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In camera

THE PARLIAMENTARY JOINT SESSIONAL COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON WEDNESDAY 26 FEBRUARY 2025

RECOMMENDATIONS OF FINAL REPORT OF THE COMMISSION OF INQUIRY

The in camera hearing commenced at 11.00 a.m.

CHAIR (Ms Forrest) - Thank you, Jack, for appearing before the committee. The committee resolved, because of the nature of your submission and significant information provided in camera in part of your submission that we'd hear this evidence in camera. If you are happy, we'll send you the transcript at a later time and you may wish to identify areas that you're happy to have as public. That way, you can speak freely, and if there are things that the committee can use in a public sense, you can identify those. Is that okay with you?

Mr DAVENPORT - Yes, certainly. My preference will always be to make public wherever possible and make private when necessary.

CHAIR - That's right. We're doing it this way so that you can speak freely, but if it stays all in camera, we can't actually use it in our report. There are parts that I'm sure would be helpful. We can use it to guide our decisions and our questions and things like that, but we can't actually use it in our report.

Mr JACK DAVENPORT WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - I'm not sure how familiar you are with parliamentary committees. This an in camera hearing, but everything you say is covered by parliamentary privilege while you're before the committee. It is being transcribed, but that transcript will not be made public unless we get your approval to make sections of it public. Do you have any questions about that before we start or are you okay?

Mr DAVENPORT - No, I think I'm good with that.

CHAIR - Thank you for your quite extensive submission and your follow-up documents. I'm not sure we've had time to read all of them, because it's been a tight timeframe and there have been some very lengthy submissions received by the committee. I'd invite you to speak to your submission. Add anything that you wish to add, but also to focus on the things that, from your perspective, are particularly relevant to the implementation of the recommendations, which is what the remit of the committee is.

Mr DAVENPORT - Thank you. I would like to make a short statement and then I'm open for questions. I would like to start just by acknowledging the sacrifice, pain, and hardship experienced by victims/survivors of child sexual abuse and whistleblowers in lutruwita/Tasmania, and the untold stories of many others whose experiences cannot yet be safely told in public. I pay respects to their commitment to the eradication of child abuse, its stigma and trauma, and the courage, endurance and inspiration that they demonstrate in every facet of life.

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I'm addressing the committee today to draw attention to the continued and widespread systemic failings that exist within the heart of the Tasmanian child safety system. In doing so, I acknowledge the very real risk that many people affected, not least children and their families, may face increased exposure on issues that have already been exposed, and the emotional, social, and even spiritual consequences of this. This is not an isolated event, but a moment in time along a greater journey. The outcomes of these determinations have the potential to echo through generations in Tasmania.

I dislike binary options, but I'm left with the choice between the sole interest of the here and now and the wider interests of generations ahead of us, and I chose the latter, but I also know there may be consequences for others, and if that turns out to be so, then I am sorry for that.

The information I've already provided to the committee should in itself warrant alarm. I caution that is not sufficient to lay the burden of responsibility on individuals alone, many of whom operate under systemic pressures that influence their day-to-day working perception. Systemic failure is always greater than the sum of its parts. I've seen, first-hand, the impacts of abuse - sexual, physical, emotional, neglect, and family domestic violence.

I've heard directly from victims/survivors, most of them children, about their experiences, their suffering, and the means by which they have found ways to survive. As a survivor of child sexual abuse myself -

CHAIR - If you need a break at any time, Jack, just say.

Mr DAVENPORT - I have seen the fear and trauma I experienced reflected in their eyes, but their courage has reminded me of the ways I found to endure and overcome.

CHAIR - Take your time.

Mr DAVENPORT - The strength of children lifts me, as it should you. Their experiences of abuse should rouse us all.

This committee has been delegated the responsibility - the duty, in fact - of overseeing the state's response to the recommendations to the commission of inquiry. There are pertinent questions that have been asked. Many have remained unanswered. There are more questions to come and no doubt more stories to be heard. But there is a question in the heart of these matters that remains unanswered, one that I raise with this committee right now, but also one that I would raise of any person in this state: Where is your outrage?

The depths of cruelty that exist within the actions and intent of perpetrators are hard to fathom, especially when they are shrouded in false personas and behaviours commonly referred to as 'grooming'. The hidden fear of victims is difficult to uncover, hindered as much by our own social prejudices as anything else. Trauma inhibits choice, yet we as a society expect all who have suffered prolonged and intensive abuse to be somehow able to make rational and purposeful decisions that would somehow alleviate our responsibilities.

Hearing ministers use victim-blaming terms such as 'self-selection', seeing senior public servants minimising the presence of abuse that operates in plain sight - practice, not conduct - and even police, the supposed custodians of criminal justice, refusing to acknowledge

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the most basic functions are the ways in which the state is manifesting its callous indifference to the suffering of children. Maintaining the open presence of Ashley Youth Detention Centre, 'gaslighting' informed professional and personal perspective that it should close now, as aberration, and so casually extending its state of closure is not simply a facet of that indifference, it is an overt act of belligerence. Concerns about the impacts of closure on jobs and local community are laid against those calling for closure. I say get angry at the perpetrators. They're the ones that created this problem. We are trying to resolve it.

Calls to repurpose to Ashley miss the point by some measure of distance, about the ramifications of its legacy. I do not mean this to be a direct comparison, but there are reasons why places like Bergen-Belsen were left to ruin. Legacy endures as long as the place endures and we should close Ashley. Overseeing the recommendations cannot be simply an administrative or bureaucratic endeavour. It must be undertaken with the sense of urgency that this occasion demands. It is imperative that members of this committee understand that they can ask their questions, but there is a war being fought and there are too many casualties. For some of us, we must wage this war through ways and means that are not necessarily public.

I would say to any victim/survivor, whistle-blower or anyone wanting or needing to speak out but afraid to do so, know that there are those fighting in your corner and they have got your back. I'm here today to give witness to profound failings I've experienced firsthand and to draw attention to the inability, either by ingrained incompetence or deliberate design, of the government to fulfil the basic functions of keeping children safe. I know too that many of the issues I raised, such as lack of transparency, come from a deeper and darker centre of post-colonisation Tasmanian history. The tendency of normalising consistent failures is a protectionist stance of those that persistently fail. It should not be a burden on those of us left with the legacy to be solely responsible.

I long ago gave up an expectation of criminal justice fulfilling its conceited promise to deliver, but perpetrator accountability, individual and systemic, remains an imperative. I have no doubt that on paper this committee, and by extension parliament itself, will perform its function - scrutiny - to a satisfactory degree. But as we have seen with the offhand acts of the government when supposedly fulfilling recommendations of the commission, good faith needs to be demonstrated in more ways than simple literal interpretation. What changes come within, is the capacity within the system to unmake itself if its failures are so deeply ingrained as to be beyond repair, and if not, what are we prepared to do? Where is our outrage? I know this extends beyond the remit of this committee alone, but context matters. You need to understand, people need to understand, change won't just happen unless we make it so. And as victim/survivors have shown time and again, that power resides in all of us.

I'm ready to answer your questions.

CHAIR - I just want to say thank you, Jack, at the outset for being willing to share that, acknowledging that it must be very difficult for you at times, so thank you for that. Does anyone have a question?

Ms O'CONNOR - Thank you, Jack, for coming in, and I know it takes great fortitude to come and tell your story and your experience in front of seven people. The government has made various statements about its commitment to implementing the recommendations of the commission of inquiry. We have seen some legislative responses and we have just had an informal briefing with the implementation monitor, Robert Benjamin. From your opening

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statement, do you have any faith that with that independent implementation monitor in place, of the former judge who was on the commission of inquiry, who you would have had some experience with - well, I am interested to know what you think of that role and what it may do to make sure that the recommendations are implemented and that children are safer in the future?

Mr DAVENPORT - Thank you. I just wanted to check something I should have checked before. Am I addressing you all or by surname or first name?

CHAIR - First name is fine.

Ms O'CONNOR - As long as you are okay with Jack?

Mr DAVENPORT - I am perfectly fine. Just wanted to double-check. I think the problem that is going to be faced by that body is going to be the same as others. It is about the powers that it has to fulfil. I have no doubt that it will act with integrity and it will act with sincerity in protecting the interests of victim/survivors and monitoring the recommendations and the rest of it. But I think the simple reality is that without powers behind it and without a means to get greater interrogation of the actions and functions of government, then, I am not too sure that it will be sufficient in itself in the same way that the Ombudsman, Integrity Commission, they all have serious limitations on what they can do.

The right to information from government is severely limited and almost treated with contempt by the governmental system, not just the current government, but going over decades. I think that is the same limitation and this is the problem that we have. This is what I was talking about. About good faith, about acting beyond the literal implementation of recommendations. You have to demonstrate that you yourself are going to make that change. That is up to ministers to do that. At some point the rest of us are going to give up trying to make that happen and we are going to have to make a choice about what we want to do as a state and we need to open up that discussion more. I realise that discussion in many different forms has been going on for many decades, not just in terms of child abuse or child safety, but it is the limitation of every agency. If you have no powers, if you have no transparency, what can you reasonably achieve?

I believe that it will be a potent spokesperson. It will act with as much strength as it can muster and as much strength as it has been given, but at the same time it will have the same limitations of the other bodies. It is inevitable, I feel.

Ms O'CONNOR - He is an independent body and reports to parliament. From what I can gather, he is directly engaging with each agency and trying to drill down into their responses to the recommendations. I found him to be very determined and sincere, a very admirable human. I am just trying to glean from you, Jack, if you feel any sense of hope that things will change?

Mr DAVENPORT - I am reluctant to engage in the question of hope because I often feel like it is the carrot you dangle in front of the donkey.

Ms O'CONNOR - Confidence then?

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Mr DAVENPORT - That is probably a better word. The hope has to be enacted. The confidence is about enacting, but it is the ways and means in which it is done. Some of the recommendations, in fact many of the recommendations from the commission, if implemented, to be honest, even if they were implemented literally, would bring about some change but there are other factors, other forces at work here and not all of this is going to be fought through institutions or government processes. There are other things that are happening in communities, amongst families, amongst people, amongst networks of victim/survivors that are also influencing that change.

I have talked about not all the burdens should be on us but I also am quite conscious that there is a burden on some of us to make a more conscious and direct effort to appeal to the wider public about the need for change. And to really sincerely ask the question: where is your outrage? What are you prepared to do if so many people are aggressively opposed to the idea of the abuse of children, particularly sexual abuse? Do you understand what that actually looks like, what it means? Are you prepared to have that dialogue? Like, our ability as victims/survivors to talk about our experiences. We don't need to go into every detail, but we also need to feel safe that when we do want to talk about it in public, we can do so without shame or stigma or retribution - and we don't have that yet.

Some people, like myself, do make that public, because it's the only way to open up the door for other people out there - and that's the limitation of agencies and institutions. They can do some things, but they can't do it all, and there's a wider strategy at play.

Mr STREET - To pick up on something that you just said, you're talking about the recommendations, but you said, 'there are forces outside of that at work'. Do you mean that within organisations outside of government there are issues as well which mean that, even if all the recommendations are implemented, we're still going to have massive issues?

Mr DAVENPORT - I think so. I believe that in and out of government you're always going to have resistance. We're seeing it a lot more with, say, the United States at the moment about the rather overt belligerent effect of the far right, and there is an association between the far right and the promotion of things like child abuse, sexual crimes against women, the lack of choice -

Ms O'CONNOR - Trafficking.

Mr DAVENPORT - Yes, trafficking, anti-abortion, for example. There are wider systemic issues here that we have to challenge. I don't want to, sort of, overburden everyone with the scale of that, but that is what I'm talking about. It's the distinction, I believe, between government and governance because government alone doesn't run things. We have private sector, we have voluntary sector, we have communities, people. We all manage things, we all run things at different levels and local levels as well. All these things are interplaying. That's what I'm referring to.

CHAIR - Jack, if I could follow up on a couple of things. I'm only reflecting on your submission. You've made a number of recommendations with regard to the recommendations of the commission of inquiry. In our discussion with Mr Benjamin today, he said he was very happy to receive submissions to this committee if the writer is happy. Would you be happy for us to forward your submission to him?

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Mr DAVENPORT - I certainly would, yes.

CHAIR - That would be great. He did say to us that sometimes, any recommendation written in black and white is pretty, you know, black and white. Not to be cute about that, but there are often ways that you can deliver a recommendation that sort of meets the principle but not directly according to the black-and-white letters on the page.

With the recommendations you've made in your submission, and there are quite a few of them, the sense I get is that it's alternate ways of delivering the same thing or things that perhaps need to be slightly different because they're not hitting the mark. Could you talk us through some of those things?

Mr DAVENPORT - Yes. Really, my vibe here with the recommendations, what I was trying to get across was this idea of other questions or considerations to be made. I think at times I refer to previous transcripts of hearings you've had where the police have made comments, and some of my recommendations are - well, can the police answer these questions? It doesn't make sense to me, as a practitioner, as a professional in that system. What you're saying doesn't make sense, and that detail's not provided.

A lot of those recommendations are - anything is open to discussion and negotiation, but it is trying to cast a new light on other ways to propel those or find ways forward, or for things to take into account, basically. That was really my intention behind them. They're not necessarily hard and fast. I was conscious about trying to avoid - I didn't want to be in a position where anything I was saying was in direct contradiction to the recommendation from the commission itself. It was more about how you implement -

CHAIR - How to add to it?

Mr DAVENPORT - Yes, or enable or empower it.

CHAIR - You've made comments about the delayed closure of Ashley Youth Detention Centre and the apparent lack of urgency about that. Are there other recommendations in the commission of inquiry report that you think are not proceeding according to the timeline that's been set? I mean, some of them have different timelines, as you know. Are there others you think we should particularly be looking at that really warrant our further scrutiny of the relevant minister?

Mr DAVENPORT - I'm going to stick to areas where I know best. Within the child protection system and, to an extent, education as well, but I believe that anything that's going to propel greater interrogation of the systems around, for example, child safety - I don't know to what degree you are aware of some of the perception, but certainly speaking to colleagues, they've said they've never seen it so bad for child safety ever. It was pretty bad when I worked there, and I'm starting to get a sense of a real internalised crisis that we can't actually view. Even the child safety office in Launceston has a permanent security guard now. You have to knock on the door and they buzz you in.

If you're at that kind of diminishment of service, your service has collapsed. I feel like, for me, those particular areas I've raised around out-of-home care, but around the caseload as well - I don't know if you had the chance to read the update I gave with the RTI, but the language in that, the way they responded. If you want to know what it's like working for the

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Department for Education, Children and Young People (DECYP) on a systemic level, that kind of passive-aggressive approach about the 'median average' but not giving the figure, that sums up the mentality of that department at the moment. On the systemic level, not individuals - there are many great individuals there, but just system-wide, these kinds of things.

This is all coming from somewhere. I'm a big believer in the idea that leadership teams manifest the leadership they're given. I think that's what's happening with DECYP. That's where, for me, would be where to put a lot of that focus. Obviously, people more involved in youth justice or other areas will -

CHAIR - I am happy to talk about the ones you are mostly with and where you believe we need to focus, if we hear from the minister again as to what the key areas are that you think are perhaps not being delivered, from your experience, in the system.

Mr DAVENPORT - Yes, that's the main thrust. I also think the police. I don't really know what to do about the police at this point, their attitude. I'm hoping, with the agreement that seems to have been reached with the department now, we'll have an easier time making those reports. I can still see a point where an individual police officer is going to start arguing the toss about -

CHAIR - Mandatory report, you mean?

Mr DAVENPORT - Yes, mandatory report about what constitutes the crime. In my submission, I did mention about a conversation I had with a police officer trying to make that report, and that came down to, 'Oh, that's not a crime'. I had to explain, 'Yes, it is - it's ill treatment of a child. That's the crime I'm reporting to you.' ■ still wouldn't take the report. It still went around in circles. It's things like this - yes, the minister, the police commissioner need to answer questions about where this mentality is coming from. It's not just sprouting up from nowhere and it's not individuals. It's systemic. There's something wider going on.

Ms O'CONNOR - Can I ask a question?

CHAIR - Meg has a question, then Sarah, and then I will come back.

Ms O'CONNOR - Okay. It's about the lack of updated policies. I'll come back to you on that because I think it's been part of the problem, obviously.

Ms WEBB - I really appreciated the submission, Jack. It interested me that most of what you're highlighting is nuance around implementation. It's about - we could tick on a piece of paper to say that's implemented, because on paper, for example, when it comes to training. Yes, we can tick and say, 'Everybody there has done training', but are they able to give effect to the content of the training effectively in their workplace and in the course of their work? That is obviously the intent of delivering the training - that they can effectively follow the training and put it in place. That's a different question than a tick off to say, 'Yes, all 50 people working here have done that training'. That's the sort of nuance that you can hear back from people who are working in the system.

You've provided the input to us here through this process. Are you aware of internal processes within these relevant departments where those who are working within the system and on the ground, so to say, can provide their feedback or their thoughts about this

implementation process of these recommendations and how to improve it or how they're experiencing it at all?

Mr DAVENPORT - I am, and there are ways and means. Sometimes, it's not clear. With the mandatory training, for example, there is not a specific section to give feedback at the end of it. There's an e-mail given, but there's no encouragement to give feedback. I would have had plenty of feedback. I'd already given you plenty of detail, I didn't want to give more, but that training module is actually quite disturbing - some of the things that are in there - from a practitioner point of view. I can give the feedback but as I mentioned about this passive aggressiveness, a lot is going to depend upon whether do you really want to be creating a rod for your own back - to keep going back and saying the same things? I shouldn't have had to send a text message [REDACTED] to say, 'This is child abuse; it is not just a practice issue. It is a very serious issue that needs investigation.' I did that. Maybe other colleagues would have done that in my absence, but I should not have to be the one to do it. Other people should be doing that. Those systems are like, yes, I can use them, but my expectation on the balance of probability is that they are just as likely to be a poor response or no response as to actually getting progress.

I have seen many times where I have raised an issue and initially it has been like, oh, this is very bad and then when it is followed up, it is like, oh yeah, there is nothing to worry about. In the further information I gave you, I think that was reflected in [REDACTED] about some of my concerns about a conflict of interest. I feel like that is the scenario you are facing where initially it's like 'I agree with you' and then the system suddenly takes over the thinking and that is where you have those problems. Yes, there are systems of feedback. You can give feedback; you can speak to seniors; you can have those conversations, but whether or not it is going to be fulfilled and whether or not there is going to be comeback is a whole other question.

Ms WEBB - What I am interested in regarding the monitoring of implementation of these recommendations, as you discussed just a moment ago, we have the implementation monitor there to do the job. What would you like to see potentially in place to ensure that the implementation monitor when gathering information, when being informed and making an assessment about whether and to what extent effectively things are implemented from the recommendations, what do you think should be there to have the experience and the insights of the people working at that more ground level of things feeding through into that process and informing that assessment of whether it is done and is it done effectively?

Mr DAVENPORT - I think a means to report concerns directly to them - particularly where you may have initially reported the concern through normal channels and it is not being resolved. I am conscious of the fact you do not necessarily want to get caught up into adjudicating things, but I think there needs to be that mechanism for staff to be safely able to raise concerns about practices that are not really being resolved. That is one thing.

I also think a consultative approach with staff that finds ways to keep in regular contact with them from different cohorts of staff around how those recommendations are from their point of view outside agencies and also children and young people, families. Utilise the commission - not the commission now but the commission in the future to have those conversations and give that feedback. The children and young people perspective is going to matter as well because they might not necessarily be conscious of the changes, but they might be conscious of the effects. Those conversations and having that mechanism are also important.

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Ms LOVELL - Thank you, Jack, for your submissions and for coming today. Before I go to my questions, it is probably worth clarifying that when the chair asked about providing Jack's submission to Robert Benjamin, which submission?

CHAIR - It would be the public one in the first instance?

Mr DAVENPORT - Yes.

Ms LOVELL - I just wanted to make sure that everyone was on the same page.

CHAIR - The committee needs to consider the - the confidential ones are confidential to the committee.

Mr DAVENPORT - Yes.

Ms LOVELL - Jack, [REDACTED] certainly pretty concerning failures considering everything we have been through with the commission and the recommendations. There is a recommendation regarding establishing an incident management directorate, which you would hope would address many of these process issues, but it is a phase two recommendation, so it is not in place yet and will not be for some time yet.

There's reference to interim actions. There is one about encouraging and supporting staff to raise child safety concerns. What I am interested in hearing from you is what you think could be done in the meantime while we are waiting for that phase two recommendation to ensure that these failures in process are not happening. Secondly, and I can repeat this once you are done, where I am throwing a bunch of stuff at you, [REDACTED]. Are you aware through your contacts and your networks of this being more widespread or other people having similar experiences?

Mr DAVENPORT - In terms of the last question, off the top of my head, not specific. I wouldn't be able to say it's [REDACTED]. I get the sense of repeated issues in various ways and the limitations. I don't think I'm alone in terms of experiencing some pretty belligerent behaviour from child safety and the police.

I think, for a lot of colleagues, something you have to do in child protection is you just have to wear the fact that some things you can't necessarily fight - or to do that would take a lot of stamina, and so you just win the battles you can, basically. That's fair enough.

I get the sense that there are probably lots of examples of these intimate failures around. They're occurring on a regular basis. Workers are just trying to progress through them as best they can, but there is no real means of progressing that.

It's dealt with very much in the abstract as well by the department, in terms of, that's a supervision issue, managing - the term's escaped me, but the stress at work. Vicarious trauma, for example. Vicarious trauma is treated as being an abstract, but it's actually something that is done to workers by the systems that are put in place. It's actually a - it's almost like a deliberate act because it's having an effect, but it's just like, well, 'just manage that vicarious trauma'. 'Suck it up' is sometimes what has literally been said to workers around violent incidents.

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My apologies, I'm straying from your question. I feel like - certainly there's one thing I'm definitely certain of, is that the things that I relate to you [REDACTED]. It could be anywhere in the state. [REDACTED], any place. I could see it happening. That flow of different poor decisions being made is -

Ms LOVELL - I would assume, given the level of escalation and the levels of hierarchy that are dealing and has been involved in that, it's not localised [REDACTED]. You would assume that, probably, [REDACTED] would have the same issue.

Are there any sort of practical - what would you expect to see, I suppose? [REDACTED] where a concern has been raised about a [REDACTED] behaviour, there are concerns about safety of children, you go through the process of reporting that. Maybe putting the police part aside for the moment. If you think about it as a department of education issue or DCYP issue, what structures do you think should be in place now while we wait for this recommendation that would give you confidence that these issues will be dealt with appropriately?

Mr DAVENPORT - I think there needs to be a specific policy or procedure to deal with situations where there are multiple victims who have been targeted by either a single perpetrator or group of perpetrators who are connected -

Ms LOVELL - At the moment that's all done on a child-by-child basis.

Mr DAVENPORT - Yes. That's the lack of integration of systems, like DCYP, Department of Education, Children and Young People, but really it's Department for Education, Children and Young People still and never the twain shall meet. [REDACTED]
[REDACTED] Those structures need to break down.

I mean, there may be more widespread structural things that need to happen. For me, I would definitely support the idea of decentralising the child safety service. Get the workers out to local CFLCs or local offices or locations embedded in communities, not in these centralised four offices -

Ms O'CONNOR - That's a great idea. That's a terrific idea.

Mr DAVENPORT - because that system's not working. I think, actually, the school's social worker model is one that you can duplicate there because we are spread out at different locations. I don't just work at a school; I work at a CFLC as well. A lot of that work is less about - the children are very young, so it's less about working with the children, it's more about the parents.

A lot of it's child protection where they're coming into the realms of working, child safety are beginning to insert themselves in their lives or taking their children into care. Trying to give them advice, on the one hand I've got a lot of experience there, but it's just being able to counsel them and advocate as a social worker. You want to be able to advocate for people as well and they don't necessarily have a voice. I think looking at those models.

I think I gave a whole series of recommendations around what I would do if faced with a situation on my table and getting people around the table, organising it at a leadership level, having a very clear person in charge as the main lead and taking those factors into account, those are the recommendations, get people to talk. I should be able to speak to child safety,

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ARL (advice and referral line), the police, the department, all these people in the room, to work out what we're actually going to do and how to how to resolve this and deal with the practical questions like how do you speak to [REDACTED] witnesses? Who do we think are witnesses? [REDACTED] ? [REDACTED]
[REDACTED] These kinds of questions.

You need to start finding ways through that rather than just throwing up your hands and going, 'Well, it's too much', because that's what's happening now. Child protection haven't responded. [REDACTED]
[REDACTED] they're just not responding. [REDACTED]
[REDACTED],

Ms LOVELL - The mandatory flowchart that you emailed through, that's a current document, is it?

Mr DAVENPORT - That is the most current one.

Ms O'CONNOR - Where is it available?

Mr DAVENPORT - We got it through our teams, I'm hoping at some point it will go on the intranet, whether it will be available on the internet, I couldn't say.

Ms LOVELL - Do you know if it is a DECYP document? Is it a public-sector wide? You might not know this.

[REDACTED]

Ms LOVELL - The other thing that stood out to me is if this is something that's been handed out to staff in schools, there's nothing -

Mr DAVENPORT - It's not gone to staff in schools.

Ms O'CONNOR - Who is it going to?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Ms LOVELL - There's no similar document? Teachers haven't been given something like this?

Mr DAVENPORT - To my knowledge, no, it hasn't been disseminated more widely. I don't know who has had it, but I don't think it's gone out widely.

Ms LOVELL - The thing that stood out to me is there's no - who's responsible in the school for, you would assume if this is being used in a school setting that someone in the school should - can notify ARL, you can notify police, but who do you tell in the school or who's got oversight of it from within that?

Mr DAVENPORT - Yes, and why is there a delay? It's an email, you attach it to an email and send it to everyone and say, 'This is your new model.'

Ms O'CONNOR - I wanted to follow up. In your submission, you list a series of internal department policies for DECYP, which are more than a decade old. Presumably, or you would hope, Tasmania Police has a similar set of sort of policy documents for how to respond in certain circumstances, hopefully Health does. Do you think some of the deficiencies that you've identified could be mitigated by internal part departmental processes that not only updates policies with input from staff, but promulgates those policies throughout the agencies?

Mr DAVENPORT - I think so, yes. I, for one, am curious about the policies of, say, the police, because we come into play with them, but I've got no idea what the police policy is meant to be. I've got a copper telling me our policy is, 'We don't have to take the reports' and I thought, 'Well, is it an actual policy, is it somewhere a policy document telling you that?' Because that sounds a really weird thing to be telling you, or is it just an email that's come through? Or is it a conversation you have with a senior officer said, 'Oh, yes, I spoke to the deputy commissioner and we don't have to worry about this anymore.'

I didn't really get a sense of what was going on there, but I can't go on the Tasmania Police website and see their policies. Maybe they've got reasons for keeping the manual hidden, I don't know, but surely you can have a public-facing document and just restrict the bits that maybe you don't necessarily want some people to see. I don't see why that is so complicated. Why is it shrouded in darkness? We're meant to be working with these people to help protect children and to stop criminals.

Ms O'CONNOR - And change culture.

Mr DAVENPORT - Yes, 'Why are you making it harder for everyone?'

Mr STREET - That was going to be my question as well. We talked about it before and the thing that I wrestle with, is outside of the recommendations, the changing culture that's necessary and the size of the job that we've got in front of us, and then you tell the story about speaking to the police officer about the ill-treatment of a child and they basically brushed you off.

Putting myself in the shoes of the police officer, myself, I can't imagine being given any more serious piece of information than that, so where, in your opinion, does that apathy come from because in another comment you said, 'I don't even know where to begin with the police'. There is obviously, in your opinion, a cultural problem within the police. That police officer

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dismissing what you were telling him, do you think that comes from apathy or a frustration with the system they're operating in that they know that if they take that complaint and they pass it along, that nothing will happen anyway?

Ms O'CONNOR - Or a lack of direction or leadership?

Mr STREET - Exactly right. What are we dealing with?


Mr DAVENPORT - I think the police, like a number of government agencies, are completely overwhelmed with the reports that are coming in and therefore it starts to bring out some of the worst behaviours in people sometimes in terms of like, 'I just can't deal with it.' You know, in child safety that actually manifests in - you do get what's called 'burnout', but I don't like the term because, again, it's something that's being done to you. But you do get those kinds of impacts of not engaging with any of those cases and just focusing on very basic, simple stuff. I think that's where the police are at. That's the sense I get. And it's just like, 'Not another report. I've got to do this, we've got to investigate', and I'm relying upon other people to make decisions, and not getting done in a speedy manner.

Then it's got to go to the DPP (Director of Public Prosecutions). I've seen the DPP sit on cases for months and months with no insight as to what the delay is, and this is where you've got children in care and you want to try to restore them and you can't do that because the person you're trying to restore to is still technically being investigated and the DPP won't respond. But then you've already gone so far and the children want to know why they can't go back to their parent and you end up, like, the workers are lying to them. They are literally lying to them at this point because they can't tell them the truth, because they can't reveal that there's an investigation. But no one's going to go to the DPP and pick up the phone and say, 'Would you please make a decision or give us some guidance?'

It's just so much pressure and burden for them and I think that's what's manifesting there. But there are ways and means you can deal with some of that operationally. I found ways to do that in other settings where I've worked, in Western Australia in particular, but on a systemic level, you are still always fighting the sort of system choices. I've had situations where teams have turned around and then the immediate response is, 'Right, you've turned around your problem, so we're going to take away one of your workers and put them somewhere else.' So, what happens? Well, you're losing, say, 25 per cent of your workforce at that point. Guess what? The problems resurface immediately.

CHAIR - Do you think it's a resourcing problem that sits behind this problem with the police. I mean, they get lots of family violence reports and they take a lot of work, according to the police. I haven't personally had to do that work. With the issue raised about complaints about child safety matters or we reports of child safety matters, I think the more you raise awareness, the more reports that people hopefully are willing to make. Do you think that's a problem? Resourcing?

Mr DAVENPORT - It's part of the problem, but I think there's a rather simplistic - and I have to be blunt - naïve, view of if you get more resources, you'll start to resolve those problems. It's not going to cut it



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██████████. It's not just simply about the resourcing, because if you end up with resourcing more and they've all got the same deficiencies, you're actually potentially making more problems. That can also be a bit of a factor.

CHAIR - Is it around more targeted, appropriate training for police officers across the board or do we have a more like a taskforce that are the ones who deal with these matters, acknowledging the challenge of that when in a very dispersed population?

Mr DAVENPORT - You can have the taskforce, but I think you're still going to come back to the issue about attitude and where that's coming from. For me, you can focus on the conversation I had with that initial police officer, but for me, the real question is: what was going on with ██████████ who phoned me? That was way out of left field, in terms of attitude. That was kind of ridiculous, to have a senior person - it would be like a director of child safety phoning up another agency and saying, 'I'm a director. What do you think's going on with this frontline worker?' I wouldn't be expecting that kind of call at all from any other agency, but I was thinking, 'What is going on here? What was your expectation of this phone call when you made it?'

That, for me, is the bigger tell than the original conversation. The original conversation, yes, you can put it down to all the work pressures - but that's ██████████, that's a senior position. They should know better than to do that. They shouldn't have that attitude of, 'Right, I'm going to phone them up and show them what's what.' That shouldn't be happening.

For me, it's not just the resourcing. ██████████ had nothing to do with resourcing - that had everything to do with what kind of leadership you've been given and the attitudes you want to follow. It can bring out the worst instincts in people. It's not just resourcing. There are a myriad of issues. Yes, it's training, yes, it's specialism, it's structure, it's organisational. These things all interplay.

However, it is also attitude. You have to go in and not think of your employees as being people that need to be fixed and that they're the problem. That attitude still persists. It has been like that for many decades, of course, but I don't want to normalise it, because it's a real major issue.

CHAIR - We're out of time, but thank you very much. We can take a couple more minutes if you'd like to close with any comments. If you think, 'I really wanted to say this and I haven't.' Anything?

Mr DAVENPORT - I could talk about this all day, as I'm sure you've gathered. I would just impress upon you the need to interrogate the finer detail. When I look at some of the transcripts of some of the responses from ministers and officers - and that RTI for the child safety numbers is a good example as well. They are pulling cover over the finer detail. There's lots of things like that happening.

Insight into the current structures as well. I'm trying to guess a lot of this stuff as well, ██████████, but it's really having to find other ways to interrogate some of that finer detail. I'm not taking it at face value.

Personally, I don't understand why ministers and offices aren't ready with some of the basic statistics you're asking for. They should be able to answer them. If you asked how many

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children and young people in out-of-home care are currently classed as self-selecting, they should be able to answer that straight off the bat, without even looking at a piece of paper. It looks like, on the transcript, to me, they're all kind of befuddled. It's like, 'Oh, how will we even answer this question?'

I feel like that, for me, is a real problem. That comes from a lack of insight into their processes. We should know what the structure is. The public should know what happens to your children when they move from one process to another. Don't just get told face to face. They should know what to expect. Is it going to go to a practice leader who holds it in name only while another external agency is doing the work? Does it go to a team where they're constantly working? How is it measured? What kind of services can I expect? All those things are highly problematic in the way they're not being communicated.

CHAIR - Communication is key, isn't it?

Mr DAVENPORT - Yes, and it's the same for professionals, like with the police. I have no insight into their internal processes at all. I should have some, because I have to keep phoning you up to report crimes. We should be working together on a lot of this stuff - we need to. Otherwise, the whole thing is going to fall apart. Everyone's just cloistering off and keeping everything secret. There's just no value.

It's not enough to say we're doing things in the background. Do them in the foreground. Make it open, open up what you're doing, because what would be the harm here? You tried keeping things secret for so long and all these children were hurt, all these people were hurt, and you had to make a massive payout of taxpayer money. The secrecy got you nothing but more pain and angst. Try being open, because you've got nothing to lose, I believe. That would be my point.

CHAIR - Thank you so much, Jack. The committee really appreciates the opportunity to hear from your own experience in this area. We know it's not always easy to do that, so we do thank you. It will certainly assist the committee in our work, so thank you.

Ms WEBB - I wanted to ask about, just to be clear here at the end of the session, we've got a confidential submission from Jack. My reading of that is that it's illustrative for us to consider,

[REDACTED]

Mr DAVENPORT -

[REDACTED]

That's a real vulnerability, but yes, I'm not expecting you to do anything but take on board -

CHAIR - The committee can't, as you understand, I'm sure. Thank you so much for your time.

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Mr DAVENPORT - Thank you very much. Good luck.

Ms O'CONNOR - Drive safely home.

Mr DAVENPORT - Cheers, I will. Thank you.

THE WITNESS WITHDREW.

The in camera hearing adjourned at 11.54 a.m.