



# **PARLIAMENT OF TASMANIA**

## **HOUSE OF ASSEMBLY**

### **COMMISSION OF INQUIRY SCRUTINY COMMITTEE**

### **TRANSCRIPT OF PROCEEDINGS**

**with**

**THE HONOURABLE ROGER JAENSCH MP  
MINISTER FOR EDUCATION, CHILDREN AND YOUTH  
(Education)**

**Wednesday 6 December 2023**

### **MEMBERS**

Mr Wood MP (Chair);  
Ms Johnston MP (Deputy Chair);  
Ms White MP;  
Ms Dow MP; and  
Dr Woodruff MP

### **OTHER PARTICIPATING MEMBERS**

Ms O'Byrne MP  
Mr Bayley MP  
Mrs Alexander MP



## **WITNESSES IN ATTENDANCE**

**Hon Roger Jaensch MP**, Minister for Education, Children and Youth, Minister for Environment and Climate Change, Minister for Aboriginal Affairs

**Mr Tim Bullard**

Secretary, Department of Education, Children and Young People



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## THE COMMISSION OF INQUIRY SCRUTINY COMMITTEE MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART, ON WEDNESDAY, 6 DECEMBER 2023

**The Committee met at 10.00 a.m.**

**CHAIR** - The time being 10.00 a.m., the scrutiny of the Minister for Education, Children and Youth in relation to Education will now begin.

Welcome, minister and departmental staff. The time scheduled for scrutiny of Education is one hour and 30 minutes. Tea and coffee is provided at the end of the atrium for members to help themselves throughout the day.

Members would be familiar with the practice of seeking additional information, which must be agreed to be taken by the minister and the question handed in writing to the secretary. Minister, would you please for Hansard introduce departmental staff at the table.

**Mr JAENSCH** - Thank you very much, Chair, and good morning committee members. I would like to introduce at the table with me my Secretary of the Department for Education, Children and Young People, Tim Bullard.

**CHAIR** - Would you like to make a brief opening statement?

**Mr JAENSCH** - I would, thank you. Committee, there is nothing more important than the safety and wellbeing of Tasmania's children and young people. Our Government's response, Keeping Children Safe and Rebuilding Trust, commits to implementing all 191 recommendations made by the commission in its final report.

In volume 3, Children in Schools, there is a total of 16 recommendations made. Five recommendations were identified for response in phase 1 and we will deliver four recommendations in this timeline. Eleven recommendations were identified for response in phase 2 and we will deliver 12 recommendations in this time frame.

Recommendation 6.13 was identified for implementation in phase 1; however, as there are five other recommendations that also require changes to the Teacher Registration Act 2000, it is considered sensible to progress these changes together as part of the same process.

Since receiving the final report from the independent inquiry into the former Department of Education's responses to child sexual abuse in July 2021, 14 of the 20 recommendations arising from that inquiry have now been implemented, four more are expected to be completed by the end of 2023 and the remaining two by the end of 2024.

Work that has already been undertaken includes:

- release of the department-wide integrated safeguarding framework;
- the appointment of a safeguarding lead in every government school;
- development of a safeguarding risk management procedure for schools;

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- training of safeguarding leads to build their understanding and capacity to undertake risk assessments across the school environment;
- employment of additional support staff in schools;
- updated resources and training for school staff in preventing, identifying and responding to child sexual abuse; and
- revised mandatory reporting training, which is compulsory for all departmental staff, contractors and volunteers.

We will continue implementation of this important work noting the recommendations from the Department of Education inquiry were endorsed by the commission of inquiry. For the commission's recommendations for children in schools, implementation of 15 recommendations will be led by the Department for Education, Children and Young People. Recommendation 6.6 relates to the establishment of a child-related incident management directorate, which requires whole-of-government implementation and will be led by the Department of Premier and Cabinet.

Planning for recommendation 6.2 is under way to relocate oversight of the safeguarding in schools program to the schools and early years division within the department from February 2024. Other phase 1 recommendations relate to the publication of safeguarding documentation, implementing professional conduct policies across Education staff, volunteers and contractors, as well as advocacy on child safety in the development of automatic mutual recognition for teachers.

A substantial part of the phase 2 recommendations relate to the Teachers Registration Board including legislative amendments, with this legislative review process already under way. In total, 13 of the recommendations on children in schools are under way now. The Government will continue to support our schools and our workforce to prioritise implementation of all the commission's recommendations while maintaining our teachers' time to teach.

I want to take this opportunity to congratulate secretary Tim Bullard, the leadership team of the former Department of Education, and the principals and safeguarding leads in every government school in Tasmania for their leadership and showing the way in ensuring that our schools are safe places for children through the rollout of the safeguarding reform statewide. This is an example of the transformative reforms we need to take across Tasmania's community-facing and child-facing services to ensure the safety of children in the future. I commend Mr Bullard and his team on the leadership they've shown.

**Ms WHITE** - Before I begin, minister, I would like to recognise that there are victims/survivors who are here or are watching proceedings with their allies and supporters. I'm sure, as you and others would appreciate, it's important that we respect that we would not be here without them.

**Mr JAENSCH** - Correct.

**Ms WHITE** - The commission of inquiry report in its findings made some pretty disturbing statements, including that children and young people are not listened to, their safety is not prioritised and their fundamental rights are not upheld. Obviously, the department of

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Education provides support to a large number of Tasmanian children and there's been information that's been provided since about the number of staff found to have breached the code of conduct since October 2027. I believe five of those are employees within the department of Education - I'm just going to call it the department of Education; I know it has a bigger, longer name, but for the purposes of being simple -

**Mr JAENSCH** - Call it DCEYP if you like, that's our shorthand.

**Ms WHITE** - Thank you - DCEYP.

**Ms O'BYRNE** - I'm not sure it helps people listening.

**Ms WHITE** - There's also been reports around the section 18 notices and we heard yesterday that the head of the State Service was unaware of those individuals. I'm wondering whether you or your secretary are aware of whether any of those 22 individuals who were issued with section 18 notices by the commission of inquiry are employees or have been employees of the department of Education?

**Mr JAENSCH** - I thank the member for her question. Just at the outset, my understanding and expectation is that if there are any allegations of child sexual abuse against any employees of the State Service and our agencies that those staff members are immediately stood down, relevant regulators are advised, Tasmania Police is advised, management investigations are undertaken, and no staff member is in the workplace while or until those investigations are fully resolved and reach their conclusion. I understand that to be the case.

In terms of specific lists, I have not been provided with names of any of the people they refer to. I have received consistent advice as a minister throughout the commission of inquiry process that we need to uphold the integrity of investigations of wrongdoing, investigations of allegations, whether they be internal or subject to other regulators, the registrar for working with vulnerable people, police or others. I intend to do everything I can to ensure the integrity of those processes by not discussing or receiving names and details of individual cases to discuss in a public forum.

**Ms WHITE** - Has your secretary been able to access the list of names relevant to head of this agency?

**Mr JAENSCH** - I'll let the secretary respond to that.

**Mr BULLARD** - For clarification, Ms White, are we talking about the Education side of the business?

**Ms WHITE** - Correct.

**Mr BULLARD** - And we're talking about section 18 notices?

**Ms WHITE** - Yes, we are.

**Mr BULLARD** - The first point that I'll make is that the section 18 notice goes to the individual; it's a notice that's provided on the basis of procedural fairness. The commission issued those notices so that individuals were aware that they may be subject to allegations of

misconduct and that they were given a right to respond. We have made efforts to identify individuals within the organisation who have those section 18 notices. As they pertain to the individuals, I couldn't say that all those notices we've picked up, but I can advise that there are no individuals in relation to the Education side of the business that have been subject to section 18 notices that I'm aware of.

**Ms WHITE** - Minister, the Premier updated the parliament last month and said that in April this year, the commission of inquiry provided to the state's lawyers a list of the names of people who'd received section 18 notices. Why hasn't your agency sought that list of names from the state's lawyers as it pertains to the department of Education so that you can be clear about who they are to ensure they're not involved with the implementation of any of the recommendations from the commission? That goes to a culture change that we all agree needs to happen, and to ensure they're not directly working with children given their behaviour may be inappropriate.

**Mr JAENSCH** - I understand you explored this issue with the Premier yesterday -

**Ms WHITE** - Unsatisfactorily, may I say.

**Mr JAENSCH** - and the head of the State Service. They're the appropriate people for you to have asked. They gave you answers. Mr Bullard has provided a response in the context of Education just now and I have nothing to add to those.

**Ms WHITE** - Do you think it reasonable that the secretary or yourself, as minister, have not sought information from the state's lawyers who have that information about the names of those individuals? Have you asked?

**Mr JAENSCH** - As I said, I've received advice as minister along the way as to how we can protect the integrity of the processes that are under way so that there's the greatest possible chance of identifying people who have not conducted themselves properly in terms of the State Service Act, who have any procedures or investigations under way against them. If we're going to do the right thing by children, we need to ensure that any of those processes that are afoot are given their chance to work properly. That's how we'll get sound findings from investigations. I don't intend to interfere in that.

If these are matters to do with employment, then they are handled by the State Service and the Premier. There are some matters in which the secretary is the decision-maker. I'd be happy for him to add to the answer if he can.

**Mr BULLARD** - So that I'm clear, you're asking around the list that was held by the state's lawyers?

**Ms WHITE** - Correct. Have you asked for the names on that list as they relate to your responsibility as the secretary?

**Mr BULLARD** - I can provide some context as to my understanding of that list. This really is a matter that needs to be raised with the Attorney-General. My understanding is that the commission of inquiry was requested to provide names of people that they may have served section 18 notices on. That inquiry was made because, as a PCBU under the Workplace Health and Safety law, secretaries have an obligation to ensure the psychological safety and wellbeing



of its employees. We were provided with the names of those employees so that we could ensure wellbeing supports were in place and we acted on that.

My understanding is, and again this is a matter for the Attorney-General, that not each of those employees who were in that intended list went on to receive section 18 notices. Our priority at the time was ensuring that we had psychological and wellbeing supports in place for employees who may be subject to receiving such a notice from the commission.

The other thing is that, as I understand it, we never received a final list of who did receive those section 18 notices, which brings me back to the caveat that I put around this at the beginning: the only notices that we're aware of are the notices that staff have made us aware of.

**Ms WHITE** - Minister, the commission of inquiry said that it had issued 30 section 18 notices to 22 individuals. The commission made one finding of misconduct against one individual so that leaves us to conclude that there are 21 individuals who received section 18 notices who may be current employees of the State Service. The secretary has just outlined the process that was undertaken throughout the commission of inquiry, work that, as PCBU, the secretary was provided the names of individuals who may have been issued section 18 notices so they could be provided with support.

Obviously, there are 21 individuals who we don't know of but you may know of. How have you satisfied yourself that there are no individuals who are working within the department of Education who shouldn't be there because they were enablers of behaviour? I respect that if they're perpetrators, they would have been referred to the police. But we're talking about the people who look the other way, who covered up, and who let things go which led to offending behaviour in the worst circumstances.

How have you satisfied yourself, given that it sounds like you are very close to knowing who these individuals all are, that they are not working on the implementation of the recommendations, that they are not involved in work that puts them in a situation where children could still be at risk?

**Mr JAENSCH** - As we have repeatedly explained, the commission of inquiry did not provide the State of Tasmania with the list of individuals to whom it issued these notices. It would have been inappropriate for a commission of inquiry to do so. You, yourself, said they issued the notices to the individuals. Notices are part of the commission's investigation processes and they should not be disclosed so as not to potentially prejudice any investigation.

If the commission had thought it was appropriate to share this information with the Government, it could have done so, but it didn't. The processes and the advice that I have had as minister, that we have had as government, is that we have layers of responsibility in this; we have procedures that are in place to ensure that everything that is known can be investigated and we can be assured of the safeness of our workforce to continue to do its work. I understand that those are processes that Mr Bullard and the State Service are working through.

**Mr BAYLEY** - Thank you, Chair. I start by acknowledging victims/survivors, whistleblowers and advocates, both in the room and watching online. I acknowledge their bravery.

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I also acknowledge our teaching cohort in public schools. The overwhelming majority of teachers go well above and beyond their job descriptions and have the absolute best interests of the students at heart.

The issues we discuss here today pertain to a very, very small minority of people who have been operating in that system. Nonetheless, we need to get to the bottom of the findings of the commission and indeed, the response of the Government.

To that, minister, I will go straight to budgetary issues. We know that public schools are significantly underfunded. They are funded to 91 per cent of the minimum benchmark for the schooling resources within the standard. I want to understand the funding strategy when it comes to the Government's response to the commission of inquiry and indeed, the independent inquiry. For example, the Government's interim response website highlights that some actions, such as recommendation 7 from the McCormack Smallbone inquiry have been implemented. I think you just acknowledged that.

For example, there's a little blue dot 'appoint a safeguarding officer in every school' and the website goes on to say:

The safeguarding in schools' models approved by the minister for decyp in October 2022 and is funded in the forward estimates. Safeguarding leads commenced their roles in all state government schools at the beginning of Term 1 2023.

The 2022-23 Budget Papers highlight that some of these recommendations are not funded with new budget allocations but they are diverted from existing departmental resources. And we are not talking about small amounts here. For example, the 2022-23 Budget Papers highlight that in responding to recommendations 7, 9 and 10, it is going to cost \$6.2 million in 2022-23; \$8.5 million the following year; \$9.6 million the following year, and in 2025-26, \$12 million. The note, and I will read directly from the Budget Papers, says:

This is a new initiative funded from within the Department's existing resources.

I am interested to know, in a budget-constrained environment, what are the services that are being delivered to children that are being cut in order to deliver these new services through the safeguarding schools model? We are talking about a lot of money: \$6 million up to \$12 million in 2025. You cannot magic that up out of the department's budget and expect that everything else proceeds as per usual.

**Mr JAENSCH** - No services are being cut to pay for these measures.

**Mr BAYLEY** - How can you say that, minister?

**Mr JAENSCH** - We have been through this in Estimates. You need to look at the explanations that we gave Mr Willie and others through the Estimates process on this last time around. You are feigning ignorance of how school funding works.

When you talked about the SRS and the proportion of funding, under our current National School Reform Agreement, Tasmania is increasing its funding year by year to a maximum of

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75 per cent of the SRS by 2027, the federal government has a commitment to 20 per cent of the SRS, so there's a gap of 5 per cent. We are currently entering into a year of negotiation for a new NSRA right now. Our position is that the federal government needs to come up with another 5 per cent so we reach 100 per cent Gonski.

**Mr BAYLEY** - There needs to be more funding, minister, absolutely; I don't disagree.

**Mr JAENSCH** - I thank you for your support for our campaign - Give Me 5 for Kids, I call it. Minister Clare needs to come up with another 5 per cent to support our government schools across Australia reaching 100 per cent full Gonski funding.

**Mr BAYLEY** - Minister, can I ask the question a different way?

**CHAIR** - Order.

**Mr JAENSCH** - The matter is that there are categories of expenses within schools that are to be funded through the jointly funded SRS. There is more money each year where there are new activities identified that are within the scope of the NSRA and the use of the SRS. The new growth funding will be allocated in part to those, which doesn't mean cutting anything. It means that there is more money each year. Each year, there needs to be decisions made within the scope of the SRS and the NSRA about how that money is used.

Where keeping kids safe is a priority and a legitimate use of those funds, that's where funds will be sourced from. It doesn't mean cutting anything else. You'll see that our Government is also investing new money in additional other activities, including increasing our rollout of phonics and explicit teaching of literacy in our primary schools right across the state. There are more programs, activities and priorities being funded, not less.

**Mr BAYLEY** - Minister, let me read it again. It says this is a new initiative in the responses to the commission of inquiry or to the department's independent inquiry. It says this is a new initiative funded from within the department's existing resources. I think your explanation there is quite cute. Yes, perhaps you can say that you're not cutting them, but the increases -

**Mr JAENSCH** - You said we were cutting them. So I have to say we're not.

**Mr BAYLEY** - Cutting them in real terms is what I'm talking about, because you're putting additional funding into schools presumably to increase the funding for existing programs and bolster support and so forth. This is a new initiative funding from within the department's existing resources, so something must give. Something is not getting the funding that it should have under normal circumstances because you are now funding these programs.

**Mr JAENSCH** - In that context, I understand that existing resources would be referring to the existing planned and locked-in funding growth under our growth funding model. I ask if the secretary wants to add any other detail.

**Mr BULLARD** - Under the Government's bilateral agreement with the Commonwealth, the Tasmanian Government committed to an additional \$490 million over 10 years. So, year on year, the department has a fixed budget for Education that grows incrementally and every year we make decisions about how that money is going to be spent.

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**Mr BAYLEY** - Presumably costs increase as well year by year?

**Mr BULLARD** - The cost increases are taken into account. This is additional funding in the system above and beyond what the year before it cost to run a school. Some of that goes into the wage growth, the indexation of schools for their supplies and materials, and other funding goes into initiatives. Safety is a core duty of schools. What we're doing is providing schools with additional support to ensure that children and young people in those institutions are safe, rather than rely on existing staff to do that work. One thing we know very clearly is that we want teachers in classrooms to be teaching. Where we can provide tier 2 support to schools to undertake other functions such as safeguarding, we see that as a sound investment.

**Mr BAYLEY** - In relation to those positions, can you provide the committee details on how many positions have been added by region to deliver the safeguarding in schools functions?

**Mr JAENSCH** - There is safeguarding lead in every government school - 195.

**Mr BAYLEY** - Is that correct? The existing teachers - that's what it reads. Are they new positions?

**Mr JAENSCH** - Schools were provided additional resources to cover this requirement. How they filled it was a matter for them. They needed to ensure that they had senior and experienced people who understand the school environment and were able to take up a leadership role. There is a range of different ways they can do that but they weren't left without resource as a result of that.

**Mr BAYLEY** - Can you provide the committee with how many new employees were engaged by the department to fulfil these responsibilities?

**Mr BULLARD** - I think that would be difficult. The initial model was to provide an allocation for a new employee. However, it's not an FTE per school. There is an allocation that responds to the size of schools requested and we responded that they were able to make school-based decisions. For some schools that would be adding additional hours to someone who is a part-time employee. For big entities, they did recruit an additional person, so it would be difficult to disaggregate that. What we could provide you with is the FTE equivalent of how many positions have been created, but they will be filled in different ways.

**Mr JAENSCH** - My notes say that the budgeting was based around 72 FTEs across the system equivalent.

**Ms O'BYRNE** - Minister, I just wanted to go back to that conversation around the people the commission of inquiry identified that ended up with section 18 notices. I'm interested in where the culpability lies from April, when the Government was advised of these people and was given their names, to where we sit should evidence come to light that one of those people under a section 18 in Education - and I appreciate, Mr Bullard, you claim you don't know - acts in a way that repeats the previous behaviour that has resulted in a section 18, if they fail to take an action in response to any incidents, if they look the other way, as we have seen, if they ostensibly give a nod to behaviour by not responding to it.

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What is the culpability of the department if tomorrow an incident is brought forward around someone the Government has known about since April and you, as minister, and Mr Bullard as secretary, have not been successful or perhaps not actively pursued enough the names of those people in order to put in place the protective measures that may be required in an Education setting? Where does the culpability lie if something comes up tomorrow?

**Mr JAENSCH** - Thank you for your question, Ms O'Byrne. If you are seeking a legal interpretation of where liability exists in those situations, I'd be happy for you to put that question on notice and we'll see if the head of the State Service or their advisers are able to provide an answer for you.

**Ms O'BYRNE** - What about from a moral or an ethical position, then? I will absolutely put on notice the legal requirements, but surely you or the secretary could comment on where you feel your moral or ethical response might lie?

**Mr JAENSCH** - Morally and ethically - and legally - my overriding responsibility is to ensure the integrity of any investigation process is upheld. We owe it to victims/survivors, to those who have experienced abuse in our public institutions, and to the children and families who are using them now and will in the future, that where there have been failings that we give our regulatory, investigatory and policing systems every possible chance of securing sound findings and prosecutions. We don't help that by publicising names that we don't have access to in the normal process of our work that are subject to other processes that are running.

I am absolutely committed to us finding every perpetrator, every failing, and ensuring that it cannot happen again. I do that by supporting due process to do its job well and to secure findings and outcomes and prosecutions where they are warranted that will stick. Not by running a parallel process, or a kangaroo court, or making my own decisions about that, which may jeopardise our securing an outcome from those investigations. I'm absolutely committed to that and I'll uphold it.

**Ms O'BYRNE** - I take that comment and you say it with great passion and I assume great conviction -

**Mr JAENSCH** - Yes.

**Ms O'BYRNE** - I don't doubt that. But taking that comment, linking it up with your opening statement: nothing is more important than the safety and security of children, since May 2022, people have known these notices were issued. This original work was done in May 2022 and the Government has known since April.

You are saying your primary obligation is safety, but also your primary obligation is to ensure you never find out the names of these people who might be working in a school, is how I'm reading it.

**Mr JAENSCH** - My primary obligation as a minister of the Crown is to ensure we have rigour in our processes and we do not interfere with, or affect, the integrity of processes capable of securing convictions, prosecutions of people who have done the wrong thing.

**Ms O'BYRNE** - You've said you don't want to release those names publicly-

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**Mr JAENSCH** - I don't have the names, so I can't release them.

**Ms O'BYRNE** - No, but that's the point I want to go to. There is a difference between you or your secretary being advised of an obvious risk to children that exists within the education sector and you making public those statements. These are actually two different pathways.

What actions have you taken to find out the names of those people, not so you can release them publicly, but can provide -

**Mr JAENSCH** - I haven't taken actions against advice to find and publicise names, Ms O'Byrne and -

**Ms O'BYRNE** - Can I finish my question, Chair?

**Mr JAENSCH** - You prosecuted this yesterday with the head of the State Service and the Premier. I don't think I have anything more to add.

**Ms O'BYRNE** - Chair, if I could ask to finish the question? What I am saying, minister, is you have an obligation and a duty of care to the children in our education system. Your Government has the names of people who have acted inappropriately and provided an environment where children could be harmed. I'm not asking you to tell us the names of those individuals now.

What I want to know is what action have you taken to ensure you have put in place the protective requirements in schools and in education facilities to ensure those people we know, you know, that the Government knows - and you are the Government; you're a member of the Cabinet - to be placing people at risk and to historically place people at risk.

It is not good enough for you to say to this committee, 'There's procedural fairness and I'm not publishing it'. We're not asking you to give us a list of the names. We're asking: do you know so you have put in protective mechanisms in schools to protect those children? That is an entirely reasonable question for a minister in your position to answer.

**Mr JAENSCH** - I note in your question, you include a number of assertions about the nature of notices and who provided them to whom, who has knowledge of them. I will stick with the record and the advice we have that the commission of inquiry provided a series of notices to individuals, not through the Government.

The content of those notices is not known to me. Who they were sent to is not known to me. I have asked for my secretary's advice and updates on the conduct of the processes to ensure our workplaces are safe, that our people are the right people to be involved in our work and we are not exposing our system, or children or families in our system to risk by having people who may be of risk to them, involved in our work.

I have been able to be reassured by the secretary we have done all we can through our processes to ensure that. If the secretary would like to add to that, I'd welcome that.

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**Mr BULLARD** - To be clear, this section 18 list you keep referring to was a wellbeing list. It was not a list of people who may or may not have received a section 18 notice. In any event, it is another data point for us to take into consideration in assessing risk.

What we know is we need to build a culture where children and young people especially have the confidence to speak up when they don't feel safe. In that regard, I need to recognise the victims/survivors in the room. There are people in this room today who have helped and guided us as to what we need to do to improve that.

We take data points from the commission of inquiry, from the reports, from the notices. We take datapoints from staff who see behaviour they believe may not be right. But most importantly, we want children and young people to speak up when they don't feel safe. All those matters are assessed that come from schools. That is what we learnt from the professor's report: that we needed rigor in those processes, we needed consistency, and we needed clarity and is what we put in place.

**Ms O'BYRNE** - Do you know if the section 18 notices are the list that was provided to Government in April of this year, are they the same people as were provided in the previous notification the commission identified?

**Mr BULLARD** - That is a matter for Justice and for the Attorney-General to answer.

**Ms O'BYRNE** - Are you genuinely telling me as a secretary for education and minister for education, you haven't sought to find that information out? Are you really saying, 'That is not my problem it is the problem for another minister', in light of where we find ourselves today?

**Mr JAENSCH** - You keep coming back to the same issue. The answer remains the same. We haven't been given list of names or the nature of the matters in question. That they have been provided to whom, they have been provided for a purpose, they have not been provided for us.

If the commission had thought we needed to have those for the safe management of our agencies and our workplaces, they would have done so.

**Ms WHITE** - That is so passive. Did you ask?

**Mr JAENSCH** - I, and the Government, are absolutely committed to ensuring any wrongdoing, any failure of process is found and fixed. We need to ensure the integrity of the appropriate processes to investigate those. Having public conversations about lists and speculating on the nature of people's conduct doesn't help victims/survivors or children or our workforce to be a safer place. It could in fact jeopardise investigations that could lead to prosecutions. That is counterproductive; I think you'd agree with that.

**Ms O'BYRNE** - Minister, I will remind you there are victims/survivors listening to this debate -

**Mr JAENSCH** - I am well aware of that. I owe it to them to ensure if we have the opportunity as a system, as a government to find and to prosecute people who have done the wrong thing, I want to uphold the integrity of that process 100 per cent. I do not intend to run

a parallel, speculative process on the side that could jeopardise us getting a result out of those investigations.

**Ms O'BYRNE** - Minister, what was very clear, and when you interrupted I was going to say there are victims/survivors listening now and these questions are of great importance to them.

**Mr JAENSCH** - They are.

**Ms O'BYRNE** - They are very concerned because they've known since May 2022 there are individuals who have been identified. They are concerned about what could be happening now or could be happening in the future, because you don't seem to know who those people are.

What I really want to understand is, we know that a culture of silence, a culture of 'I'm not going to answer questions', a culture of 'I'm not going to address that', a culture of 'That is not my business', is actually the culture that leads to abuse of children. We know that.

How are you personally, as the minister responsible for this area, demonstrating you are modelling a shift of that culture and behaviour by your actions today in saying, 'It is not my business to find out the names and it is a question for another minister'? How are you modelling that? How are you going to balance that protection of the system versus the protection of children?

**Mr JAENSCH** - We have an absolute obligation to the children and young people in our care and in our institutions and to people who experienced harm and abuse, we respect that. We are determined to do everything we can to understand what has happened in the past, to turn every stone, to follow every allegation to its conclusion, and to secure prosecution of those who've done the wrong thing, wherever possible.

As a government that is primarily a responsibility, centrally, of the head of our State Service and our Premier. You've spoken to them at length about these issues yesterday. As part of the Government, I will take advice as to how those matters are best dealt with and we've tried to convey that to you today.

What I'm doing as minister responsible for our department, our institutions, our education system in the context of this hearing, is to implement the 78 recommendations of the commission of inquiry that my agencies are responsible for, the 24 or so others that we are providing assistance or support to other agencies on, and rebuilding our institutions to ensure safety, process, accountability, and monitoring the reforms that we needed, the investment that's required, to make these institutions safe for the future.

That was the fundamental purpose of the commission of inquiry when we set it up: to look back over decades and successive governments, including those in which you were a minister, Ms O'Byrne; that we collectively share responsibility for ensuring that we rebuild those systems to be safe for the future as well as holding those to account who have done the wrong thing, who are still in the system now.

The responsibility for the latter falls primarily with the processes for governing the public service. We own that as a government. But, as a minister, I need to support those processes to



work and I need to lead the work on the recommendations and the reforms that I'm responsible for delivering to make sure those things cannot happen again.

**Ms O'BYRNE** - Minister, your report talks about rebuilding trust. What we're concerned about is that you talk about rebuilding trust with the victims/survivors in particular, with our community - parents with children - with everyone in our education system. Your report says from the start that it's rebuilding trust.

**Mr JAENSCH** - Yes, it's important.

**Ms O'BYRNE** - We have victims/survivors who were told that these names would be made public. We now have you saying that only would they not be made public, and I'm not commenting on the advice you've received on that - we're not ever going to find out who they are to make sure that we're providing safe environments.

Minister, this is not just about what has happened in the past and investigating that process. This is about today, tomorrow, maybe last week, ensuring that people are safe in our system. How can you guarantee that and build trust with victims/survivors if you haven't even worked out who your potential people of significant risk might be?

I accept that identified perpetrators have been referred to police but these are people who, by their actions, have acted as badly because they have looked the other way. I say that because as a former minister I would want a system that showed me where, as the minister, I went wrong; where, as the minister, I might have needed more information; where, as the minister, I could have taken different action. As a former minister, I sought a briefing from the government about it.

Why is that not your driving purpose now in relation to people who were identified in May last year and whom your Government has known about since April? You have taken no action to ensure that protective measures are in place. You can't say those protective measures are in place, regardless, because you don't know, apparently, who they are.

Minister, I am genuinely struggling to understand how that is an appropriate response to victims/survivors - an appropriate response to your document that says you're regaining trust and an appropriate response to people in our system now who may be at risk. Give me anything that can give me and victims/survivors some comfort that you are taking this seriously.

**Mr JAENSCH** - Ms O'Byrne, I resent the assertion that I am not taking it seriously. This is our most important law to ensure the safety of children.

**Ms O'BYRNE** - As you keep saying but I'm not seeing that in your commentary. I'm really not.

**Mr JAENSCH** - Part of that is ensuring that any question of wrongdoing or failure to meet due process is thoroughly assessed by those in the best position to do so, based on all available information. That is what I understand is under way.

**Ms WHITE** - Understand or you know?

**Ms O'BYRNE** - What happens if you get a phone call tomorrow?

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**CHAIR** - Order.

**Mr JAENSCH** - There is no benefit to be had by me seeking to share with you lists of people's names that you are already asserting have contributed to -

**Ms O'BYRNE** - I am not asking for that list. Minister, don't misrepresent me. I'm not asking for that list.

**CHAIR** - Order.

**Ms O'BYRNE** - I am asking for you to find out so that you can provide a safe environment in schools. Victims/survivors were told that this would be public. That's a matter that needs to be addressed definitely but, right now, why don't you know who they are so that you can ensure that children are safe? Why don't you know?

**Mr JAENSCH** - Chair and Ms O'Byrne, you would have had from the Premier yesterday, from the head of the State Service, from the statements and the announcements that have been made about various reviews still under way and to be undertaken, that show you that this Government is committed to leaving no stone unturned -

**Ms O'BYRNE** - How many more reviews do you need?

**CHAIR** - Order, Ms O'Byrne.

**Mr JAENSCH** - We're following every lead to determine that we know the identity and the nature of any failing of any person in our State Service. I am part of a government that supports that process. Those processes have been explained at hearings and outside that and through our parliament over recent days and weeks. The terms of reference of reviews have been spoken about. We have continued to add processes of scrutiny to ensure that we don't miss anything.

**Ms O'BYRNE** - You are missing those people right now.

**CHAIR** - Order.

**Mr JAENSCH** - I reject your assertion that we don't care or that we are seeking to cover up. The evidence would show -

**Ms O'BYRNE** - That you don't know the names of people the commission identified.

**CHAIR** - Order, Ms O'Byrne.

**Mr JAENSCH** - that we are going to significant lengths to ensure that the material that was left us by the commission is mined for its content; that we are cross-referencing with every other record that we hold to ensure that we are not missing any weak links, and that we will, hopefully, be able to provide closure and satisfaction for people who have experienced abuse in our institutions. We can absolutely guarantee to them that we are sincere and resolute in our processes to find and bring people to account.

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**Mr BAYLEY** - An incredibly important line of questioning, thank you, Ms O'Byrne. I won't take it further, because it looks like we are not getting any further with the answers.

I want to look to the future and continue with the funding question and go back to the safeguarding leads. They have been in place now since day one of term 1 of this year; it is almost a full year. What feedback processes do you have in place to allow them to reflect on their experiences and the level of funding they have and the capacity they have to do the jobs that they were employed or appointed to do? How are you going to respond to that? Do you have contingencies to be able to increase funding and needs there?

**Mr JAENSCH** - Chair, I would like to take the opportunity to bring to the table, Liz Jack, who is Deputy Secretary for keeping children safe in DECYP, who has had the lead on the safeguarding activity from its early days, and who can provide you an update on the process for feedback and communication with our network of leads across the state.

**Mr BAYLEY** - Again the question is around funding and the ability to respond to any funding needs and requests that they have as a collective for expansion of a program, additional resources, et cetera. That is specifically what I would like to understand, before going to a follow-up around external providers.

**Ms JACK** - Thank you, minister. When we put in place the safeguarding leads in schools, we made it very clear that it was going to be a 'test and try', even in terms of the model of the scale of the FTE per school. We said that we would take a full year and then do an assessment. That assessment will take into account feedback from the safeguarding leads - and the principals of the schools because it has to work for the entire school community.

**Mr BAYLEY** - Have you got contingency and have you got capacity to increase their capacity or the resources available to those safeguarding leads? Or are you working within the only envelope that you have been given at the moment?

**Ms JACK** - No, at the beginning we said that we would review it and if there is a need we would certainly have to go through our normal budget process. This is a priority of the Government, as the minister said, and also of the department. If there was a need, we would certainly be looking at how we would change the model.

**Mr BAYLEY** - Thank you, Ms Jack. It mightn't be a question for you, but I am also interested in external providers being brought into schools. I understand that the Government has funded programs in every high school and in every primary school. In a high school its 'Consent Is a Conversation' program. In the primary school, it is Safe, Smart Kids and delivered by the Tasmanian Sexual Assault Support specialists. I understand that these programs are delivering myriad benefits, not only the educational platform and opportunity they provide but, being external providers, they also offer our children an alternative mechanism to report and discuss some of their experiences. This is proving incredibly valuable.

I'd like to understand some more about this and, in particular, the Government's appetite for continuing to fund these programs, given their success and expansion of these programs so they can be rolled out and touch more kids. My understanding is they're touching about 3 per cent of public schoolchildren at the moment. Clearly, an aspiration would be that it gets to 100 per cent of those children and that clearly is going to take additional resources. Are there any commitments around that you can give to the committee?

**Mr JAENSCH** - The safeguarding framework has been a very important development in terms of coverage. Every government school is part of the network. For context, the training and the contribution of the individual safeguarding leads in their own schools is critically important and the guidance, mentoring and leadership they can provide for their school's settings, staff, students and their school community is critical in each place. What's also important is the network that they form across the state with people who have had the same training who are working to the same awareness of signs of harmful behaviour, grooming and other matters.

Ensuring that we've got the state covered is one of the things that has protective value from some of the instances that have been documented through the commission of inquiry's hearings and findings, where in the past, from time to time, people who have been perpetrators of abuse have moved across the system, have not been tracked and have been able to start afresh in each community and do the same things again. I think that's abhorrent to everybody.

One of the strongest things - and why I commend the secretary and his team on their leadership in rolling this out ahead of the commission of inquiry's finding and our response to it - has been to set that net across our 195 schools and those settings so that all eyes are on behaviour, there's an informed surveillance of our sites and the people in them, and we are all looking for the same things. If there is a perpetrator who moves themselves from school to school, the same eyes will be on them and they'll know that. We want that to be known and we want to ensure that everybody in our school communities, including children, are empowered to speak up. To the effect that it has deterrent value as well as early detection value, it's an incredibly important safeguard.

There are myriad recommendations in the commission of inquiry about the things that we need to do to bolster and support that, including mandatory curriculum content relating to child sexual abuse awareness, empowering children to speak up, and ensuring they understand their rights and obligations to their peers and themselves to keep themselves safe. There are some very strong statements in there. We will look at all of those and how they work in concept and how we resource them adequately to do their jobs through normal budget processes but also through things like the child abuse prevention strategy, which will be handed down mid next year that will have budgeting associated with it as well.

**Mr BAYLEY** - I've got some questions about the tracking and the Teachers Registration Board that maybe I'll do in another round. In terms of those external providers and those programs, can you give a commitment that they will continue? They're obviously delivering a profound service and an educative role when it comes to those children and the forum they present to them to report. What commitments can you give to those providers that they can plan into next year and beyond to continue to deliver and expand those services?

**Mr JAENSCH** - A couple of those that you referred to in your question received some greater reassurance yesterday of ongoing funding for their important work. I congratulate them for that and thank them for the work that they do. In terms of programs that we have an existing commitment to that are working, that are pilots and that are scalable, certainly we will be looking for partners, the same ones that we have and more as well, to contribute in the future.

**Mr BAYLEY** - Given the statistics, there are victims/survivors in our teaching cohort and their engagement in this issue and the responsibility they are given in terms of child sexual assault within schools is and can be triggering for them. Can you give the committee and

indeed victims/survivors some confidence that you have a mind to their safety and security and their occupational health and wellbeing, and that there are programs in place that look after victims/survivors who are doing really important work in schools as well? Can you fund some of these external providers to also assist with that teaching cohort?

**Mr JAENSCH** - Thank you. It's a really important issue and one that the commission goes directly to in recommendation 6.7 regarding guidelines and supports for victims/ survivors in our school communities, recognising that they may be students, former students, teachers or families of people who interact with the school environment. Schools can be a very important place for us to be recognising those impacts and the vulnerabilities and needs of people who have experienced trauma in their lives, particularly in relation to sexual abuse in our school environments. Our safeguarding framework recognises that and we have support response coordinator roles now in our department. Their focus is initially on students but we recognise that families and our staff are part of that as well.

**Mr BAYLEY** - Do you see a role for external providers in assisting that teaching cohort as well?

**Mr JAENSCH** - My focus is particularly on what we provide, who needs it and how it is provided. We recognise the value in the specialist service provision that doesn't exist necessarily within the department all the time. We're open, and we have shown in the past that we're open, to purchasing those services from others. They are matters for the secretary and the department, so I might ask if Mr Bullard wants to add anything.

**Mr BULLARD** - Thank you, minister. Mr Bayley, we recognise there is a large workforce of 12 000 individuals and we have people with a range of lived experience, including being victims/survivors of child sexual abuse. There are a couple of things that we have under way and there are more to come. The first is just being highly aware that when I'm communicating around matters to do with the commission of inquiry, or previously the professor's report, that might be triggering for some staff, so at the head of every email we remind staff of where they can access our employee assistance program or if they need more tailored wellbeing supports.

The second is in talking to leaders, people who manage our teams or our schools, reminding them of that fact and making sure that they have access to where those supports can be found in case staff come to them with disclosures or looking for more assistance.

Finally, in terms of staff wellbeing, we are investing heavily in the area of staff wellbeing right across the agency. Part of that is recognising what we can do with an internal capacity, making sure that we have people on staff who are able to provide some of that more acute-end support where staff aren't tracking well, but we are looking at a range of other providers for particular cohorts and how we can support them. At the moment, most of that is coming through the employee assistance program, or for staff who need a particularly acute support through our private psychologists or counsellors, but we're really open to looking at other services that can support.

**Mr BAYLEY** - Would that be something that would be contained in next year's Budget?

**Mr BULLARD** - A lot of that is already under way, Mr Bayley, through the team and the funding for that team. It's just now identifying what the range of support services are.

**Ms JACK** - Minister, perhaps I could add to that as well. We are very well aware of the need to be trauma informed in our practice. There is a lot of work that has already been done and is ongoing in schools in terms of trauma-informed practice and professional development. Staff are also, particularly senior staff, have gone through trauma-informed practice training and we use external providers for that as well.

**Ms WHITE** - Minister, the commission of inquiry report was tabled on 26 September and I understand all government members had been provided a copy of it about a month prior, so they had about four weeks to take a look through it.

Through that process, did you at any point identify, like we did when we first saw it, the fact that there were 30 section 18 notices issued to 22 people, only one finding of misconduct, and note that the commission of inquiry's statements about the difficulty they had in issuing any more misconduct notices.

There was a period there, when the commission was in place, where the Government and the ministers, like yourself, could have asked for advice while they were still operational. No one seems to have done that because what then transpired is on 17 October, the Premier wrote to the commission saying:

As Premier, I am concerned that the commission has not been able to complete its task, and that state servants have avoided accountability for their actions. I am deeply concerned this may have negatively impacted on the safety of children in state institutions.

He talks specifically about the 30 section 18 notices issued to 22 people. The problem was those commissioners no longer operate. The commission had concluded its work, they wrote back as private individuals. There was no way for them to share any further information.

Why didn't you, as a minister in receipt of that report a month before any of us had it, identify these same obvious challenges the commission had, and ask them to identify whether any of those people were employees within your agency so you could then take appropriate action, if they were enablers or bystanders, to ensure that they were brought to justice?

**Mr JAENSCH** - As you'd understand, the cases and the processes of the commission of inquiry extend across a number of different portfolios. When we're talking about matters of employment and the actions of the Government and its agents in this process, I stand by the responses that the Premier and Attorney-General have given on behalf of the Government and the advice we've received from the head of the State Service and others in relation to how to follow up on any of those unresolved matters.

There's a lot of work under way and will continue to be until we have exhausted all avenues of inquiry. I stand by the processes that have been led by the Premier and his department to do that.

While that's happening, I take responsibility for the 16 recommendations relating to children in our education system, in our youth justice system, in our out-of-home care and child safety systems as well. They are the areas where I have lead responsibility. I'll support my colleagues in Government as well as our Premier and the actions he's taken in relation to State Service employees generally.

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I don't have anything to add to that. The Premier has taken advice, he's taken information and lead. He's taken leadership on ensuring that we have commissioned extra processes to continue to review and search records, cross-reference and address some of the gaps left by the commission of inquiry process for whatever reasons. I have confidence that there is goodwill and good judgment and an absolute determination to ensure that we leave no stone unturned.

**Ms WHITE** - I'm just puzzled, minister. You strike me as a person - and there's a pattern of behaviour here - where you are content to wait for people to tell you to what to do rather than demanding to know the answers and demanding to get information. You're happy to wait for advice, wait for people to tell you and feel satisfied that everything is tickety-boo, when clearly it's not.

**Mr JAENSCH** - No, I can expect people to do their job properly.

**Ms WHITE** - They haven't been doing their job. No single minister queried the fact that those section 18 notices to 22 people had been unable to be properly progressed by the commission, until 17 October when the Premier and the Attorney-General wrote a letter to the commission of inquiry. That was only after we asked questions in the parliament about who these people are. Why don't you know who they are?

Not a single one of you did your job properly and followed up on that when the commission was still in place to see if you could access information you needed. I am not comfortable with that response saying that you are happy to wait for people to tell you what they think and provide advice because people are doing their job properly. You didn't do your job properly.

We obviously are not going to get any further information out of you but in the Premier's ministerial statement of the same day he said:

Each relevant head of agency is working through an agreed process whereby any behaviour or conduct that is deemed inappropriate will be assessed for a potential breach in the State Service Code of Conduct. It is my expectation that the assessment being undertaken by each head of agency will cover all people who have received section 34 and section 18 notices, where known.

Do you have an update on that, minister? I said earlier today that of the seven state servants who have had a code of conduct brought against them as a breach since October 2020, five of them were from the Department for Education, Children and Young People. In fact, I was wrong - all seven of them are within your agency. Seven of the 34 alleged perpetrators identified in the JSET process are current state servants. All seven are employed by the Department for Education, Children and Young People.

Can you provide an update on how many of them are with the department of Education, outside the other areas within the agency? How many of them are still employed? Have there been any other codes of conduct brought forward through the assessment process that the Premier announced on 17 October?

**Mr JAENSCH** - There are several questions embedded in that. I ask the secretary to provide any comment he can about process here. Otherwise, I would be happy to take the detail

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of your question on notice so we can provide what answer we are able to if you want to formalise your question.

**Mr BULLARD** - Through you, I think there is a number of aspects to your question, Ms White and if I might just address them individually. If we go to the end first: how many and where, I understand that the Premier said yesterday that there would be a public disclosure document released which will outline those numbers.

**Ms WHITE** - Conveniently, it will be later this week.

**CHAIR** - Order.

**Ms WHITE** - Outside of this period for scrutiny.

**CHAIR** - Order.

**Ms WHITE** - That is not your timeline but it is unfortunate, isn't it, Chair?

**CHAIR** - Ms White, order.

**Mr BULLARD** - In terms of numbers, my understanding is that is where it will be reported. In terms then of matters under way or being looked at, I think it is important to note that we take data/information from a range of places and whenever we become aware of information that may be of concern, the department's process is that we stand that individual aside until we can make an assessment of whether there is a risk to children and whether the action constitutes -

**Ms WHITE** - The department has known about it since May last year.

**CHAIR** - Order.

**Ms WHITE** - Minister, I can put that question on notice.

**CHAIR** - Sorry, I think they are still answering the question.

**Mr BULLARD** - I'm just wondering am I still answering the question?

**CHAIR** - I encourage you to continue, thank you.

**Mr BULLARD** - In terms of any information that we receive that is the process that we go through.

We have information from the chapters. We have information from potential section 34As. There may be information in the section 18s. All of them are inputs into our assessment of the risk to young people and whether that action constitutes a breach.

In terms of ED5 reporting that I think you refer to, it is important to point out that there is a number of things that are going on in the commission of inquiry chapter relating to education. I think all of them relate to case studies so they are matters that were already under way before the commission of inquiry. I think in terms of evidence previously provided in



relation to the professors' report, we relooked at all the previous matters that had been assessed by other secretaries in other times under other ministers. We looked at whether there were things that should be progressed that had not been, out of those matters. Some of the matters you refer to, are matters that have been concluded as a result of the review of those files.

**Ms WHITE** - Minister, I am not sure if there is any further information that can be shared, but the Premier announced on 17 November each head of agency is working through a process to assess for potential breaches of the State Service Code of Conduct. My question was, have any been found, have you started any processes on the breaches of the State Service Code of Conduct? It certainly was the Premier's expectation the assessment be undertaken to cover all people who had received section 34 and section 18 notices. Can you provide an update on whether any of those people are covered within your agency?

**Mr JAENSCH** - Again, I offer for the secretary to provide any information he can at the table, otherwise I take any balance of that question on notice.

**Mr BULLARD** - What I can assure you, Ms White, is all matters of which we have become aware, are actually being progressed or have been progressed to a determination or a decision. That was both in the former department of Communities and the former department of Education and now in DECYP with regard to the reporting. My understanding is that is the function of the disclosure the Premier announced yesterday.

**Ms WHITE** - One final question, if I may. We were told 74 state servants have been suspended since October 2020. How many of those are from your agency, minister?

**Mr JAENSCH** - I believe this is covered in the break-down which is going to be, or has been, published as routine disclosure. If we have a copy of the publicly available breakdown we can share at the table, we will do so, otherwise we will show you to where it is reported.

**Mr BULLARD** - I understand at the moment we do not have that disclosure and the Premier announced it would be released shortly.

**Mr JAENSCH** - It will come through that public process you have referred to already.

**Ms WHITE** - Chair, can I ask you advice. The department has this information. They are indicating it will be released at a later date on the timeline the Premier has outlined. I understand this committee can seek information from agencies and departments and, if it is accessible and available, it should be shared with us. Can I seek your guidance on how we might secure that information, if departments are unwilling to share it with us at the table?

**CHAIR** - I am advised the question can certainly be taken on notice and the department will respond accordingly.

**Ms WHITE** - You haven't denied you have that information. You are not willing to share it with the committee at this stage. Is my understanding correct?

**Mr JAENSCH** - We have previously spoken about our policies regarding breaking down numbers of state servants by their professions, locations, agencies, et cetera, in order to avoid the risk of identifying individuals and the processes of natural justice and procedural fairness

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they are entitled to and also, the integrity of any investigations that may be under way. I have discussed this at this table previously, and at Estimates, and our position has not changed.

Where the Premier or the head of the State Service have indicated there is a further disclosure planned imminent, I certainly stand by their actions to do so.

**Ms WHITE** - No, that is now how these committees work. The parliament has the ability to seek information. You said you have the information and at some point, will be shared publicly, so you should be able to share it with us now.

**Mr JAENSCH** - I have asked you to put that on notice if it is not something we are able to provide for you here.

**Ms O'BYRNE** - Chair, is the ruling you are about to make that it can go on notice?

**CHAIR** - In accordance with the proceedings, additional information may be provided to the committee about an answer given. Additional information is to be written, given by a time decided by the committee, and may be included in a volume of additional information laid on the table for the House by the committee.

**Ms O'BYRNE** - Chair, can I confirm with you we would expect answers to all questions on notice before parliament resumes tomorrow for consideration, in detail, of these Estimates that the Government has taken a significant number of questions on notice?

To be fair, there are very few questions they should not have expected, also information we know they've admitted they have. I would expect we would receive it before parliament resumes tomorrow for consideration in detail of this, otherwise this is a farce.

**CHAIR** - This might be something that should be discussed at a deliberative meeting during the break and then we can decide from there.

**Ms O'BYRNE** - I think it should too.

**Mrs ALEXANDER** - Minister, I am going to ask you a straightforward question, and please do not take it as a personal thing.

This is a major project, for a better word, that your department is embarking on with implementation of these recommendations. I'm trying to understand, before you embark on that, how are you going to tidy up your house, for a better word?

I know if I was to do a big project, first I would tidy up everything and then I would start on the big project. I'm not getting the comfort you have the right team in place, or you are fully confident that every single member of your team involved in implementing these recommendations understands the importance of the cultural change.

I'm not saying there are people who necessarily are subjected to notices being issued against them. I'm saying some of the people may have been involved in perpetuating a culture that has us to the situation we're in.

To give us the comfort, how confident are you that the team that will be involved with delivering the recommendations is fully trained and understands their obligations? I'm struggling to understand that.

**Mr JAENSCH** - Thank you, Mrs Alexander, for your question and noting your caveat on it. The department's leadership team that has implemented the safeguarding framework and a number of other reforms providing leadership for Tasmania across the public service. Showing how to do that in advance of implementation of our children and youth safe organisation's framework, in advance of the commission of inquiry's findings and also its recommendations. We are very well served by the people we have in our department and the capabilities they have to implement system-wide changes rapidly in response to evidence and expectations of Government in the community. Let that be said upfront.

**Mrs ALEXANDER** - Sorry, minister. What you're saying here is the pure technical quality of the people which is implementing change. I'm talking about cultural change, not the technicality of implementing. There are two different things: the technical capacity to implement change; and the cultural and emotional capacity to understand.

**Mr JAENSCH** - I take that as well. I was going to move onto a reassurance for you and anyone viewing this, the department's senior executive board is responsible for implementing the commission of inquiry recommendations, with the director for the implementation reporting directly to the secretary. I can confirm for you, no members of the executive board nor the director have been subject to a section 18 or section 34A notice.

That also provides some comfort and assurance in terms of the appropriateness, the culture and the character of the people who are involved. Let that also be on the record.

In terms of organisational culture, values and the commitment of our executive to that, I'd be very happy for the secretary to speak to that because, again this is an area where our department is an exemplar for the Tasmanian public service and elsewhere.

**Mr BULLARD** - To speak briefly to that, we know that it is about culture. The narrative in our organisation is that if everyone listened and supported children to speak up and knew what to do when they did, we wouldn't need policies or procedures or recommendations.

Since the commissioning of the new Department for Education, Children and Young People we have had a culture team within the agency that is purely focused around what we believe as an organisation and what our values are.

The new strategic plan which was recently launched is the result of not only listening to thousands of staff but 2500 children and young people who answered the question, 'Who do we need to be as adults to support you?'. Out of that plan, right at the centre is a belief, so it's not a technical response. It's the belief that the rights of children and young people are upheld in all that we do, particularly the right to an education, to influence decisions that affect them and to be safe from harm, and that's come from children and young people.

We will continue to work with our staff and around what that means in all those settings, but we truly believe we've been set a challenge by children and young people and we're prepared to meet that. Over the next few years we'll continue to work with staff around that and our values that have been co-constructed with over 5500 people across our organisation.

Right at the middle of that is that idea of connection, the idea that we need to ensure we're building strong relationships, not technical project management responses with each other and our stakeholders and with children and young people to do the work we need to do to ensure they are safe.

**Mr BAYLEY** - I would like to talk about Aboriginal students. Across many of the other fields of vision of the CoI, Aboriginal children were found to be more vulnerable and as a result often over-represented in the youth justice and out-of-home care sectors. There's an obvious and critical role for the education system to support Aboriginal children, identify issues early and prevent progression into situations where they could be harmed. Can you talk us through Aboriginal Education Services within DECYP and specifically the roles filled by Aboriginal people in frontline engagement with Aboriginal children?

**Mr JAENSCH** - Thank you. I would ask the secretary to identify who might be best to speak to this at the table.

**Mr BULLARD** - I can speak to it at a high level.

**Mr JAENSCH** - But more generally, in relation to matters like Closing the Gap and the experience and statistics regarding Aboriginal people in our public institutions like in education, on a national comparison the good news is there is a very high level of participation particularly on those Closing the Gap measures that relate to engagement in preschool and participation in kindergarten, the year before school commences for Aboriginal children, which is close to 100 per cent I believe, and quite different to a lot of other jurisdictions. This means that our Aboriginal students are getting a better start in Tasmania compared to those in many other jurisdictions.

**Mr BAYLEY** - Granted that we don't have a lot of time, I'm really interested in the roles, particularly the frontline roles filled by Aboriginal people. I would like to know how many there are across the region and understand a bit more about the terms under which they're employed.

**Mr BULLARD** - Certainly. Maybe we can provide that on notice in terms of numbers. We have Aboriginal education workers who work to support schools to ensure we have cultural safety and cultural understanding within our settings and also in our Child and Family Learning Centres. What we can do is provide you with those numbers on notice.

**Mr JAENSCH** - Just to interject, yesterday Dr Woodruff asked some questions which were similar to those you asked me, Mr Bayley, in question time in our parliament earlier in the year, where there was an assertion that Aboriginal Education Services was being cut or defunded to pay for commission of inquiry initiatives. That is not the case. I confirmed that in parliament. It was asserted again yesterday. I didn't have the right of reply then, so I'm just doing so again now.

**Mr BAYLEY** - Those Aboriginal education workers, what are the terms under which they are employed? Do they have permanent contracts similar to teachers in that they get paid across the holiday period, or are they on annual contracts where their employment finishes at the end of the year and they don't get paid across the holiday period? Could you unpack for me how they are employed and the terms under which they're employed?

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**Mr JAENSCH** - I'm happy for Mr Bullard to respond.

**Mr BULLARD** - I think the best thing to do, Mr Bayley, would be to provide you with the FTE numbers as requested and then identify the categories of employment that those numbers form. We can take that on notice.

**Mr BAYLEY** - Can you confirm that they're not employed on a permanent basis as per a teacher, that their employment either ends, or certainly they don't get paid across the holiday period and they have no security when it comes to their employment?

**Mr JAENSCH** - As I broadly understand it, that would depend on the positions under which they are employed as a TA or a teacher or otherwise, because they have different modes of engagement.

**Mr BAYLEY** - Aboriginal education workers, I understand, is the specific term -

**Mr JAENSCH** - Again, if we want to take that on notice to provide you with correct detail, we will.

**Mr BULLARD** - I would prefer not to commit, Mr Bayley, simply because there is usually a range of education types pertaining to categories of workers. I think it's clearer if we can provide you with a breakdown of FTE and then of employment category.

**Mr BAYLEY** - Can I just take the opportunity to make a point? As is the case with teacher aides and others, particularly when it comes to Aboriginal education workers and the vulnerability of this community more broadly, if indeed those workers are not on permanent employment contracts that see them paid across the holiday breaks and so forth, it's an incredible indictment on the department that that's not the case.

These should be permanent positions for employees within the department allocated to schools and the level of insecurity and uncertainty that creates for Aboriginal people, already a vulnerable cohort of our community, I think represents a gross injustice. I would really encourage the department, if indeed that is the case - and that will be confirmed on notice by the sounds of it - that steps are taken to ensure that there is security and long-term confidence for employees doing this work and that adequate training is provided for them.

Can you outline what kind of training is given to an Aboriginal education worker in the lead-up to taking a frontline role?

**Mr BULLARD** - Mr Bayley, we'll need to take that on notice as it's not a line of questioning we were expecting but it is one that we welcome. I will just say in terms of some of those relationships in relation to people who are upgraded as TAs, we have worked through the last couple of industrial agreements to look at how there is opportunity to provide them with more certainty and more hours of work, so we are attuned to that.

**Mr BAYLEY** - Has anything been landed in that space, so to speak?

**Mr BULLARD** - Certainly if we look at the TAs, there is a qualification now that a teacher assistant can get which I understand is a Diploma Certificate IV qualification in

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Education Support Service. Once you have that qualification you move to the teaching award and you therefore have paid holidays and the same holiday conditions as teachers.

In terms of TAs there is a number of arrangements allowing staff to work more hours, the agreement that was undertaken recently around Christmas leave days being counted as days of leave, and also allowing staff to elect to work two additional weeks, so it does get them close to that 52 weeks, which some staff aspire to.

Interestingly enough, staff asked if they could elect to do that. Some staff who have families and other caring arrangements prefer to have longer holidays that are free. That pertains more generally to our staff on the Tasmanian State Service award. I understand the question you've asked is pertaining particularly to our Aboriginal education workers and we can get that information to you.

**CHAIR** - The time being 11.30 a.m. we will now break for 10 minutes. When we resume, it will be for scrutinising Youth Justice.

**The committee suspended at 11.30 a.m.**