency perhaps to really
33 not kind of want to deal with it. So, yes, I'm afraid the
34 answer's probably, yes, it does take a Royal Commission for
35 organisations to take this seriously.

36

37 PRESIDENT NEAVE: Can I ask, were these things on the
38 spreadsheet, these reports on the spreadsheet, were they
39 generated largely by complaints by individuals, do you
40 know, or were they generated by observations at a school
41 or?

42

43 PROF SMALLBONE: No, definitely by complaints.

44

45 PRESIDENT NEAVE: So it was when somebody, a parent or a
46 child presumably, complained and somehow that came through
47 to the department, and then they were entered on a

1 spreadsheet?

2

3 PROF SMALLBONE: Yes, and in fact one of the - I mean, we
4 took quite some time to try and manually count some
5 variables within that database, and one of the things we
6 were interested in, in fact, was where did those - how did
7 those complaints arise.

8

9 PRESIDENT NEAVE: Where did it come from.

10

11 PROF SMALLBONE: And the overwhelming majority seemed to
12 have come from parents and students and not from the
13 department.

14

15 PRESIDENT NEAVE: Thank you.

16

17 PROF SMALLBONE: And I don't know that that necessarily
18 means that people in the department weren't making
19 allegations or raising concerns, I'm sure that was true
20 that they were, but that was a striking feature, but again,
21 the records weren't in the kind of form for us really to
22 draw any confident conclusions about that. It was
23 something that we noticed in passing, that a large
24 proportion of those complaints were coming from parents and
25 students.

26

27 PRESIDENT NEAVE: Rather than other teachers?

28

29 PROF SMALLBONE: Yes.

30

31 COMMISSIONER BROMFIELD: Professor Smallbone, or Professor
32 McCormack, if the department were to implement the record
33 system that you've recommended and to report on that
34 annually in annual reports, would that be a system that
35 would help us to, I guess, continue to be alert to this
36 rather than needing Commissions of Inquiry to shine a light
37 on it?

38

39 PROF SMALLBONE: Well, I think, yes, it's likely that that
40 would be the case. I've had circumstances where I've
41 worked with other kinds of organisations as well who have
42 faced this, what ultimately is a dilemma because, by
43 publishing reports, one invites a level of scrutiny that is
44 often not comfortable.

45

46 And part of - you know, reputational risks, I think,
47 are real and legitimate. No organisation wants to see its

1 reputation tarnished. There's an irony in here in a way
2 that, by showing the problem, it appears worse. So, an
3 external observer will probably be more alarmed, I would
4 think, by an organisation publishing the number of students
5 that have been sexual abused in that year, or reports of
6 that, than they would be if that was never published, so
7 there's a dilemma. There's a lot of dilemmas in this, and
8 so a part of it is the culture that operates outside of an
9 organisational system as well.

10
11 We're dealing with - you know, to understand the
12 culture of, in this case, the Department of Education in
13 Tasmania: we can't understand that without understanding
14 the broader community culture around it of citizens.
15 People have strong feelings about this, and it's difficult,
16 it's a difficult set of circumstances to do well in.

17
18 MS BENNETT: Commissioner, did you want to continue?

19
20 COMMISSIONER BROMFIELD: No.

21
22 MS BENNETT: You just spoke about reputational risk being
23 something to which people are alive. Is it fair that
24 historically that had taken on, in your view, that had
25 taken on a disproportionate place in the analysis of how to
26 respond to issues of the kind that you were examining?

27
28 PROF SMALLBONE: Well, I think almost certainly, and I
29 think that in fact the records system that we were speaking
30 about is an example of that being brought up more or less
31 to the present time.

32
33 MS BENNETT: Yes. The reputational risk focus?

34
35 PROF SMALLBONE: Well, and managing - yep, and potential
36 financial risks and all the rest of it.

37
38 MS BENNETT: And so, do you mean by that, legal/financial
39 reputational risks, those sorts of things?

40
41 PROF SMALLBONE: Yes.

42
43 MS BENNETT: Sorry, I didn't mean to interrupt you.
44 Please?

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46 PROF McCORMACK: In contrast, the interests of the
47 victims, the student victims.

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MS BENNETT: Yes.

PROF McCORMACK: Because one of the things that both Professor Smallbone and I found deeply disconcerting about that spreadsheet was the lack of information about what on earth happened to the student complainant and possibly student victim: it was starkly missing and, like I said, deeply, deeply disconcerting.

MS BENNETT: Does that feed into one of your recommendations which focuses in on, we need to have the principal of acting in the best interests of the children being something that is embedded in all considerations and all decisions? Does that ring a bell, Professor Smallbone?

PROF SMALLBONE: Yes, and one of the reasons that we wanted to emphasise that is because this is not, we think, a matter of just making that statement, it's a matter of continually reminding ourselves of the importance of that principle, because I think that there's a natural gravitational pull always back to the interests of adults.

MS BENNETT: Yes.

PROF SMALLBONE: Adults are the ones who make decisions, including about children, including about what's good for children as a matter of fact, and it's usually the adults who are in the room when - well, it is adults in the room when decisions are being made often that relate to this problem, and it's natural and easy for people to give the primary consideration to the interests of the adults, and that can be done even when people aren't seeking or thinking about harming of children. So it can be kind of oblivious or kind of an unconscious bias really, and that's why we say that that principle ought to be really embedded in a range of responses and to be explicitly taken into account because, if we just assume that it's been taken into account, it probably won't be.

MS BENNETT: And that's because of that gravitational pull you're talking about in the interests of the adults; they're the ones in the room taking up the space and the decision's getting made --

PROF SMALLBONE: Even the ones that are deciding what's good for the children.

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MS BENNETT: Do those concerns themselves generally gravitate towards legal, financial, reputational matters because those are the concerns of adults?

PROF SMALLBONE: Well, yes, absolutely, and again, I think they're perfectly understandable, natural and legitimate interests. I'm not saying that we shouldn't be concerned about reputational and financial and other kinds of risks, they're real risks, we ought to be concerned about them. The problem comes when they trump the interests of a child; that's when the problem exists. And again, if we are successful at preventing abuse, that conflict doesn't arise.

PROF McCORMACK: Exactly right, yeah.

MS BENNETT: Did you want to add anything to that, professor?

PROF McCORMACK: I was just thinking as Professor Smallbone was speaking, the best thing you can do to protect institution and personal reputation and the risks of financial and legal costs, is prevent it happening in the first place, and you also happen to protect the best interests of the children if you do that, so it's got to be in everybody's interest to have a big emphasis on prevention rather than an emphasis on how do we respond after it's happened.

MS BENNETT: I'd like to turn to ask you a few things about the State Service Code of Conduct. I think that your report identified that the State Service Code of Conduct isn't specifically tailored to an educational environment; is that fair?

(Both witnesses nod.)

MS BENNETT: I think you identified that as a concern or a barrier to taking more proactive steps in this area. That's, Professor Smallbone, in your statement at 33 and, Professor McCormack, in yours at 16. Can you tell the Commissioners why that might be a barrier?

PROF McCORMACK: Sure. There's nothing wrong with a Public Service Code of Conduct, this is not a criticism of a Code of Conduct applicable to all public servants. The

1 observation of ours is that, because it's generic, then it
2 cannot deal with the specific context of a school
3 environment. And, in consultation with human resources,
4 the department of human resources - not the department, or
5 whatever the term is, the division or the section of human
6 resources within the Department of Education, we heard
7 staff explaining to us that there are problems when it
8 comes to initiating disciplinary measures when all that
9 applies to the employees in the Department of Education is
10 the generic Public Service Code of Conduct.

11
12 And I mean, like I said before, the terms of the Code
13 of Conduct are not offensive or problematic, but they're
14 very broad, and one of the particular problems is that
15 grounds for dismissal from the Public Service are couched
16 in quite general terms, and the view that was expressed,
17 and that we certainly agreed with, was that if there was a
18 specific Department of Education Code of Conduct which
19 could deal with the context of schools and of engaging with
20 the students who overwhelmingly are children - and there's
21 some exceptions maybe in Year 12 - but the overwhelming
22 majority of them are children and vulnerable as a
23 consequence, that would be very helpful.

24
25 At the time that we were undertaking our inquiry there
26 was some draft legislation for Child Safe Organisations
27 that required, at least in draft form, all organisations,
28 including by definition all government agencies, to have a
29 specific Code of Conduct that was focused on protection of
30 children to the extent that any government agency was
31 dealing with children and, if that draft legislation became
32 legislation, it was enacted, then the Department of
33 Education would be required by legislation to have its own
34 Code of Conduct. But our recommendation to them was, don't
35 wait for that and have a specific one that can be focused
36 on and tailored to the context of schools and engaging with
37 children.

38
39 MS BENNETT: Professor Smallbone, anything you'd add to
40 that analysis?

41
42 PROF SMALLBONE: Only that we also contemplated the notion
43 of a Code of Conduct for students themselves, particularly
44 given that peer abuse may be as prevalent, if not more
45 prevalent, than adult-to-student abuse in an educational
46 setting and in a school setting, and so, we did think that
47 it might be possible for perhaps senior students in a

1 school to get together under the guidance of teaching staff
2 to talk through, well, how is it that they're going to
3 behave toward one another as well.

4

5 So, yeah, I'm just kind of thinking, sexual abuse
6 happens not just at the hands of adults but also peers, and
7 so, if we're thinking about behavioural standards and Codes
8 of Conduct, we might want to think about a Code of Conduct
9 for young people as well.

10

11 MS BENNETT: We've heard a little bit so far about the
12 notion of harmful sexual behaviours; are you able to assist
13 the Commissioners and those watching this what you
14 understand that to be in an education context?

15

16 PROF SMALLBONE: There is some evidence, as I understand
17 it, that in organisations generally the prevalence of
18 peer-to-peer sexual abuse is at least as great, if not
19 greater, than the prevalence of adult-to-child abuse. This
20 opens up a whole range of practical questions for those in
21 charge of organisations and policy development and so on,
22 particularly around prevention.

23

24 So a lot of the systems that have been developed in
25 the Education Department here, as in many organisations,
26 is, those policies are organised around the notion of
27 adults abusing children. There are a whole lot of other
28 layers of complexity, I guess, that need to be thought
29 about when we're thinking about policies to do with the
30 prevention of peer-to-peer abuse.

31

32 It's a big and a complicated question but, you know,
33 if we think about, for example, Working With Vulnerable
34 People Checks, the adult Codes of Conduct and rules about
35 how adults should behave, there's a range of systems that
36 are designed to affect adults in the system that aren't
37 designed at all to affect children.

38

39 Government schools, in particular, probably shouldn't
40 be doing too much screening out of risky people - risky
41 kids, that is. So, we're dealing with populations, very,
42 very varied populations of young people in schools
43 together; it seems to me almost inevitable that there's
44 going to be some kinds of problems caused by that, sexual
45 or otherwise.

46

47 The other thing is that children, in high schools

1 particularly, are at an age where they're starting to
2 develop their sexual interests in others and so on; you
3 know, there's going to be some kind of sexual activity, so
4 we might have a rule to say adults are never under any
5 circumstances allowed to have sexual contact with a child:
6 that seems to be a sensible rule, but we can't really have
7 a rule to say that young people aren't allowed to have any
8 sexual connect with other young people, I don't think.

9
10 MS BENNETT: It's a complex area. So, what did you find
11 of the policies and procedures that the department has in
12 place presently around that issue?

13
14 PROF SMALLBONE: Do you have any thoughts about that?

15
16 PROF McCORMACK: I do, happy to start off. The benefit of
17 actually being together is thinking of things to supplement
18 when the other's speaking. We discovered that, in relative
19 terms - and we're talking as you suggested in your
20 prefatory comments about things as they were at the
21 beginning of June 2021, so could have changed since then,
22 but at that particular time in relative terms there was
23 much more policy and guideline material for teachers and
24 for principals around adult-student abuse than there were
25 student-on-student abuse, peer abuse.

26
27 Not that the department was bereft of any information;
28 in fact, we engaged with a working group that was drafting
29 some guidelines for precisely this issue and those
30 guidelines, although in draft form, had been shared with
31 people in the department because we had a very helpful and
32 insightful conversation with a principal in a particular
33 school who had relied on those guidelines, those draft
34 guidelines, in response to an incident of
35 student-on-student abuse at her school. The comments that
36 she made to us was that they were inadequately detailed to
37 assist her in some of the critical decisions that she had
38 to make, time-sensitive decisions because the incident was
39 discovered within minutes of it having occurred, and that
40 was helpful feedback to us.

41
42 We had another series of conversations around an
43 allegation of student-on-student sexual abuse and it became
44 quite clear from that, that the lack of guidance to schools
45 from the department meant that there was an ad hoc approach
46 to how we actually manage this situation, and that raised
47 some serious concerns for us.

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If you want to add anything, Stephen?

PROF SMALLBONE: I think we mentioned at the beginning of our evidence that we tried to engage with the department over the course of the inquiry, and I can remember saying very early, "I've never administered a school, you know, you're the other half of the expertise here".

So, we weren't really taking the position that we ought to be able to provide complete solutions to the problems that the department faces, these things take time to develop, I think that's our view: that peer-to-peer abuse needs to be taken seriously, neither overreacted to nor underreacted to, that's part of the difficulty, but that systems need to be worked through over a period of time that make sense in the context of the business of teaching children in schools. It's the Education Department that needs to do that. Neither, I think, Professor McCormack nor I would see ourselves as equipped to provide those solutions in that detailed way.

MS BENNETT: It's fair to say, though, is it, that at the time of your review that the policies and procedures to provide the kind of granular guidance that principals might need were either embryonic or not yet developed?

PROF SMALLBONE: I think it's fair to say that this particular issue was something of a bottom-up process; that there had been people working within schools that had recognised this increasingly as a serious set of problems who were taking the initiative to come together as a working group to develop some guidelines, so this hadn't been a bottom-down process in the sense that it had been led by the senior executive. The senior executive was very happy to respond to that initiative, but it wasn't being driven in that way as far as we could understand it.

MS BENNETT: You've touched on a little bit about the occasionally ad hoc response to some of these issues and I'd like to just ask you both about the discretion reposed in principals to respond to issues of child sexual abuse. Is that something you're able to comment on, Professor McCormack?

PROF McCORMACK: Yeah, actually I am able to comment on it, I certainly made some observations about it in my

1 statement and we did in our report.

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So, there's some concern about trying to get a balance

1 right but not a desire to see the discretion of principals
2 and other school leaders somehow or other so tightly
3 constrained by systems and processes and guidelines or
4 mandatory guidelines that there isn't an opportunity to be
5 able to exercise discretion in response to the specific
6 circumstances that the school, the students, the
7 individuals involved are facing.

8
9 MS BENNETT: So, somewhere more systematised than the
10 ad hoc you were observing, but perhaps not entirely
11 automated; is that a fair summary?

12
13 PROF McCORMACK: It is a fair summary.

14
15 MS BENNETT: Professor Smallbone, do you have any
16 reflections to add on that?

17
18 PROF SMALLBONE: I don't think I have much to add to that,
19 no.

20
21 COMMISSIONER BENJAMIN: Professor McCormack, if you are
22 going to make any changes it has to be done, would you say,
23 at the micro level, at the level of the principal and the
24 school? I mean, it has to come from somewhere whether it's
25 bottom up or top down. Because I think we heard some
26 evidence this morning that if you've got good principals
27 doing good things it works out very well for the school; if
28 you've got principals who aren't as well trained or as well
29 motivated then the outcomes can be different, so that's
30 part of the problem you have. Is that why you recommended
31 a school safeguarding officer or is that in a different
32 context?

33
34 PROF McCORMACK: Slightly different, Commissioner,
35 although I guess there are some overlaps here. One, the
36 principal reason why we recommended that schools have a
37 child safeguarding officer was because we thought - we also
38 recommended the department establish a position of a
39 director of child safeguarding.

40
41 COMMISSIONER BENJAMIN: Yes.

42
43 PROF McCORMACK: Because, up until the submission of our
44 report, there was no such designated position and in fact
45 responsibility in relation to child safeguarding straddled
46 most of the divisions in the Department of Education, and
47 we thought that there should be a designated position with

1 a person in that position to take responsibility for the
2 development of specific policy and the overseeing of the
3 implementation of it.

4
5 We envisaged that the person appointed to that
6 position would need to have an obvious person as point of
7 contact in each of the schools and, rather than make that
8 the principal, already burdened with a whole range of
9 different responsibilities, there's a designated child
10 safeguarding officer from amongst the staff; that person
11 would be the conduit between the school and the central
12 position.

13
14 So, it was about trying to help implement what we saw
15 as a gap, but I think it's fair to say that there is an
16 element to that group of recommendations, that cluster of
17 recommendations around the importance of prioritising and
18 emphasising child safeguarding, about the fact that so much
19 does happen at the micro level and needs to happen there.

20
21 COMMISSIONER BENJAMIN: And from the position of a child
22 in particular, but a parent and perhaps even a teacher, the
23 role of the principal can be significant in their time at
24 the school, I mean --

25
26 PROF McCORMACK: Unquestionably.

27
28 COMMISSIONER BENJAMIN: From a teacher's point of view it
29 may mean that you'll get promoted or won't get promoted;
30 from a child's point of view it sets the culture for that
31 school and the culture of the other teachers, does it not?

32
33 PROF McCORMACK: That's right. So, a principal that's
34 deeply sensitive to the importance of child welfare and
35 Child Safety in relation to sexual abuse will be way more
36 proactive than a principal that isn't sensitive to those
37 things. And, of course, you want to encourage proaction
38 and sensitivity, but not at the cost of letting it slip if
39 a person isn't predisposed or already thinking about that.

40
41 COMMISSIONER BENJAMIN: Or in the words of what you said,
42 they fall into a general sense that you don't want to
43 believe that it happens and, secondly, if it is happening,
44 you don't want to believe it's happening to the extent that
45 it is happening.

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47 PROF McCORMACK: Yes.

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COMMISSIONER BENJAMIN: Thank you.

MS BENNETT: Commissioners, those are the matters I was seeking to adduce orally today and, save to thank Professors McCormack and Smallbone for their thoughtful contribution, I have nothing further for these witnesses.

PRESIDENT NEAVE: Thank you, Ms Bennett. Any questions?

COMMISSIONER BROMFIELD: No, thank you.

COMMISSIONER BENJAMIN: No more, but thank you very much for your thinking and your work.

PRESIDENT NEAVE: Thank you so much. Thank you for your report which is very interesting to read and very helpful and so was your evidence today. Thank you.

SHORT ADJOURNMENT

PRESIDENT NEAVE: Ms Norton.

MS NORTON: Thank you Commissioners. Our final witness today is Ignatius Kim from the Child and Adolescent Mental Health Service. I'll ask that Mr Kim be sworn in.

<IGNATIUS KIM, affirmed and examined: [3.03pm]

<EXAMINATION BY MS NORTON:

MS NORTON: Q. Mr Kim, at the risk of repetition, can you restate your name, please?

A. Ignatius Kim.

Q. And your professional address and occupation?

A. 26 Clare Street, New Town, Tasmania and I'm the clinical leader at the Child and Adolescent Mental Health Service here in the south.

Q. You've provided information to the Commission in response to a request for statement; is that correct?

A. That's right.

Q. Do you have a copy of your statement before you there?

A. I do.

1 Q. Have you read that statement recently, Mr Kim?

2 A. Yes, I have.

3

4 Q. I understand you'd like to make a change to
5 paragraph 41 of the statement?

6 A. That's right.

7

8 Q. Commissioners, Mr Kim would like to keep the first
9 four lines down to the end of the sentence:

10

11 *Child Safety Service proper.*

12

13 The remainder of that paragraph will be deleted, and
14 Mr Kim, would you like to read out for the Commissioners
15 the content you would like to insert in the second half of
16 the paragraph.

17 A. I'd like to replace that with:

18

19 *From my experience working at CAMHS, the*
20 *ARL operates essentially as a call centre,*
21 *on a minimally voluntary basis such that,*
22 *if a family declines a caller's offer of*
23 *help, there is no further action. During*
24 *business hours, the ARL is the first and*
25 *only point of contact for all services with*
26 *concerns about a child's safety in the*
27 *home; services cannot directly contact or*
28 *access the actual Child Safety Service.*

29

30 Q. Thank you, Mr Kim. With that change having been made,
31 is your statement otherwise true and correct to the best of
32 your knowledge and belief?

33 A. Yes, it is.

34

35 Q. Thank you. Mr Kim, you are the Clinical Lead at the
36 Child and Adolescent Mental Health Service, otherwise known
37 as CAMHS. Can you provide the Commissioners with an
38 overview of your professional background, focusing in
39 particular on your experience dealing with survivors of
40 institutional child sexual abuse?

41 A. So, my current role is quite varied; it involves a
42 fair bit of clinical coordination, guidance, support,
43 working with our clinical team, and also a level of service
44 development; there's also a fair bit of working together
45 liaising with other agencies outside of CAMHS, other
46 agencies that work with young people and their families;
47 often providing secondary consultation, so by secondary

1 connotation that's not directly seeing the children and
2 families but more working with the professionals who are in
3 the frontline to provide any sort of additional ideas from
4 a CAMHS perspective. There's also policy, education and
5 other sort of related work with that.

6
7 I've been a mental health nurse for more than 15 years
8 and in senior clinical roles for around 10 of those.

9
10 Q. You say in your statement at paragraph 4 that your
11 work has included both in-depth and long-term work with
12 children and adults who have suffered child sexual abuse,
13 including institutionally; is that correct?

14 A. Yes. So, in a range of facilities and services in my
15 career I've had the opportunity to work therapeutically
16 with adults, with children, with young people who have
17 reported child sexual abuse, including particularly adults
18 who have been sort of living with the impacts of that abuse
19 for a long time. I was also working with the Sexual
20 Assault Support Service in a position that was funded by
21 the National Royal Commission to provide support to adult
22 survivors, yeah.

23
24 Q. Thank you. I'm going to ask you some questions about
25 your experience with institutional child sexual abuse, but
26 before I do is there anything you'd like to mention to the
27 Commissioners about the point at which you tend to become
28 involved with clients and how that might impact on your
29 experience?

30 A. Often we, at our level of service at CAMHS, often we
31 have young people/children come to our service after having
32 experienced abuse, after having disclosed and reported to
33 other people, to their families or to other agencies and,
34 sad to say, we often see situations where that reporting,
35 that disclosure, hasn't been handled in the safest most
36 protective way. I've also had the opportunity to hear
37 directly from victim-survivors and young people, their
38 experiences of the abuse and also of their experiences in
39 trying to disclose and report and have their experiences
40 heard.

41
42 Q. And so, would it be fair to say, Mr Kim, that by
43 virtue of the nature of your role, you don't tend to
44 necessarily come into contact with victim-survivors who
45 have had their complaints dealt with sensitively when
46 disclosures are made?

47 A. That's been, yes, more common in my experience, in my

1 professional experience.

2

3 Q. You speak in your statement, at paragraph 9 and
4 following, about the features of institutional sex abuse,
5 child sexual abuse, that can aggravate its impact; can you
6 explain some of those features, those aggravating features
7 to the Commissioners?

8 A. Sure. In my experience of working with survivors who
9 have been through abuse within institutional settings and
10 who have had their experiences, you know, not validated,
11 not supported, not heard, it's almost hard to put into
12 words the impact of - you know, the impact of organisations
13 that are meant to and are expected to not only protect
14 children but also provide care and nurture for them; and
15 then, you know, when a member of staff or somebody
16 representing that institution is abusive or disregarding of
17 a report of abuse, the impact of that is that it's no
18 longer - well, it goes beyond the actions of that
19 individual and the whole agency, the whole institution
20 becomes implicated in what's gone on and in the abuse, and
21 so, I just really wanted to stress the importance of seeing
22 this as a form of institutional abuse rather than merely
23 one of sort of a context in which that abuse has occurred.

24

25 Q. Is the significance then that the institution isn't
26 merely the backdrop against which the abuse occurs, it is a
27 feature of the abuse and the impact of it?

28 A. Yeah, that's right, and so, it just takes it to a
29 whole new dimension, I think, in the lived experience of
30 the victim-survivors.

31

32 Q. The questions that you were asked to address in your
33 statement largely focused on the importance of a
34 child-centric and trauma-informed response to disclosures
35 in institutional settings. You talk in your statement, and
36 it's at about paragraph 30 and following, about the risk
37 that a failure to adopt a trauma-informed approach to
38 disclosures can lead to secondary institutional abuse. Can
39 you talk about what you mean by that term "secondary
40 institutional abuse"?

41 A. Sure. I just want to just highlight and backtrack a
42 little bit to the last question too. You know, a lot of
43 the children, and I suppose the studies show this, a lot of
44 the children that are abused in these situations really
45 bring a lot of vulnerabilities from their personal
46 histories and backgrounds and I think it's fair to say that
47 some children and young people then, for those that do well

1 in schools or sporting clubs or what have you, you know,
2 those places can be places where it can be a little bit of
3 a sanctuary or a refuge from those other adverse childhood
4 experiences they've experienced elsewhere. And so, when
5 that's breached and that abuse happens in those places
6 where the children have some hope for, it can - yeah, the
7 weight of that sort of experience is tremendous.

8
9 And so, when I talk about the failure to then act in a
10 timely, safe, protective way when a child and young person
11 may step forward and actually disclose something that's
12 happened, the additional impacts of that is really - you
13 know, this fusion of the abuse plus the betrayal, the sense
14 of betrayal, the sense of being let down, again, in a way
15 that just intensifies, magnifies, takes it to a whole new
16 level, the abuse experience.

17
18 Q. Is this what you refer to in your statement as
19 "betrayal trauma", Mr Kim?

20 A. Yes, that's right. And as I said in my statement,
21 when I talk about secondary abuse, it's in no way to say
22 that the additional impacts are secondary, it's simply that
23 it stems from what originally occurred and gives rise to a
24 different sort of form of abuse almost, you know, that sort
25 of betrayal trauma, that betrayal abuse that happens. And
26 again, I'm really mindful that I'm talking for the
27 victim-survivor experiences here but, from my professional
28 experience of the work that I've done, just hearing the
29 stories of their sense of betrayal; just, you know, yeah,
30 the intensity of that experience and how angry and enraged
31 and affected the person can be is just - it's just palpable
32 in the room.

33
34 Q. In terms of the compounding effects of these different
35 types of betrayals, is what you're saying that there's
36 obviously the trauma and the impact of the sexual abuse
37 itself in whatever setting; that then is compounded by the
38 fact that the sexual abuse took place within an institution
39 that was meant to care for the child or young person.

40 A. Yes.

41
42 Q. And then, if that institution fails to receive a
43 disclosure and respond to a disclosure in a child-centred
44 way, there's a further compounding of the trauma; is that
45 an accurate way of thinking about it?

46 A. Yeah, that's right. That's right, it just fuses into
47 this enormously troubling set of problems. I mean, I think

1 it's fair to say that in the experiences of some survivors,
2 and certainly my direct experience with some survivors and
3 young people, when carers, parents, services, have
4 responded in a really timely, safe and protective and
5 nurturing way, it can actually promote their healing from
6 the abuse that's occurred, yeah. So, that just highlights
7 the importance of that, you know, even after the fact. If
8 an abuse could not be prevented, and of course prevention
9 is always what we're wanting to do, but if it can't be
10 prevented and abuse occurs, the remediating effects of
11 everyone mobilising to make sure that that's handled in the
12 most sensitive, safe and trauma-competent way, and in a
13 protective way that's timely can go a long way, that's been
14 my experience.

15
16 Q. It seems what you're saying is that a trauma-informed
17 response isn't just a neutral factor necessarily for a
18 victim-survivor, it can be a positive factor and something
19 that can assist in healing?

20 A. Yes.

21
22 Q. I'd like to go through step-by-step what you say are
23 the principles of a trauma-informed approach, and perhaps
24 even pre-disclosure, I'd like to talk about the types of
25 environments that encourage children and young people to
26 come forward and disclose abuse. Would you agree that,
27 before you even get to disclosure, you need to have an
28 environment where children are able to come forward?

29 A. Yeah, absolutely.

30
31 Q. Can you speak to the Commissioners about the sorts of
32 environments that encourage that?

33 A. I think, firstly, it has to be whole-of-organisation
34 and that it can't be dependent on particularly competent
35 and sensitive individuals; a whole organisation in which
36 there is a high deal of trauma awareness and a capacity for
37 the adults working in those services to really look beyond
38 all of the ups and downs and the volatilities that young
39 people with vulnerabilities will bring into an
40 organisation, whether it be a school or a mental health
41 service, and child and adolescence is already naturally a
42 very difficult time anyway, one that's just not focused on
43 outward behaviours but really looking behind that and
44 taking a real interest and curiosity in the children's
45 lives; you know, providing that time and space to really
46 hear and listen and take seriously the kids.

47

1 But if that becomes individual-dependent then there's
2 also an additional risk that a lot of hope can be invested
3 by particularly vulnerable children who might come into
4 relationships with a tendency, because they're so hungry
5 for connection and attachment, to come in and perhaps
6 idealise particular individuals, and so, the whole work and
7 stance of all of the adults working in those services can
8 be lifted and raised to be more trauma-competent and to
9 work much more collectively and collegially to provide a
10 whole-of-agency sort of sense of safety and to manage those
11 relationships in careful nuanced ways, you know, respecting
12 boundaries, respecting confidentiality, and really a level
13 of give and take with children in hearing them out, being
14 sensitive to their needs, and really attending and taking
15 seriously what their input is, and at the same time at
16 times being able to take the adult decisions that are
17 needed but bringing the children and young people on board
18 those decisions.

19
20 Q. Can I share with you a quote. The Commission has
21 heard evidence last week from Associate Professor Tim Moore
22 who, along with his colleague, Professor McCarthy, are
23 doing a research project for the Commission and it includes
24 some participatory research where they're going out and
25 speaking to a cohort of Tasmanian children and young people
26 about what safety means for them, and as part of that what
27 sort of features of an organisation encourage them to feel
28 safe to come forward and disclose, and this is a quote from
29 one of the young people interviewed. The young person
30 says:

31
32 *You are worried that people won't believe*
33 *you, that hinders your ability to get help*
34 *because you don't think you'll be treated*
35 *seriously.*

36
37 Would you like to comment on that perspective in terms
38 of how we encourage young people to come forward?

39 A. Yeah, that's, unfortunately, a common fear. And
40 again, a lot of young people that do need to report these
41 things already have a history of being hurt and harmed, and
42 often hurt and harmed by people that they had tried to rely
43 on for care, so that's already an experience that many of
44 these children and young people bring.

45 I think it's a really understandable fear that needs a
46 lot of time to work through, and again, a really sensitive,
47 committed staff to be able to provide those avenues,

1 safety, but it can be demonstrated in - you know, at the
2 thin edge of the wedge, if you like, where in their every
3 day interactions; there is a culture of respect and hearing
4 and taken seriously, and really seeing them as really doing
5 that sort of vicarious introspection, if you like, that
6 that empathy is really trying to step into the shoes of a
7 lot of these young people who naturally are going to have
8 difficulties anyway than those who are particularly at the
9 sort of more pointy end of difficulties, you know, engaging
10 in relationships that can often be very difficult to hold
11 and conduct and work with in a lot of organisations.
12

13 Q. Can we move forward in the process? So we've been
14 talking about environments that encourage disclosure. When
15 a child comes forward to disclose, again, the Commission
16 heard evidence last week from a range of experts about the
17 ways in which children disclose and they don't necessarily
18 use the same language that adults use to disclose. So, if
19 I can give you a couple of examples and then I'll ask you
20 to comment based on your therapeutic and clinical
21 experience.
22

23 Associate Professor Moore talked about children often
24 reacting to feelings, physical feelings, and describing
25 people of concern as "weird or creepy".
26

27 Professor Milroy gave an example that children might
28 sometimes disclose clumsily, so you might have a child who
29 complains of a sore throat that might seem innocuous on the
30 surface but actually it's an indicator of abuse.
31

32 Do you have any comments to share or any observations
33 in relation to the ways in which children come forward and
34 disclose and the responsibility of adults?

35 A. Yeah, children and young people will often test the
36 waters to see how safe a relationship is.
37

38 Q. How do they do that?

39 A. Sometimes it can be, yeah, just talking sort of more
40 generally, vaguely about difficulties to see how - how much
41 of a presence of mind an adult might have, because
42 sometimes in a busy day in a busy interaction, you know,
43 adults might not fully just sort of stop and take notice
44 of, you know, their sort of sense of intuition that
45 something's trying to be communicated here. So, yeah, as
46 Professor Moore talked about, you know, sometimes just
47 talking about, "Oh, I'm not sure what happened there, the

1 creepiness or weirdness" or just even a sense of, "I don't
2 really want to spend time with that person", those sorts of
3 cues that I think it's really important for any
4 professional working with children and young people to
5 really keep their ears to the ground, to keep their
6 attentiveness and develop that sort of intuition that can
7 draw on training and experience, and we need to do more
8 training around that, but there is an element of some level
9 of intuition involved, I suppose, with that level of
10 experience and working environment that encourages that
11 sensitivity and that sense of presence when working with
12 children and young people.

13
14 Q. The examples that we've been talking about so far
15 concern verbal disclosure. Can children sometimes disclose
16 through their behaviour or, through their behaviour, give
17 off signs that there may be something going on for them?

18 A. Yeah, that's often more common unfortunately and, you
19 know, whether it's sexualised play, which is the more sort
20 of obvious known indicators; it can show up in forms of
21 disruptive behaviours, disregulated behaviours, aggression
22 sometimes.

23
24 I guess our sort of general rule of thumb in the CAMHS
25 service is, when we met with any sort of problem
26 behaviours, we'd like to sort of wonder what could be going
27 on here, you know, what could be behind this and, yeah,
28 that can be something that we need to take a more curious
29 approach towards. Rather than just focusing on the outward
30 behaviours and seeing that as a problem that needs to be
31 managed and this sort of behaviour management kind of
32 ethos, but to try and work beyond that and look behind
33 that.

34
35 Q. You and your colleagues at CAMHS are obviously expert
36 in this field and well trained to know what to look for.
37 When it comes to staff on the ground inside schools, which
38 is of course the setting that we're looking at this week:
39 you referred before to the importance of training, is it
40 enough within a school to have a nominated child safety
41 officer who's trained to pick up on these sorts of more
42 subtle cues of concern, or does the training need to be
43 made available more widely within a school?

44 A. I think it's the responsibility of all professionals,
45 you know, working with children and young people to be
46 trained and not just sort of incidental training but that
47 ongoing professional development, professional supervision

1 that's needed, because it's the reality that there will be
2 snippets of cues that different workers will pick up and
3 may be observing that need to be married up and that all
4 people working in those settings need to be trained to be
5 more aware of.

6
7 I suppose it's not an either/or, there's obviously an
8 advantage in having dedicated personnel that really hone in
9 on those things, and perhaps with a view to capacity
10 building in the organisation as a whole. So, the devil
11 will be in the detail, I think, as to exactly how that's
12 rolled out, how that's implemented, how that's supported
13 and sustained, and perhaps looking at things like going
14 right back to undergraduate training for education staff.

15
16 We heard from Professors Smallbone and McCormack this
17 morning about that, that there needs to be consistent
18 persistent and prolonged training all through the
19 undergraduate training of teachers perhaps - that's not my
20 area, I'm just thinking out loud really.

21
22 PRESIDENT NEAVE: Can I ask you a question about that.
23 You talked about disruptive and problematic behaviours
24 which are displayed by children often as a sign that they
25 have experienced terrible trauma or sexual abuse; what
26 problems does that present for management in schools? I
27 mean, if you've got a child in a classroom who's behaving
28 in that way, and how does CAMHS, or does CAMHS relate to,
29 communicate with, are involved in discussions with schools
30 about management of those children who are in that
31 situation? And, of course, it may be for some other
32 reason, but it may be because they've experienced child
33 sexual abuse.

34 A. Yeah, that's often a regular point of discussion in
35 our collaboration with schools, Commissioner, and it's an
36 extraordinarily difficult one in the current sort of set-up
37 of schools. I think it's well-known the high student-staff
38 ratios are going to make those sorts of issues just
39 inherently difficult where even the most committed teaching
40 staff are going to be torn between so many obligations and
41 requirements in a classroom setting.

42
43 We try to work closely with both the teaching staff
44 and the school support staff to put in place things like
45 the zones of regulation sort of responses where we try and
46 bring a child and young person on board to recognise some
47 of the triggers for those issues and to then work together

1 with staff to be able to regulate. At the same time, that
2 of course doesn't in any way get to some of the potential
3 underlying issues.

4
5 PRESIDENT NEAVE: Q. Of course, of course. So, what are
6 the formal sort of arrangements between, or are there any
7 formal arrangements between the Department of Education,
8 CAMHS? If you had a child, say, in a school who kept
9 coming in and being extraordinarily disruptive because of
10 their trauma, what's the process for getting - is there a
11 process for getting CAMHS involved in that situation or for
12 the school to get advice from CAMHS? How does that sort of
13 happen or is it just done on an informal basis?

14 A. We often receive a lot of referrals from schools,
15 particularly school clinicians, and we take a really
16 collaborative approach. So, a lot of our work is in, I
17 guess what we call complex care coordination, complex case
18 management. So, not only is there therapeutic work with
19 the child and the parents in our centre, there's often
20 reaching out to the school to meet in regular care team
21 meetings, case conferences, shared care sort of planning
22 meetings around how we can respond best to a particular
23 issue that comes up. We will then use that to scaffold -
24 use those meetings to scaffold conversations with carers
25 and parents as to their part in what can be done and, of
26 course, we'll naturally be working with the children and
27 young people in that work as well.

28
29 PRESIDENT NEAVE: Thank you.

30
31 COMMISSIONER BROMFIELD: Q. Is that liaison in relation
32 to an individual child, Mr Kim?

33 A. Sorry?

34
35 Q. Is that liaison you're doing with the school about the
36 behaviour management for an individual child who's been
37 referred to CAMHS?

38 A. Yes, that's often - one of our first go-tos when we
39 receive a referral is to find out, yeah, all the basic
40 details about their schooling, school engagement,
41 attendance, how they're going at school, their
42 relationships at school, their friendships, relationships
43 with staff, yeah, all of those things are really routine in
44 our CAMHS work, and so, for particularly referred clients
45 that will be an ongoing regular feature of the work.

46
47 We also provide, as I mentioned earlier, secondary

1 consultations, indirect advice for children and young
2 people that learning services staff may feel they've got
3 things fairly much hand, but just would like our additional
4 input for any other ideas that we may have, so we may do
5 that generally as a one-off consultation in meetings with
6 relevant school staff but any other professionals that are
7 also involved, and then, out of that it's obviously then up
8 to the professionals and the school staff working directly
9 with the child and young person as to how to best implement
10 any ideas that we may come up with or to disregard them if
11 they don't think it's relevant.

12
13 Q. You mentioned that you're getting lots of referrals
14 from school, and in the last session we heard from
15 Professors Smallbone and McCormack about, I guess, thinking
16 more at a population level than thinking more
17 preventatively. Would you see any benefit to supporting
18 schools with broader strategies about trauma-informed
19 classrooms, rather than always doing it at an individual
20 level?

21 A. Yeah, absolutely, that would be - I think, and for
22 that to be continuous would be a real - I think it would be
23 of real benefit. And please, I just want to also highlight
24 that there are lots of school staff, school support staff,
25 teaching staff, who are really, really sensitive and
26 trauma-informed in their work. In my experience I just
27 think they're up against so many structural and systemic
28 challenges in the school setting and the strains on the
29 school setting, particularly in light of what's happened
30 with COVID and, you know, it's a really, really difficult
31 stretching of staffing and resources to be able to respond
32 in the best possible way to all of the many complex needs
33 that come into schools.

34
35 I think one of the beautiful things about universal
36 education is that it's been such a great levelling force,
37 but I'm not sure that that always gets followed through
38 fully with all the disparities of needs that are often
39 found in schools. There are often children and young
40 people from communities of high need that need a lot more,
41 yeah, a lot more input to help them learn and to develop
42 socially, because that's the other important thing about
43 education, of course, and unfortunately when there's so
44 much strains on the system in my experience some of the
45 responses of even the well-intentioned staff is, well, just
46 to narrow their scope and focus to what they feel they can
47 achieve, and sometimes it then just comes down to the three

1 Rs and a lot of the social care needs, the developmental,
2 the holistic developmental needs which is equally, I think,
3 an important part of schooling just don't seem to be able
4 to be - again, even despite the best intentions. And I
5 know that many education staff walk away just really
6 lamenting how much more they could be doing.

7
8 COMMISSIONER BENJAMIN: Q. And is the situation that a
9 child who'd been the subject of sexual abuse doesn't absorb
10 as well or is less engaged with school; is that your
11 experience in those areas?

12 A. That's right, Commissioner. You know, it's well-known
13 that adverse childhood experiences a whole variety of
14 things can impair children from really just being
15 wholeheartedly engaged in education.

16
17 Q. And that would mean, presumably, if their teacher
18 narrows his or her focus down to the three Rs, that child
19 may be outside the scope of that, so they not only miss out
20 on the broader social issues or the social benefits that
21 you talked about, but they may even miss out on the core
22 business?

23 A. Yeah, that's right, that is very much an issue of
24 inclusion, and I think it's been a longstanding problem in
25 schools for a very long time that there will be disparities
26 and there will be some children and students who are
27 othered, if you like, in the school setting, yeah, and
28 often those other ones that are vulnerable to abuse.

29
30 MS NORTON: Q. Mr Kim, you were talking just now about
31 stretched systems and the obvious difficulties that
32 stretched systems present in schools performing business as
33 usual functions, let alone dealing with more difficult
34 behaviour. One of the areas where we keep hearing schools
35 struggle with concerns harmful sexual behaviours and I'd
36 like to explore your experience of that.

37
38 You give an example at paragraph 45 of your statement
39 about a young person that you supported following harmful
40 sexual behaviours that they experienced at school. Can you
41 tell the Commissioners a bit more about that example?

42 A. Sure.

43
44 Q. To the extent, and I'm not asking you to go into
45 intimate detail, but just explain how you came to be
46 involved and the nature of your involvement.

47 A. Of course. So, a 15-year-old female student was

1 referred to our service after self-harming and having
2 suicidal feelings. This was in February, you know, in
3 recent years in February, and I started meeting with this
4 student and parents from September of that year after a
5 period of waiting on our waitlist. And, after some regular
6 sessional work it came to light that a lot of this
7 15-year-old's distresses were related to not feeling
8 validated or heard or responded to safely about a peer
9 sexual assault that had happened on school grounds. And,
10 it was enormously distressing, and just the level of
11 distress and anger that was there was just so - yeah, was
12 just so strong.

13
14 So, in the latter half of that year in the work I
15 brought the parents into the picture and they were
16 similarly quite angry and concerned about their experience,
17 that it had been mishandled, what had happened. And, after
18 some ongoing discussion as to where they would like to take
19 that, we all decided and agreed on some sort of a meeting
20 to see if we can get some better outcomes or change of
21 outcomes for the school leadership and so I organised that.

22
23 And, I had initially talked to the parents perhaps
24 about wanting to get their advice as to what they saw in
25 terms of who was to attend the meeting with the family, the
26 young person or the parents, and they felt very strong that
27 the young person wanted a voice there and wanted to be
28 there.

29
30 To be honest, I wasn't sure - I mean, I think it's
31 important to have the voices of young people in these
32 processes; at the same time I'm also mindful of the need to
33 just scaffold things carefully so that conversations can be
34 unfolded in the most sensitive ways, but this young person
35 in my meeting with her was insistent on taking part in the
36 meeting, so we all went ahead and we met with the school
37 leadership.

38
39 And, I came away just really angry myself about what
40 this family was met with, the response that they were met
41 with, which was quite officious, two senior members of the
42 school staff, and my clear impression was that it was
43 clearly planned and rehearsed with a view to managing the
44 meeting, perhaps with a sort of view focused on the
45 reputational aspects, you know, whereby one senior member
46 of the school leadership just focused on cataloguing the
47 things that the school had reportedly provided for the

1 young person, and just catalogued in a way that was like
2 reading off a shopping list or, you know, going through a
3 budget, and then didn't really participate in the rest of
4 the meeting. And the second school leadership person, I
5 think, tried to make an effort to perhaps soften the impact
6 of that.

7
8 But in my experience, and again in discussions with
9 the young person and her parents, there wasn't much
10 follow-through from the things that were committed to at
11 that meeting and it ended up that the young person had to
12 change schools. And, you know, I'd also heard from them
13 that aspects of her timetable had been changed without
14 consulting the parents, and that there were no restrictions
15 placed on the young person who had reportedly assaulted my
16 client.

17
18 And there was, in my view, and from the conversations
19 I had with the young person, the client and the parents,
20 there seemed to be a clear power difference between the
21 young person who had assaulted the client, an older male.
22 There was some sort of preceding previous perhaps issues in
23 my client's engagement with school, and I think she was
24 quite alienated in the school setting and sort of othered
25 in a way, and I think that affected the way perhaps the
26 school staff perceived her report, her disclosure, you
27 know, which is so unfortunate because, again, I suppose it
28 comes back to situations where often a behaviour management
29 approach is taken and, if a child or a young person, a
30 student, shows behaviours that need to be "managed", it can
31 often bleed into other aspects of how that student is
32 perceived to the point where perhaps, when they report
33 something like this, it colours the standing of that young
34 person.

35
36 COMMISSIONER BROMFIELD: So, do you believe, Mr Kim, based
37 on your experience in that meeting, that that young person
38 felt believed and that the impact of the event was
39 acknowledged?

40 A. I think there was an acceptance that what happened
41 happened. I suppose it's about how you see acknowledgment
42 of something that's happened; whether it's just merely this
43 implied, "Yes, we understand what's happened and these are
44 the things we provided for you", or whether it's that
45 really genuine, authentic, validating sort of
46 acknowledgment where somebody sits and really, you know,
47 holds that with you and acknowledges that it's happened and

1 what an impact it's had, and perhaps some comments about,
2 yeah, just some empathic statements, some compassionate
3 statements, which I didn't see in that meeting.

4

5 And some recognition that maybe they hadn't handled it
6 in the best ways, and that something better could be done,
7 and that something better can be done from here, yeah

8

9 PRESIDENT NEAVE: Q. Were you saying that the school in
10 that case was influenced by previous interactions with the
11 young girl, so they tended to sort of be dismissive of her
12 complaint? Is that what you were saying?

13 A. Yes, perhaps in a way where they didn't feel so
14 obliged to really follow through with what they needed to
15 do to protect her, and the report that I'd heard from the
16 young person was that this school staff member had said to
17 her allegedly that, "If you'd been in class this wouldn't
18 have happened to you".

19

20 PRESIDENT NEAVE: Thank you.

21

22 MS NORTON: Q. So, Mr Kim, you referred before to the
23 school representatives in that a meeting sort of having a
24 stopping list, if you like, of the things that the school
25 had done. Implicitly, it seems that your client wasn't
26 satisfied with those measures or that those measures hadn't
27 gone far enough to addressing the safety concerns that your
28 client had; is that a fair characterisation?

29 A. That's right. And, you know, what stands out in my
30 mind in the subsequent conversations I had with the young
31 person was, you know, her pleas, you know: "I just want
32 them to apologise", I remember her saying at one point.

33

34 Q. That is the young person who --

35 A. No, the school.

36

37 Q. The school?

38 A. Yeah, and this comes back to, I guess what I was
39 saying earlier about betrayal abuse and the secondary kind
40 of experience of feeling abuse when things like this are
41 mishandled. You know, I think, if an apology had been
42 forthcoming and a really authentic, you know, really
43 compassionate approach had been taken in that meeting, I do
44 think it could have gone some way. And, again, I'm mindful
45 that I'm speculating on behalf of this young person.

46

47 Q. Sure.

1 A. But I think it could have done a lot to help and, of
2 course, what the ongoing issue was, was that, she didn't
3 feel protected from this older male student who after our
4 meeting there was inadvertent contact and often in
5 situations where there was - there were few or no other
6 people around, yeah, on school grounds.

7
8 Q. I might be going to detail that you can't recall, but
9 did the school take any real steps to address her safety
10 concerns in your mind?

11 A. I'm not sure that they did because, again, after that
12 meeting I had heard from the young person that a
13 timetable - her timetable had been changed and that the
14 parents hadn't been informed --

15
16 Q. Her parents hadn't been informed?

17 A. Hadn't been informed and that she'd again bumped into
18 this older male student inadvertently on school grounds,
19 yeah. And that was after - if I remember right, the
20 commitment was that they were trying to address this with
21 the offending student and his family, yeah.

22
23 Q. Can I just go back to the point you made earlier about
24 an apology and your sense that an apology would have gone a
25 long way to addressing, or at least some way to addressing
26 your client's distress. You said that there was an
27 acceptance in the meeting that the behaviour had occurred;
28 is that correct?

29 A. Yeah.

30
31 Q. So, am I right to understand there was an acceptance
32 that the behaviour had occurred, and yet, an unwillingness
33 or an absence of an apology?

34 A. That's my recollection, yeah, I can't recall them
35 apologising.

36
37 COMMISSIONER BROMFIELD: Q. It sounds like prior to that
38 it went further than that, and with a comment like, "If you
39 hadn't been in class this wouldn't have happened", I mean,
40 that goes to classic victim-blaming, doesn't it?

41 A. That's right. Yeah, that comment really has stayed in
42 my mind and the way the young person recalled this, you
43 know, more than once or twice.

44
45 COMMISSIONER BENJAMIN: Q. And it would be
46 counter-intuitive to what you said in paragraph 19 where
47 you said:

1
2 *I think the child must be assured that the*
3 *abuse was wrong but that they did not do*
4 *anything wrong or bear any responsibility*
5 *and the assurance would need to be*
6 *regularly reiterated as will the message*
7 *that disclosing was right and courageous.*
8

9 I mean, it was almost the antithesis; it was the
10 acknowledgment of something wrong, but it was the
11 antithesis of that broad, strong support of the child,
12 support of the child's disclosure, and support of her
13 bravery in making the disclosure?

14 A. That's right, I would agree with that: they're polar
15 opposite.
16

17 COMMISSIONER BENJAMIN: Thank you.
18

19 MS NORTON: Q. It's a very distressing example, Mr Kim,
20 and thank you for sharing it with the Commission. Can we
21 take a step back from that particular example and can I ask
22 you to comment in your experience on the extent to which
23 public schools generally are equipped to deal with harmful
24 sexual behaviours between students?

25 A. Not very well, I don't think.
26

27 Q. What is it that's lacking?

28 A. I think on many levels and on many fronts. I think,
29 again, the professional training and professional
30 development and supervision of education staff. I think
31 the really, you know, dire shortages of learning services
32 student support staff in schools. My experience is that
33 school psychologists and school social workers are often
34 stretched across several schools in their work week, so
35 their consistency of presence is lacking and I think we
36 need more of them. And I think we need smaller class sizes
37 obviously, I think that's a very obvious starting point,
38 along with the adequate trauma-competent training and
39 supervision that's required.
40

41 And I think school leadership, you know, because
42 leadership matters in any organisation, doesn't it? So,
43 the approach of the leadership, the culture of the
44 leadership, is just so critical to setting the tone of how
45 these issues are dealt with, yeah.
46

47 Q. Can I ask you a question about leadership. I know you

1 were in the previous session with Professors Smallbone and
2 McCormack, and there was discussion during that session
3 about the particular roles of principals in dealing with
4 disclosures, whether it be harmful sexual behaviours or
5 child sexual abuse. I think it was Professor McCormack who
6 was keen to acknowledge both the danger of too much
7 discretion sitting with principals while at the same time
8 avoiding a situation where principals are completely
9 constrained in their responses. Do you have any comments
10 you'd like to offer about the role of principals in these
11 sorts of cases?

12 A. Yeah, in my view, in my experience it's unfairly
13 tilted, I think, towards a lot of discretionary power and,
14 of course, I agree with Professors Smallbone and McCormack
15 that that's important; I don't think we want leadership of
16 any organisation to be micromanaged and constrained with
17 lots of onerous processes.

18
19 At the same time I have often wondered whether that
20 discretionary power could be better distributed, some sort
21 of checks and balances. You know, perhaps a sort of a
22 parallel officer with a different reporting line that is
23 responsible more for the social care and the wellbeing,
24 broader wellbeing needs of the children and the students;
25 perhaps even not reportable necessarily to the Education
26 Department but to another arm of the State Service whose
27 focus is on the safety and the nurture, yeah.

28
29 Q. You talked before about, and I think it was by
30 reference to that particular example, a concern that the
31 school's response was, at least in part, concerned with
32 reputational risk. Is the sort of model you have in mind
33 where you have both - and, you know, a member of the
34 leadership team and a parallel person whose focus is not on
35 broader school-wide issues but on issues of wellbeing; is
36 that one way that you might address concerns about
37 reputational issues being too prominent in the management
38 of these sorts of disclosures?

39 A. I hope so. I hope by having that sort of more
40 distributed structure that that might be possible. At the
41 same time perhaps we need to change or, you know, look at
42 addressing a culture whereby the protection of
43 "reputation", if you like, is one of protecting surface
44 reputation rather than the reputation of the culture, the
45 deep-seated culture of any organisation whereby the
46 transparency and the forthcomingness, if you like, of
47 addressing problems that arise, that that speaks to a much

1 greater reputational need, if that makes sense?

2

3 Q. Yes, it does.

4 A. Because I think, if we all acknowledge and normalise
5 the fact that abuse probably occurs a lot more widely than
6 we would be aware of, and certainly abuse in the private
7 setting goes a lot more hidden and is a lot more prevalent;
8 that if we accept more the widespread nature of such abuse
9 and that, when it occurs, we need to address it and that
10 addressing it is where the reputation, if you like, the
11 focus of reputation comes down to.

12

13 It's a little bit like - I mean, of course an entirely
14 different problem and I don't in any way want to imagine
15 there's any parallels of experience but, you know, work
16 health and safety issues where the culture change has now
17 become one of, you bring it out into the open, you address
18 it and normalise it, these things happen, problems with
19 occupational health and safety occur, and in fact
20 organisations now stake their reputation on being
21 proactive, recognising it, reporting it and doing something
22 about it.

23

24 If we had a similar culture change in the sphere of
25 child sexual abuse or child abuse of any description - of
26 course, child sexual abuse is unique in the particularly
27 intimate nature of that sort of abuse - I think we could go
28 a long way to getting past this thing about reputation or a
29 skewed approach to reputational sort of concerns.

30

31 Q. You're not the first witness before this Commission to
32 draw that analogy with an occupational health and safety
33 approach. Is that a way that an approach or a framework
34 that could be used to educate and change culture in
35 relation to boundary breaches, grooming, those sorts of
36 precursor, sort of precursor conduct that can lead to
37 sexual abuse?

38 A. Absolutely, yeah, there is. In Mental Health we talk
39 about the slippery slope around boundaries; that it rarely
40 goes, somebody engages in catastrophic abuse without sort
41 of a lot of slippery slope precursors, you know, a lot of
42 those preparatory behaviours really.

43

44 So, again identifying, getting in early, monitoring,
45 reporting, and I suppose that's one of the aims of the
46 Child Safe Organisation work that's now started up in the
47 Tasmanian Health Service; I mean, I'm hopeful that that can

1 start to do that, but I think a lot more needs to be done
2 and it really needs that drive and that leadership, that
3 commitment to that safety culture, much like what's
4 occurred in work health and safety.

5
6 Q. I'm mindful of the time, I just wanted to ask a few
7 more questions. This morning, and you weren't in the
8 hearing, you may not have heard the evidence of Ms Collins
9 who gave evidence, among other things, about her experience
10 working currently with the Department of Education and her
11 experience with the Advice & Referral Line.

12
13 Now, she's in a different part of the - well, a
14 different department and different part of the state, she's
15 in the northwest of the state, but she told the Commission
16 that it was difficult to get through to the ARL and
17 difficult to speak to someone at a local CSS office and
18 particularly outside of hours and that, in her experience,
19 it leads some people to an attitude of "why bother
20 ringing"?

21
22 I notice you make some observations, including in that
23 paragraph that you've changed, paragraph 41 in your
24 statement. Would you like to comment on your experience of
25 the ARL and how it compares to that experience I've just
26 described?

27 A. It is similar, and I really want to emphasise that
28 it's a systemic structural difficulty in my view. As part
29 of my role I have been, before the sort of current Omicron
30 COVID situation, fortnightly co-locations at the ARL
31 offices and came to know how dedicated and committed the
32 ARL staff are and they're often very trauma-sensitive in
33 their work.

34
35 At the same time I think their scope and role - and,
36 these are frustrations that have also been shared with me
37 by ARL staff in terms of caseloads, in terms of the limit
38 of their reach and their role, and because their threshold
39 often is so high for what they consider, you know,
40 requiring escalation to Child Safety proper, a lot of the
41 sort of lower grade, if you like, or those sorts of
42 situations that seem at this point - at a particular
43 point in time to be perhaps of a lower grade need, I think
44 it's often hard to engage the necessary supports.

45
46 And, you know, ARL stands for Advice & Referral Line,
47 so a lot of the on-referrals that they broker are run by a

1 myriad of organisations, multiple programs often run by the
2 same agency in the largely non-government sector, and so,
3 it's a complex sort of services landscape that they're
4 operating in as well, that are often stretched, and to be
5 able to match the need with the right sort of program and
6 service in that sort of complex landscape itself can be
7 quite a body of work.

8
9 And again, our experience, my experience through CAMHS
10 is that sometimes the sort of lower level initial
11 interventions that are fairly common and standard across
12 all calls into the ARL often don't meet the sort of - the
13 various shades and grades of need all up, that sort of
14 scale of complexity, falling well short of an intervention
15 by the Child Safety Service proper. But there's a lot of
16 areas in between and needs in between, that sort of really
17 lower level, say one hour a week family support
18 intervention, and then actually needing a response by the
19 Child Safety Service, and that full gradation of needs, I'm
20 not sure that it's well understood or well serviced,
21 especially when it's so broken up across so many different
22 programs and service providers as well.

23
24 Q. Thank you, Mr Kim. One final question, and again by
25 reference to the evidence that Ms Collins gave before, this
26 morning. She spoke, and this is again in the context of
27 the Department of Education, she spoke about concerns
28 within the department about public image and reputation in
29 the context of this Commission of Inquiry.

30
31 Out of fairness, I'll ask you whether you have any
32 reflections about CAMHS' attitude towards the Commission of
33 Inquiry at a cultural level?

34 A. I think, yeah, many of my colleagues are obviously
35 very, very concerned, you know. Our frontline clinical
36 team, I believe, is very trauma-aware and trauma-competent.
37 Obviously, there's going to be variations of experience and
38 confidence and so forth, but we're very aware and often to
39 the point of just at times feeling overwhelmed by the news
40 that's come out in the past few years about some of the
41 reports of abuses in the system.

42
43 And at various levels of the service I imagine there's
44 concern perhaps about how CAMHS will be perceived by this
45 Commission as well, perhaps to the exclusion of other
46 concerns maybe, you know, where that's sort of more front
47 and centre. And again, I think the whole discussion around

1 reputation, service reputation, is a much bigger
2 conversation that we all need to have, I think, in light of
3 some of the comments that I made earlier.

4

5 My experience is, my colleagues are very concerned to
6 try and do what we can to try and help contribute to any
7 culture of change that is really, really needed.

8

9 So, we're part of the Child Safe Organisation Project
10 at the Tasmanian Health Service, I'm a representative from
11 CAMHS for one of the working groups, yeah, and I'm hopeful
12 that this Commission, coming out of this Commission, will
13 really tackle, you know, root and branch what needs to be
14 tackled as a whole-of-State Service and, yeah, that we can
15 do that.

16

17 MS NORTON: Thank you, Mr Kim, for your evidence today and
18 also for the work that you and others at CAMHS do.

19

20 Commissioners, anything before we adjourn for the day?

21

22 COMMISSIONER BROMFIELD: No, thank you.

23

24 PRESIDENT NEAVE: I don't think we have any questions.
25 Thank you very, very much, Mr Kim, that was really helpful
26 and thank you for the work you are doing in the context of
27 CAMHS.

28

29 THE WITNESS: Thank you.

30

31 **AT 4.07PM THE COMMISSION WAS ADJOURNED TO**
32 **TUESDAY, 10 MAY 2022 AT 10.00AM**

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