

Submission to the Joint Sessional Committee

Commission of Inquiry Recommendations Scrutiny Committee.

Appointed to inquire into and report upon matters related to the Recommendations made in the Final Report of the:

'Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings.' (The Col), Entitled *'Who was looking after me?'*

My submission, is entitled:

'Who is looking after them?'

Submitted Alysha Rose* on the 21st of February 2025

**Please note, Alysha Rose is a pseudonym that is safe and appropriate for public use, however if the Committee would like to use the pseudonym that the Col gave me throughout the Col and it's final report, it is simply my first name 'Alysha.' I am entirely comfortable with the use of either and both are legally and ethically appropriate.*

**This submission is made on the basis it will be made public, and has been appropriately de-identified. I am submitting a Confidential Addendum (Part B) which is not to be made public.*

Covering letter to Members;

First and Foremost, I'd like to pay tribute to all children, who have endured childhood sexual abuse in Tasmanian Institutions, and who continue to, currently.

Particularly – I want to acknowledge the Victim Survivors who have survived or are currently within the Ashley Youth Detention Centre (AYDC). You need and deserve help. You asked for it, in many cases.

Instead, you continue to be brutally harmed. No one has protected you, for decades. Your resilience is inspiring. It is my wish for you, that you are not defined by offending behaviours, rather your ability to survive significant hardship and that you be offered appropriate therapeutic support that addresses contributing causes of any offending behaviours as well as prior or subsequent trauma you have survived. I am sorry, that you have and are, what I consider to be Collateral Damage to a broken and harmful system. This is not an indicator on your worth, rather an indicator of our failures.

We have failed, in the most catastrophic of ways and continue to.

I respectfully urge members of this Committee to join me in a steadfast refusal to become just another adult who lets these kids down. Because, at this moment in time, we are at a juncture and one path leads to a better and safer Tasmania. If handled correctly, the information we have right now, ought to be treated like a precious gift, a roadmap to safe children.

The other path solidifies a longstanding callous and cruel disregard toward children and will further embed toxic cultures and empower predators within Government. To say there is a lot at stake, is a monumental understatement. But – most importantly we have a monumental opportunity.

To that end, I would like to thank the Committee for both your invitation to make a Submission, and for the subsequent acceptance of this submission, and for the work of the Committee. It is in my opinion, the most important work that could be undertaken at this time in Tasmania, with this Committee quite possibly being the last remaining formal avenue to raise issues, scrutinise the myriad of inconsistencies and unresolved but pivotally important barriers to meaningful and sustainable implementation of the Coi recommendations.

I propose to speak to the individual areas of interest to the Committee; and will highlight here that I have a mighty case of what I can only describe as 'written submission fatigue'. I will touch on a sample set of issues and recommend that they be unpacked in whatever way the Committee deems most appropriate in a hearing setting. There is no way to capture even half of a complete written version of something I have been working on for five years that wouldn't result in burn out on my part. I will however, in addition to this submission and

verbal testimony, provide all assistance that is possible including the provision of corroborative evidence, documentation and other relevant submissions.

A little about me

Noting the unfortunate reality due to being forced into the role of a Whistle-blower and Key witness in the Col regarding my former workplace (Ashley Youth Detention Centre) it is entirely possible what you know of me may be limited to what is in the media despite lifelong attempts to avoid cameras. I am a Clinical Practice Consultant with a long term career working specifically in the area of large scale reform, where vulnerable people are at identified risk. This work has included ensuring the implementation of recommendations that came off the back of the National Royal Commission into Child Sexual Abuse in Institutional Settings were being implemented effectively, for both Government and Private organisations, on the ground in Prison Settings, Youth Justice Facilities, Mental Health Facilities, OOHC and Child Protection settings. I am a very proud mother, and animal lover who misses waterfalls and moss more than I ever thought possible.

My work has evolved from training and implementing new Policy and Procedures, drafting of the same, developing training packages for staff groups of up to 3000 State-wide, and developing and implementing Continuous Change Frameworks and other tools to both identify what isn't working or gaps – and to create and measure efficacy of solutions. I develop the supporting framework's through to mapping implementation processes and monitoring that progress to ensure things are effectively translating from theory to practice 'on the ground'.

As you well know, large scale reform agendas that cross sectors and even legislation, inevitably throw up curve balls of varying natures. It is part of my role, to identify those gaps in real time and adjust any plan. This is what we call reflective practice which I personally consider to be the most important skill we can have in reform. From being personally reflective on our own practices, and for me, to provide mentorship and clinical supervision to other staff to facilitate that same reflection on their practices on the ground – all the way through to work such as This Committee's work.

Opportunity of a lifetime

Not only could this be an exercise in Scrutiny, but if managed most effectively – it will highlight to the Tasmanian Government the things that are working and most importantly it can provide the road map forward, or to pivot – in real time - the things that are not. A moment (or perhaps many moments ideally) to hit 'pause' so to speak and name up what hasn't been handled appropriately thus far and to really identify where it went wrong and how to ensure the work behind every single recommendation is being conducted most effectively, efficiently and in good faith.

In the unfortunate scenario that the Tasmania Government or parts of it, are unwilling to change course when it is identified there is an issue – this Committee's work in identifying those failures, and lay foundations for a

change in course now and not in another century's time. We can use 'readiness for change' assessments to get a handle on whether the warning signs many have identified are indeed indicators of this ordeal having been an exercise in creating the appearance of action as opposed to taking action.

When I was recruited from interstate to work as the Clinical Practice Consultant at AYDC – I considered it a wonderful opportunity to combine my passions for Tasmania, Youth and Reform in a space that Tasmania could truly be one of the global leaders in. In my time at AYDC, I quickly identified systemic and rampant Child Sexual, physical and verbal abuse on a scale unlike I have seen or even read about (including the National Royal Commission Report).

When the CoI was announced, I was unsurprisingly subpoenaed which extended for nearly three years leading to my becoming a key witness against my employer- a situation I never wanted nor would wish upon anyone. However, despite being an introverted and previously exceptionally private person, I have found myself as one of the sole voices representing the interests of the children at AYDC, which has in essence resulted in an ethical inability to turn my back on them (as well as a distinct dislike of my own voice)!

I have no agenda or interest here, not even my dream role with kids who need a hand in stunning Tasmania anymore. I simply want to see this admittedly treacherous process through to a point where even a quarter of the truth the Commission and I have carried is known, NOT out of vengeance or a need to punish those involved. I am primarily motivated by promises I made to individual children who were brave enough to disclose. However, I do have a fundamental belief in the importance of Tangible Accountability which I will expand on later, which does highlight the need for individuals to be held to account as a necessary part of sustainable change.

True reform is impossible when people are not tangibly held to account. I speak not just of the alleged offenders but the enablers of the same at every tier of the State Service, many of whom I personally have provided significant evidence about. Every alleged child sex offender remains in the community, often on full pay still and in some cases, have been inexplicably reinstated and even promoted which I will revisit later. The number of alleged offenders is significantly higher than the number on the DPAC Routine disclosure when you consider the amount who have resigned when allegations have been raised or who have left, often with golden handshakes, prior to this period of scrutiny.

It goes without saying but I will highlight the obvious and reiterate the seriousness of this situation – there are very significant community safety issues, grotesque failures of those who participated in the CoI including Victim Survivors, and intentional cover ups at play. It would be easy to become overwhelmed by the dizzying numbers provided, designed to confuse. It would be understandable to not want to sit in this hideous space longer, because it has gone on for years and is so repulsive it would be much easier to trust the Government will sort it out and all walk away to focus on more palatable things in life.

But we can't, not when we have come so far at the expense of SO MUCH given from SO MANY people. This is both the hardest thing I've ever had to work on as a professional and on a personal level due to the moral injury being exposed to the depths of depravity that we have been in such a systemic way. It is also the most important and delicate.

We have been given a gift. We have been given the recommendations, the Commission, and the road map to protect our kid from dangerous adults. It cannot be wasted or treated like a tick box exercise in governance. There are kids involved and in danger right this second. I could talk for days about all the reasons why they deserve every adult in the State ensuring this opportunity is not squandered.

I could share their inspiring stories – or better yet – I'd like to work with the Committee to create opportunities for those most affected to provide evidence to you as now young adults who have been the invisible children in the fore of my mind for the past 5 years. They are the utmost experts in Youth Detention and what they needed vs what they got. It would be a great disservice to members of the Committee to not make time, to hear from the people living through the impacts of the abuse we are discussing.

Systemic failures – Post Commission of Inquiry

I am deeply concerned about the issues that I am witnessing on a Systemic, Departmental and Government level. There has quite literally been no one held accountable because of the conduct outlined in the Coi report or otherwise known to a multitude of what would typically be considered the most appropriate bodies, instead we continue to see a significant lack of transparency, often outright untruths, or a distorted array of often inaccurate or incomplete facts being drip fed to the public.

I have seen people brazenly protected and promoted in the absence of accountability. I have seen ongoing attempts to evade accountability throughout near all tiers of the Public Service and into Senior Government. I have heard brazen and demonstrably untrue told in these Committees hearings, or within Questions on Notice. I see a Centre that houses our most vulnerable, traumatised children who are rarely sentenced to detention by a Judge, open despite known and decades long abuse and torture having been identified, that has risen to the level of AYDC being raised as an example of one of Australia's worst failures of the OPCAT Convention¹

In my opinion, from a change management perspective – and not at all to minimise the lifelong and horrific impact on every single Victim Survivor who has been abused in the Government's care – It is of the utmost importance that the Commissions report, the Intended findings of its work (as well as the reasons they were not able to be made final), and the responses of the Government to the Commission of Inquiry and indeed their handling of the implementation process must be closely and continuously scrutinised for some time yet.

¹ <https://humanrights.gov.au/about/news/media-releases/human-rights-commissioner-raise-juvenile-and-immigration-detention>

This could take many forms, that I would like to expand on if it is of assistance. I am seeing glaring signs from DECYP and Police in particular, of a slipping commitment or perhaps less efforts being made to feign one. I am also seeing the extent of the hold a deeply entrenched and ugly culture driven by fear and punishment if you dare to break the unspoken rule of silence. It is so pervasive and cannot be underestimated. This culture, perpetuated by leaders in place today and many before them has kept a literal hell open for over 100 years. There are a trail of lost lives, careers, and opportunities in its wake.

The Courage to DEMAND Accountability

People have been lulled into a sense of security by the levels of protection that we have seen. When or if people begin to be held to account, I expect the culture will get worse short term prior to improving immeasurably. That tipping point where people realise their jobs, or perhaps even their freedom is at risk has not occurred. It is my expectation that it will, but DECYP failing to investigate staff for the last four years in any appropriate way, has and will cause additional hurdles to jump to ensure tangible accountability occurs.

When I say this, there is work to be done on a 'Macro' level – exploring the extent to which recommendations are implemented at a Policy or legislative level (recommendation by recommendation for example), and also ensuring there is ongoing data being collected which measures the success of these new initiatives on the ground in practice but also on additionally there is critically important work to be done on a 'micro' level (individual accountability, putting a great deal of resources into values based recruitment etc).

Not forgetting to work at the Micro level as much as if not more than the Macro essentially means being committed enough to change to avoid falling into the path of attributing systemic failures to 'Culture'.

Culture is an important metric to measure – however a good and healthy child safe culture is the result of a successful change process, not the driving force to require one. The driving force here, is people who have sexually abused children in Government Institutions.

Culture is a phenomenon that is not tangible. It does not have a Code of Conduct or KPI's. Attributing such serious things as child sexual abuse and the enabling of it, to 'culture' is in my opinion, risky and potentially takes focus away from what has created such a culture. People, in roles, with names, have made decisions or failed in their duties by committing crimes and people in other roles have allowed it, or worse, been a part of ignoring it or enabling it. A new tone must be set. Where leaders are brave enough to hold individuals to account, and for their role in this crisis. Both to clearly model expectations, provide healing and to make room for people who will take their responsibility to children seriously.

In this submission I will address some specific issues pertaining to different Recommendations, whilst focusing on broader themes of Tangible Accountability and why it matters, Reparation and a trauma informed approach to regaining trust, and unfortunately, ongoing misconduct and obfuscation occurring in the context of the

implementation of recommendations. I will primarily focus on AYDC, but in some areas, will comment on DECYP and Police responses also.

Why this Submission matters

When announcing that Submissions would become open, the following was stated:

“The Committee is interested in receiving written submissions from individuals or organisations with responsibility or involvement in the delivery of, or who are currently impacted by or have experience in, the implementation of these recommendations.”

To assess whether I am objectively an appropriate person to provide a submission and/or evidence, I considered the following and concluded that it is almost certainly beneficial to make use of my undesirable and unintended new area of specialty.

1. I was employed by the Department of Communities, and subsequently DECYP from October 2019 until early 2024.
2. I worked at AYDC, and due to the complete lack of appropriate responses to my efforts at reporting, I documented.
3. This documentation, alongside other pertinent documentation, or feedback/disclosures (that have never stopped being shared with me due to issues surrounding Reporting I will unpack later), initially formed a key part of the why I was Subpoenaed (happily) for the entire duration of the Col.
4. I worked with members of the Col team for an average of 3 days a week for that time, the AFP, Coi Legal Counsel, and other key members of their brilliant team.
5. It is no secret, that I have suffered immeasurably because of doing my job – however, I do not wish to speak about my own experiences unless I use them as a case study that is directly relevant to the work of the Committee. The extent of how I have been impacted and continue to cannot be quantified – but one example of the impacts I faced is that the reprisals by the Tasmanian Government rose to such a severe and concerning point that I believe I was the only witness whose role led to the Office of the Solicitor General being put on notice regarding potential breaches of Section 33 of the Commission of Inquiry act.²
6. I have supported countless Victim Survivors over the last 5 years, who often have not felt safe to alert Government when they typically ought to for health or safety reasons due to that being akin to calling ‘their abuser’ and continue to hear their own experiences and feedback on the implementation of recommendations.
7. Finally, and most importantly, the two most important ‘bodies’ in this process, have sought out and relied upon me as a credible witness to significant extents.

² <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1995-070>

- a) **The Col** mentions me well over 400 times, (I often search my name to find parts of the report pertaining to my own evidence, I'm not enthused about that number given the tragic nature of the work). They also stated, most meaningfully In the final report:

"Alysha went on to raise concerns about how her report was managed (refer to Case study 5), and other issues, providing a detailed statement to us about her experiences working at Ashley Youth Detention Centre. Alysha's statement was invaluable to us in drawing our attention to concerns about current staff and informing our lines of enquiry, noting we have verified many of her concerns by reference to documentation or the evidence of others.

*We know her decision to speak out about the conditions within the Centre, including through our public hearings, came at what she considered to be an enormous personal cost to her and her family. Without Alysha's evidence, we would not have been able to expose what we have about the treatment of children and young people in the Centre. We were struck by Alysha's steadfast determination and advocacy on behalf of all children and young people, particularly those in youth detention."*³

Those words, alongside the heartfelt pleas for help from the boys and I can't go anywhere. I will see this through.

That hell hole must close. These delays, the obfuscation... Where is the outrage? Where are demands for explanation? We know children are unsafe. Now. And for five years straight, all I can do – is write about it hoping that someone with actual power will do something about it.

- b) **The Tasmanian Government**, specifically the Head of the State Service, the Premier and other Heads of Agencies that have showed the humility to often seek input or help by acknowledging the unique position I am in. I deeply respect the HOSS for seeking advice from any source of truth – when the information so many leaders don't want, isn't breaking through the upper levels of bureaucracy. One thing DECYP staff or certainly former Communities staff are not used to, is leaders who WANT information to FIX things.

The Head of the State Service and Head of DPAC, (HOSS) ultimately sought multiple days long interstate trips for me to provide briefings to FastTrack their understanding the intricacies surrounding AYDC, how to interpret the Routine Disclosure Logs and to get a firm grasp on investigations and the nature and true breadth of the offending in AYDC.

³ Volume 5 (Book 2): Chapter 11 — Case studies: Children in youth detention 140

Judging by their lack of knowledge (not at all a lack of wanting to have it, quite the opposite), I believe that their predecessor – the Former HOSS and Head of DPAC Jenny Gale, failed to provide an adequate handover in any way. I must note that I was very impressed by the incoming HOSS' common sense and transparent approach and continue to be impressed by their professionalism and integrity. They have acted appropriately and with more haste in the short time that they became HOSS, than I have seen from any individual thus far, over a five-year period.

I see their appointment as another opportunity not to be squandered. I trust that if asked, they would echo the sentiments of the Coi. That AYDC needs to be urgently closed. Most importantly, significant changes took place after this series of briefings. Finally, an independent investigator was appointed to the AYDC investigations. DPAC formed a Taskforce which is doing tremendous work (albeit nearly entirely at odds with the work in DECYP that I hear and read about).

8. I have maintained a courteous relationship with some parts of the Government, to act as a conduit as required to best support Victim Survivors or Staff who contact me as a last resort when no one is responding to concerns and whilst this identifies clear gaps and areas of work required – it has been a gap we have worked together to fill many times. I have a respectful relationship with all Party leaders and am apolitical whilst it may not always appear that way due to the current government's inaction and my frustration with it. I know the Premier relatively well and consider him to be doing more than others. I have my own well-formed theories on what has and is occurring. I cannot in good conscience say that I believe all Ministers are morally aligned in a way that we need and indeed, have significant evidence that supports that unfortunate analysis.
9. I have read every witness statement, transcript, and subpoenaed written responses that have been made public. Some of these were removed from the Coi Website. Due to the extensive nature of my own evidence, I had to have access to pseudonyms to use the correct pseudonyms during hearings. This has meant that I have (for better or worse) been able to make connections that otherwise would be impossible to make. I am regularly approached by current and former staff, and victim survivors as someone that they know will be understanding who has no agenda outside of 'the system'.
10. I have been extensively involved in matters related to the implementation of the recommendations, due to my knowledge of the investigatory processes that have been undertaken thus far, and the need to brief the HOSS and other critically important people in this space such as the Federal Attorney General, MP's and Senators, Human Rights organisations, or Child Safety experts from all corners of the Country, in regards to the state of things as I see them. This has led to me ensuring I am fully informed about the implementation process, and the gaps within it.

I am informed by reading all information provided by the State, in all its inconsistent and buzz word laden glory, albeit often left trying to understand if anything I just read was measurable or tangible in any way... I also speak with current staff, former staff, abuse lawyers, child safety experts and advocates.

11. Most importantly, I speak to the former detainees who have gifted me their trust. I cannot overstate the following statement:

They have the answers. They have lived this, and no one will ever be better able to speak to what would have been better for them.

What they needed. It is certainly not abuse and being treated like unwilling players in a depraved game run by adults who are absolutely, unequivocally - the more criminal of the two groups. I would appreciate working with this Committee to facilitate how some of the now adult Survivors see the implementation progress at ADYC. They tend to move in similar circles, and no one will provide a more accurate account than those who are young adults with siblings or cousins who are still detained.

In this submission, which again, I provide consent to be made public, I will provide a sample set of information, that I hope provides enough of an insight into why a more complete picture may be required if you wish to do this, for the last time and not properly address Institutional Abuse in Tasmania Now. I would appreciate the opportunity to speak to some issues further in hearings. In this submission, due to the sheer volume of information I am in possession of as a result of working on 'this' (I'm not sure I can define 'this' other than to say I am performing my role, to do my very best to reform Custodial Youth Justice – unpaid and in admittedly in less than typical or enjoyable ways than I had planned), I will keep this submission general, and will provide more detailed information as required by the Committee in hearings.

I will also make a **CONFIDENTIAL** submission to reference areas of concern that must remain confidential until such a time the Committee determines there is no risk of prejudicing legitimate. (Not 'shop fronts' or hypothetical) investigations, or other Criminal processes. I will share the additional appendices and supporting material corroborating the facts of this submission, in person. There are other elements that I will keep confidential, to protect my own safety.

More on Privacy and Confidentiality

For the reasons outlined above, as well as the breadth of the information I'd like to convey, I expect it will be necessary to appear before the Committee and will make myself available to do so. I wish to reassure the Committee members, that I expect the fact I have not 'named names', have kept my own evidence as a Key witness for the Commission of Inquiry, Confidential despite it being of the utmost public interest and have rather used every appropriate avenue to raise often very distressing information – to speak for itself in terms of

my ability to separate professional matters from the sometimes strong feelings of despair I might share personally.

I am well versed in the Youth Justice Act, the Children Young Persons and Their Families Act 1997 and my obligations under those acts also, and if it is necessary to speak about a young person in the context of recommendations, they will be appropriately deidentified by name and any identifying context if required.

In both submissions, I will not reference anything, that I cannot substantiate by way of corroborative evidence or other documentary evidence (unless specified which I do in one instance). Whilst unfortunately, I have been treated poorly by my former employer, and have undoubtedly at times been tarred with the brush of a whistleblower being loud-mouthed in some way – I wish to state clearly, that what I have spoken about publicly, is probably less than 1% of the most alarming information I am aware of, and take both my reporting obligations, my integrity and the importance of maintaining appropriate confidences very seriously. I also value privacy and resent being put in a position where I have lost it, due to the horrendous conduct of others who remain unscathed.

I have sought advice regarding the provision of a copy of my written evidence to the CoI that is not public due to the extensive criminal allegations within, it to the Committee, if you believe it will assist. I am willing to provide an appropriately de-identified Confidential copy of this with my Confidential component of this submission (Part B).

I will not use a single name, that is not either in the context of public documentation that uses it also, and any name that I do use, regarding AYDC staff or detainees – will only be the Pseudonym appointed to them and used throughout the Commission's Final Report. If the Committee has any concerns about any part of this submission that could prohibit publication, please raise them with me for removal or amendment.

My hope is that collectively we can assist the children detained and all Victim Survivors in Tasmania to experience what they deserved to by courageously engaging with a long and distressing CoI. What they deserve, is the Truth.

Some of us are more informed about what exactly that looks like, and who did what, and when than others. The facts are exceptionally grotesque. They also need to be known, to create the right foundations to begin to recover as individuals, a community and to begin the presumably long journey to earning back Public Trust. I would appreciate being able to speak more on these core acts of bad faith, that remain unaddressed and are fundamental. More importantly it is important to speak on what could be done to remedy impacts caused by acts of bad faith.

With that final and most important overarching theme being the Truth, in mind, I respectfully flag that I have listed a small number of considered recommendations at the end of the Executive Summary, and the reasons I believe it would be tremendously beneficial if this Committee considered making them. I took this step because few official people have taken reparative steps or recommended them. Coming from a position such as yours, would demonstrate to those most affected by what has been a series of acutely traumatic events over many years, that people haven't given up. We all truly need to see a united and unwavering commitment to the Truth being told and a new way of working from here onwards.

Bringing integrity back

In the words of the Coi's notably final Expert Witness Dr Samantha Crompvoets written statement⁴:

'To create sustainable organisational change, it is integral that the relationship between power and accountability is examined, and that rather than centring the discussion to culture, social networks and climates are considered.'

...' When problems are analysed at the macro level, individual accountability can be obscured. The organisation's problem is presented as a generalised phenomenon, becoming a 'thing' to blame (rather than a person or persons).'

Perhaps most pertinent to the integral work of this Committee:

...' In particular, accountability needs to be tangible. It needs to be built into a senior mentality in relation to implementation. Faulty accountability structures and a lack of consequences can impede on the implementation of effective recommendations.'

Ponder on this...

Actual people, with names. Roles, Statements of Duties, Responsibilities. They have allowed all of this to occur and many still do. There is no AYDC Monster, or Culture Monster – who harms children or fails to protect them who is jussst out of reach. There are staff, who are paid to perform roles. Many, have failed egregiously. Some criminally. Some are incompetent or negligent. None of that, is ok. All of it can be worked through, and people can be developed and supported through this period of growth. But to blame an intangible thing for children being sexually abused in our care? That, is gutless.

Finally, I wish to again acknowledge the critical importance of the work of this Committee. I am as previously mentioned - rather submission fatigued. However, scrutiny via this important mechanism is quite literally the last hope available to many. Many others have already given up hope.

⁴https://www.commissionofinquiry.tas.gov.au/__data/assets/pdf_file/0009/677691/Statement-of-Dr-Samantha-Crompvoets,-10-September-2022.pdf

I am personally, asking for the help of this Committee. I need you to be open to hearing the truth of what has occurred, and to accept nothing less than tangible accountability and responsibility taken for decisions and conduct that can only amount to secondary abuse of many.

There is a choice. It is one I have faced, it is one that every staff member who has ever stepped foot into AYDC has had to make – and that is what side of history we want to be on. What do we want our own kids to remember us for? My choice is evident and often feels hopeless. But with my professional hat on – I can see the small adjustments needed to make a seemingly endless battle quickly shift into finally, seeing that light at the end of the tunnel.

There is current risk to children at AYDC, that I am privy to extensive detail about. There are current cover ups and records being destroyed. The freeze orders applied by the Commission of Inquiry, are not being adhered to. Footage is accessible to those I consider the most implicated people who are still in the Centre. The Commission of Inquiries recommendations are only as good as they can be if they are effectively and fully implemented ‘in practice’. This has not and is not occurring at AYDC. Of the three staff who have reached out in the last few weeks, not one has known how to make mandatory reports, for example. How effective are recommendations without implementation? About as effective as the 17 prior reports/reviews into AYDC, that have changed nothing and rather served to embolden and instil a sense of invincibility through staff groups.

I will endeavor to shine a light on the issues and gaps as I see them currently, noting I need to speak to them to adequately address the complexity at this time. I will also of course, offer suggestions and feedback on what I am reading, seeing, and hearing.

Thank you for receiving my submission, noting that I have been more emotionally frank in that I typically would – due to of the importance of seizing this moment.

With gratitude and respect,
Alysha

NOTE:

It has been difficult to compile this submission, and I acknowledge it may appear disjointed at times. This is due to the breadth of information I am aware of, noting that I spent an entire week with the AFP member for the Commission, sharing documentation. It is simply impossible to capture succinctly and smoothly all that requires scrutiny. I am willing to provide any further information to the committee that you require.

Executive Summary

Introduction

Through this submission, I reflect on the Implementation of the Commission of Inquiries 191 recommendations, and what is working well. I will also speak to what needs to be examined, and in some cases, what isn't occurring at all. I will explore some contemporaneous responses of Tasmanian government institutions to recent allegations of abuse and how they may indicate a lack of meaningful and adequate work being put in at an implementation level, or they may indicate an empowered staff group who has evidence they will not be held to account for failing to safeguard children. Some things I will unpack will indicate or urgency to focus on some recommendations more than others.

Most of the allegations and responses within this submission are during or post Commission (besides some brief comparisons to my own experiences there), and whilst utterly disappointing – they provide important insights into the Ashley Youth Detention Centre (AYDC), DECYP and the Governments 'Readiness for Change'. From what I can tell and will seek to explain is varied levels of readiness for change and genuine attempts to become a safer State for children.

The clear marker for whether the Government is taking the recommendations arising from the Commission seriously, will always be if Ashley Youth Detention Centre is open.

Whilst it is open, with all that we know – we can assume with early indicators of pushing out timelines on implementation and attempts to mislead and obfuscate during this Committee's hearings – **that there is no current intention by DECYP to close AYDC.** It has been plagued by abuse and horror for a century and successive governments somehow think it's acceptable to kick the can that is Ashley down the road just a little further.

I will highlight the systemic failures and delays in reporting, the shortcomings, bias and conflicts inherent within the subsequent investigations, issues pertaining to successful implementation of other AYDC specific recommendations – all of which are occurring to this day. (I will touch on some 'completed outcomes' achieved to date where relevant, which are characterised by a programmed obfuscation which has resulted in the absence of any tangible accountability of either the perpetrators of abuse, those surrounding them who failed to report risk or concern or the duty holders operating within the failed governance systems.

I will describe ongoing dysfunction and deceptive practices within DECYP that has led to the need for intervention by DPAC. DECYP leaders have demonstrated to the ends of the earth that they are unable to safely operate AYDC. Leaders both at AYDC and within the higher echelons of DECYP have been reported to me by many current staff in recent times as being retaliatory, and notably difficult when staff have tried to report abuse.

In this Committee's hearings of August last year, soon after I had commenced briefing the new HOSS, in the Premier's time to speak to Recommendation 12.1 (A DECYP recommendation) she appeared to have hit the ground running, in a way I've not seen yet. She said within an ongoing exchange about a new build timeline:

*"noting that the youth justice taskforce, including the work to create the new facility, but importantly the model of care that underlines that facility, has transferred to the Department of Premier and Cabinet in the last month. So that team is absolutely actively engaged. The design process includes the finalisation of the model of care which has been underway for some months."*⁵

The Premier also spoke with conviction, shared his department has carriage of the closure now, and it appeared that he was planning to have the facility designed and built by the Coi Deadline, 2026. It would be very easy to blame the Premier for everything that went wrong with the Coi – and if the truth is not disclosed publicly soon – he would have left it long enough to deserve the blame for everything that went wrong with the Coi. BUT – I will invite the Premier, as someone I quietly respect for deeply personal reasons, to tell the Committee, to tell us, why he was shaking with rage when he asked for the Former Attorney General's resignation. Jeremy, twice now you have avoided second rounds of appropriate scrutiny in the two Post Coi Committee's we have had, it's time to please – speak.

I digress, the Premier also spoke to a timeframe, the steps involved in meeting it, to deliver the closure of AYDC. It was followed by a curious exchange that left me wondering if the Minister for DECYP aware enormous parts of his portfolio was had been removed from him. It was something to ponder on – what, or who is the real reason for the delays in shutting AYDC. There is a reason. It isn't to reduce crime, or because its cost efficient or good for kids. It isn't because there are no alternatives. I invite you to think about why.

Unfortunately, on that same day, the Minister for DECYP could not commit to even a start date, for a **'design phase'**. He did not know how many beds the new facility the Premier spoke about might have. He refused to answer a question directly, about whether he had been presented with high level spatial and relational master planning and budget information in July 2023. **It is my understanding, that he has and that he refused to even take them to Cabinet, citing the proposed budget.**

When painfully pressed further, in November 2024, by Ms O'Connor, on the closure of AYDC, and when the proposed designs and plans would be ready to submit for approval - the answers from the Minister for DECYP included the following vague and entirely unmeasurable non commitments:

'I should imagine we'll work through iterations' and;

'We're mapping out those planning processes now. I've asked the department for timelines and all the 'what ifs'.

⁵ https://www.parliament.tas.gov.au/__data/assets/pdf_file/0027/84456/JSC-COIR-29-August-2024-Transcript-Part-1-Premier.pdf

As a personally and professionally affected stakeholder, I find these answers offensive.

This is not a political matter. This is not something to obfuscate about. We need answers. No one has the energy left – to hear about mapping out planning. Respectfully.

Nothing could demonstrate better, than the transcripts of Committees such as this, why Ministers ought to have given evidence.

Needless to say, some extraordinary work has been done by creating the Office of the Independent Regulator, and the introduction of the role of the Implementation Monitor. However, the most urgent issue is unaddressed. Therefore;

My areas of priority in order of urgency in this space are:

1. Addressing immediate risk – Immediate closure of AYDC and movement to an interim facility
2. Children and adults who have been victim survivors of AYDC and ensuring they have significant and individualised supports around them.
3. Ensuring tangible accountability occurs, to ensure the greatest chance of success from this reform agenda.

My priority is and always will be - the children at risk now, who I consistently hear about and have directly worked with others just like them. They aren't allowed to be pictured or named in the media, to share their stories if they've ever been to AYDC. So, as highly visual creatures, we create an idea of what they might be like based on media reporting and rhetoric we hear. Basically, we can assume some of the public, may imagine monstrous thugs with Hannibal Lector restraints on if we allow our minds to create an image of these tyrannical, career criminals who are terrorising people and making us all very unsafe right?

WRONG. And that is not the communities' fault one bit! But I will tell the truth – as I have experienced it.

There are rarely, more than 2-3 maximum children who a Judge, has sentenced to being at AYDC. They are the young people who a Judge have decided need to be in a custodial environment due to the severity of their crime, repetitive nature of offending, or perhaps in the hope they be given an opportunity to access help.

For the most part, the children there are on remand, for offences we would never see adults remanded in custody for.

- They make obstacle courses out of lounges and pretend to ride motorbikes around the unit's.
- They beg to play basketball, because well, it's fun!
- They go swimming when it's far too cold, and their teeth chatter for hours afterwards. (but it's worth it)

- They make jokes, about farts and the like.
- They called me Melman the giraffe from Madagascar because I'm tall like a giraffe. (one child said I was more graceful, like a Gazelle. Obviously, they became my favourite... Joking!)
- They are small for the most part, with chubby cheeks, and other child like qualities.
- Some of them are there for serious crimes, those young people need to have a safe place to be – to access help and support to address their offending as best we can. There will always be this need.
- Most of them, are scared children who lack impulse control and offending is a symptom of something much more serious like abuse, neglect, undiagnosed neurological disorders etc.
- I have never, had an issue that couldn't be respectfully discussed with a single one of them.
- There are always a few young people who are bigger, stronger and older. They are less child like and certainly, teenagers. They are still goofy and silly, and when treated kindly – very kind back.
- It is this group that often create serious incidents to divert attention from young, small or new kids being admitted in an attempt to keep them safe.
- It is also this group that staff set up to fight one another (a very recent allegation), to the point of begging staff to intervene.
- No matter the child, I would feel safer with any one of them in a room than 98% of the staff group.

Two key things are true of all of them –

- 1. Having read many a case file from birth onwards, I am confident in saying that not one of us would be in a vastly different position to those kids if we had lived the same set of experiences.**
- 2. All they need is a safe adult and a little help.**

It is less clear by the day what is happening with the closure of AYDC. Under DECYP's reign, they presented a ten year Youth Justice Blueprint, that failed to mention a single detail about a new facility. I do not have any faith in the intentions, or capacity for DECYP to close AYDC. Not only because the track record of failing to protect kids there is demonstrable and grotesque, but because of the information they readily share which clearly evidences the complete lack of intention to build a new facility or more importantly – to create safety for children being abused there NOW.

The work done by the Youth Justice Reform Taskforce (YJRTF) under it's new DPAC lead, speaks for itself. Their action plan⁶ tabled recently, which carefully navigates the fact this has been bungled terribly by DECYP, provides a detailed plan, complete with tangible timeframes and clear updates on progress to meet them.⁷ It includes plans to measure its progress, and a tight timeframe AYDC closing by deadline. This Action Plan was released in October 2024 with a link to both it and the Youth Justice Blueprint 2024 – 2034⁸ which was released in

⁶ https://www.parliament.tas.gov.au/__data/assets/pdf_file/0021/87231/241114-Minister-Jaensch-Youth_Justice_Reform_Taskforce_Action_Plan_2024-25.pdf

⁸<https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Youth-Justice-Blueprint.pdf>

November 2024 – with a sole mention of a new facility and not a detail more. I tried to read it with an open mind, reform hat on.

Unfortunately, after I read all 43 pages of it. I couldn't see timeframes, or efficacy measures or outcomes of any kind or well... anything beyond buzz words about early intervention and diversion. To which my brain said 'Duh'. Of course, those efforts should occur by way of a commitment to best practice and continuous improvement.

But we aren't dealing with a Youth Justice System that needs some tweaks of practice, we are dealing with. Youth Detention Centre that is and has been a hub for child abuse for decades (I will expand on this under current leadership). We are dealing with the most dangerous institution in Australia for children. I will explore this more under the section entitled "*A Lack of Readiness for Change*".

I must be clear; I am all for diversion and prevention. But those things fail to address the urgent need to safeguard kids NOW. There is no excuse, to allow children now to be considered collateral damage to a failed and dangerous system. There is no mention, about how this government will support decades of broken and abused survivors of AYDC that any reforms, are too late for. If Tasmania had a mid to high functioning Youth Justice system in place and stable – this Blueprint would be inoffensive. Unfortunately, we have Ashley.

The people who allowed this centre to exist as it has, are not going to be the people that shut it. Ego, will prevent that. It means accepting for some, publicly - 'I failed.' And accountability may be 'Theme 1 for the Keeping Kids Safe Team' but it is nothing more than that in practice yet.

Thankfully, on the second last page of the DECYP Blue Print, it asked the question I needed an answer to. *What are we already doing? The Tasmanian Government is currently implementing a range of initiatives that will assist in supporting those children and young people, and their families, who are at risk of, or engaged in, youth offending.*

Unfortunately, that statement broken down, amounts to:

- implementing,
- a range (*no specificity*)
- of initiatives (*which strictly defined, means "the ability to assess and initiate things"*)
- that assist in supporting – I was certain they meant the same thing and it turns they do. The 'initiatives' will
- Assist (*help (someone), typically by doing a share of the work.*)
- in Supporting (*give assistance to*)
- those young people (*it fails to specify which or how they are identified*)
- at risk of or engaged in Youth Offending.

I couldn't have summed it up better myself, it is 43 pages of "A vague kind of ability to initiate things that assist in assisting some people who might somehow be identified as being at risk of offending."

It is depressing albeit fascinating to me, as someone entirely focused on seeing AYDC closed – because I have lived that nightmare myself and NO child should be in that facility – to read the Youth Justice Blueprint which fails to discuss closing the centre, alongside the YJRTF Action plan. The action Plan at least attempts to appear complimentary to the YJ Blueprint. Most strangely, the blueprint fails to acknowledge the Action plan.

This visual (that identifies relevant recs, deadlines and actions needed!) in the YJRTF Action Plan speaks volumes about the lack of overlap between one Departments plan for Youth Justice, and the other. Actions 3 and 5, which enable the closure of AYDC – have very little overlap with the DECYP Blueprint.

Action	Relevant blueprint strategies	Relevant CoI rec.	CoI deadline
1 Finalise and commence implementation of a Youth Justice Model of Care	1 2 3 4 5	12.18 and 12.24	July 2026 July 2029
2 Implement a range of early intervention, prevention and diversion programs and options	1 2 3 4 5	12.13	July 2029
3 Implement a range of assisted bail and transition from detention options	1 2 3 4 5	12.13, 12.14 and 12.24	July 2029
4 Develop a Tasmanian Aboriginal Youth Justice Strategy	1 2 3 4 5	12.27	July 2026
5 Design and construct a new Tasmanian Youth Justice Facility	1 2 3 4 5	12.1, 12.16, 12.28, 12.29 and 12.38	July 2026

I will unpack the differences in approach, further in Readiness for change.

I will summarise, what the biggest barrier to implementing Youth justice recommendations is, based on the evidence available.

Going back in order to move forward... I cannot over-state the importance of this section.

The Coi report states:

“We issued 30 section 18 notices to 22 people.”
“In Volume 6, we make one finding of misconduct.”

I am more aware than most (unfortunately), of what lengths certain individuals and certainly departments and offices have gone to, to create perverse outcomes such as the one above. This is mostly due to my written evidence leading to multiple misconduct notices being issued, I was informed about the process and when certain people I believed pose risk to me, would be receiving copies of my evidence to go through the motions of procedural fairness.

What has been publicly stated about that timeline, is blatantly untrue. All intended recipients of Misconduct notices had to be notified well before they gave evidence in person. Hearings for AYDC being mid 2022. I will expand on this in Section 2.

Ongoing Organized abuse at AYDC

The abuse at AYDC was/is systemic, involving physical, sexual, and psychological abuse, and torture rising to the standard of being in breach of the OPCAT convention.⁹ This century of abuse and torture of children is underpinned by significant elements of isolation, surveillance, reward, and punishment – that is, the abuse was enabled by systemic and organised coercive control and intimidation of both residents and non-abusive staff, within the closed and physically isolated institutional setting of AYDC.

- The Commission of Inquiry into the Tasmanian Government's responses to Child Sexual Abuse in Institutional Settings (Col) noted that abuse was **“organized and collaborative within the closed institution, creating an environment where children were unable to report their experiences”**.
- “On page 9 of volume 2 of the commission of inquiry report, **the commissioners note that they received accounts of organised abuse. By that, they mean multiple paedophiles conspiring to sexually abuse children**”. - Greens Leader, Dr Rosalie Woodruff (Coi Scrutiny Committee hearing, 2023).
- Dr Morag MacSween (commissioned as a subject matter expert to analyse case studies within the Col report) articulated the conclusion that **“within the closed institution of AYDC, abuse was organised, collective and collaborative”**.
- In Dr Morag Macsween’s analysis, they went on the state:
“In our view, child sexual abuse perpetrated in AYDC is markedly distinct from child sexual abuse in other institutions in Tasmania, both quantitatively and qualitatively.

⁹ https://assets.keepingchildrensafe.tas.gov.au/media/documents/Experts_by_Experience_-_June_2024_-_FINAL_VERSION.pdf

The abuse was physical, sexual and psychological. It was continuous, direct and indirect. It included significant elements of coercive control: isolation; surveillance; reward and punishment. It reminded us of Salter and Woodlock's research into organised abuse, both in its perpetration over time and by groups, and in the ignorance, exploitation...(and) inaction which occurred in response.

The Commission observed that the Royal Commission's consideration of total/closed institutions was relevant to AYDC. Children and young people in AYDC were closed off from the outside world. They were imprisoned in an alternative moral universe, unable and fearful to report their experiences of abuse to the outside world. Staff exercised power to abuse children and young people with impunity, to promote abuse of younger vulnerable children by older children, and to enforce inculturation of new staff and children and young people into violence and abuse. The Commission continued to hold concerns about the safety and wellbeing of children and young people at AYDC at the close of their deliberations".

Failures in Reporting

I have attempted to highlight the significant delays in the Tasmanian government's reporting of credible allegations of child abuse within AYDC to Tasmania Police and the Registrar previously. For instance: [Please Note: all names used are pseudonyms, as adopted by the Col].

- *Baxter's* allegations against *Ira* were reported to Tasmanian Police **5 months** after the Department became aware.
- *Parker's* allegations were reported to Tasmanian Police **18 months** after the Department became aware.
- *Alysha's* report about Lester was reported to Tasmanian Police **10 months** after being received – (and only after being aired within parliament). (Lester has been known to Police as an alleged child sex offender through reports from many sources including a NOT AYDC related Victim Survivor since 2012).
- In November 2020, the Department reported four Abuse in State Care Program claims to Tasmania Police. However, it took Tas Pol **21 months** to refer these allegations to the Registrar.

To this day, there are many examples I could provide to demonstrate delays and failures to report at all remain. Just yesterday I received new disclosures of recent abuse at AYDC, that has not been reported or acted on in any remotely appropriate way. I will provide evidence of the nature of these allegations (de-identified to protect the reporters), and the regularity of which I receive them, to the Committee if it would assist.

Tangible Accountability

The submission aims to highlight the significant need for tangible accountability concerning the protection of vulnerable children, written with the main barriers I identify, to realising this need, and effective long lasting change.

1. A lack transparency and the importance Integrity in action:

Considerable concerns exist surrounding the Tasmanian government's practices regarding disclosure of information about state servants accused of child sexual abuse. Specifically, data provided is often misleading and overly complex, or withheld, which prevents parents and guardians from being fully informed and able to protect their children. This lack of transparency is seen as a way for the government to prioritize self-protection over child safety.

One of many examples of this is that I have not seen efforts made to notify parents or guardians of children who have been at AYDC, who are likely to have been abused or at the very least in the care of known child sex offenders. I don't believe parents of children or the now adults themselves who have been held in AYDC have been reached out to, to explain the risk, the number of dangerous staff they have been exposed to and to offer help and options to move forward and recover.

The State Government also won't break down the data on the 'Routine Disclosure log' released each month, regarding the number of alleged child sex offenders in different parts of the State to individual institutions or the time frames in which X number of alleged offenders were there, to equip parents with the information needed to assess the level of risk their child may have been or continue to be exposed to.

The Police Youth at Risk Youth Diversion Officer who was arrested this past week for possession of Child Abuse Material from the Northern CIB, is a timely example of protecting the 'State' or the 'Crown' or perhaps just 'The Boys' – it is not yet fully clear... But every image that was previously online of that man with children, sitting on his lap and otherwise close to him that could have provided critical help to parents who might have noticed their child isn't their normal self after spending time with him (as an entirely hypothetical example). Being less transparent, removes tools from the community's toolbox to protect our kids. All parents have the right to know if their child has come into close contact with child sex offenders.

I urge this Committee to ascertain that those notifications have occurred, noting literacy issues being quite prevalent in families in contact with the Youth Justice System, regarding AYDC due to the 24/7 nature of the facility.

2. Systemic Failures Post Coi - an honest update:

Systemic failures, (both within Tasmanian Youth Justice/Ashley Youth Detention Centre, in addition to the broader state government as a whole), have enabled extensive abuse to occur without accountability. Despite

significant evidence and reports of abuse, there has been a lack of action to hold those in power accountable for their failures, and indeed what can only be described as sophisticated, strategic, and ongoing protection of abusers and enablers of abuse of Children in Tasmania.

Collectively, these issues emphasize the urgent need for increased and ongoing scrutiny, accountability and additional oversight measures put in place to protect children's rights and safety within Tasmania.

The Commission stated in August 2023:

“It is important for us to state that, as far as we are aware at the time of writing, none of the staff who we examine in our case examples have been charged with any child sexual abuse offences. As we make clear throughout our report, it is not our role to investigate and substantiate specific allegations of child sexual abuse, which is ultimately a matter for police and other agencies. Our interest lies in how agencies responded to allegations and managed risks to children in circumstances where staff who were the subject of allegations had access to vulnerable children in an extremely high-risk setting for abuse—namely, a youth detention centre.”

I am saying, and willing to provide evidence that, at the time of writing this submission, it is my understanding that this remains the status quo.

Worse more, since the Commission concluded, the Government has doubled down on a lack of integrity and transparency repeatedly. By way of sharing a few examples of this, in matters where I am aware of the truth not being spoken where there is nothing to prevent it. It is a choice.

- They have failed to tell the truth about the fact that DPAC had to intervene and remove investigations and management of the closure of AYDC from DECYP regarding AYDC recently.
- They have failed to tell the truth about the Abolishment of Communities and its significant subsequent impacts on documentation, RTI's and other evidence.
- They have failed to correct the record regarding the inaccuracy and incompleteness of the Blake Report.
- They have failed, to charge a single AYDC child sex offender, despite the largest class action ever, against a Youth Detention Centre was recently settled with the Supreme Court accepted their findings.
- They have failed to tell people of the binding advice that the OSG gave, that has been successfully relied upon as an excuse to do nothing about Child Sex Offenders known to State and DECYP/Communities since 2007, despite multiple opportunities to remedy this.

- They have failed, to stop using harmful rhetoric against vulnerable children, despite the Commission’s scathing review of Police language and attitudes towards these children. (Taskforce Reprisal proudly charged 5, 14-16 year old girls 2 days again ago by ‘targeting offenders’)¹⁰
- They have failed, to tell the public, and more importantly the Victim Survivors and Witnesses, the truth about how the Commission was hamstrung, its evidence weaponised, investigations impeded – even those AHPRA sought to commence. It is important, that I please have the opportunity to speak about AHPRA and my knowledge of what occurred. In employment investigations, as well as far broader ones. The implications of the Coi act are wide reaching and still being weaponised to hinder attempts at uncovering the facts here, like what is described in the latest Woolcott review update (nov 2024)
- They continue to endorse people who fail to adhere to the ‘Child Safe Standards’ or much less the State Service code of conduct. The recent funding announcement to JCP, given the organisations founder writing an Op Ed, is very far from reaching ‘Child Safe Standards’ without any proper process, is a good example of ongoing choices that are not just ‘not best practice’ but are CONTRARY to recommendations.
- They continue to allow me to serve as an example of a State Servant whose life they destroyed for reporting abuse of kids. I know how damaging this continues to be, because I hear the words so often *“they’ll do what they did to you to me...”*. If anyone, was serious about addressing culture and failures to report – repairing harm done to those who have done the right thing – with the generosity you treat the people we have reported – is an obvious place to start.
- They have failed, to explain why it is, that some of the most senior people in the State, who were implicated in the Commission were quietly resigned with benefits, instead of being held to account, I have direct evidence pertaining to how this occurred and by whom.
- They have failed to Close AYDC or take any steps towards doing so – which brings me to my final point.

They have failed to tell the public that this Inquiry, exposed horrific abuse that spanned all departments – but what is exposed more quietly, is that there is the most dangerous institution in Australia, that has employed Paedophiles at an offender to child ratio I’ve never seen in other data, including that from the National Royal Commission (inclusive of churches, schools etc).

It exposed that Tasmania has a Paedophiles at Ashley Youth Detention Centre Crisis, with some tragic, albeit still connected outliers across the State. But ONE building, has had more child sex offenders identified than the rest of the State combined.

¹⁰ <https://www.police.tas.gov.au/news-events/media-releases/taskforce-reprisal-continues-to-target-offenders/>

I wish to explain to the committee who has known what, and when with corroborative documentation. The gaslighting, avoidance of scrutiny questions, refusing to remedy egregious wrongdoings and hold people to account – has caused a secondary injury in most people that I know who gave evidence with lived experience.

Contrarily, the complete lack of rewarding so many who have acted with absolute integrity and upheld the Code of Conduct to demonstrate what the expectations are, has been notably absent.

It is important to demonstrate clearly, what the Government's response has been to these dangerous individuals and how vastly different to what the Governments response has been to Victim Survivors and ethical staff and whistle-blowers.

There is an **all-pervasive fear and silence** in the State Service, that is not being addressed. No one can assist children if reports are not being made in places like AYDC. Until this fear, pattern of reprisals that I hear of constantly, and people through all tiers of Government covering their own behinds before protecting children – is stopped.

I am describing a **ZERO TOLERANCE** approach for failures to report appropriately and claustrophobia inducing levels of scrutiny at AYDC whilst it is open. Whilst a punitive approach to reform is far from ideal and I have never recommended it before – nothing else will penetrate the walls of that centre because Leadership have the most to lose and are actively preventing the truth escapes those walls.

This is not a short document, and I submit it knowing the most won't have time to read it, but I urge you to. Nothing is more important for all children in Tasmania, and these issues whilst pertaining to the Commission of Inquiry Recommendations primarily, speak to the integrity and values of this State as a whole.

In the words of Former Commissioner Robert Benjamin at the Coi's closing hearing:

"More than one in four Australians have experienced child sexual abuse, either within or outside institutions. – think about it – one in four. The simple reality of these numbers means that in our lives we will inevitably know, love, or care for one or more victim-survivors of child sexual abuse—assuming we have not been abused ourselves.

*Child sexual abuse is not an aberration that occurs in somebody else's world – it affects all of us."*¹¹

¹¹ <https://www.commissionofinquiry.tas.gov.au/hearings/transcript-of-closing-address>

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1. The Human Impact

The missing voice in the room – the missing faces in media coverage are those of the AYDC Victim Survivors. What if, we all saw what I know? What if, members of the community were confronted with the chubby, small faces of children – not monsters – we are so regularly told about... What if, they looked just like our own kids?

I would like to speak to this, in person or liaise with the Committee to best manage this. With permission of the relevant victim survivors, I wish to share some words from the silent and invisible people who have been abused at AYDC. If it could be arranged that they could do this themselves, that would be infinitely more powerful and appropriate.

A critical voice missing from this and all forums, is the voice of Victim Survivors from Ashley Youth Detention Centre (AYDC) who have critically important insights to share but have never been permitted to share them, even as adults. This is due to several restrictive laws which were not amended like others that allowed Survivors to publicly speak about their journeys of Surviving Abuse if they have ever been detained at AYDC. In some cases, there are other prohibitive factors including literacy issues.

There is no lack of a will to speak to these matters, but unfortunately, to do so would require additional supports being provided. I would appreciate the opportunity to speak with this Committees member about how to facilitate this with some adult Victim Survivors who have expressed a desire to be heard but cannot do so in the prescribed manner.

Shared with consent, an adult AYDC Survivor was recently approached by the State for evidence of the years of rape they suffered at AYDC for use in disciplinary matters. Because at least two of the Paedophiles who raped them age 13 – 18 are still on full pay and have been for years. Somehow, despite a Commission, evidence that SHOULD be available by way of CCTV, incident reports aplenty, the onus of responsibility was put on the Survivor because an investigator claimed the State could not complete investigations without a ‘new complainant’.

They said:

“If they haven’t got enough by now, they’re never going to, or they don’t want to. If they did, it’d be done, and it would come down to people like you and me.”

I responded stating their wisdom and maturity was impressive– as always.

They do not deserve to be gagged any longer. Their stories matter, and whilst I will try, I will never do them full justice. Ashley Youth Detention Centre Survivors are in the thousands, Nick Feik recently stated in an essay entitled 'The Rotten Core' on the number of redress claims already made (and accepted by the state):

"It was to be administered by the then Department of Health and Human Services (DHHS) with the ombudsman's office. Former victims were invited to lodge claims, and, if accepted, compensation was offered. There were four rounds of the Abuse in State Care scheme,"

"between 2004 and 2014 the state paid out nearly \$55 million to almost 2000 victim-survivors, from more than 50 state care institutions, in amounts capped at \$60,000. By far the largest number of claims originated from the Ashley Youth Detention Centre (or its former incarnation, the Ashley Home for Boys).

"In just the final round of the scheme (2011–13), there were 172 claims from those who had suffered abuse at Ashley; across all rounds there were likely more than 500 (some data is no longer available). This, from a cohort generally fearful of speaking out against authorities, psychologically damaged and often illiterate."

Alongside the recent class action of 129 civil claimants (covered by Loretta Lohberger linked below)¹², some other recent individual claimants, and the many – the MAJORITY – that I know, who have not yet spoken, we can see that we are looking at Victims of AYDC likely to be in the thousands across the State. I am aware, that the State has been informed a second-class action for the abuse suffered at AYDC has been commenced.

We know the largest cohort of Victim Survivors in the State are AYDC Survivors of all ages and stages. At the recent class action settlement, I had the privilege of sitting next to a lady in her 90's, who is the mother of a Victim Survivor, abused decades ago. She clung to my hand crying, expressing concern for how her son will survive without her support when she passes away due to his acute PTSD caused by AYDC.

Why, are we not listening, and acting, urgently?

I will explore this in AYDC now. However, with an average reporting period of 26 years in cases of Child Sexual Abuse, we will hear of the horrors at AYDC for decades to come. And that is if the Centre closed today. We will pay for it, as taxpayers, for decades also.

I will share below a recent extract from a devastating but powerful message sent as a plea for help to Government leader, that was shared with me, by one of the key witnesses in the Commission of Inquiry. (Shared with express consent) and edited solely to de-identify. The themes within it, of being broken, feeling like collateral damage, full of regret and unbearable pain – are common experiences for many dear friends I have made on this journey. For me, it is pervasive helplessness. I have never, not been able to be heard, professionally, to ensure a child's safety.

¹² <https://www.abc.net.au/news/2024-11-25/ashley-youth-detention-centre-class-action-settlement/104642214>

This State Took a Baby... and Ruined Her

Azra Beach's Reality now, as a Key Commission Witness for OOHC and an inspiring Victim Survivor of Police Abuse

*"... I'm broken, I'm battered. I thought about ending my life today...
I'm not coping, I'm literally falling apart and all I can do is sit by and watch it happen.*

...

How many more children will have to go into adulthood with their trauma like I have and end up wanting to kill themselves because the hurt is far too great.

...

*I can't even get the help I so desperately need! I never asked for people to reach out to me! They do because I spoke up. It was the same with (allegations relating to an individual)...
I've spent my LIFE fighting to believe in a sea of people who called me a liar and said my abuse never happened, that I imagined it...*

I didn't ask for this life, this state took a baby and fucking ruined her.

And now all that's left is a very very broken and very hurt person that no longer knows where to go or what to do.

I'm a fucking good person under my shit! But this place constantly brings the absolute worst out in me because everyone keeps turning a blind eye to children being hurt.

Don't let me speaking up to the Col be a waste like I feel it is right now.

I bitterly regret ever speaking up!

I bitterly regret using my one opportunity for a formal apology to basically beg for change for change that has not happened. Can you not understand why I'm so broken? Why it's so triggering for me to read what I have to and hear what I do? Do you understand that I was never taught how to regulate my emotions properly and that's still a work in process.....

But you want to know what hurts the most?

I'm left to pick up the pieces of my broken life because I was stupid enough to bring up my trauma to speak to the Commission in hopes of change.

2. Walking the walk of being 'Child Safe'

- a. Tangible Accountability - Beginning at the end
- b. Failure to Empower the Commission
- c. Legislative Barriers or cynical interpretations?
- d. Coi Exclusions - Ministers, Police and OSG in ToR
- e. Applying Child Safe Principles across the board – Is it working?
- f. Oversight bodies - how they may have become unwilling participants in a re-traumatising system

a. Tangible Accountability - Beginning at the end

Relevant recommendations: 12.5, 16.2, and Theme 1: Accountability and integrity—taking responsibility, acting with honesty – in its entirety.

**There is a fundamental need to go back,
before we can move forwards.**

On the Independent Regulator’s website it states:

The Tasmanian Parliament must comply with both the Child and Youth Safe Standards and Reportable Conduct Scheme regardless of if they provide services specifically for children and/or young people or facilities specifically for use by children/and or young people who are under the supervision of the organisation.¹³

For relevance, I consider remedial work concerning that which is outlined in this section to be foundational to any other reform. How can we trust actions are occurring in good faith when we have not addressed catastrophic failures to adhere to Child Safe Standards, Model Litigant Guidelines and promises in their personal apology from the Government thus far? We can’t. Each time we try to, it leads to further let down and greater traumatisation and moral injury.

In this section, I will speak to what I consider (secondary to the acts of abuse) the most distressing and egregious series of events and their impacts.

The broad and seriously consequential nature of which cannot be overstated. I have heavily relied on the wording quoted from the Final report for accuracy.

The Coi Report clearly states:

***“We issued 30 section 18 notices to 22 people.
In Volume 6, we make one finding of misconduct.”***

The Commission described the process they used to do so the following way:

“if we are satisfied that an allegation of misconduct should be made against a person before calling that person to give evidence, we must give the person notice of the allegation of misconduct and provide them

¹³ <https://oir.tas.gov.au/organisations/scope-tester>

*with an opportunity to respond to the notice (a 'section 18 notice'). The notice must give the person a reasonable period before they have to give evidence in response to the allegation. It must outline the allegation and the evidence that supports it."*¹⁴

These notices were not issued lightly, with the Coi explaining they rely on a civil burden of proof to issue Section 18 (misconduct) notices and adhere to rigorous procedural fairness procedures.

The Coi explain how the State and other lawyers sought to essentially force them to categorise Adverse Findings (Section 19), which are less serious, as Misconduct Findings because an adverse finding could (and in my opinion should) lead to disciplinary action in their role as State Servants.

The Commissioners stated in the Final Report:

"the State also advocated for the interpretation that had the effect of combining adverse comment and misconduct in relation to a person's conduct. We quote at length: ... the findings against individuals in this Inquiry must still be characterised as misconduct findings. The State does not accept any argument that section 18 of the Act must be 'read down' to provide a 'functional interpretation'.

*This Inquiry is 'out of the ordinary' in that it focuses on workers who are in a highly regulated profession. Unlike many Inquiries which could be constituted under the Act, **these are findings made against State Servants.***

As the Commission is aware, State Servants are subject to the statutory Code of Conduct found within the State Service Act 2000.

Any adverse findings will bring the full effect of the Code of Conduct into play against any named individual and accordingly, adverse finding is likely to result in the consideration of disciplinary proceedings against that worker. ...

*Any finding which **may** have the result of leading to disciplinary proceedings are findings of misconduct and as such, **those workers have all the protections afforded them pursuant to section 18 of the Act**"¹⁵*

Accepting the State's legal interpretation which I (noting I am very far from a lawyer) consider to be a perverse and brazen effort to publicly protect it's staff who have met high standards of evidence indicating they have harmed children – directly or indirectly – from facing tangible accountability. They do this SO overtly by even

¹⁴ Volume 2: Chapter 1 — Establishment, scope and conduct 14

¹⁵ https://www.commissionofinquiry.tas.gov.au/__data/assets/file/0011/724439/COI_Full-Report.pdf

referencing that this inquiry is different as it affects State Servants, and that any Adverse finding MAY result in disciplinary proceedings.

...Again, not a lawyer. BUT, if a Commission of Inquiry, who had extraordinary powers of investigation and unprecedented levels of access to information for a period of years, with law enforcement officials and lawyers on their staff, had found that there was enough evidence under a civil burden of proof¹⁶ to make adverse findings about someone in the context of an inquiry into State Servants abusing children and the Governments responses to the same... Wouldn't disciplinary proceedings be a positive thing?

They would. But only if a government prioritises children over those on staff that harm them.

This unique interpretation of the act could have led to enormous blow outs in time frames, and those who were meant to receive lesser Section 19 'Adverse Findings' having the ability to use all protections that are offered under Section 18 'Misconduct Findings'.

This included the suggestion by some lawyers that these protections must include the ability to Cross Examine Victim Survivors.

The Commissioners stated in the Final Report:

"Also, providing a person who receives a notice of an allegation of misconduct the option to choose how to respond, which might include requiring further hearings, also significantly limits the capacity of a commission of inquiry to conduct that inquiry in the manner it considers appropriate, including to appropriately address any trauma-informed considerations in relation to vulnerable people."¹⁷

Further;

"While procedural fairness—including a person's right to know any potential adverse findings against them and to be able to respond to those findings—is a cornerstone of our legal system, it is not clear to us why this right could not be adequately met through the procedural fairness requirements set out in section 19, as relevantly supported by the common law."

"We are not aware, however, of any other Australian jurisdiction imposing the requirements for a finding of misconduct that exist in Tasmania under section 18.73..."

"Our view is that section 18 only applies to the extent that we consider any allegations, or make any findings, of misconduct. We consider that, under section 19 of the Act, we can make adverse findings that are not

¹⁶ https://www.commissionofinquiry.tas.gov.au/__data/assets/file/0011/724439/COI_Full-Report.pdf

¹⁷ https://www.commissionofinquiry.tas.gov.au/__data/assets/file/0011/724439/COI_Full-Report.pdf

findings of misconduct. In those circumstances, we consider that it is not necessary to issue a notice under section 18, provided we comply with sections 19(2A) and 19(2B) of the Act.”¹⁸

So how did we end up with this?

We issued 30 section 18 notices to 22 people.
In Volume 6, we make one finding of misconduct.

“To avoid drawn-out legal argument and dispute, we adapted our procedural fairness processes to align with this interpretation and to avoid making adverse findings against individuals where they may have been considered to be findings of misconduct.”

Most disturbingly, they go on to state:

“A commission of inquiry should be empowered to decide how it conducts its inquiry subject to the legislation and orders under which it is established, other relevant legislation and common law rules such as procedural fairness. In recognising the need for the Commissions of Inquiry Act to offer greater flexibility, the Justice Miscellaneous (Commissions of Inquiry) Act introduced provisions that gave a commission of inquiry the power to conduct its inquiry and obtain information in ‘any manner that it considers appropriate’ and to ‘determine its own procedure in conducting its inquiry’.

“Importantly, the July 2021 regulations also provided that certain confidentiality provisions and other restrictions on sharing information in other Acts did not apply to information collected or used by or on behalf of our Commission of Inquiry..... This is a decision for the Tasmanian Government rather than any individual commission of inquiry, although the views of a commission of inquiry should be sought and carefully considered. The new regulations materially assisted our Inquiry, but we reflect below in Section 3.2 on the challenges presented by one particular provision that was not disapplied.”

In parliament on the 7th of December 2023¹⁹, the following exchange was had (emphasis added):

Ms WHITE question to PREMIER, Mr ROCKLIFF [10.02 p.m.]

*From the day after the commission of inquiry's report was released we have been asking you about the people the commission said they wanted to hold accountable but could not because of the impossible legal hurdles they faced. Late yesterday, **the Attorney-General tabled a letter which showed your Government has been aware of those individuals since April.***

¹⁸ https://www.commissionofinquiry.tas.gov.au/__data/assets/file/0011/724439/COI_Full-Report.pdf

¹⁹ https://www.parliament.tas.gov.au/__data/assets/pdf_file/0029/77924/HA-Thursday-7-December-2023.pdf

Yet, on 17 October - six months after April - you wrote to the commissioners about those same individuals. You said: As Premier, I'm 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 that this may have negatively impacted on the safety of children in state institutions."

It is completely unacceptable, that the public and indeed, the participants in the Coi, have not been provided with details of the Commissioners response, nor an explanation regarding this discrepancy in dates.

I know that the 'Government' is aware of the individuals. It is ludicrous to suggest otherwise as the State Lawyers in the Coi were aware of at least some if not all section 18 notices prior to hearings in 2022.

It is unclear if the Premier was informed. This needs to be clarified, for the sake of identifying significant breakdowns in communication and systems, and to investigate and rule out whether the Premier was aware and was dishonest subsequently, or was not aware in which case there is only two possible and equally problematic reasons this could occur to my mind:

1. The information was intentionally withheld from him, by members of Government, the Bureaucracy or the OSG.
2. The information was meant to be conveyed and wasn't, indicating a person, or persons, with names, catastrophically failed in their duties.

The Government has devoted an entire theme to a host of Coi Recommendations to "Accountability and Integrity", whilst failing to embody those things in the ways that are required, to make changes that are rooted in solid foundations.

Witnesses were notified when their evidence was being provided to people who were receiving Section 18 Notices, as all the supporting evidence needed to go to that person. They were issued for the most part at least, prior to hearings occurring in 2022. Several key people responsible in part for this work, remain on as very senior staff and would certainly be able to provide accurate information about this.

With the Government aware of the interpretation of the act that the State's lawyers took, which ultimately prevented accountability, justice, and the healing for so many victim survivors - there was plenty of time to fix this before the Final Report was published, but the State chose not to. Why, was this decision made? Many of the inquiries, reviews and most importantly so much of the subsequent trauma to survivors could have been avoided.

This answer is fundamental to understanding the Governments level of Commitment to and Readiness for change.

Will the Government confirm the Commission - via its legal team and/or other team members raised issues over a lengthy period of time with both the Department and the State's legal team for the CoI including over interpretations and application of sections of the *Commissions of Inquiry Act*? Will they be asked provide this Committee copies of communications and/or records of meetings held re any concerns with the application of the Act? I certainly hope so.

Further, why have the Government still not remedied it now, or simply chose to align with the Commissioners legal interpretation of the act post report, and work with them to retrospectively work through this catastrophic failure? How do they propose to remedy a betrayal of trust of already vulnerable people who did everything they could to protect children, only to feel used and betrayed again?

The Government were all well aware the Commission had been obstructed from making their full intended findings by 26th September in 2023, when we all mingled, unknowingly among plain clothed Police, after the tabling of the report.

Instead of using this moment in time between the report being publicly released and all of us racing to our hotels to see the findings in black and white, that were made as a result of years of harrowing work, to hold a briefing to explain, personally to many key stakeholders before we saw it for ourselves (which was nothing short of life risking in some cases, without any warning), the terrible things that had occurred. That would have been the only appropriate thing to do, if the Premier was indeed, very concerned about the impact the inability to make findings may have had.

Instead of telling vulnerable Victim Survivors, waiting for some semblance of justice on that day, lugging 14 kgs of Coi Report books with them – your government ate finger sandwiches, gaslit us all.

On a personal note, The Premier told me there, that he hopes I come back to Tasmania soon, that he would like that. Knowing my heart would shatter the moment I left and opened the report. I reflect on this day often, when I am looking for signs that they are genuinely committed to ensuring children are made safer. We know, that failing to be transparent and protecting offenders and anyone else who played a role in covering up abuse, is a significant risk to that goal.

I am yet to come up with an alternate explanation for the opportunity that was NOT taken on that day, to show that things would be handled differently, Post Commission of inquiry, other than the simple fact that they weren't and still haven't been on the thing that would make the MOST difference to child safety, immediately, and appropriately above all recommendations. Identifying those who are employed and pose a risk to children and holding them accountable.

This will go down in Tasmanian History as one of the worst cover ups in Australia, when some people within Government protected people who hurt children. By the Former Attorney General passing the Justice Miscellaneous bill that she did the day after the Coi received Royal Assent in April 2021, with some very sneaky amendments made, and some other critically needed ones NOT made, she not only ensured the Commission provided protection for those who have been complicit in the abuse of children but she misled all in Parliament, many of whom I know that had you known the impact of that bill, would never have allowed it to pass. It would be of interest to myself and likely any other key stakeholders as to whether any MP's sought to find out who drafted it, and further, who interpreted the Coi act in the ways that hamstrung their findings, because they too – were unknowingly made complicit in unresolved harm to many.

What steps will the Government take, to turn the most unimaginably traumatic cover up, of crimes even more unimaginable, something that Tasmania can heal and grow from? It is time to show courageous leadership and be the people to deliver an opportunity for reparation.

How can any Tasmanian have faith in this Government, whilst nobody has been held to account for this absolute tragedy? There are some people who trusted you personally, who may not recover from the betrayal they have experienced. Will you reach out to those individuals? I have watched colleagues, friends, survivors – all kinds of witness's lives continue to shatter as time goes on and Ashley is open. The Centre has become a constant metric of your concern for children at risk of abuse. I believe it is fair to say given what is on the public record, that anyone who did, would move mountains to close it years ago. Those who did not care about risk to children, would take every single step this Government has.

If accountability and integrity are indeed, focuses on the implementation of the Coi recommendations, I would consider this area of blurriness a very shaky foundation for anything that one tries to build upon.

I urge this Committee, to go to any length required to hold those responsible to account without fear or favour, and to thank, reward and support those who have endured years of sustained and unimaginable trauma because of this. The level of distrust among those who gave evidence is regularly preventing them/us from being able to be and/or feel safe, access healthcare, call the Police or Ambulance when needed or even feel able to feel safe having children in Tasmania. I do not consider any child is currently safe in Tasmania.

b. Failure to Empower the Commission

Relevant Recs: 18.5, 18.6, 19.4, 20.1

(Noting that Parliament must adhere to Child and Youth Safe Standards and can be found to engage in reportable conduct).

IMPORTANT NOTE:

The Parliament and all of the Government and its instrumentalities are some of the agencies that can be investigated by new offices such as the Office of the Independent Regulator, or the Implementation Monitor, if they have engaged in reportable conduct.

The beginning of, and the end of this Commission, has been marked by behaviours so incredibly harmful, that I believe they could in themselves constitute reportable conduct. ²⁰

At the very least, they have caused irreparable harm, suicide attempts, injury and near death to adult victim survivors.

The Commission details discreetly in their report, in Chapter 23, the afterword, that they were essentially, prohibited due to the State's lawyers and Individual's private lawyers' 'Interpretation' of the Coi Act, from making the Misconduct Findings they thought appropriate, final.

The tangible impact of this is that the 30 Misconduct (section 18) notices that were issues to 22 individuals, were not finalised in the form of formal 'Findings' and they were not made public. These individuals were not named and have avoided accountability due to being actively protected by lawyers within the OSG and others.

How could such a large scale and intentionally cruel act occur? That is what WE deserve to know.

Your assistance is deeply appreciated.

One day after this Coi was formally established, former Attorney General Elise Archer, passed the first reading of an amendment bill, of the JUSTICE MISCELLANEOUS (COMMISSIONS OF INQUIRY) BILL 2021 on the 16th of March 2021 [Ref 2]. On the 18th of March 2021 she read the second reading speech into Hansard [Ref 3].

She read:²¹

"The Justice Miscellaneous (Commissions of Inquiry) Bill 2021 makes a number of important amendments to the Commissions of Inquiry Act 1995, the Children, Young Persons and Their Families Act 1997, the Youth Justice Act 1997 and the Public Interest Disclosures Act 2002 to:

"ensure that Commissions of Inquiry are appropriately empowered to undertake their important work."

²⁰ <https://oir.tas.gov.au/about/reportable-conduct-scheme>

²¹ JUSTICE MISCELLANEOUS (COMMISSIONS OF INQUIRY) BILL 2021 (6 OF 2021)
https://www.parliament.tas.gov.au/bills/bills2021/6_of_2021

“The Bill also implements the work of the Tasmania Law Reform Institute [Ref 4] and the Australian Law Reform Commission to enable the appropriate management of circumstances where a witness to the Commission or other person may be the subject of a finding constituting ‘misconduct’ or another finding of the Commission which is contrary to the person’s interest..”

Contrarily - the Col Final Report state²²s:

“Once again, some but not all of these concerns were addressed in the Justice Miscellaneous (Commissions of Inquiry) Act, which was said to implement the work of the Tasmania Law Reform Institute²³ and the Australian Law Reform Commission.”

Given we now know the Commission was far from appropriately empowered, it would be helpful to understand what the Government’s understanding of ‘Appropriately empowered’ is when speaking about an inquiry into Child sexual abuse. I would have previously assumed that anything short of ‘Fully Informed’ would be unfathomable.

The Commission of Inquiry spoke to this at length in their Final Report, in Chapter 23. To Summarise for the ease of the reader:

- The Commission of Inquiry is the first since the Commission of Inquiry into the Death of Joseph Gilewicz (‘Gilewicz Commission of Inquiry’) reported in 2000.
- In March 2002, the then Attorney-General requested the Tasmania Law Reform Institute (‘Law Reform Institute’) examine and report on the operation of the Commissions of Inquiry Act, including considering the experience of the Gilewicz Commission of Inquiry.
- In August 2003, the Law Reform Institute published its final report, recommending further amendments to the Commissions of Inquiry Act.
- In 2013, the Commissions of Inquiry Act was again amended to facilitate the work of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- The Tasmanian Government had preliminary conversations with the Honourable Marcia Neave AO about the Commissions of Inquiry Act.

“A range of possible amendments to the Act—including because of the Gilewicz Commission of Inquiry’s report, the Law Reform Institute’s report and the experience of inquiries in other

²² https://www.commissionofinquiry.tas.gov.au/__data/assets/file/0011/724439/COI_Full-Report.pdf Page 16

²³ <https://www.utas.edu.au/law-reform/new-references-accepted/review-of-commissions-of-inquiry-act-1995-and-s194k-of-the-evidence-act-2001>

jurisdictions—were discussed ahead of our Inquiry. Ultimately, it was a matter for the Tasmanian Government and Parliament to decide the amendments that should be made to the Commissions of Inquiry Act. “

- **On 1 March 2021**, the Justice Miscellaneous (Commissions of Inquiry) Act 2021 came into force ('Justice Miscellaneous (Commissions of Inquiry) Act').
- This Act amended the Commissions of Inquiry Act, including in response to the Law Reform Institute's report.
- The amended Commissions of Inquiry Act enabled regulations to be made that disapplied other Acts (or certain provisions of those Acts) to any information collected or used by or on behalf of a commission of inquiry.
- **On 15 March 2021**, the Governor of Tasmania established the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, appointing us as Commissioners and enabling our Inquiry to begin.

c. Legislative Barriers and or a ‘cynical’ interpretation?

Relevant recs: 16.8, 16.20, 17.2 (Noting that OSG must adhere to Child and Youth Safe Standards, and can be found to engage in reportable conduct if they have any form of oversight in place yet).

A Case Study – 2007 OSG Advice

The following is lifted directly from the Coi Report²⁴:

THE EFFECT OF THE 2007 SOLICITOR-GENERAL’S ADVICE ON THE DEPARTMENT’S RESPONSE TO ALLEGATIONS OF ABUSE

We received varying evidence about the extent to which the 2007 Solicitor-General’s advice influenced the Department’s response to allegations from 2007 to December 2020.

Some senior leaders in the Department told us that the Department was required to follow the 2007 Solicitor-General’s advice and accordingly, the Department could not begin disciplinary action without the participation of the complainant.²⁵⁹⁵ Secretary Pervan clarified that this was due to Department of Treasury and Finance rules.²⁵⁹⁶ We were told that departmental leadership found this position ‘frustrating’.

Secretary Pervan also responded to questioning by Counsel Assisting at hearings as follows:

Q [Counsel Assisting]: ... at around the time you were publishing the report in 2014 it appears that, because of practices that had come to exist, no one invited you to and you didn’t yourself reflect on the possibility of reaching out to some of those 172 claimants from Ashley Boys Home to see if any of them wanted to be part of a disciplinary process?

A [Secretary Pervan]: No, the assumption was that we could not.²⁵⁹⁹

While the 2007 Solicitor-General’s advice was specific to the Abuse in State Care Program, its principles appear to have extended into other types of claims. For example, it was cited as a barrier to responding to allegations of abuse arising from the Abuse in State Care Support Service (established in 2015), the National Redress Scheme, allegations reported by other staff and even civil claims.²⁶⁰⁰

...The 2007 Solicitor-General’s advice was not referred to (including as a potential limitation in taking action against staff) in any of the Department’s extensive documentation about responses to allegations made in the redress schemes, civil claims or other complaints (and related documentation) that we reviewed.

Despite this, it appears that from at least 2007 a practice emerged within the Department that was based on, or related to, the 2007 Solicitor-General’s advice.²⁶⁰³ That practice had the following features:

Disciplinary processes were not pursued in response to allegations made through the Abuse in State Care Program based on an understanding that the Department could not do so without a sworn statement or the involvement of the complainant.²⁶⁰⁴

²⁴ Volume 5 (Book 2): Chapter 11 — Case studies: Children in youth detention 160

... Secretary Pervan conceded that there was nothing preventing those with responsibility for Ashley Youth Detention Centre at various points from contacting the complainants to check whether they would participate.²⁶⁰⁶

The principle of not taking disciplinary action extended to complaints or allegations 'where indirect evidence of abuse was raised', including for allegations made through the Abuse in State Care Support Service, the National Redress Scheme, civil claims and complaints from employees.²⁶⁰⁷

This practice appeared to exist until late 2020. Secretary Pervan said the Department had its 'hands tied' until it received further legal advice on 15 December 2020, telling us:²⁶⁰⁸

... the advice from the Solicitor-General that effectively prevented us from using information provided in applications for financial compensation for disciplinary purposes, applied from 2007 until 15 December 2020. Our management of these matters changed with the change of position from the Solicitor-General.

... We are concerned, however, that the practice that emerged from the advice appears to have been in place for more than a decade without apparently being revisited and reconsidered. We are particularly concerned that the establishment of the Registration to Work with Vulnerable People Scheme in 2014, and the associated reporting obligations in 2015, did not appear to trigger a reconsideration of how the Department handled and responded to allegations of abuse—noting that much of the information received through these claims would constitute 'reportable behaviour' under that Act. The National Royal Commission, which ran between 2013 and 2017 and highlighted failures to protect children within institutions, also did not prompt the Department to revisit this advice.

As we discuss in our case example relating to Lester, providing all the Department's information holdings at the time the scheme was established would have revealed an extensive history of complaints made in Abuse in State Care Program claims that the Registrar could have considered in determining Lester's suitability for registration. We consider the failure to take more active steps to use information from Abuse in State Care Program claims to have been a significant missed opportunity to protect detainees from potential risks to their safety."²⁵

I will add, as someone that sat through every moment of these hearings in person, leaving only to vomit occasionally – the hearing room was closed to the public when the matter of this Advice came up. Voices were raised and it was very clear that the State (OSG) was not going to waive privilege without a fight.

The Commissioners won. And whilst it wasn't put on display, it is described enough in statements and transcripts to grasp what it contained, and the impacts it had.

The impacts of this, and other interpretations of the Coi act that are contrary to the Commissioners legal interpretation since the Commission has ended are extensive. The Community is largely unaware of what has and is still unfolding as a result. It was devastating, for example to learn as time passed that the evidence of Victim Survivors, cannot be used in other proceedings. This part of the act has been applied to employment

²⁵ Volume 5 (Book 2): Chapter 11 — Case studies: Children in youth detention 162

investigations of those who harmed them, to AHPRA investigations and even to their own civil claims against the State.

Some have suggested the Commission was designed to make evidence inadmissible. This is quite possibly supported by a document provided to all State Servants in the early stages of the Commission, about who and HOW legal assistance to State Servants for the Commission would be decided on. It was written by the OSG, from memory and distributed by the Head of the State Service at the time. I would appreciate the opportunity to speak to this document, is most peculiar. It is at the very least, indicative of the Office of the Solicitor General and Departments acting in bad faith, weaponizing their power or legal advice in ways that protect the interests of the State. Not the young people who have named abusers through redress or other means.

Tasmania is beset with problematic legislation that contributes to the ongoing abuse and risk to children, with issues spanning the Commission of Inquiry Act, the Children's, Young People and Families Act, the Financial Management Act, and the Youth Justice Act. Issues pertain to their ambiguity, inconsistent messaging, and provisions that hinder safeguarding efforts. Indeed, the core theme of the legislation could be summarised as being designed with the intention of silencing the voice of victim survivors, whilst offering legislative protections for perpetrators and enablers.

Each act mentioned above, has sections which are distinctly different to comparable acts in other States and Territories. The failure to amend the legislation to at the very least, enable survivors to share their own story if they are an AYDC survivor. This is simply one example of relevant legislation that is further disempowering Victims of Abuse and indicates an unwillingness to make changes that TRULY honour and empower the Victims at the heart of this – the sole conclusion I can draw is that protecting the State, is considered more important than protecting Survivors and children.

The Commission made a Finding about this, and it remains to my knowledge, unaddressed by the Office of the Solicitor General.

Upon reading the sections below, on The Woolcott Review, and the Failure to empower the Coi, you will find that this scenario is very far from an isolated one. I would closely examine the role of the OSG, in the Coi, in the Government's responses to the abuse itself, to the Coi and after the Coi.

d. Coi Exclusions - Ministers, Police and OSG in ToR

Relevant Recs 16.8, 16.20, 17.2

Ministers were not part of the Coi when they are the ultimate responsibility holders. How can Tasmanians have faith in our Ministers if they don't step up, and do their bit during arguably the most important inquiry Tasmania has ever seen? With one former Premier disclosing he himself was a Survivor of Institutional abuse, it is of interest to me why he (who established the Coi) would not insist on speaking, and indeed encourage his cabinet to also. Accountability and integrity are words often thrown about in apologies, speeches or they are touted as values. To me, they are ways of being – that you embody and live, or not.

What I have observed across the board Post Coi, has not convinced me that many leaders, beyond a relatively small and recently formed team embody these ways of being. One of those people – with courage and caution said to me, *'I'll give it my best shot. But I have no idea what I'm going to come up against, and something has stopped it closing sooner'*.

I found that both sad and sensible. Those that are aware of the depths of the Paedophile networks here, know there is no tin foil hat wearing or an overabundance of caution. I daresay many Ministers, Police and the OSG staff would know this more than most. I have security. Other senior government staff have details too. In 2019, I'd have laughed at the prospect. Now, it is what it is. Life got very, very awful.

The decision to exclude Ministers, Police, Statutory offices, and the Justice Department and all other instrumentalities deemed relevant, from participating in the Coi has meant that there will inevitably, in my opinion, be the need for a similar or even larger inquiry. Despite the Coi being able to question some of these office holders, they were not able to investigate them or make findings about them, within their ToR. It is very clear that the OSG, the Children's Commissioner, the Ombudsman, the Integrity Commission, Police and some Ministers both past and present have been implicated in the Systemic Failures that collectively have led to this Child Abuse in Government Institutions crisis.

The OSG provided some of the most alarming evidence, in addition to a great deal of evidence being given about their advice, directives, defences including 'consent to abuse', the possible mismanagement of the Legal Indemnity process and more. Who, has independent oversight, over the office that even the Premier has said publicly he cannot override, on top of their sometimes highly questionable advice being legally binding? The Solicitor General has the most power in the State arguably and was also the only Head of any Body or Agency that I am aware of to receive a formal letter alleging a possible breach of the law directly from the Commission of Inquiry. I do not believe the Premier's response to this in QoN to this Committee is entirely accurate, and would like to add context to this.

It is important, if we are striving for tangible accountability and true reform, to investigate the OSG and the role they have played since at least 2007 when they issued a highly contentious directive to heads of agencies regarding alleged CSA offenders on staff. It is of concern to me that this has not been discussed nor announced already.

Tasmanian Police featured heavily across the board due to their repeated failures to adequately respond to notifications of abuse or risk. We heard over and over again, in Health, Education, Child Safety and AYDC that there was apparently a significant number of coincidental and catastrophic 'human errors' made by Police regarding long term and repeated Child Sex offenders, abusing children. To fully address child sexual abuse in Tasmania with the reverence and care it warrants, there may be a need for further independent investigation not unlike the Woods inquiry. This will be explored more in Police Responses.

A quote from the Coi report comes to mind, recognising that there were legislative barriers to Coi evidence being used in other proceedings. They said:

“Importantly, however, our Commission of Inquiry is inquiring into certain facts and matters. This does not prevent the State from also inquiring into those facts and matters. If information is available to our Inquiry and the State, both can investigate and, in the case of the State, take action in response to those facts or matters. For example, if it is alleged that a State Service employee has breached the State Service Code of Conduct, the State can still investigate that allegation and take any action it considers appropriate, provided it does not rely solely on evidence before our Inquiry. In this example, the State must already have this information or have obtained it through its own investigations. Also, our Commission of Inquiry can share information with, and refer matters to, the State and appropriate authorities for investigation.”

In the Coi report, they use curious wording to describe the paedophile networks they were concerned about. It states:

*“We consider that these matters are better investigated **by other bodies** with dedicated funding and mandates for investigating alleged criminal activities.”*

*We have not outlined the details of those accounts or concerns in this report because **proper forensic investigations** have not been undertaken and any premature disclosure may adversely affect investigations.*

We have also done this to ensure procedural fairness is not denied to relevant people.

*We trust, however, that Tasmania Police and others will appropriately consider the matters we have referred and **any support they require to properly investigate those matters.**”*

They very obviously avoid stating the Tasmanian Police should investigate these grave concerns, and the use of the words Police Investigations. The most noteworthy time they mention Tasmania Police is in the context of them seeking ***‘support they require to properly investigate those matters.’***

Again, this week has provided a golden opportunity to demonstrate learnings and improvements on the back of the Commission. When another Launceston Policeman was arrested for possessing Child Abuse Material, those in my close circles all held our breath wondering... Was there even a chance this could be handled appropriately as a result of learning from past failures and prioritising transparency and of course – Child Safety?

No. Is the answer. Tasmania Police will investigate their own, with oversight by the admittedly well-meaning but broke Integrity Commission who has to accept binding advice from the OSG – and we know how wrong that can go when matters of protecting the interests of the crown might arise. How hard is it, to bring additional interstate AFP members to assist JACET for example? Again – a choice. A choice was made, to conduct an investigation that is not in line with a standard accepted as best practice that would certainly not be considered to be prioritising the best interests of children.

I am additionally and unfortunately, aware of knowledge held by the most reputable and senior people, that a section of the Tasmanian Police are implicated in a potential network. Please see Confidential Submission and I am able to elaborate in a hearing setting. For me, it helped close a gap - albeit in a very distressing way.

A comment was made to me by one of the Legal Counsel of the Col at one point, which was, *“until Justice and Police are investigated without immunity too, a complete picture of what is occurring and how, is near impossible to present”*. This in context, was referring to the Office of the OSG, Oversight bodies and Police.

**Please see section on Police Responses.

To summarise why I find it unacceptable that Ministers were not a part of this Commission of Inquiry, I will share an example of one of timelines that I created for my own understanding, that demonstrated to me at least – a pattern of reshuffling and renaming departments and portfolios immediately prior to a serious announcement. I consider explanation’s about why this occurred, similarly to the Church patterns of moving people around to protect them. I am willing to share more, if of assistance. They became very regularly accessed documents during the Commission of Inquiry – and they got a significantly more colourful and squiggly version.

i. Sample Timeline regarding Paedophile in Health, J Griffin –

Reshuffles of Agencies, Agency heads, and Ministers. When and Who?

LATE 2017 – 2018

Griffin sent to AYDC

Commission evidence indicates the AYDC Manager at the time asked for him personally, during a period that he was under investigation for Grooming behavior's reported by Staff. This was captured by James Bellinger and Sonja Leonard. That manager is Patrick Ryan.

The Secretary for HEALTH and COMMUNITIES (Now DECYP) was Michael Pervan. He was in charge of all, but one Agency the Commission was investigating for this time.

The Minister at the time for HEALTH and POLICE, was Michael Ferguson.

2018

Griffin transferred back to LGH Same ward 4K

Despite Grooming allegations, he returned to the Children's ward as a Paediatric nurse.

1st May 2019

Formal police report lodged In May 2019 to TAS POLICE by Tiffany Skeggs, a Victim Survivor

An investigation formally commenced – Griffin still at 4k.

30th of June 2019

Health AND POLICE Minister Michael Ferguson shuffled out

Sarah Courtney, takes over Health Portfolio.

Mark Shelton takes over Police Portfolio

<https://www.abc.net.au/news/2019-06-30/tasmanian-cabinet-reshuffle/11265438>

Mr Shelton, has been accused of sitting on the information regarding the Griffin investigation, and he was Minister at the time of arrest. However, the same person was Minister of Health and Police when the report was made and investigation commenced. This was Mr Ferguson.

<https://www.abc.net.au/news/2020-11-26/tasmania-police-minister-told-of-paedophile-nurse-allegations/12923616>

31st of JULY 2019

WWVP Suspended, Griffin suspended (if not prior – do not have this detail at hand)

Search conducted on same day.

Justice department notified prior to this.

21st of AUGUST 2019

'SUDDEN' department split announced Publicly

"Premier Will Hodgman announced the SUDDEN shuffle on Tuesday, which will see Mr Pervan replaced by Justice Department secretary Kathrine Morgan-Wicks.

The changes will take **effect from September 2 2019**"

<https://www.examiner.com.au/story/6341657/health-head-shifted-in-public-servant-shake-up/>

Note the Date of Effect of Changes.

Above story published August 21st 2019

1stnd of SEPTEMBER 2019

Mr PERVAN WAS SECRETARY OF HEALTH (LGH) AND COMMUNITIES (AYDC) – then called 'DHHS – department of health and Human Services'

2nd of SEPTEMBER 2019

Major Reshuffle Occurs

DHHS SPLIT and Communities is created

"Widely respected Health Department secretary **Michael Pervan will move to Communities** Tasmania in a shakeup of three senior public servant roles.

Kathrine Morgan-Wicks took over as Health Secretary. It is stated in her evidence that she did not receive so much as an incoming brief about Griffin.

One day later, than a date announced in August by Premier Hodgeman, the

3rd SEPTEMBER 2019

Charges were laid against James Griffin.

I will leave it to any reader, to decide if there is reason to scrutinize the coordination that may or may not seem apparent from the above.

Please note, All of the above is publicly available, I have tried to ensure the dates are as accurate as I can but I cannot guarantee them, as a civilian. This is one of a number of similar timelines that demonstrate a pattern not dissimilar to what we have seen in the Catholic Church through matters of Child Sexual Abuse.

The creation and abolishment of Communities is a similar process, which I am personally far more informed about, and I believe to be the most egregious waste of tax payer funds, to protect individuals from accountability. I urge the most intensive scrutiny around this process AND it's ongoing implications.

f. Oversight bodies and why they may have become unwilling or remain willing participants in a retraumatising system.

Relevant recs 12.7, 12.8, 12.18, 16.8, 18.7 (All recommendations regarding Child Safe Standards and Reportable conduct)

Case study – Alysha (self)

Oversight bodies and the Office of the Solicitor General

I have reported extensively and am able evidence my dealings with the Ombudsman’s office, the Integrity Commission, the Children’s Commissioner, and the Anti-Discrimination Commission. Each one of these bodies, MUST seek legal advice from the Office of the Solicitor General. Please see the section below entitled the Office of the Solicitor General, to see how incredibly problematic that is, given their long-term implication in failing to act and indeed, prohibiting others from acting without jumping through near impossible hoops, regarding Staff within the State Service who are alleged child sex offenders.

I have had lengthy and significant communications with the current and former Premiers of Tasmania, the Former Attorney General of Tasmania, the Former Secretary of the State Service and harrowing experiences with the Deputy Solicitor General and the Former Secretary of Communities (AYDC). All the exchanges listed, alongside extensive research and my lived experiences have provided me with what I would consider unique and likely significant insight into how Tasmania is non-Compliant with relevant conventions and laws surrounding Youth Justice, why things have gotten to such a catastrophic point, and what is required to address such widespread and long-term failures in meaningful, sustainable and urgent ways.

As a reform specialist, I have a lot of ideas about how to manage such an enormous change process, and how best to prioritise the immediate risks to children whilst also laying the foundations for what will be a long-term continuous improvement framework. Saying that, I do not believe the State Government is ready for this, as they are still most focused on minimising political risk, as opposed to owning failures, learning from them and translating them into growth and positive change.

Systemic breakdown of oversight bodies and statutory roles

I had to make the decision to leave the site, but having seen what I had, I couldn’t just leave it there. There were significant numbers of offenders working with the most vulnerable children in the State. Many still are which is readily available evidence.

I reported or attempted to report Human Rights violations and Abuse of children at AYDC to:

1. [The Ombudsman of Tasmania](#)
2. [The Children’s Commissioner of Tasmania](#)
3. [The Integrity Commission](#)

4. The Australian Human Rights Commission
5. The Attorney General of Tasmania
6. The Solicitor General's Office of Tasmania (The Deputy Solicitor General directly)
7. The Attorney General of Australia

I will break down what occurred with each of the interactions I had with the above-named offices and why when this Case Study is considered in entirety – demonstrates, in my view, an urgent need for a federal layer of enforceable oversight. The information contained below, is all able to be corroborated independently and is in no way a complete version of events that have occurred which I consider having resulted in a tangible risk to Children at AYDC that was preventable had adequate Systems been in place, and effective.

WWVP Registrar

The Commission of inquiry stated:

“Under section 34A of Commissions of Inquiry Act 1995, a Commission may refer information that may be relevant to the safety and protection of children to the appropriate authorities. The Registration to Work with Vulnerable People Unit received 71 section 34A notices. Of the 32 State Servants currently suspended on full pay as at 16 August 2024 due to allegations of child sexual abuse, 4 have had their RWVP suspended or cancelled as a result of risk assessments completed by the Registrar.

Of the 32 State Servants currently suspended on full pay as at 16 August 2024 due to allegations of child sexual abuse, 27 of these individuals required a Registration to Work with Vulnerable People as per their Statement of Duties.”

Highlighting a myriad of issues which I would like to expand on in terms of the current WWVP status' of the alleged child sex offenders I am aware of. The WWVP is not a body that civilians can report individuals to, and they rely solely on Government agencies reporting through to them appropriately to carry out their duties.

The Ombudsman of Tasmania

The office met with me and accepted my report, before abruptly deciding they needed an abundance of 'evidence' to support each allegation – noting I was seeking to provide 80 pages of information that did not fall into the scope of the Commission (was abuse or misconduct other than sexual abuse). I can detail this exchange further, it is well documented and demonstrates an abrupt and unreasonable change of tact that became clearer when The Ombudsman gave evidence at the Commission where he outlined in his evidence that he was obligated to seek legal advice from the OSG – who I believe played a role in this sudden shift due to the significant conflict they had in providing advice to the Ombudsman at the same time as seeking to silence me both as a civil claimant and key witness against the State.

The same person holds the roles of the Ombudsman, the Custodial Inspector, the OPCAT NPM (which I believe funding has just been slashed for) and the Health Complaints Commissioner. I believe he also has a role in reviewing redress claims, which makes it unfeasible to me that he too, was not fully aware of alleged child sex offenders being on staff at AYDC.

Of note: The Custodial Inspectors Report (written by the Ombudsman about the period from 2023-2024) is attached and raises some issues regarding the provision of Inaccurate Isolation Data from AYDC amongst other issues.

The Children's Commissioner of Tasmania

The Children's Commissioner who was been in place for the duration of the Coi, was essentially written out of a job by the Coi recommendation 18.7 in the Final Report.

During Commission hearings, the following exchange occurred about my experiences trying to raise immediate safety concerns from site, about children at risk (publicly available transcript):

2 MS ELLYARD: And she probably did say to you, "Please keep
3 my name out of it because I'm concerned for my safety"?
4
5 MS MCLEAN: She may have, she may have. I can't confirm
6 that.
7
8 MS ELLYARD: She went on to describe in her evidence,
9 clearly you did something with it or made some contact with
10 Mr Watson. Do you accept that on Alysha's evidence it
11 appears that you did make some inquiry of Mr Watson or
12 someone at Ashley about that young person's --
13
14 MS MCLEAN: Yes, my recollection is I did two things as a
15 result of finding out about the transfer. One was seek out
16 the young person that Alysha was advocating for to enable
17 them to seek individual advocacy for themselves, so we
18 pursued that avenue. And on the other avenue, I do recall
19 having a conversation with Mr Watson which was along the
20 lines of, "What on earth happened there?" I mean, that was
21 terrible.
22
23 Q. It appears from Alysha's evidence that Mr Watson
24 became aware that she was the person who had raised
25 concerns with you; do you accept that?
26
27 MS MCLEAN: Yes. And all I can say is, if I have, in
28 conducting advocacy in the best interests of those young
29 people inadvertently disclosed information that has
30 revealed her identity, I am terribly sorry about that. And
31 I had the chance yesterday to give that apology personally
32 to Alysha because that is not something that I would ever
33 want to do, and I can understand that it may have
34 influenced her view of what speaking up means, and that,
35 you know, I'm mortified that that happened and I'm
36 terribly, terribly sorry about it.
37

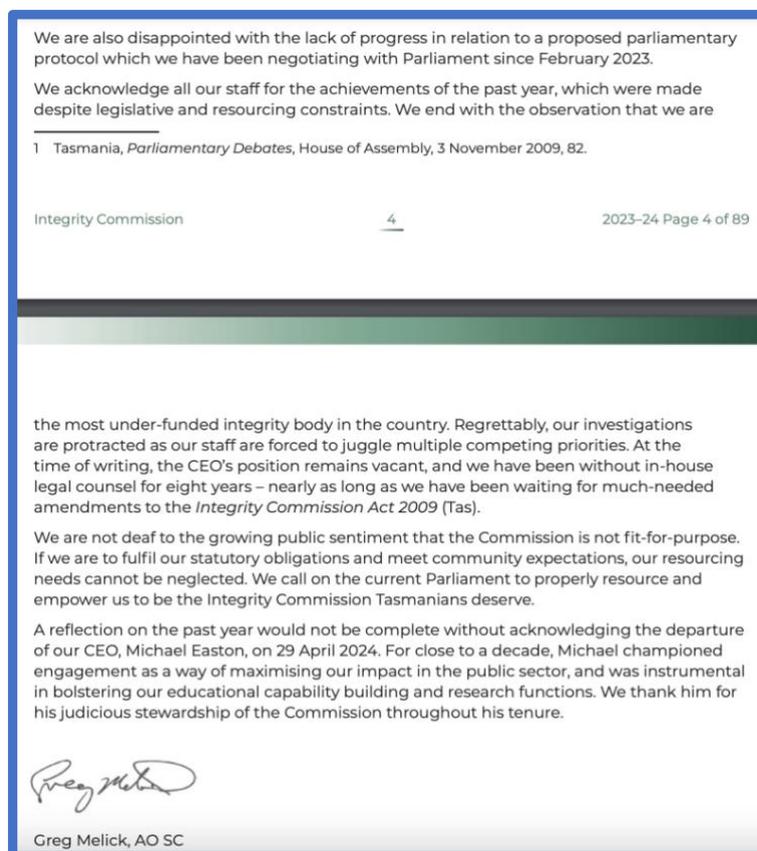
Despite the clearly articulated process for recruiting future Commissioners for Children in the Final Report from the Coi, the existing Commissioner for Children was reappointed for a 5-year term without said process being followed and resigned soon afterwards. It is unclear why this was allowed to occur. Those who have been harmed by the failures of this office to protect them, deserve to understand why. It is a clear contravention of a

Coi recommendation that didn't need to occur, further damaged trust and indicated a lack of commitment from the Government to this reform agenda.

The Integrity Commission

I contacted the Integrity Commission with an intention to raise the system corruption/failures highlighted in this submission. I clearly consider the Office of the Solicitor General to be one of the core issues. The Integrity Commission were kind and clearly concerned. I raised with them the fact that my complaint, included allegations relating to the OSG. I asked if they would be obligated to seek their legal advice from them. They stated that they would. I was unable to proceed. I do not feel this was due to a lack of care or desire to investigate on their part.

Indeed, in the most recent Annual Report from the Integrity Commission, they openly state the following which I see as a cry for help:



The Solicitor General's Office of Tasmania

The evidence given by the OSG Sarah Kay SC and the (former) DSG Paul Turner SC in the Commission Hearings, is captured in the transcripts and worthy of a read and very important to understanding why Tasmania cannot fundamentally protect children in Detention. The transcript is attached, and an ABC article is linked below detailing the key parts. The most pertinent takeaways are that the OSG appears different to its comparable interstate offices, in the sense that all Government Agencies and Oversight Bodies MUST accept their advice as

binding and cannot seek alternate legal advice without first seeking permission from the OSG. This concerning reality is the source of many issues that I am aware of pertaining to child safety – both actions taken and the inability to act appropriately. Please see below an excerpt from the 2021 -2022 OSG Annual Report²⁶, written by current SG Sarah Kay SC.

"2. THE OFFICE OF SOLICITOR-GENERAL

The nature of the Solicitor-General's functions has been expressed in the following terms:

*"The role of Solicitor-General is central to the regulation of public power" and "[s]ubject only to a future contrary judicial ruling, the Office provides the final word on significant legal questions within the Executive" and "the accepted practice is that the **Solicitor-General's advice is treated as binding**".*

*That statement tends to reflect a fundamental principle of the Westminster system of government that the Crown, in whatever its manifestations, **must obtain legal advice as to its functions, powers and responsibilities from the Law Officers of the Crown, and must accept that advice** as reflecting the law until it is shown by a court of competent jurisdiction to be otherwise. "*

The fact that the OSG's advice is legally binding and must be accepted by all of Government, whilst noting they cannot seek external advice without the OSG's approval, is clearly problematic if there was ever a conflict at play, or many. I am unsure if this has been amended, and hope that it has.

Given that the OSG has also managed all the State's civil litigation for many years, this already creates a position of bias in regard to advising on reporting Child Abuse within State Institutions. In the transcript of the two most senior lawyers in the state one of them stated the following:

29 MS ELLYARD: But ultimately it was your call and so it was
30 pleaded; is that what happened?
31
32 MR TURNER: I think it better to say that the officers
33 were persuaded that that was so, but if that was because
34 they thought, well, they had no choice in it, then yeah.
35
36 MS ELLYARD: And so, just to be clear about what was
37 persuaded, officers were persuaded to assert in a defence
38 being filed on behalf of the state that a child had
39 consented to the sexual abuse against them so that their
40 claim would be statute barred; that's the nub of the advice
41 that you gave and which they were persuaded to take?
42
43 MR TURNER: That it was appropriate to raise a limitation
44 defence of that kind, yes, and could I say --
45

²⁶ https://www.crownlaw.tas.gov.au/__data/assets/pdf_file/0006/735567/Solicitor-General-Annual-Report-2021-22.pdf

34 MS ELLYARD: I'm sorry to interrupt you, Mr Turner, and I
35 absolutely accept that Ms Sallèse's evidence today was very
36 powerful, but am I to understand that it wasn't until today
37 that you understood the issue associated with saying that
38 sexual abuse could be consensual? Is that what --
39
40 MR TURNER: No, I'm saying that it's something that, as I
41 said, for me as an epiphany needs to be considered in a way
42 that is not necessarily sitting within the legal framework,
43 and I say that because Commissioner Benjamin referred to
44 "the false notion that a child can give consent", but I
45 don't apprehend that there has been any case in this
46 country so far which says that, simply because a person is
47 a child and the events are criminal in circumstances where

.08/07/2022 (24) 2683 KAY/TURNER x (Ms Ellyard)
Transcript produced by Epiq

TRA.0024.0001.0050

1 consent is not an element of the crime, that that
2 relevantly constitutes a tort.

This directive apparently instructed all Heads of Agencies from 2007 onwards that regardless of which current staff were named in redress records, they were not able to commence disciplinary action without a sworn statement from the victim. This directive, and the fact that it meant all of the paedophiles at AYDC named in redress reports got away with offending for at least an additional 15 years, is what I believe led the DSG to pursue me with the inexplicable vigour that he did. I spent years wondering why a lowly State Servant on Stress leave had their Workers Compensation claim managed by the Deputy Solicitor General from nearly day one.

I learnt why this was, in hearings.

I believe the OSG were implicated because of this directive that created a significant conflict. Their power and ability to give advice and have it followed without question was abused and used to influence each other office I desperately sought to raise abuses and risks to children at AYDC with. I would imagine this is not the first time when advice to oversight bodies regarding injuries pertaining to current workers Compensation Claims against the state, has been bias towards protecting the States ultimate liability. I wish to share some more direct exchanges about this personally, as it speaks to the heart of the systemic nature of this issue.

I believe that when the Premier was asked about the Solicitor General being sent a letter detailing concerns that the office or those within it may be in breach of Section 33 of the Commission of inquiry act, and replied in questions on notice to this Committee, that his responses may be considered misleading and ought to be revisited. The notice was about myself.²⁷

Below are some examples of what the former Secretary shared about the 2007 OSG Directive and its impacts:

²⁷ <https://www.parliament.tas.gov.au/committees/joint-committees/sessional-committees/recommendations-of-final-report-of-the-commission-of-inquiry>

I am unclear on what the Status of this advice is currently, as it is not public. Treasurers Instruction FC – 17²⁸ is covered in the section ‘Any Other Matters’ in greater detail.

1.

With respect to (c), as stated above, the advice from the Solicitor-General that effectively prevented us from using information provided in applications for financial compensation for disciplinary purposes, applied from 2007 until 15 December 2020. Our management of these matters changed with the change of position from the Solicitor-General.

TRFS.0104.0001.0438

133. With respect to (d), the question to the Solicitor-General was whether DCT employees could rely on historical matters disclosed to the Advice and Referral Line, noting that there may be other children at risk from an alleged perpetrator. Our understanding at the time was that these redress and civil claims could not be used in disciplinary proceedings in the absence of a sworn statement but they could be used for child safeguarding. The subsequent advice changed that position.

2.

32. Prior to November 2020, the Department was required to act in accordance with advice from the Solicitor-General WCR Bale QC that without the participation of the complainant, there was insufficient information in a state-based redress claim to provide reasonable grounds to believe that a breach of the code may have occurred. This is because Treasurer’s Instruction FC-17 [17.3] provides that the Crown must follow legal advice provided by Law Officers of the Crown in relation to the lawfulness of any proposed course of action by the Crown. In order for the Department to pursue disciplinary action in relation to the allegations the complainant would therefore need to be willing to participate, or at the very least make a statement under oath to augment the information provided in the state-based redress schemes before we could take action affecting any person’s employment. I was constrained by this requirement even though I found it frustrating. I did not consider that I could challenge it given how clear FC-17 is on the issue.

It is entirely unclear why the same person didn’t act on contemporaneous reports such as mine, that did not arise from redress until Ms Cassy O’Connor raised them in Parliament in November of 2020.

The Commission stated in their report that the completion of recommendation 16.8 is a priority so that our law reflects our community’s understanding that children cannot consent to abuse. They also recommended professional development for the judiciary and legal profession to help ensure that the language used in court does not suggest or imply that a child consented to abuse. This recommendation specifically applies to the DPP, in relation to criminal prosecutorial processes involving child sexual abuse. Could you please update the committee on when you expect this legislative amendment to be finalised?

²⁸ <https://www.treasury.tas.gov.au/Documents/FC-17%20Engagement%20of%20Legal%20Practitioners.pdf>

During the Coi hearings, we heard evidence from the Solicitor General Sarah Kay and the now former Deputy Solicitor General, on the 8th of July 2022. They have managed civil litigation for the State of Tasmania for over 25 years. I raise this because evidence was given that every government department, the executive, and relevant statutory authorities are legally obligated to accept legal advice from the OSG as binding, this office has an extraordinary amount of power. As Model Litigants, they are obligated to act as moral exemplars. This has clearly not been the case.

With great power comes great responsibility. The Commission raised the importance of changing the law to ensure no one could imply children can consent to abuse by making this recommendation pertaining to the DPP. But we heard a deeply troubling exchange between Counsel Assisting the Coi and the former Deputy Solicitor General where he conceded he had persuaded officers of the crown to make pleas of defence in relation to child sexual abuse claims against the State, that a child had consented to being sexually abused. Coming from the most powerful legal office in the state, does that concern you? What work has been done to educate and develop Crown Lawyers understanding of the impacts of CSA?

What process is undertaken by the Attorney General, when a Crown lawyer fails to uphold their obligation to act as Model Litigants? How do they propose to assist in the recovery of past or current claimants, who have been further harmed by the conduct of Crown lawyers while making a civil claim?

I wonder too, if there had been thought given to the fact that the office who have been advising Agency heads, the Ombudsman's office, the Integrity Commission, and the Children's Commission for many years regarding matters pertaining to child sexual abuse, had a leader who admitted under oath, to using a defence that children can consent to being raped?

This office is one which most of us would reasonably expect to act with the utmost integrity and as the Former Deputy SG said in evidence, as moral exemplars. We would all expect taxpayer dollars are not being used to retraumatise vulnerable victim survivors who are courageous enough to seek compensation for abuse.

Given that we heard this office has argued this repulsive defence in child sexual abuse claims, where children have been abused in the States care, and failed to act as Model Litigants in perhaps one of the most damaging and distressing ways – what steps have you taken to hold those who have conducted themselves in what can only be described as being 'Anti child safe', to account, and further – what training and oversight is in place to ensure these practices of decades are never used again.

***I will provide more detail in hearings, about how each attempt to seek help from every single oversight body was stymied, and how without the announcement of a coi – my evidence would never have been provided to anyone.

3. Applying Child Safe Principles across the board – Is it working?

Relevant Recommendations: 16.2, 16.1, 9.29, 9.30, 19.4, 20.3

Everything mentioned in this section, is relevant to any recommendation that speaks to the Child Safe Standards, Child and Youth safe Frameworks, and the reportable conduct scheme.

- a. Inquiries into the Tasmanian Government’s responses to the Inquiry into the Tasmanian Government’s responses to Institutional Child sexual abuse
 - i. The Woolcott review
 - ii. The Tatarka review
 - iii. The Blake review
- b. Rhetoric and Language – widening the gap
- c. Out of Home Care and Bail Facilities

Since the Commission of Inquiry report was made public, the manner in which it was handled (by the Government), has led to the ‘need’ for at least 5 other large inquiries. The media has been covering the ongoing horrors unfolding at AYDC, the class action and the need for urgent closure – at about the same pace that the Government has been releasing Police and Ministerial releases openly ‘Targeting’ and labelling those same children.

There is a near constant shifting of the goal posts in DECYP and the future of AYDC, children on remand, in custody, in Out of Home Care or State care as a whole seems uncertain and fraught with issues from funding, to legality, to capabilities, to accreditation. I will speak to these issues and proposed paths through them further if it is of assistance. What is of the utmost priority is that DECYP particularly, is humble enough to hit pause on what seems like a frantic effort to release documents to appear to be acting – and STOP. Assess the risks to children now and address them. From there, reset, and approach the reform in a measured and truly child safe way.

The recent and currently relevant or incomplete ones are²⁹:

1. The Woolcott review (pending)
2. The Tatarka report (pending)

²⁹ <https://keepingchildrensafe.tas.gov.au/reviews/>

3. The Blake review (19.4)

The Woolcott review³⁰

An update – Provided on the Keeping children safe website – Nov 2024

1. *The Review requested access to the COI Records via a written request on the 23rd May 2024. The Review was granted access to the COI Records in early June 2024. As outlined, the purpose of requesting access to the records was to develop a consolidated list of all matters of information and concerns considered by the COI. On the 8th August 2024, the Review team was notified that based upon advice from the Solicitor-General of Tasmania, the Review team needed to return the COI Records.*
2. *Retrieval of the COI Records occurred on the 9th August 2024. Given the unforeseen withdrawal of the COI Records, the Independent Reviewer requested the Secretary of the Department of the Premier and Cabinet to share the reasons behind the withdrawal of the Records.*
3. *On the 10th August 2024, the Review received correspondence from the Acting Secretary, Department of Justice attaching advice received by them from the Solicitor-General of Tasmania in relation to the provision of information requested and accessed by the Review including specifically:*
 - b. *Access to the COI Records*
 - c. *Access to information on actions taken by the Registrar for Working with Vulnerable People on referrals received by them from the COI The Solicitor General of Tasmania raised concerns that:*
 - d. *the Review commissioned by the Premier was not cloaked with any compulsive powers, operated under the Crown prerogative and was being conducted outside any legislative framework*
 - e. *correspondence should be generated to advise the Independent Reviewer that they should return these records immediately and*
 - f. *records of the COI may be subject to several protections including specific provisions under the following legislation and each record needed to be considered independently prior to its release...'*
4. *"Subsequent correspondence and engagement with the Registrar and Department of Justice indicated that there were legislative barriers to the Review accessing information from the Registrar. The Review was advised that the Registrar was unable to share information on the actions taken by them on the referrals sent to them from the COI.*
5. *As background, the Review notes that the Commission was empowered by s 34A of the Commissions of Inquiry Act 1995 to communicate certain information in specified circumstances. Under these provisions, the Commission was able to communicate information related to the safety and protection of children 'to a person or organisation with responsibility for the oversight, registration, approval or any other endorsement*

³⁰ <https://www.premier.tas.gov.au/latest-news/2024/december/third-progress-report-of-woolcott-review-released>

of persons in the same occupation, industry or recreational activity as the person to whom the information related’.

6. *On this basis, the COI referred a number of matters of concern or information to the Registrar for Working with Vulnerable People during the course of its inquiries. Noting, the legislative barriers the Review wrote to the Registrar for Working with Vulnerable People again on the 1st August 2024, emphasising the public interest and the need to access the information on the actions taken by the authority to deal with the referrals it had received.*
7. *On the 24th June 2024, the Registrar had received advice from the Solicitor-General of Tasmania noting that based upon the combined and existing provisions of the Commissions of Inquiry Act 1995 and the Registrar for Working with Vulnerable People Act, the Registrar did not have a sound legislative basis to disclose information to the Review.”*
8. *“Given the above developments, the Review was faced with two issues. Firstly, it could no longer access the COI records. Secondly, the Review could not obtain any information from the Registrar in relation to its request. Therefore, the Review’s work to finalise its analysis and draft its final report received a significant setback.”*

It was heart-warming to see the following remark:

“The Premier and the Attorney-General have demonstrated extraordinary personal commitment and leadership to resolve the issues of access faced by the Review. The Review also notes that it has always received positive support from the Registrar for Working with Vulnerable People who has made every effort possible to cooperate with the Review within legislative boundaries. Finally, the Review thanks the Secretary Department of Premier and Cabinet for her prompt attention and shepherding of the issues faced by the Review”.

The rest reminded me of the office at the heart of where this all went wrong, and how. Because it’s the same playbook, every time. Are the lawyers within the OSG still self-instructing? Or are they now adhering to a more typical lawyer client model that the Coi Counsel so desperately tried to explain was, the norm.

The Tatarka Report

Pending, Overdue.

I will hazard what is admittedly a guess, that it is delayed due to issues regarding the content, the ToR being interpreted differently to how the reviewer may wish to apply them, AND/OR the very real likelihood that given this report pertains to who was given immunity or legal assistance and whether any of them acted in bad faith, that the findings are at complete odds with another reviews findings which were incorrect.

Of relevance, below is a copy of the ALL-STAFF EMAIL that all State Servants received at the beginning of the Commission.

Factsheet: Commission of Inquiry into Child Sexual Abuse

What do I need to know about indemnity and legal assistance?



1. What do I need to know?

In accordance with Section 22 of the *Commission of Inquiry Act 1995* (the Act) the Commission may serve a notice on a Public Officer (PO) to require that person to appear before it to give evidence.

Section 15 of the Act also provides that "a person appearing before the Commission may, with its permission, be represented by counsel."

The circumstances in which the Crown will agree to indemnify POs are set out in the [Policy and Guidelines for the Grant of Indemnities and Legal Assistance to Public Officers of the State of Tasmania \(the Policy\), Attachment 1 to Employment Direction No 16](#).

If you are served with a notice to appear before the Commission, the following protocols and processes should be read in conjunction with the Policy and followed accordingly to ensure you access the appropriate support.

2. Who do I need to inform if I receive a notice to appear before the Commission to give evidence?

Upon receipt of a notice to appear before the Commission to give evidence the PO should advise the Secretary, Department of Justice as soon as practicable following receipt of that notice to appear. The Secretary has determined that the Director of the Child Abuse Royal Commission Response Unit (CARCRU) is their delegate for the purposes of this protocol and advice should be directed to the following email address - inquiry@justice.tas.gov.au

The advice to the Secretary, Department of Justice, via their delegate, should include:

- The name and position of the PO in receipt of the notice, including contact details;

- The PO's employment or appointment status, including details of the position/s held within the State Service relevant to the notice to appear;
- The name of other parties involved, including any witnesses;
- A description of any facts or information known to the PO that may be relevant to the Commission; and
- Copies of the relevant documentation that the PO has, or is able to obtain.

The PO must make full disclosure of the circumstances which have given rise to the notice to appear and supply any additional information as requested by the Secretary of the Department of Justice or their delegate.

3. Indemnity and Legal Assistance Panel for the Commission

An Indemnity and Legal Assistance Panel for the Commission (the Panel) is authorised to approve an indemnity and/or the provision of legal assistance to a PO where certain criteria are met and where a PO complies with the terms and obligations set out under the Policy. Specifically Clauses 3.11 and 3.12 state that:

3.11: *The Panel may grant legal assistance to a Public Officer in relation to the officer's participation in an inquiry or investigation by a body other than a law enforcement agency where the Panel is satisfied that –*

- the investigation or inquiry relates to the employment, office or official duties or functions of the Public Officer;*
- it appears to the Panel that the Public Officer has acted in good faith;*

Infosheet: Commission of Inquiry into Child Sexual Abuse

What do I need to know about indemnity and legal assistance?



- the matter giving rise to the inquiry or investigation for which the legal assistance is sought does not relate to a complaint by a Public Officer against another Public Officer; and*
- it is in the interest of the Crown that the Public Officer be assisted.*

No indemnity or legal assistance is to be provided to a Public Officer in respect to an investigation or inquiry that constitutes an internal employer investigation or internal administrative review mechanism, including such matters as complaints against the Public Officer e.g. staff grievances, performance management or disciplinary proceedings, Tasmanian Industrial Commission matters, or a review under the State Service Act 2009.

3.12: *The Panel may grant an indemnity and/or legal assistance to a Public Officer where there are exceptional or extenuating circumstances and the Panel considers that it is in the public interest to provide the indemnity or legal assistance.*

Exceptional or extenuating circumstances include -

- significant hardship to the Public Officer;*
- that the Public Officer may be unfairly disadvantaged.*

Matters relevant to the public interest may include, but are not limited to -

- how best to protect the Crown's interests;*
- ensuring that Public Officers can undertake their functions with the support of the Crown and without unreasonable exposure to the risk of personal liability; and*
- the appropriate expenditure of public funds to support individual Public Officers.*

The composition of the Panel is in accordance with the guidelines set out in the Policy.

4. Can Indemnity or legal assistance be refused or withdrawn by the Panel?

If the PO fails to give reasonable notice after becoming aware of the notice to appear, the officer may be refused indemnity or legal assistance.

An indemnity or grant of legal assistance may be withdrawn in accordance with cl 3.12 of the Policy. A condition of the indemnity or grant of legal assistance will be, in every case, that if, in the course of the provision of evidence, the PO acts unreasonably, or intentionally or recklessly fails to make full and frank disclosure or relevant matters, the indemnity or legal assistance may be refused or withdrawn.

The Panel will make their determination in accordance with relevant parts of Section 3 of the Policy.

The Panel's determination will be conveyed to the PO via the delegate of the Secretary, Department of Justice, specifically the Director, CARCRU, who will advise the PO of the outcome of the application and provide further information about their attendance before the Commission.

For further information contact your Human Resource colleagues.

5. Employee support services

Crisis Support Services:

- » [Lifeline](#) – 13 11 14
- » [Beyond Blue](#) – 1300 224 636
- » [1800RESPECT](#) – 1800 737 732
- » [Suicide Call Back Service](#) – 1300 659 467
- » [MensLine Australia](#) – 1300 789 978

I cannot adequately dissect this and how it ultimately played out without speaking to it.

The Blake Review³¹

The Blake review is an abomination. I am not at all blaming Mr Blake for this, rather, believe he would have been misled, misinformed and hamstrung in order to limit the extent of what materials he had to ensure a predetermined conclusion was drawn. How else could the OSG justify providing the Legal indemnity and funding that they have?

The Blake review, which was released to the public on the 12th of April 2024³², was tasked with investigating on the face of it, whether Heads of Agencies, may have breached the Code of Conduct.

The Terms of Reference, warrant a careful read.³³

The task, that is referred to regularly by Mr Blake and Premier Rockliff, is this:

2. Consider whether such conduct may potentially amount to a breach of the Tasmanian State Service Code of Conduct or Code of Conduct under the Police Services Act 2003.

Why this report is deceptive and misleading, and why Mr Blake deserves a full set of information if he is to honour his legacy as a man of integrity. He cites 3 sources of information in his report on page 22.

One of those three main sources – are two ‘reports’ that are investigation outcomes into Formal Complaints that I made. Therefore, on this source on information Mr Blake relied on, my previous lawyer and I, (and the Commission of Inquiry following my previous lawyer submitting a submission entirely about this report being based on complete inaccuracies) are in fact the only fully informed people on the full set of documents pertaining to the set that this report is a part of.

“The Bartlett and Bowen Reports As noted earlier in this Chapter, I was provided with access to these two reports with both referencing Mr Pervan. I concluded that no further action is required relating to Mr Pervan.”

The truth is, that the Bartlett Report, the Bowen report and the OTHER Bowen report which he appears to not have been told about, are not ‘reports’ – in response to Code of Conduct complaints. I was informed they were bound by the PID act, to the extent the OSG tried to avoid giving me (the complainant via lawyer) a copy. I am unsure if the same process was adhered to for Mr Blake, but I am sure, that without the Complaints, the corroborating documents and the comments made in emails and other communications to me by the Independent Investigators, he DID NOT have the ability to make accurate findings.

³¹ <https://assets.keepingchildrensafe.tas.gov.au/media/documents/Blake-Review.pdf>

³² <https://www.premier.tas.gov.au/latest-news/2024/april/blake-review-released>

³³ https://assets.keepingchildrensafe.tas.gov.au/media/documents/Blake_Terms_of_Reference.pdf

I believe that both 'Independent Reviewers' Ms Bartlett and Mr Bowen had good intentions. Both privately expressed remorse or a desire to have been 'able' to do more, with a constant reference to the Terms of Reference. In response to both reports, very significant legally written responses were provided. These were ignored, despite being grounded in only facts. Not even so much as the date I started work, was corrected.

Whilst the Premier stands by the Blake report, I personally can have no faith in his integrity or commitment to 'leaving no stone unturned'. I will assist the Committee in any way that is appropriate.

Mr Blake, clearly states he was aware of ONLY ONE Secretary who has faced a Code of Conduct investigation. In the section entitled 'Any other matters' he states:³⁴

"During the course of my assessment, a number of matters came to mind, or were brought to my attention, which are dealt with here. It had been my intention to assess these matters in greater detail, but time did not permit this."

Given the significant leeway on time frames for other investigations, it is unclear why the deadline for this one was so tight. He does not, mention the other Head of Agency who has. In fact, I believe he was not told there was in fact two very significant reports into two Heads of Agencies.

I know because I made both of them. I believe he was provided with the independent investigator's report, in one matter only. He was not provided with the detailed Complaint drafted by lawyers that led to the month's long investigation and THEN the report he was given. He never contacted me to learn what led me to make such a serious report. He also, was not provided with the Coi Submission my then lawyer drafter and submitted to the Commission of inquiry that proves definitively, that the conclusions drawn in the report Mr Blake did have, are based on mistruths.

Mr Blake did not seem to have a copy of the second independent investigation Mr Gutwein commenced when I made another serious complaint about the second HOA I believe has breached the Code of Conduct. It is insulting to Mr Blake, the public and all children harmed – that such extraordinary lengths were taken to ensure Mr Blake could only make positive findings.

If he didn't, would that mean that the truth would be told about the Abolishment of Communities? The arrangements put in place, in writing to me about exactly how that would unfold – and did? The Cover ups, are extensive and distressing. I will discuss with the Committee, what is most relevant to provide by way of documentation. I could dissect this entire report, but it is clear he was simply kept in the dark. It is also a bold display of corruption and protection to allow it to stand as it is.

³⁴ <https://assets.keepingchildrensafe.tas.gov.au/media/documents/Blake-Review.pdf>

Blake states on page 2,³⁵

“Was I made aware of any explicit complaints against the identified Secretaries? With the exception of Mr Pervan, I was not made aware of any complaints that could have led to a code of conduct investigation about any of the Secretaries or Acting Secretaries that are the subject of my report. In Mr Pervan’s case, complaints about which I became aware were independently investigated and did not change my conclusions as outlined in Chapter 2.”

On page 9 he goes on:

Firstly, and having considered matters of concern raised by the Commissioners of the Tasmanian Commission of Inquiry into the Tasmanian Government’s Response to Child Sexual Abuse in Institutional Settings (Commission of Inquiry or COI) in respect of actions by the PRESENT OCCUPANTS (emphasis added) of the following offices:

- *The Secretary of the Department of Premier and Cabinet (currently Jenny Gale);*
- *The Secretary of the Department of Health (currently Kathrine Morgan-Wicks);*
- *The Secretary of the Department for Education, Children and Young People (currently Tim Bullard);*
- *The Secretary for the Department of Police, Fire and Emergency Management and Commissioner of Police (not currently but explicitly included in my scope, Darren Hine);*
- *The Secretary of the Department of Justice (currently Ginna Webster);*
- *The Secretaries of those agencies which now no longer exist by virtue of machinery of government changes, but that had responsibility for the care and protection of children and were the precursor to those departments listed above (this was Michael Pervan); and, having completed my assessment as outlined in Chapter 5 of this report, the conduct of these persons does not, potentially, breach the Tasmanian State Service Code of Conduct or, in the case of the Commissioner, neither the Tasmanian State Service Code of Conduct nor the code of conduct outlined in the Police Service Act 2003.”*

Darren Hine who was pivotally involved in the handling of James Griffin, as Commissioner for Police at the time, and Michael Pervan who was ultimately responsible for nearly all child facing departments for many recent years – were not examined in their (very recently) former roles.

‘Secondly, that in relation to the persons mentioned in Chapter 5 who acted for periods as Secretary of any of the above departments (including the Department of Communities), the conduct of these persons, working in their capacity as Secretary, does not, potentially, breach the Tasmanian State Service Code of Conduct. In addition, I note that, for reasons set out in Chapter 5, I am unwilling to conclude in respect of actions by the former occupants of the above Offices.’

³⁵ 1 Commissions of Inquiry Act 1995 section 3 2 A fact is proved on the ‘balance of probabilities’ if the decision maker is satisfied that its existence is more probable than not.

The highlighted sections above require scrutiny because a precedent is being set that is directly relevant to the Coi Recommendations pertaining to Heads of Agencies and their conduct. Letting the Blake report sit, as it is, sends a clear message that we will protect you – even if some of you were to receive one or even three or four misconduct notices.

The Secretary, who was the person with responsibility for Health, OOHC, and AYDC (nearly all areas of inquiry for the majority of the last decade) was considered by the Premier, was discussed in extraordinary detail by the Coi. It seems a very large, intentional gap to prevent and not encourage further investigation. The Head of the State Service, was unavailable to even speak to Mr Blake, which was unfortunately all too familiar to me.³⁶ An article in the Mercury speaks to the fact that The Former Head of the State Service did not engage with the review at all. I had heard that before.

Then HOSS, had resigned on the 25th of March 2024 after many months on leave. A mere couple of weeks prior to this report becoming public. Imagine, what opportunities for healing and growth we may have had if the Investigator had a full set of information...

The Timeline of Bowen Report (into one former Head of Agency Mr Blake cleared)

A small portion of the documents pertaining to this report, were provided to and relied on by Mr Blake. The majority were not. It was in fact, the independent investigator of The Bowen Report, who informed me to tell me first, that my Secretary had resigned. He did what he could. As for the missing documents, the investigation by Bowen and the truth about Communities, it is source of deep sadness that the lot wasn't cleared up in the Blake Report. The further information that I am willing to provide in hearings, could allow for transparency – finally.

4th Jan 2022

The Independent reviewer emails me stating the Respondent hasn't responded to him. He stated he would ask the Premier's office to put questions to him.

27th Jan 2022

The Independent reviewer emails, stating that he was having issues with the Respondents lawyer. I later learnt that in both this AND the other Bowen report into another Secretary, they both refused to engage in the investigation personally and only slightly, via lawyers. I am unsure why this was seen to be acceptable by the Premier, nor am I sure if the State funded the lawyers for these two very senior people to avoid scrutiny.

³⁶ <https://www.themercury.com.au/news/tasmania/nothing-to-see-here-report-clears-public-sector-chiefs-of-wrongdoing-over-child-sex-abuse-scandals/news-story/e24874326008622d53e58d3ae1bbd430>

24th Feb 2022

Premier Gutwein announced the abolishment of Communities.

Secretary is immediately moved into a non-child facing administrative position. I am willing to elaborate on what I was told, was occurring at this time.

30th March 2022

Bowen Report is provided in final form to the Premier.

1st April 2022

Bowen report re MP is released to me. I was informed he had met with the Premier (Gutwein), in January.

14th Dec 2022

Secretary Pervan resigns and leaves the State.

Exactly as I was informed, in writing that he would, six months earlier. It was planned perfectly, and it was inferred to me, also in writing, by an extremely senior staffer, that it was also directly because of the Complaint I had made.

The fact that the Blake report is still not retracted indicates to me that the Government is not fully aware of what happened or are happy to have participated in a significant missed opportunity to hold people to account in the ways the Commissioners had intended to.

[The truth about the abolishment of Communities has not been provided to the Public nor to members of Parliament. Given that the Department was only created in 2018, the cost of creating and abolishing such an enormous department in a short time span is likely enormous. I consider this to be a gravely serious, Public Interest Issue.](#)

The Blake review was personally very distressing to me. Few know why, I will leave it to further discussion with this committee, as to whether they believe a full set of the complaint, reports, and subsequent submission to the Coi on the 'cover up' by the former lawyer – are pertinent to the things they are tasked with scrutinising. My view is that people have the right to know who the intended Misconduct Findings recipients were, and when you know that – you realise how disgraceful the (lack of) content of this report truly is.

The Blake review has not been retracted despite Mr Blake stating on the record he was given an incomplete set of documents to review something so serious as Heads of Agencies who may have been implicated in poor

responses to child sexual abuse. Due to the concerns publicly raised, Mr Blake issued an “Addendum³⁷” to his previous report on the 16th June 2024

In a Media Release from Jeremy Rockliff’s office, the Premier stated³⁸

*“I have accepted Mr Blake’s addendum which confirms that no Head of Agency named in his initial report had **potentially breached the Code of Conduct**,” Premier Rockliff said.*

The entire report is based on cover up and incomplete information caused secondary trauma to a lot of people and indicated that nothing has changed. What further material was provided to him that gave you the confidence in June of 2024 to reconfirm³⁹ the findings? How could this happen? AGAIN? Who wrote the Terms of Reference? Why don’t we set a tone of transparency and accountability?

Nearly every section of the Addendum report, is factually flawed at best. I would welcome the opportunity to correct the record.⁴⁰ Again, in no way do I attribute these findings to Mr Blake, and rather – wonder who was in charge of so intentionally narrowing the ToR he could work within. Mr Blake made statements suggesting he did not seek the 22 intended Misconduct Notice recipients, because the Commission has told him they didn’t make findings about a Secretary.....

Hence, why the Blake Review existed... To examine misconduct by Agency Heads, noting the Coi was prevented from making their findings...

It is critical to Tasmania’s healing and rebuilding of trust that he commit to retracting the report and apologise to anyone who was harmed by it. Will you please commit to doing that, or is covering up for that individual more important to you than exposing the truth to regain trust and rebuild?

Mr Blake states in ‘Any other Matters’:

Secretaries remain solely responsible and accountable to Government for delivery of all of the functions allocated to them. They can delegate a function, but they cannot delegate responsibility or accountability.

But this, remains only true in theory.

Quite frankly, the degree of re-traumatisation that this caused, followed by these increasingly meaningless words, was and is significant to many. The issues with Terms of Reference and legislative barriers that both Mr Blake and Mr Woolcott have had/are having bear a jarring resemblance to those the Commission experienced.

³⁷ https://assets.keepingchildrensafe.tas.gov.au/media/documents/Blake_review_final_addendum_report.pdf

³⁸ <https://www.premier.tas.gov.au/latest-news/2024/june/blake-review-findings-reconfirmed>

³⁹ <https://www.premier.tas.gov.au/latest-news/2024/june/blake-review-findings-reconfirmed>

⁴⁰ https://assets.keepingchildrensafe.tas.gov.au/media/documents/Blake_review_final_addendum_report.pdf

b. Rhetoric and language – Is it Child Safe?

Relevant recommendations: 9.29, 9,20, 16.1, 12.1, 12.16

On the one hand, we hear apologies, and see heartfelt pledges to implement all of the Coi recommendations. Declarations of ‘No stone being unturned’, and new Committees and teams dedicated to this work every other day... On the other, I hear very little about the largest cohort of Victim Survivors by a mile – The Survivors of AYDC.

It is always shocking to me to hear people speak about children that I consider in need of the most community protection and support, to be seen in such a terrible way. We heard evidence from people in Senior roles within Police and AYDC who openly spoke about failing to believe the kids at AYDC in regard to the abuse they have survived. In one of the most alarming newspaper articles I’ve seen yet, we even saw a person who purports to be a Youth Chief with at risk kids, state that they are lying. For revenge and money.

I have never, seen such an irresponsible article, and it was written by the founder of the organisation that the Government just gifted \$3.7 million dollars to without a question asked. This person is a former police person, that both calls the exact cohort of kids who are most likely to go to AYDC/become Victim Survivors of abuse their liars. I know from direct feedback from those young people that for a myriad of reasons, the organisation in question is not seen as a safe avenue for them to seek respite, support or maybe even make a disclosure to a safe adult.

One thing we know, and it seems incredibly reasonable for Ashley Survivors to have formed this belief given the evidence we heard and read during the Coi, is that Police – have not been safe people for these children.

For DECYP to gift such an enormous sum of money to someone who openly made himself an ‘unsafe’ adult should a child need to report abuse and feel heard and believed, who is also so closely affiliated with Police, is ridiculous.

The service does not cater for girls, it could never credibly cater for kids in the Youth Justice System (or at least not safely), and here’s the kicker... They are not a therapeutic service and do not emulate anything described in the Commission of Inquiry Recommendations.

Unfortunately, similar barriers are present regarding the ARCH centre’s. Whilst I only hear wonderful feedback generally, they are not seen as a service that an AYDC Survivor would readily access from my understanding. I am unsure of the potential for outreach support for those in prison or home detention, but we need to ensure that there is money being provided, ideally by way of proper processes, to cater for ALL Victim Survivors. Girls, and AYDC Victim Survivors very much included. This might require creativity, exploring literacy and general accessibility issues more. But it is critically important.

What we were so often presented with during the Commission of Inquiry, was people like me. Caucasian women who are articulate and palatable. Some of us Victim Survivors, some staff, some both. Every story matters, very much. But we must remember that the biggest group of children harmed in our community may not be well

spoken or groomed. They might say 'fuck' a lot and commit petty crimes. They are still children we failed to protect from monsters, and I can assure you, their stories matter. They are some of the most inspiring I have ever heard.

But the public aren't allowed to see or hear from this large majority of kids from OOHC or AYDC. Instead, we are left to read about their heinous crimes and how they pose the greatest risk to Community Safety. We could easily build up little monsters in our heads, unable to ever be functioning members of our community.

The harmful rhetoric and narrative expressed by Police, Ashley staff and some Government and even Parliament members both during the Commission and now, only serves to fear monger. If I were a cynic, I would wonder if the constant 'targeting of' or 'crackdowns on' youth were primarily to justify keeping the place open for another purpose. The Commission spoke at length about shifting the narrative, and ensuring that there is a uniformed, kind and trauma informed response to all children who may be at risk – no matter what their background is.

Unfortunately, scrolling through just a few weeks of Police Media Releases tells me that those critical lessons, have not been learnt. The gap between a child who may have trauma relating to Police, who needs to report a crime to a Policeperson in order to seek help or justice – is getting wider and wider.

Below are some examples:

Words or phrases like **TASKFORCE REPRISAL**⁴¹, **TARGET**, **MOST HARM TO THE COMMUNITY** are highly emotive. Guaranteed to concern some members of the public and in turn, ensure children harmed by adults in AYDC may be treated with less empathy. Statistically, it is child sex offenders who pose a greater risk to the community...



The image shows a screenshot of a police media release. The header is a blue bar with the text "TASKFORCE REPRISAL CONTINUES TO TARGET OFFENDERS" in white. Below the header, there are two dark blue buttons: "Media Releases" and "RSS Feed". The main content area is white and contains the following text:

Taskforce Reprisal continues to target offenders

Wednesday, 19 February 2025 - 10:39 am.

Tasmania Police's Taskforce Reprisal continues to target those offenders causing the most harm to the community.

Acting Sergeant Katie Swift, says "the Taskforce has one clear objective, to deal with as many repeat offenders as possible."

"There is a small cohort of people within our community who continue to do the wrong thing."

"Yesterday, the Taskforce apprehended ten repeat offenders for offences including stealing, common assault, breach of bail, destroy property, fail to comply with the direction of a police officer, unlawfully setting fire to property, unlawful possession of property, drug offences and failing to appear in court."

"Over \$1,000 in stolen property was recovered during one arrest."

"Our goal is to target these repeat offenders, and when necessary, reasonable and authorised by law, put them before the court."

"Since the Taskforce commenced a week ago, 23 people have been apprehended, with over 48 charges being laid."

⁴¹ <https://www.police.tas.gov.au/news-events/media-releases/taskforce-reprisal-continues-to-target-offenders/>

Just last week, the Tasmanian Police proudly spoke of ‘Taskforce Reprisal’ apprehending 5 girls under 16. As a result of targeting them. This would be interesting to explore through a lenses of the Child and Youth Safe Standards.

Yesterday's apprehensions:

- › 43-year-old Lenah Valley man for stealing.
- › 53-year-old Moonah woman for failing to appear
- › 40-year-old New Norfolk man for stealing, unlawful possession of property and possess thing used to administer a controlled drug
- › 58-year-old Margate man for failing to appear
- › 14-year-old girl for common assault, breach of bail and destroy property
- › 14-year-old girl for fail to comply with the direction of a police officer, unlawfully setting fire to property and unlawful possession of property
- › 13-year-old girl for fail to comply with the direction of a police officer, unlawfully setting fire to property and unlawful possession of property
- › 40-year-old New Norfolk man for stealing and unlawful possession of property
- › 16-year-old girl for stealing
- › 14-year-old girl for unlawful possession of property.

Another one, FOUR YOUTHS CHARGED, all remanded in custody. None with violent charges, on the face of it.

FOUR YOUTHS CHARGED OVER HOBART SHOP STEALING SPREE

Media Releases

RSS Feed

Four youths charged over Hobart shop stealing spree

Friday, 29 November 2024 - 10:52 am.

Police from Taskforce Saturate and Glenorchy Uniform have arrested four youths for 96 offences, after a series of shop stealings across greater Hobart over the past month.

Inspector Jason Klug said the offences happened in Moonah, New Town, Rosny, Sandy Bay, Glenorchy, North Hobart, Hobart, and Lutana.

- › A 16-year-old boy was charged with three counts of stealing and trespassing, and two bail offences. He has been remanded in custody to appear in the Hobart Youth Justice Court at a later date.
- › A 13-year-old girl was charged with six counts of stealing and a bail offence. She has been remanded in custody to appear in the Hobart Youth Justice Court at a later date.
- › A 13-year-old girl was charged with ten counts of stealing, three counts of trespassing, one attempted stealing, and sixteen bail offences. She was denied bail by police and will appear in the Hobart Youth Justice Court today.
- › A 15-year-old boy was charged with thirteen counts of stealing, one trespassing, and 37 bail offences. He was also denied bail and will appear in the Hobart Youth Justice Court today.

Police Minister and Senior members of Police strike an intimidating pose whilst announcing a TASKFORCE, that will TARGET YOUTH OFFENDERS. The Liberal Party was quoted as saying they had created a specialist Strikeforce unit to TARGET YOUNG OFFENDERS.



Police Minister Felix Ellis, Northern Commander Marco Ghedini and Detective Inspector Nathan Johnston

A new police taskforce targeting repeat and young offenders in northern Tasmania has been launched to help drive down crime rates in the region.

'Juvenile career criminals' to be targeted by new police strikeforce under Liberals

Pulse Tasmania
Fri March 1, 2024 12:05pm

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Tasmania Police will establish a specialist Strikeforce unit to target young “career criminals” under a re-elected Liberal government, the party says.⁴²..... “I think Tasmanians have had a gutful of juvenile career criminals committing crime and getting away with it,” Rockliff said. We will deploy a major crackdown on youth crime and repeat offenders across Tasmania ... It will include the greatest number of Tasmania police on the beat in history.”

⁴² <https://pulsetasmania.com.au/news/juvenile-career-criminals-to-be-targeted-by-new-police-strikeforce-under-liberals/>

It is not possible, for a juvenile to be a career criminal. What a damaging label to put on a child, who might just be offending to fuel a drug habit – that maybe begun after the trauma of being repeatedly raped at AYDC when they were remanded for petty theft.

Feeling ‘targeted’ by people in uniform, in positions of authority – is not safe for a large group of vulnerable young people. There is simply no need for such inflammatory language when also paired with the knowledge that a punitive approach is entirely ineffective in reducing crime.

Recommendation 16.1⁴³ addresses the need for specialist police units to develop a strategy to engage with priority communities to build trust to encourage reporting of child sexual abuse and to assist in prevention and the need for any disruptive policing.

9.29 and 9.30 define priority communities as:

Aboriginal Communities

People who are or were in Prison or AYDC

People who are or were in OOHC

We need to get on top of the harmful and heartless narratives out there that are being perpetuated by Leaders in Government in a blatant show of disregard for the entire Commission of Inquiry. If you commit to implementing all recommendations, that is what we expect to see.

When the Government is covering up for those that enabled abuse, the Police constantly whipping up anti youth propaganda, and reports that indicate the OSG and other offices are engaging in the same kind of antics that prevented accountability from the Coi, it is NEARLY impossible to feel hopeful about true reform.

When you learn about what is happening at Ashley? The total and utter untruths that the Minister for DECYP speaks, that offenders are in positions of management now?

Hope would be foolish.

I will unpack this in what warrants its own section: Readiness for Change.

⁴³ https://www.commissionofinquiry.tas.gov.au/__data/assets/file/0011/724439/COI_Full-Report.pdf

c. Out of Home Care:

Current Case Study A:

The below is current, and true to the best of my knowledge.

A child with a complex childhood history including witnessing DV, has complex needs and difficulty regulating emotions at times. They have multiple diagnosis' that present additional challenges, that Mum is apparently very proactive about. Things were challenging at home, but Mum had no history with Child Safety Services, no criminal record and has childcare related qualifications.

Mum, had made a number of reports to Child Safety, Police and even the child's Paediatrician about a private Youth Work Organisation having engaged in grooming behaviours and provided the child with drugs.

The Child was removed from her care. Suddenly, and without even so much as a meeting with Child safety. They were taken to a Shelter, not by CSS – but by the adult that Mum had reported to CSS. At the other end of the State.

They have not been given a lunch box or a drink bottle. This child has gone from a perfect school attendance history at home to total school refusal. The child is now regularly using drugs that the adult who the Mum reported introduced them to, to cope.

They are expressing suicidal ideation and the desire to go home to Mum. Mum is in the far north of the state, with the child having been taken by the same adult again – to a Shelter in Hobart.

This child is reporting having to steal food to eat. They have been caught stealing several times.

Recently, Police said that they were on their final warning and if they are caught again, they will be put in AYDC.

To summarise, a child was taken from their mother, who is more than able to provide a loving and stable home, albeit managing challenges as they arise. Instead of offering supports, or care – this child was simply removed. CSS sought orders for Custody and PARENTAL RESPONSIBILITY. They well granted. The child since removal, stopped attending school, started stealing food, is a regular drug user. The child is forced continuously to engage with the service their mother reported as posing a risk to their safety.

The Mum is of the belief, that this is all reprisal for reporting an individual or an organisation that CSS rely on heavily currently.

Mum is fighting desperately through court to bring the child home. The child reports crying themselves to sleep and wanting to come home.

4. AYDC Now

- a. Abuse allegations - How things stand NOW at AYDC
- b. Current leadership at AYDC
- c. Suspensions and Investigations at AYDC
- d. Isolation and other breaches of Human Rights
Conventions (OPCAT) at AYDC
- e. Destruction of evidence
- f. Cover ups and failures to report at AYDC

a. Abuse allegations - How things stand NOW at AYDC

Relevant Recs 6.3, 6.4, 6.5, 12.1, 12.7, 12.9, 16.2, 16.4, 18.3, 18.12, 12.6

I will outline a broad overview of what I am aware of pertaining to AYDC as it stands currently to the best of my knowledge.

There have been several reports of sexual abuse at AYDC in the recent months.

There has been reports of torture, using a deluge system that is only in a small number of cells in the centre, as a form of punishment. Additionally, there has been reports of isolation of up to 22 hours a day.

DECYP internal staff have been working on what a new facility to replace AYDC could look like, only to have that shut down by the Minister and to be redirected to refurbish the existing building despite repeated guarantees to close it, and a commitment to build a memorial on site to honour the Survivors.

I am aware of abuse allegations in the past 6 months such as:

- Alleged Sexual abuse of a detainee
- Alleged Choking of a detainee
- Torture and isolation as punishment of detainees
- Failure to report, on a large scale
- Staff actively discouraging reporting
- Inadequate storage of CCTV content, available to people alleged to be child sex offenders
- Bullying, intimidation and misinforming staff who try to raise concerns about incidents or issues
- Staff being entirely unaware of how to make a Mandatory Report, to who, and about what
- Setting up and watching on as residents were encouraged to beat each other to the point one of them asked anyone to please call a code black.
- CCTV cameras only very recently being removed from the rooms used to historically (in theory at least) strip search detainees, and currently where they change into AYDC attire. I am aware of countless reports including many featured in the Coi and in the class action, of abuse in those rooms. I have made a report of one myself. Not once, has anyone said – there ‘should’ be footage available.
- Cameras being inactive for weeks at a time
- Body worn camera only being turned on when the wearer decides they ought to be.

Extensive refurbishments of AYDC continue and indicate to all close to this saga that there may be no intention to shut the centre or equally concerning, a possibility of privatising it’s use for a bail or remand program that would still operate from a prison with the worst known institutional track record for sexual abuse in Australian Government History.

The Body Scanner has been broken for an extended period of time, after barely being used at all since the more than 1.5 million dollar equipment arrived some years ago (2021 from memory). There is a unit that has been beautifully designed to be therapeutic to my knowledge, that children do not have the benefit of use of and instead, it is used as a 'show' unit. Given the update below, and how often it is used as an example of change – it would be my recommendation that specific data be sought regarding the use of the body scanner and what has occurred when it has been available for use but not used, or broken.

Action 1.4: Security Standard Operational Procedure Development and Implementation

Context

Several Standard Operating Procedures (SOPs) that support the safety and security of AYDC have been reviewed, developed and implemented, with more underway. The Commission's Final Report provided specific recommendations relating to use of force, searches and isolation practices at AYDC, which are all currently completed or underway:

- Use of Force Procedure
 - The Department underwent a robust tender process in April-May 2024 to procure a suitably qualified external supplier to develop a new use of force model and training package, founded on relational security principles and therapeutic practices.
 - The external supplier will commence in July 2024, with the new model and training package to be delivered in full by mid-2025.
- Personal Searches Procedure
 - To further uphold the rights and dignity of young people in detention, a body scanner has been installed and is now operational at AYDC.
 - The Personal Searches Procedure has been updated to incorporate the use of the body scanner, and the hierarchy of least-to-most intrusive search types to ensure staff utilise the least-intrusive search type necessary.
 - The introduction of the body scanner ensures that prohibited and unauthorised items can be detected by staff in the least-intrusive manner possible and assists in preventing such items from unknowingly entering AYDC.
- Isolation Procedure
 - A new model of isolation has been developed after consultation with key stakeholders.
 - The procedure is now under development and is anticipated to be implemented by the end of 2024.

I would encourage that the Centre Manager, Acting Custodial Youth Justice Director be questioned directly about exactly what has and it occurring. The body scanner has barely been used. The Personal Search rooms, I learnt recently have had cameras in them for a long time. So when I was beside myself about the known to police child rapist I was urgently reporting in the office next to mine was performing a strip search and I was gaslit terribly – the reality is that there was proof of that. I say **was**, because I know AYDC. That same individual, was tasked with digitising paper incident reports after my report. The ONLY COPIES OF INCIDENT REPORTS.

Isolation is being labelled as quiet time and bed time rewards systems, that when broken down – may put the centre in breach of the Mandela Rules. Body worn cameras were also very unsuccessful to begin with, and it might be worth seeking an update on when the cameras are turned on, why, who turns them on and how the footage is then collected and stored in line with Freeze orders.

The same questions, ought to be asked in regards to the handling, editing, deletion and storage of all CCTV footage within the centre.

b. Current Leadership at AYDC

Relevant recs 6.3, 6.4, 6.5, 12.1, 12.6, 12.7, 12.18, 12.9, 16.2, 16.4, 18.3, 18.12,

Below, is an update on the implementation of a new leadership structure at AYDC that is said to be complete, and in line with the Commission's recommendations.⁴⁴ It is called the:

'Keeping Kids Safe: A plan for Ashley Youth Detention Centre – Closure Report as at 30 September 2024'

***I was quite surprised to see that it does not, mention closure of the Centre at all. I will elaborate on this in Misleading and Deceptive Conduct.*

Action 2.6: AYDC Workforce Restructure

Context

The current organisational structure of AYDC has been reviewed with a view to ensuring an appropriate level of competencies, leadership and support. A new leadership structure for Custodial Youth Justice has been developed in alignment with the Commission's recommendations.

Status Update

	Activity	Status as at 30 September 2024
2.6.1	Confirm new structure for AYDC workforce	Completed
2.6.2	Implement new structure for AYDC workforce	Completed

Action 2.7: Additional Leadership Implementation

Context

The need for additional leadership expertise and experience to manage specific areas at AYDC was identified.

The position of Director, Community and Custodial Youth Justice commenced in July 2023 to provide leadership across both AYDC and Community Youth Justice, including implementation and management of key strategic programs. The position of Director, Youth Detention which is in addition to the current AYDC staff quota has been established and will strategically lead the operations of AYDC and provide high level leadership and advice to detention centre staff. The position of Assistant Manager, Safety and Security was also introduced, leading coordination of the fire, safety, security and facilities operations of the centre.

In addition, an expert adviser has been contracted to support the leadership at AYDC.

Further adjustments to the leadership structure have occurred in alignment with the Commission's recommendations and in response to action 2.6.

Within the current leadership group at AYDC, at least one individual was named (by the Col) in a Section 34a notice (referral related to a criminal or disciplinary matter). They were also in a list of known alleged sexual offenders, presented in a written statement to the Commission by Deputy Commissioner Higgins (Publicly available - please see below).

⁴⁴ <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Keeping-Kids-Safe-at-AYDC-Closure-report.pdf>

Please see more in section on DECYP.



**Commission of Inquiry into
the Tasmanian Government's
Responses to Child Sexual
Abuse in Institutional Settings**

Allegations of child sexual abuse against Ashley Youth Detention Centre Officials

Question 1

In relation to the Ashley Youth Detention Centre Officials listed in Annexure D, please:

- (a) identify any reports or communications provided to police about these people including:**
 - i. the source of the information, including who made the report and whether the information came from the Claims of Abuse in State Care Program, the National Redress Scheme, civil action against the state or otherwise;*
 - ii. when it was provided; and*
 - iii. the contents of the report,*
 - (b) outline any steps taken (or not taken) in response to any such reports or communications, including:**
 - iv. any reports made to child safety services, the Working with Vulnerable People Registrar, the Department of Communities or Ashley Youth Detention Centre;*
 - v. any investigations; and*
 - (c) any sharing of information or collaborative action with other agencies,**
2. Please refer to **JCH-001**, which details within a spreadsheet, reports made against those listed in Annexure D RFS-POL-005, including:
- a. Victim-survivor if named
 - b. Listed perpetrator/s
 - c. Relevant agency
 - d. Specific date of the incident or allegation
 - e. Nature of the incident or allegation
 - f. Institution or body investigating the incident or allegation
 - g. Whom reported by



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Abuse in Institutional Settings

- h. Date the incident or allegation was referred to Tasmania Police
 - i. Any action or outcome as a result of those investigations
 - j. Additional information including references.
3. In relation to referrals to other agencies, please note that this occurs through an automated process in:
- i. Atlas- a Tasmania Police intelligence system
 - ii. Offence Reporting System (ORS)- a Tasmania Police system for the recording of crimes and/or offences
 - iii. Online Charging (OLC)- a Tasmania Police system for the recording of those taken into custody, or to produce court files, both arrest and summons
- to support the protocol and the exchange of information.
4. Triggers within each system cause information to be shared to the Department of Justice, who manage the Working with Vulnerable People Registration via an interface. Specific offences within ORS and OLC constitute a risk to vulnerable people. These offences and charges are then given a flag in the background that when they are listed on an OLC or ORS precipitate that system to create a notification to Department of Justice.
5. Atlas has the option for police to select - 'Presents a risk to vulnerable people,' via a check box when they enter a person onto an occurrence. The selection of this check box generates a notification that is sent to the Department of Justice.
6. In Atlas - Child Safety Occurrences are shared automatically through electronic process with Children and Family Services.
7. Reference material listed in the additional information tab of JCH-001, have been separated into each of the individuals. The types of reference material include, National Redress Scheme notification, Royal Commission notifications, Offence Reports, Atlas submissions and email correspondence. Please refer to:

JCH-002- Stan

JCH-003- Ira

JCH-004- Edwin



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JCH-005- Maude

JCH-006- Arnold

JCH-007- Clyde

JCH-008-

JCH-009- Colin

JCH-010-

JCH-011- Lester

JCH-012- Walter

JCH-013-

JCH-014-

JCH-015- Nadia

JCH-016-

JCH-017- Hugh

JCH-018-

JCH-019-

The permanent recruitment for this role occurred when the Tasmanian Government was in possession of the Sec 34 notices and the above evidence was provided in 2022. This recruitment occurred despite it being in direct contradiction the Commission recommendations. They were not adhered to, despite the Tasmanian Governments repeated declarations of their commitment to implement all 191 recommendations. I reported

the risk of this person's permanent appointment to one of the most powerful people in the entire state prior to it occurring.

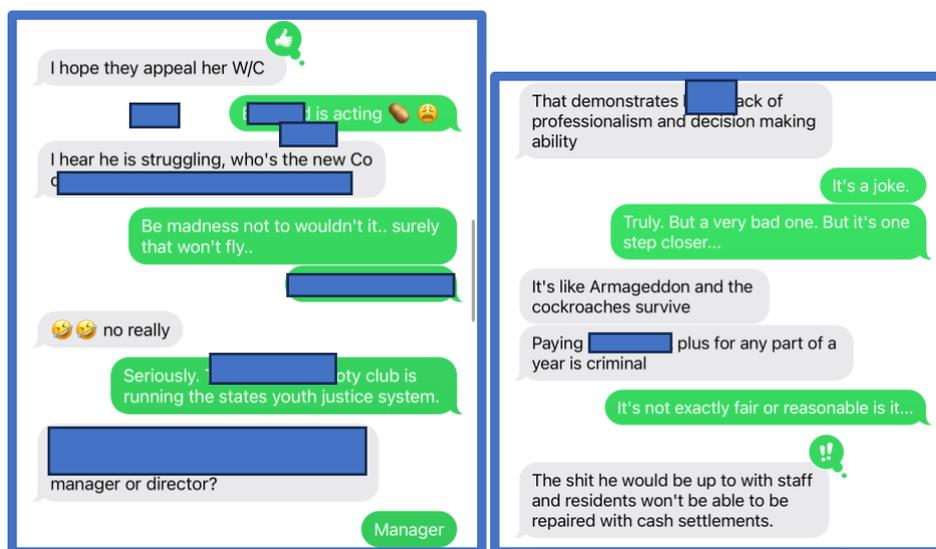
There should have been an immediate intervention.

The ramifications of this appointment in part, have been that at least one child, has allegedly been sexually abused by a staff member who was returned from suspension, and immediately promoted into a position of additional power (as well as DECYP's choice to return the staff member from suspension).

Another most senior staffer, was promoted also, within days of returning from a period of suspension due to allegations of child sexual abuse. This role was held open for them by another Manager, despite other arguably safer applicants having applied. This person was suspended again and has since been reinstated again and promoted.

This is a de-identified sample set of parts of messages I received from other current and former staff when word was out that one of these people had also been promoted. I provide these very recent and most conservative samples to show to extent of knowledge of the absolute inappropriateness of some current appointments given their known characters and often, the allegations they have or are facing of abuse of children, I note the final comment on bottom right of a):

Sample set A)



Sample set B)

Hi, hope your well, [redacted]
the training officer?

[redacted] arently they got into a
public fist fight the other day.

At a work event?

Yes

Worth investigating and possible
termination for both parties

[redacted] - I strongly suggest reporting to
[redacted] at the office of the Independent
Regulator.

They are new, and independent of
government.

Did you hear the same r [redacted]

I heard they both struck each other

It's only what I've heard, I'm not aware
who was there

Classy!

Well the acting director would have
heard all about it 😏

I can't believe how slow things progress
in the Department. Get someone up to
speed on sop's, Interview the alleged
perpetrators of these offences who
wouldn't know the sop's well enough
anyway and sack them on breach of the
state services act.

May as well run a work for the dole
program and draw straws for managers
job

Sample set C)

It's a massive shit show! Have you heard
[redacted]

[redacted]

WHAT

Yes let's chat tomorrow, he is a fucking
parasite

Yeahhhhhh. 😏

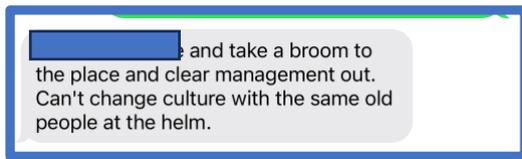
Hopefully there will be enough eyes
across the board on that to finally get
him off site at a minimum

The bar is LOW.

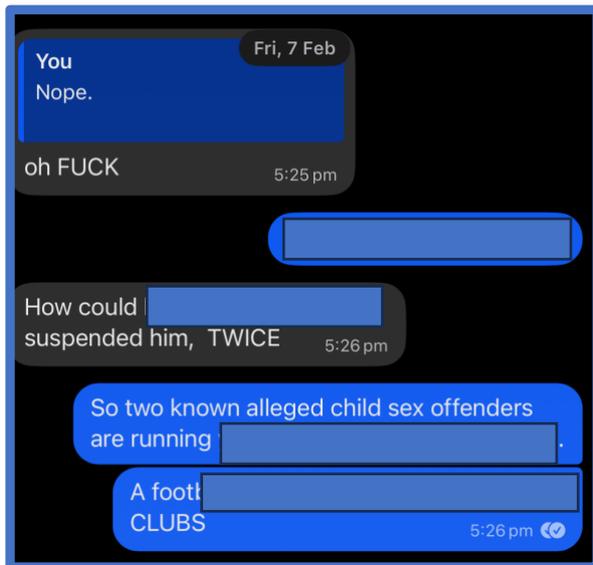
HA HA

I know, it's hard to trap snakes in those
conditions but even cats only have 9
lives

Sample set D)



Sample set E)



These communications are all within the past fortnight, and all but one is with AYDC staff (with consent given to include de-identified versions). These are all regarding the reinstatement/promotion of a person who you can see (and these are the least distressing exchanges) that all are shocked and horrified about, and even referenced the risk to staff and children.

One of the other current Managers (named in a section 34a notice) has introduced the aforementioned ways to isolate children and given them 'nice' names along the lines of a 'traffic light' bedtime system that means some kids are locked in their cells for 12+ hours (not including the daytime isolation) as punishment for their colour status. The centre still operates using a highly punitive system of behaviour management with children's ability to partake in things like age-appropriate bedtimes considered a privilege.

I am of the understanding that there has also been a mandatory 'quiet time' introduced, that is a forced period of isolation in the daytime. There have been weeks long periods of isolation in the past year that has been attributed solely to staff shortages. The Minister has dismissed this as being an issue as it is 'not punishment'. As we know, being isolated in a cell, has significant impacts on any developing brain regardless of the reason.

Another Senior staffer is someone who has repeatedly failed to protect children. I have evidence which demonstrates possible breaches of the criminal act, of both 'Failure to protect' children at AYDC and 'Failure to report' abuse that has occurred at AYDC.

The Acting Director of Custodial Youth Justice says this in their public evidence:

29 Q. One of the things you say in your statement is that
30 one of the issues that is making it a difficult place to
31 work at the moment is the perception that staff have that
32 they might be the subject of false allegations; do you
33 remember saying that?
34 A. Yeah.
35
36 Q. Do you mean that people are worried that they'll be
37 falsely accused of physical or sexual abuse?
38 A. Some young people have actually voiced that they will
39 say, you know, "You touched me" or whatever, so that they
40 can get a payout. I have heard that.
41
42 Q. And it's your assumption that, if a young person said
43 that, it wouldn't be truthful?
44 A. Not when they're smiling and laughing in front of me,
45 no.

She also states in her written statement, that it is true for herself (as a staffer since) and what she believes most of the staff group that prior to 2021, they were unaware of how to make Mandatory reports. I am unsure if this remains the case – but I do respectfully query the suitability of this person, to sit in the role they do.

In the last week, I have received more than one report of misconduct and abuse of children at AYDC. This included the cover up and attempts to ensure no reports were made. Nothing, and I repeat, nothing, has changed by way of attitude, practices, or treatment of children at AYDC. The only difference I have been made aware of two fold:

One is that there are far less staff who are child sex offenders on site. The flip side to the inherent goodness of this, is that staff who remain on site, are reportedly angrier, more bitter and full of disdain toward the children than ever.

The logical next step and is that staff appear to be going to greater lengths to abuse children in more covert ways, and have become 'creative' for lack of a more appropriate term, both punishment of children and ways in which to frame it to avoid scrutiny such as improper use of the Deluge system, ridiculous in cell time etc.

Over decades of one of the above-mentioned individual's employment, I am aware of:

- Failure to report physical abuse of children in AYDC.
- Failure to report sexual abuse of children.
- Failure to conduct independent investigations into gross misconduct/criminal conduct.

- Failure to report criminal conduct.

Across the Management team broadly, I can personally provide (and have provided numerous times), evidence of these individuals conduct including but not limited to:

- Repeated failures to report sexual abuse of children.
- Allegations of sexual abuse of children
- Allegations of excessive use of force
- Covering up evidence of misconduct
- Repeated failures to report risk to children in AYDC.
- Failure to report torture of children in AYDC.
- Encouraging punitive practices including unlawful isolation.
- A fundamental and significant lack of understanding of trauma informed practiced, mandatory reporting and other skills necessary to safely hold such a position.
- Dishonest evidence provided under oath regarding the death of a child in AYDC.
- Use of and encouragement of excessive force on the children in the centre.
- Unlawfully isolated children for periods of over two weeks.
- Failing to seek proper authorisation for said isolation.
- Upon being presented with disclosures of child sexual abuse in the centre by myself, they dissuaded the Victim Survivor to report it, despite them having agreed to do so with me previously.
- Laughing about the sexual abuse of children in detention.
- Holding positions of significant power open for friends who at the time were under suspension, despite them having had serious allegations of sexual abuse of children made about them. (Nepotism)

Another senior staffer is another very long-term staff member who gave evidence about children being improperly isolated whilst they were acting Supervisor. They too, are marked as Supervisor on incident reports details horrific child sexual abuse, which was documented incorrectly, and were never reported to Police. They also gave evidence about how most of the staff believe the young people are making up allegations of abuse at AYDC.

I receive very regular reports that I have then had to escalate due to current staff being petrified of reporting due to the culture that I faced. These reports have included use of a deluge system (that is only in a small number of cells) as a behaviour management tool, sexual abuse, intimidation, and standover behaviours against the children. Just last week, I was informed of alleged serious violent, including choking a child.

The entire Management team from when I was there, excluding myself, has resigned or been suspended because of facing child sexual abuse allegations or allegations of covering up the same. There have been at least 20 current staff at AYDC accused of being Paedophiles. This (according to my calculations) is over half of the child facing staff in the centre from when I was last there in 2020.

There were two children serving a sentence last publicly disclosed, with 6-8 on remand and unsentenced to being in AYDC. It is entirely unclear to me how it isn't viable to modify a small facility to safely house 5 or so young people until an appropriate therapeutic facility is built. Unfortunately, I have formed the belief that there are largely unknown reasons for keeping the centre open despite the Noetic report in 2016, the National Royal Commission, the State's first Class Action recently settled in principle for \$170 million dollars regarding abuse at AYDC, as well as it being named at the UN in Geneva in 2022, as being one of the centres in breach of our OPCAT obligations.

c. Suspensions and Investigations at AYDC

Relevant recommendations 12.1, 16.2, 16.4, 12.4

I suggest this be read in conjunction with **Current Leadership at AYDC and Police Responses**

When the HOSS asked for my assistance from mid 2024, one of the biggest motivators to provide it was the fact that I had been made aware of a group of approximately 8 alleged offenders who are notoriously dangerous to children, long term staff who are accused of the most serious of crimes – who were notified by their union that they would soon be cleared to return to work. It is my understanding that this was prevented by additional/new notifications being made but was otherwise poised to occur without a substantive investigation having occurred. I am willing to speak more to the role of one union, in the investigatory processes to date – to the best of my knowledge should it be of benefit.

I remain unsure what could possibly be provided should proof be required to demonstrate the standard of investigations over the past four years, what evidence was required to make a determination that ‘no breach had occurred’? How could this occur by the department, if the Police had not investigated the allegations leading to the ED5 at hand? Unfortunately, it did occur in more than one instance that an alleged child sex offender was reinstated (a number of times for some) and has since been promoted.

13 July 2024

Jeremy Rockliff, Premier

Respected Tasmanian barrister, Regina Weiss, has been appointed to provide advice on the establishment of a new centralised unit focussed on improving the timeliness and capability of ED5 investigations in the Tasmanian State Service.

An ED5 investigation examines potential breaches of the State Service Code of Conduct by a state service employee.

Premier Jeremy Rockliff announced Ms Weiss would provide advice to the Head of the State Service about the newly established Shared Capability and Centralised Investigations Unit, which the Government committed to implementing as part of its Commission of Inquiry response.

“There is nothing more important than keeping our children and young people safe,” Premier Rockliff said. This new unit creates a more streamlined approach to investigations of serious Code of Conduct breaches, with a priority focus on allegations of child sexual abuse and the finalisation of assessments and investigations relating to the Commission of Inquiry. Employment investigations involving alleged child sexual abuse are the first type of serious Code of Conduct matters that will be managed by this new central unit. Ms Weiss will provide expert advice to assist in the finalisation of assessments and investigations, with an initial focus on matters involving current and former employees of Ashley Youth Detention Centre. Increasing the experience and capability across the public service will be another focus for Ms Weiss, helping to improve the

timeliness of investigations of serious misconduct matters. Ms Weiss has commenced her advisory role and will report to the Head of the State Service.”

Looking to the future, I commend the government for announcing that a new streamlined unit has been created in DPAC to manage and review all ED5 investigations, starting with those at AYDC. This is a courageous and positive decision, and the right thing to do. With that said and truly meant, do you think it is appropriate to continue with that same integrity and humility and explain what has happened to key stakeholders, witnesses and Victim Survivors from the Coi? The failure of DECYP to manage such important investigations may have widespread implications and costs. Given that Recommendation 12.4 is not complete, it is at least in my opinion likely, that much crucial evidence that would have been available had investigations been immediately and thoroughly commenced, may not be anymore.

Like a vast number of catastrophic failures during and since the Coi – DECYP has demonstrated again that they have failed to protect children.

I am aware of a significant amount of information regarding how the previous 4 years of investigations have been managed and am willing to speak further on it if it would assist. It is, in the context of such serious allegations, egregious.

As an example, at one stage, suspended alleged perpetrators were sent surveys, that included a question asking them to say if they found the child who was making the allegations against them ‘truthful’? A large number of allegations were cleared without police investigation despite the allegations being of a criminal nature. They were poised to return to work without a thorough or independent investigation having occurred at all. Some had only been contacted once or twice over 3 years by DECYP.

What I am aware of certainly demonstrates a complete unwillingness or inability to conduct appropriate employment investigations into matters as serious as Child Sexual Abuse.

d. Isolation and other breaches of Human Rights Conventions (OPCAT) at AYDC

Relevant recommendations: 6.3, 6.4, 6.5, 12.9

It is well known and documented that isolation is an ongoing issue at AYDC. The Australian Human Rights Commission, The OPCAT oversight network, the United Nations in Geneva and the Former Childrens Commissioner have all highlighted that the Centre has breached Anti Torture conventions (at minimum I assume, because if you have been seen to torture children it is likely logical that the threshold for having neglected a child in care, for example, are met).

When the Coi report was published late 2023, they had this to say about isolation at AYDC at that stage:

Case studies 3 and 4 examine isolation and use of force at the Centre and make a range of findings that these practices have been misused, sometimes excessively and unlawfully, to punish and degrade detainees in breach of their human rights. In particular, we find that:

- using isolation as a form of behaviour management, punishment or cruelty has been a regular and persistent practice at Ashley Youth Detention Centre since at least the early 2000s, and in July 2023, we received information to suggest that some harmful practices, such as isolation, are still occurring
- the excessive use of force has been a long standing method of abusing children and young people by some staff at Ashley Youth Detention Centre, and the Department and Tasmanian Government have not always responded appropriately.

When the isolation of young people at Ashley Youth Detention Centre is unauthorised, unregulated and unreported, or there is excessive use of force, the risk of and opportunities for the physical and sexual abuse of young people increase. Such belittling and dehumanising practices also reduce the likelihood of children and young people making disclosures of child sexual abuse because their sense of what is right and wrong, trust in adults at the Centre and self-worth have been undermined. Case studies 5 and 6 have examples of how complaints about the safety and treatment of detainees have been managed—including complaints by a staff member called Alysha (a pseudonym)

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and a detainee called Max (a pseudonym).⁵³ We make findings about the State's, the Department's and the Centre's response to these complaints, and identify systemic problems in these responses.

A recent article published by the ABC, captured the fact that the Government's commitment to close AYDC by the end of last year as promised, is farcical and in fact – they do not appear to have a clear plan at all. I am deeply concerned that there is no intention by Minister Jaensch to close the centre, and that he appears be continuing a century long pattern by 'kicking the can down the road'. Unfortunately, the can – is vulnerable children and the road – is a demonstrable hell hole.

The article can be read here: <https://www.abc.net.au/news/2024-10-04/ashley-youth-detention-replacement-community-service/104430282>

In an article at the end of 2022⁴⁵, in the Mercury by David Killick, it states:

“The treatment of children locked up at the Ashley Youth Detention Centre continues to breach international anti-torture conventions, a United Nations Committee has found.

The Committee Against Torture has been looking into jails and youth detention centres in Australia to determine compliance with international human rights treaties, including the United Nations Convention Against Torture, to which Australia is a signatory.

The Committee report has included Ashley with the worst of the nation’s youth justice facilities because children are being locked down for up to 23 hours a day for two weeks at a time.

The Committee is seriously concerned about ... the practice of keeping children in solitary confinement, in particular at the Banksia Hill youth detention centre in Western Australia, Don Dale youth detention centre in the Northern Territory and the Ashley youth detention centre in Tasmania, which contravenes the Convention and the Nelson Mandela Rules.”

The Nelson Mandela Rules, also known as The United Nations Standard Minimum Rules for the Treatment of Prisoners, prohibit the use of solitary confinement in the case of children.

The state government last week announced the Ashley Youth Detention Centre would be replaced by five purpose-built facilities around the state.”

The final sentence has now been walked back by Minister Jaensch with no clear alternative provided. Minister Jaensch, who has been responsible for AYDC for at least 6 years, says within the same article:

“The practise of our young people spending longer than desirable times in their rooms is all about their safety.” The Minister has said words to the effect of because periods of up to 23 hours a day of lockdown are not punitive, it’s not as damaging. I would argue that to a small child, with complex psychological and/or cognitive issues, it doesn’t matter ‘why’ you are locked in a cell. It indicates a lack of understanding of the impact on developing brains.

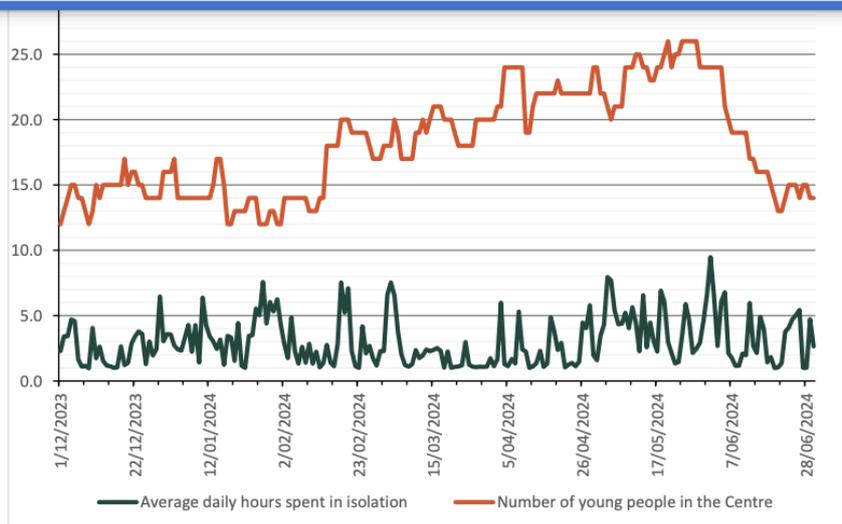
There is a strongly held belief among staff that they are the victims, and the children are manipulative liars. This shared belief system in a closed institution can make justifying the abuse, torture and isolation of young people much easier. There is also a pervasive view that no one from ‘the outside’ could possibly understand the

⁴⁵ <https://www.themercury.com.au/news/tasmania/united-nations-says-ashley-youth-detention-centre-still-breaching-code/news-story/24dae314fb986f3769063638ff590719>

hardship the staff face therefore, they must band together to fight 'outsiders'. I have a great deal of evidence that this is still a firmly held view and active efforts are being made to keep things 'in house'.

This view has possibly been formed because of significant nepotism in recruitment and a very small local community to recruit from. The staff group are nearly always engaged in social, sporting and other teams together, are often close friends and are often related. You can see how the remoteness of AYDC instantly creates a set of issues which contribute to a very limited recruitment pool with often limited skill sets, as well as strong interpersonal connections which transcend the professional – resulting in an almost centre wide failure to report all that has occurred.

In the Custodial Inspector's most recent annual report (excerpt below), he appears to imply that not only is isolation still a regular occurrence at AYDC beyond what could be expected to manage instances of critical risk, but most concerningly, that the data his office received from DECYP/AYDC was incorrect. His own office needed to cross reference it against the 'daily roll' and could still not guarantee the accuracy.



Note of the accuracy of the data

The data in the above figures was obtained from DECYP and was manually entered by DECYP staff into EXCEL spreadsheets. Accuracy of data entry can be affected by manual data entry methods, insufficient staffing resources and staffing pressures.

This Office has manually manipulated and cleaned the data further for the purposes of creating the above graphs. The supplied data was compared to the AYDC Daily Rolls and the number of young people was adjusted in some circumstances from the original data set to reflect the information provided in the roll with the aim to increase the accuracy of the data. Although due care was taken during the processes described above, we cannot guarantee the accuracy of this data.

This is merely a very recent and very concerning example of what of providing information that has been ‘sanitised’ to cover up Human Rights violations of children at AYDC now.

I am concerned that if the covert isolation that is occurring was included with the recorded isolation that DECYP/AYDC may be in breach of the Mandela Rules.

d. Destruction of evidence

Relevant Recs 6.3, 6.4, 6.5, 12.9

As mentioned above, I was recently made aware that there have been cameras in the strip search rooms for many years, that no one has ever mentioned despite many allegations of abuse occurring in those very rooms.

Given that this footage, of I don't know how many years, is almost exclusively of partially or fully unclothed children, and in theory, features abuse occurring - I am desperately hoping it can be ascertained where it is, how much of it is missing or destroyed and who has had access.

I can categorically state that in my time on site, the most serious alleged child sex offenders had uninterrupted access to all footage. My understanding now is that until very recently at least, it has been stored in a safe with the code readily available to anyone. CCTV has been stored on hard drives, and anyone could delete things from them in theory. I believe, that only 'incidents' have been stored. I am unsure who or how anyone determines what footage should be kept, but I am quite certain any deletion or destruction of this footage is illegal and in breach of the State Archivist Act and the Coi Freeze orders that were made.

The above is a very brief sample of what I am aware of, and it would be of benefit to share more detail.

My advice would be to commence an urgent audit of footage. I can provide dates to some specific incidents that may have been tampered with. Removal of CCTV or incident reports occurred constantly. I had staff approach me for advice on how to say no I won't forge paperwork, or back date legal documents. I was present when a now resigned child sex offender physically blocked investigators from accessing the files they needed because I had called them.

I can point the Committee to evidence which demonstrates destruction of evidence to the best of my ability, based on allegations that current staff are making but it would take an audit of even a few years of footage to grasp how much is no longer available. This is my strong recommendation.

The extents to which they are willing to cover up one another's abuses of childing, are shocking. An example from SERT Investigator's public evidence is captured below:

4 Q. I know that it's a while ago now and you no longer
5 have the versions, the two versions you were provided with,
6 but what's your best recollection sitting here today about
7 the differences between those two versions of the reports?
8 A. So, the detail in terms of the incident and the
9 severity of the incident mostly, and, from memory, the
10 length of time that the young people were unsupervised.
11
12 Q. And, can you recall whether - was it the version that
13 Lester provided that was, if I can use the word, in some
14 way **sanitised**?
15 A. Yes.
16
17 Q. And was there more detail in the version Alysha
18 provided?
19 A. Yes.
20
21 Q. Now, you've exhibited to your statement the versions
22 Lester gave you but not the versions that Alysha gave you.
23 Do you have any knowledge of where those versions might be
24 today?
25 A. So, my usual practice with any hard copy paper files
26 was to take them back to my office, scan them, and save
27 them on our secure file system for SERT; also kept paper
28 files in my office. So, I don't have a clear memory of
29 exactly doing that with those documents, but that was the
30 process that I followed, so I can say with, you know,
31 almost 100 per cent confidence that that's what occurred.
32 My files in my office went missing, so I wasn't able to
33 check.
34
35 PRESIDENT NEAVE: Q. This is the hard copies went
36 missing?
37 A. Yes.
38

1.

The SERT team was disbanded within days of the Director, Dep Sec and Sec receiving the highly qualified investigators report.

5. Organised child sexual abuse at AYDC

- a. Overview of Organised child sexual abuse at AYDC
- b. Suspensions and AYDC investigations before recent DPAC intervention
- c. an Example of Networks in Action?
- d. Sporting clubs and the need for Scrutiny
- e. Provision of access and trafficking of children
- f. Police responses

a. Overview of organised child sexual abuse at AYDC

Relevant recommendations 12.1, 16.2, 16.4

If I adopt the definition that both the Commissioner's and Professor Michael Salter as the foremost expert in Organised Abuse in Australia and one of the very first Coi Witnesses have, it is;

'any case of child sexual abuse in which two or more adult offenders conspire to sexually abuse one or more child'.

There is evidence that we heard through the Coi, eyewitnesses and class action of co offending, cover up, the destruction of documents and other evidence of CSA, and further there was serious concern expressed by the Commissioner's regarding information they received pertaining to an alleged paedophile ring or rings operating.

DPAC recently commissioned a review of all the Case Studies within the Coi report, by Dr Morag Macsween called 'Experts by Experience'⁴⁶. I commend them for engaging with subject matter experts and recognising the need for the same. On page 25, she explains a theme that had become apparent through their analysis of Victim Survivors experiences.

It's heading regarding AYDC is:

- (1) ***'Theme 9: Within the closed institution of Ashley Youth Detention Centre, abuse was organised, collective and collaborative.'***
- (2) ***The report goes on to say 'In our view, child sexual abuse perpetrated in AYDC is markedly distinct from child sexual abuse in other institutions in Tasmania'.***

Given the expert analysis I just quoted, the CoI report, the number of redress reports and civil claims featuring the same names and offences repeatedly, concluding that there is a network of Paedophiles centred around AYDC, seems like the only reasonable explanation to draw.

AYDC is central to an apparent Paedophile network in Deloraine, Launceston, and surrounds. What we are seeing, is what organised abuse of children is. With numbers of alleged offenders that high, those who aren't perpetrators are almost inevitably enabling abuse by failing to report risk in accordance with the law.

During the Assembly Select Coi Scrutiny Committee hearings of 2023, *Greens leader Ms Woodruff stated:*

⁴⁶ https://assets.keepingchildrensafe.tas.gov.au/media/documents/Experts_by_Experience_-_June_2024_-_FINAL_VERSION.pdf

“On page 9 of volume 2 of the commission of inquiry report, the commissioner’s note that they received accounts of organised abuse. By that, they mean multiple paedophiles conspiring to sexually abuse children. That was beyond their capacity and scope to investigate. They sent it on to Tasmania Police to investigate.

We heard from Dep Police Commissioner Higgins that there is a commitment to focus on these concerns, citing that while it is not a dedicated taskforce,

‘the new Family, Sex and Violence Command, which has been in place since July 2023, has the specialist sex crime investigators to investigate “these matters and any matter”.⁴⁷

Dr Woodruff went on, “Things I have spoken about in parliament before in relation to James Griffin and allegations of a paedophile ring that used to meet regularly at the Launceston General Hospital and the connections between Police Officer Reynolds, Deloraine and around Launceston.”

I am yet to become aware of an update being provided to the Community, or even an acknowledgement to the Community of what is abundantly clear, regarding organised abuse networks in Tasmanian Government Institutions. Certainly, at AYDC.

In Experts by Experience⁴⁸, quoted above, it also states:

‘We can see agencies missing, overlooking or downplaying risk in order to avoid action understood as counter to their interests, as their interests are perceived (i.e. organisational reputation). This is consistent with what we have seen so far in the Case Studies. ‘

In our view, leadership which genuinely safeguards require leaders to:

- *face Institutional Child Sexual Abuse, understanding;*
- *the drivers of abuse behaviours;*
- *how Powerful Perpetrators operate;*
- *and the organisational factors which support or hinder abuse behaviours;*

and to prevent Institutional Child Sexual Abuse, embedding Just Culture, putting Situational Prevention into practice, and developing Institutional Courage.’

⁴⁷ https://assets.keepingchildrensafe.tas.gov.au/media/documents/Experts_by_Experience_-_June_2024_-_FINAL_VERSION.pdf

⁴⁸ https://assets.keepingchildrensafe.tas.gov.au/media/documents/Experts_by_Experience_-_June_2024_-_FINAL_VERSION.pdf

b. Suspensions and AYDC investigations before recent DPAC intervention

Relevant recommendations 6.3, 12.1, 12.8, 12.9

Due to my own evidence and observations, I have been aware since 2019 of allegations of serious child sexual abuse at AYDC. I have also, been aware of the number of suspensions for the entire duration since the first round in October of 2020. The number of current State Servants facing allegations of CSA is now publicly available as State Wide data on the Routine Disclosure page (albeit it only being transparent data towards the very bottom and very hard to find), however the number is not broken down into Departments, let alone individual institutions which it needs to be, in order to be both transparent and afford parents/guardians and the community as a whole the greatest opportunity to safeguard their children.

My belief is that breaking this total number down to publicly expose that according to the Knowing how many of that most recent figure (102 current suspended alleged child sexual abuse perpetrators)⁴⁹ are from AYDC, that some have been inexplicably reinstated without any thorough investigation of any kind, and some have been promoted into very senior roles despite the allegations against them – one can only rationally assume AYDC staff cohort have been intentionally protected. I am willing to discuss my reasoning for this unpalatable conclusion having been drawn further.

In response to Questions on Notice recently, Minister for DECYP confirmed publicly, that 9 out of the 12 LONGEST STANDING suspendees, are from AYDC. 9 who have been on full pay for over 365 days. (The reality is a hell of a lot longer to be frank.) Minister Jaensch needs to provide a satisfactory explanation, for having failed to protect children and our community by conducting such unsatisfactory investigations, whilst paying people who are in same cases, child rapists and torturers to my knowledge. You can imagine how many of the next 12 suspendees are from AYDC too.

I was on staff when the first three Suspensions occurred, In November 2020. This included the suspension of a person I personally reported, after a disclosure of an allegation of rape. This person, Lester (coi pseudonym) was reported in January 2020 and was observed strip searching a child in the period between January and November 2020. I reported this too.

Despite a very significant number of staff being suspended because of the Commissions work from Ashley, I am informed that many of them have had barely any contact from the Department or its investigators in up to nearly four years. Some staff have been reinstated, only to allegedly offend again and be resuspended.

⁴⁹ https://www.dpac.tas.gov.au/rti/routine_disclosure_log_-_departmental_information

From the Management group when I was last at work at AYDC, **every single person** is now either suspended for being an alleged Paedophile or someone that has enabled Paedophilia, a number of staff have resigned following being presented with allegations of being an alleged Paedophilia or someone that has enabled Paedophilia.

There is a horrifying number of these staff, who remain on full pay – a great number for a period of 3-4 years. These people include Managers, Assistant Managers, member of the therapeutic team, Operational Co-ordinators, Youth Workers, Operational Managers and more.

The investigations into their conduct had not included the Police contacting alleged Paedophiles, (before I briefed the HOSS appropriately. I am unsure if that has changed since the investigations were taken over by DPAC) and indeed, closing many of the files prior to doing so by their own admission. (ref Ellis Coi scrutiny 23).

They have recently needed to be removed from the Department of child safety (DECYP), to be taken over by DPAC, due to the failure to investigate at even a remotely acceptable standard which in many cases led to the reinstatement of alleged child sex offenders WWVP cards being reinstated. In more than one case, I believe it even led to staff being compensated for the period of time in which their WWVP card was suspended.

The Minister with oversight of AYDC has repeatedly stated that they cannot conduct employment investigations into these allegations unless the Victim Survivors provide sworn Statements. I do not believe that to be accurate, when there is an abundance of corroborative evidence that has never been gathered and with very small victim survivors, or other circumstances where it isn't possible to have a sworn Statement from the Victim Survivor – we still have an obligation to investigate crime and employment related misconduct to safeguard children.

Putting the onus of responsibility on the Victim Survivors to hold their abusers to account, is a highly inappropriate and unfair expectation. What if a Victim is 3 years old? Would we let an offender keep working with children?

To demonstrate the extent of DECYP's failure to conduct even the most basic inquiries:

I have never been contacted by members of Tasmanian police or anyone from DECYP who are actively investigating an AYDC staff member about alleged abuse, to seek evidence or information regarding mandatory reports that I personally made.

Premier Rockliff recently stated in his response to questions I put to him without notice, that:

“All complainants and witnesses identified as part of an Employment Direction 5 (ED5) investigation are contacted to participate in the investigation”

This would have been my expectation also.

Because I am aware, of a myriad of investigations in which the child concerned nor the complainant or other witnesses have never, not once, been contacted. In some cases – not even the alleged offender has been interviewed over years of paid suspension. It is difficult to accept that this could be seen to look like protection of alleged child sex offenders.

c. Networks in Action?

Relevant Recommendations:

James Griffin and [REDACTED]

The Commission of Inquiry held the Health (LGH) and AYDC hearings months apart, at different ends of the State. Anyone would be forgiven for not noticing something that Coi Legal Counsel sought to connect discreetly.

What this was, was the fact that when Paedophile paediatric nurse James Griffin was under investigation in 2017 due to allegations of grooming, he was moved to AYDC to be the 'Centre Nurse' for quite some time. The way this occurred was pertinent to me.

What I can see from cross referencing Health and LGH Hearing transcripts, is one example, when renowned Paedophile Nurse James Griffin was subject to a number of complaints/concerns. HR and Nursing staff gave evidence about what happened, during that investigation period. He was personally headhunted, with apparently no HR process necessary for a secondment of over 6 months, to Ashley – apparently by the Manager of AYDC in 2017, after which he returned to his role on the Children's ward at the LGH.

This example of networking and shuffling staff, is nearly identical to the hundreds of examples that are available to us of the same in the Church – when institutions – rather the people in them, actively shuffled alleged child sex offenders around in an effort to protect them when issues were raised,

On June 28th the evidence on the following page was given and is publicly available.

3 Q. Shortly after this 2017 SRLS was concluded with a
4 closing letter, that was in September 2017, I'd ask you to
5 take it from me, Mr Griffin was transferred to Ashley Youth
6 Detention Centre; can you tell us what the process is for
7 someone to be transferred to that facility?
8 A. There are various processes. The administrative
9 process is the submission of a job card for HR which is a
10 recruitment online system. The management decision-making
11 process could be many, it could be the manager from Ashley
12 approaching the person to take up the contract. Where the
13 position is - the rules obviously change over time
14 depending on the Employment Directions, but where the
15 position is less than six months it can be what we call a
16 tap on the shoulder and a manager can directly approach
17 somebody to take that position on.
18
19 Q. A manager at the hospital or at the Youth Detention
20 Centre?
21 A. At the Youth Detention Centre in this example.
22
23 Q. And so, is anyone able to take an employee from a
24 hospital for a few months without there being a formal
25 process around it on a tap on the shoulder basis?
26 A. Yes.
27

46 Q. Are you able to say whether or not there's a
47 connection between the SRLS complaint concerning Griffin

.28/06/2022 (16) 1871 J T BELLINGER x (Ms Bennett)
Transcript produced by Epiq

TRA.0016.00

1 and his transfer?

2 A. I do not know that there's a connection.

3

4 Q. Do you know anything about how Griffin came to be
5 transferred to Ashley?

6 A. No.

34 Q. Was there any process at the hospital side to put a
35 time limit or a review function over that transfer?

36 A. No.

37

38 Q. So, the person would go to Ashley entirely outside the
39 scope then of HR oversight and be there under the auspices
40 of that organisation until they returned; is that fair?

41 A. Yes.

42

43 Q. And in the case of Griffin, he left shortly after he
44 had been involved in a disciplinary matter; is that right?

45 A. I don't have the dates in front of me but I believe
46 that's the timeframe, that they're both late 2017.

47

41 COMMISSIONER BENJAMIN: Q. Mr Bellinger, just assist me
42 with Ashley. If a nurse goes to Ashley, they report to
43 whom, in terms of their Medical Services that they're
44 providing?

45 A. And, Ashley hasn't been in my portfolio for nearly
46 10 years, so I'm not 100 per cent. I believe at one stage
47 they reported to Ashley but now they might report into

.28/06/2022 (16) 1873 J T BELLINGER x (Ms Bennett)
Transcript produced by Epiq

TRA.0016.0001

1 Mental Health or Friends of Mental Health as it's known.

2

3 Q. So, you think they reported to Mental Health?

4 A. Forensic Mental Health, as I understand it, and that's
5 obviously now part of the community since - when was that -
6 about 2019. So, if we're talking back in 2017, they were
7 still part of the Department of Health but part of the
8 Human Services or Mental Health portfolio depending on the
9 timing.

Below, is a snippet from publicly available evidence given on the 7th of September 2022.

36 Q. What was your role at Ashley Youth Detention Centre?
37 A. During my tenure there I was the centre manager.
38
39 Q. When did you start at Ashley Youth Detention Centre?
40 A. I started there in January 2017.
41
42 Q. What was your role immediately prior to starting at
43 Ashley Youth Detention Centre?
44 A. I was a police officer. I was in charge of the - was
45 then called the Victim Safety Response Team, now referred
46 to as the Family Violence Unit. I was in charge of the
47 Western Police District which was effectively broken down

.07/09/2022 (32) 3568 P RYAN x (Ms Bennett)
Transcript produced by Epiq

Below, is a snippet from publicly available evidence given on the 29th of June 2022.

9 Q. Griffin shortly after that went to the Ashley Youth
10 Detention Centre. Can you help us to understand the
11 circumstances of his secondment to Ashley Youth Detention
12 Centre?
13 A. Well, staff will frequently explore other career
14 options in nursing in different specialities, so that
15 wasn't an uncommon occurrence. So, Mr Griffin - I have no
16 knowledge of this up to the point that Mr Griffin advised
17 me that he was arranging a secondment to Ashley Youth
18 Detention Centre.
19
20 Q. How did you find out?
21 A. That's difficult to recall, but I don't know if
22 Mr Griffin told me directly or I was contacted by the
23 manager at Ashley, but I understand as it was a secondment
24 that the HR team were involved in arranging that
25 secondment.
26
27 Q. Are you aware of any screening or checks that are
28 carried out on nurses if they want to go to Ashley Youth
29 Detention Centre?
30 A. I have no knowledge of how Ashley Youth Detention
31 Centre works and their essential requirements.

The Nursing Corridor at AYDC, was (this has recently been amended) the only corridor of that Centre with access from the outside, that has not got any cameras in it.

d. Sporting clubs and the need for scrutiny

Relevant recommendations: 15.6

During 2023, Coi Scrutiny hearings, Dep Police Commissioner Higgins had the following to say regarding a meeting all the Commissioners attended to speak about potential networks having been identified.

“Mr HIGGINS - Yes, I personally met with the three commissioners when it was spoken about publicly but before the actual release. I did that with Assistant Commissioner Bodnar.

*Commissioner Benjamin in particular had had done a lot of one-on-one conversations with people. He thought they were 'groupings' of people. Whilst there was no actual evidence that was in there, from his considerable experience, not only as assistant commissioner, but in the family law court as well, he thought these groupings might be within **sporting groups....**’*

*There were some names that were across a number of them. Whilst it was outside the remit of the commission of inquiry because it was outside the institutional settings, **there was certainly a conversation that was important enough for the three commissioners to want to have a one-on-one with me to go through that and give me the understanding about where the information had come from, how it had come about, and his reasons for doing the type of grouping so we could look at it. It is absolutely being taken seriously. Each individual is being assessed about what information there might be and we will ensure we fully investigate each one.**”*

I believe that one of the sporting clubs Mr Benjamin was referring to, is likely to be the Deloraine Football club. I would urge discussing this further with myself, and/or ideally - Mr Benjamin. There are a significant number of people identified as those alleged to pose a risk to children within the club. Of course, Paul Reynolds (paedophile policeman) abused and groomed many boys from this same club.

e. Provision of access at AYDC and concerns about taking children in care interstate

Please see Confidential submission.

f. Police responses – And an astonishing lack of curiosity about them.

Relevant recommendations 12.1, 16.2, 16.4, 9.29, 9.30

The Commission clearly articulated the Police too, MUST comply with Child and Youth Safe Standards (as do all Government Agencies including the Parliament), and that the Reportable conduct scheme also applies to Police, stating in their final report:

“A wide range of organisations must comply with the Child and Youth Safe Standards, including health, education and accommodation providers, as well as police, youth justice workers, local councils, government agencies and the Parliament of Tasmania. The Reportable Conduct Scheme applies to a narrower cohort of organisations, but includes all government agencies, out of home care providers, police, youth justice, health services and schools.”⁵⁰

Given the lack of charges laid given there has been 102 suspensions of State Servants alleged to have perpetrated child sexual abuse, I would suggest that the Committee examine why that is, and if there are barriers the Police are facing – what have they been doing to remove these barriers to ensure that ALL perpetrators of Child Sexual Abuse are held to account?

Have the Police deployed all available resources to tackle the abuse crisis in Tasmanian Institutions, and particularly at AYDC where the risk remains current? If so, an explanation must be provided to explain the ridiculous fact that amongst mountains of evidence, no one from AYDC has been charged.

It is my strong view, based on the evidence given by the Police across the board, In addition to clear issues identified regarding Paul Reynolds, and the nature of them being the one constant, seen across all the departments examined – to consistently fail to protect children without any excuse or reasoning provided beyond ‘human error’.

The Tasmanian Police were told of Paul Reynolds being a paedophile years before he was investigated. Who has been held to account for that? What is the status of those investigations?

They were aware that James Griffin was a paedophile for many, many years before one of his Victims took it upon herself to try and keep other children safe.

They were aware of several Ashley offenders and did nothing to alert the department about any of them to safeguard children. It is difficult to conceive of so many catastrophic human errors, across all departments being sheer incompetence that spans decades. I would suggest, that on the balance of probabilities it is possible that some Police are complicit or implicated in the Systemic Abuse of children in Tasmanian Institutions – as

⁵⁰ Volume 1: Executive summary 29

indicated to me previously by a trusted person. That is not unexpected nor surprising if it is the case. It simply indicates the need for further investigation that captures Tasmanian Police.

Police were not technically investigated under the Coi's terms of reference, and has legal representation separate to other Government Agencies. Despite this, the Coi identified 22 Police as alleged child sex offenders. Will an entirely independent inquiry be conducted to ensure this glaring gap is investigated, and Police responses to Child Sexual Abuse in Tasmanian Institutions are examined. It is unclear who, if anyone has meaningful oversight of the Tasmanian Police.

An example of the Police Ministers Responses to QoN from the 2023 Coi Scrutiny Committee:

Minister for Police, Fire and Emergency Management
 Minister for Skills, Training and Workforce Growth
 Minister for Resources
 Minister for Racing
 Leader of the House

Level 5, 4 Salamanca Place, Parliament Square Building HOBART TAS 7000 Australia
 GPO Box 123 HOBART TAS 7001 Australia
 Ph: +61 3 6165 7770
 Email: minister.ellis@dpac.tas.gov.au



Tasmanian
Government

Ms Stephanie Hesford
 Committee Secretary
 Commission of Inquiry Scrutiny Committee
 By email: Stephanie.hesford@parliament.tas.gov.au

Dear Ms Hesford

In response to your request for additional information from the Premier of Tasmania following the Commission of Inquiry Scrutiny Committee on Tuesday 5 December 2023, please find the response below.

Question 2

Please outline, of the nine people charged with ten offences, whether any of these came from referrals from the Commission of Inquiry? Because at the time of writing the report, the Commissioners said that none of the staff who they examined in their case examples had been charged with any child sexual abuse offences. Can you explain this? (Ms White)

Answer

Criminal proceedings

Throughout the Commission of Inquiry, police laid charges for 10 matters relating to child sexual abuse in Tasmanian Government institutional settings. These 10 matters relate to 9 individuals, who have all been put before the courts.

Eight of the 9 matters were reported directly to Tasmania Police and were not referrals from the Commission.

One of the 9 individuals was subject to a Section 34A referral and this investigation was underway prior to the referral from the Commission of Inquiry.

Person	Gov deptd	Charges	Current status	Offence date	Referred from the CoI
Person 1	DECYP	Persistent Sexual Abuse of a child/young person	Court proceedings concluded	1989	No

Person 2	DoH	Indecent Assault (2x separate charges)	Before the court	1989	Matter was under investigation prior to receipt of Section 34A referral
Person 3	DECYP	Assault with indecent intent	Before the court	2021	No
Person 4	DECYP	Persistent Sexual Abuse of a child/young person	Court proceedings concluded	1988	No
Person 5	DECYP	Grooming with intent to procure a child/young person or sexual abuse (x 2 separate charges)	Before the court	Between 2018 and 2021	No
Person 6	DECYP	Assault with indecent intent	Court proceedings concluded	2022	No
Person 7	DECYP	Persistent Sexual Abuse of a child/young person	Court proceedings concluded	2021	No
Person 8 (2x matters)	DECYP	Assault with indecent intent	Court proceedings concluded	Between 2021 and 2022	No
Person 9	DECYP	Recording in breach of privacy	Court proceedings concluded	2022	No

Section 34A referrals

Tasmania Police received 43 Section 34A referrals during the Commission of Inquiry. They included referrals of sexual assault, grooming, sexual offences, inappropriate behaviour, child exploitation material, criminal code assault, amongst others. A large number of the referrals did not disclose victim or complainant details, or the victim did not consent to their details being made known to police. One of those matters remains under investigation, one is before the court and one is a coronial matter.

Yours sincerely



Hon Felix Ellis MP
Minister for Police, Fire and Emergency Management
 11/12/2023

In multiple cases I am aware of, the Victim Survivors have never been contacted. Surely, there are grounds to suggest that someone entirely independent of Police, review the standard of any investigations that have occurred and ended. I am aware of eyewitnesses, and mandatory reporters who have not once been contacted by Police despite being named as people that made the reports which led to these suspensions. How could this be, nearly four years later? I am a Mandatory Reporter in this position.

Case Study Lester Update:

I was made to feel dramatic for pushing that it was not appropriate for him to be on site whilst any investigations took place, nor was it appropriate that investigations weren't undertaken by Police. I have never been contacted by Police about this Individual despite my report about him forming part of the ED5 paperwork provided to him as stated in the Col Report.¹

“On 8 November 2020, ██████████ decided to suspend Lester and commence an Employment Direction No. 5—Breach of Code of Conduct investigation into the allegation reported by Alysha”.

On 8 November 2020, Secretary Pervan decided to suspend Lester and commence an Employment Direction No. 5—Breach of Code of Conduct investigation into the allegation reported by Alysha and supported by Ira in his statement. While the Minute to the Secretary recommending this course of action also referred to three of the Abuse in State Care Program claims, the Secretary’s decision did not appear to be predicated on these allegations, with the Minute stating that the Department was trying to get more information about these claims.²⁸³⁸ We are unclear why the Minute did not refer to the fourth Abuse in State Care Program claim. In any event, the decision taken at this time was based on the information provided to the Department some 10 months earlier.

It became clear through the Coi hearings, in Deputy Commissioner Higgins and the former Communities Secretary’s evidence and their written statements particularly, that the Police and the Department were very well aware that Lester had multiple allegations against him, spanning decades.

On the week of AYDC hearings occurring, the Commission sent the following demand for answers in the form of a written Statement to Mr Higgins (A publicly available statement).

Some of the reasons given by Deputy Commissioner Higgins and Commissioner Hines in their written evidence submitted to the Coi for failing to

WITNESS STATEMENT OF JONATHAN CRAIG HIGGINS

I, Jonathan Craig Higgins, Police Officer, do solemnly and sincerely declare that:

1. This statement made by me, is in response to the additional questions posed in relation to the Notice to Prepare and Produce a Document or Statement, RFS-POL-005, requested by the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings (the Commission of Inquiry). The information in this statement is true and correct to the best of my knowledge and belief.

Acronyms

ATLAS	Tasmania Police intelligence system
DPP	Director of Public Prosecutions
OLC	Online Charging
ORS	Offence Reporting System
TRIM	DPFEM Electronic document and records management system

Question 1

The Commission is aware of reports or communications with Tasmania Police in relation to Lester [REDACTED] that are not listed in Exhibit JCH-001 to your statement declared on 8 August 2022. The unlisted reports are:

- a) "Disclosure Report – Intel Submission" arising from a statutory declaration made by [REDACTED] on 20 November 2012 (Annexure A: TPOL.0002.0003.0126);
- b) Email from Jacqueline Allen (Department of Communities) to you dated 6 November 2020, attaching a statement given by Ira [REDACTED] (Annexure B: TPOL.0002.0003.0375 and TPOL.0002.0003.0376);
- c) Email from Jacqueline Allen (Department of Communities) to you dated 9 November 2020 attaching claims made under the State Redress Scheme by [REDACTED] and [REDACTED] (Annexure C: TPOL.0002.0003.0414, TPOL.0002.0003.0415, TPOL.0002.0003.0416, TPOL.0002.0003.0417 and TPOL.0002.0003.0418);
- d) Intel report TAI2100027556, reported to Tasmania Police on 15 June 2021 (Item 25 of JCH-029); and

e) Intel report TAI220006777, reported to Tasmania Police on 13 February 2022 (Item 54 of JCH-029).

2. In response to (a), this has been added to JCH-001 and can be located in line 40.
3. In response to (b), this has been added to JCH-001 and can be located in line 44, noting Donald [REDACTED] was previously within the table under Walter [REDACTED] now line 61.
4. In response to (c), these have been added to JCH-001 and each can be located:
 - a. [REDACTED] line 45 under Lester [REDACTED] and line 31 under Colin [REDACTED]
 - b. [REDACTED] line 46
 - c. [REDACTED] line 47 under Lester [REDACTED] line 57 under Walter [REDACTED]
 - d. [REDACTED] line 48, noting this was previously within the table after being reported on 12 April 2021, the date Jacqueline Allen notified Tasmania Police has also been added.
5. In response to (d), this has been added to JCH-001 and can be located in line 49.
6. In response to (e), this has been added to JCH-001 and can be located in line 51, noting this was previously within the table after being reported on 15 November 2021 through the National Redress Scheme, the additional notification reference from [REDACTED] from Communities Tasmania on 13 February 2022 has been added, TAI220006777 and TAS220006812.

Question 2

In relation to each report or communication referred to in paragraph 1(b) above, state whether this was the first time Tasmania Police received a report or communication in relation to some or all of the relevant allegations (see in particular paragraphs 39 to 54 of TPOL.0002.0003.0376) from the Department of Communities. If it was not, provide details of any earlier report(s) or communication(s).

7. From a review of our intelligence holdings, this was the first time Tasmania Police received a report regarding the allegations contained within TPOL.0002.0003.0376, specific to Donald [REDACTED]

e) Intel report TAI220006777, reported to Tasmania Police on 13 February 2022 (Item 54 of JCH-029).

2. In response to (a), this has been added to JCH-001 and can be located in line 40.
3. In response to (b), this has been added to JCH-001 and can be located in line 44, noting Donald [REDACTED] was previously within the table under Walter [REDACTED] now line 61.
4. In response to (c), these have been added to JCH-001 and each can be located:
 - a. [REDACTED] line 45 under Lester [REDACTED] and line 31 under Colin [REDACTED]
 - b. [REDACTED] line 46
 - c. [REDACTED] line 47 under Lester [REDACTED] line 57 under Walter [REDACTED]
 - d. [REDACTED] line 48, noting this was previously within the table after being reported on 12 April 2021, the date Jacqueline Allen notified Tasmania Police has also been added.
5. In response to (d), this has been added to JCH-001 and can be located in line 49.
6. In response to (e), this has been added to JCH-001 and can be located in line 51, noting this was previously within the table after being reported on 15 November 2021 through the National Redress Scheme, the additional notification reference from [REDACTED] from Communities Tasmania on 13 February 2022 has been added, TAI220006777 and TAS220006812.

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7. From a review of our intelligence holdings, this was the first time Tasmania Police received a report regarding the allegations contained within TPOL.0002.0003.0376, specific to Donald [REDACTED]

or [REDACTED]. Additionally, spelling of any individuals name can impact an entity being correctly linked. For example, Lester [REDACTED] has been reported to Tasmania Police utilising multiple different spellings, including Lester [REDACTED] and Leste [REDACTED]. Individuals may also be difficult to differentiate from information, for example Mr [REDACTED] may be [REDACTED] but also could mean [REDACTED], another worker at the facility. If these individuals are not identified correctly and linked to a report, the ability to identify them within a search is challenging.

10. In response to (b)

Document	Reason
Document listed in 1(a)	This was an unintentional oversight at the time when compiling the table, the document has, as highlighted previously been disclosed to the Commission. A further search against all AYDC staff listed in JCH-001 has been conducted, to ensure all relevant reports have been provided to the Commission.
Documents listed in 1(b)	Allegations made by Donald [REDACTED] were listed within the table under Walter [REDACTED] now line 61. The reason that the matter was not originally listed under Lester [REDACTED] was that on interview with Tasmania Police, Donald [REDACTED] outlined criminal offences committed by Walter [REDACTED] as such, Offence Report 653982 only referred to Walter [REDACTED]. Additionally, the table outlined that the reporting person was Redress, although the original report was from the Redress Scheme, the reporting person to Tasmania Police was Communities Tasmania, Jacqueline Allen. Both have now been updated.
Documents listed in 1(c)	The matter relating to [REDACTED] was recorded within the table, now lines 3 and 48 after it was referred to Tasmania Police by [REDACTED] of Communities Tasmania on 12 April 2021. The notifications from Jacqueline Allen were not recorded in any system interrogated as outlined in 8(a). All were recorded within TRIM and allocated to Northern CIB for review. Child

	Safety Reports have since been generated to ensure appropriate recording of the matters.
Document listed in 1(d)	This was an unintentional oversight at the time when compiling table JCH-001. As highlighted by the Commission, this matter was listed within JCH-029.
Documents listed in 1(e)	This matter was listed within the table after being reported on 15 November 2021 through the National Redress Scheme, line 51, the additional notification reference from [REDACTED] from Communities Tasmania on 13 February 2022 has been added, TAI220006777 and TAS220006812.

11. In response to (c), from enquiries, it appears that Lester [REDACTED] has been added in error to the intelligence submission, as a result of this, when the systems were interrogated for this statement, his name was identified against the report. This line has been crossed out as an error within JCH-001 and updated within ATLAS.

Question 4

Update the table in JCH-001 as follows:

- a) include the reports and communications identified in paragraph 1 above and any other reports and communications relating to Lester [REDACTED] that are identified as a result of further enquiries (including any further enquiries in relation to paragraph 2 above);*
- b) in respect of each report and communication referred to in the updated table that nominates Tasmania Police as the reporting agency without further information (for example, Tasmania Police Reference OR 540910 and OR 566461 in relation to Walter [REDACTED]), provide further details in relation to the source of these reports and communications;*
- c) in respect of each report and communication referred to in the updated table, state:*
 - i. whether the report or communication was an ORS or an OLC, or selected as "Presents a risk to vulnerable people" via a checkbox, that would have triggered a notification to the Department of Justice;*

- ii. whether the report or communication was a Child Safety Occurrence that was shared via an electronic process with Child and Family Services;*
- iii. the date on which each notification referred to in paragraph 4(c)(i) and (ii) above was made;*
- iv. any other reports made to the Child Safety Services, the Registrar under the Registration to Work with Vulnerable People Act 2013 (Tas), the Department of Communities or Ashley Youth Detention Centre (as previously requested in paragraph 1(b)(i) of RFS-POL-005); and*
- v. whether you now consider that the response by Tasmania Police was appropriate in each instance. If not, why not? (As previously requested in paragraph 1(c) of RFS-POL-005).*

12. In response to (a), items referenced above have been inserted into JCH-001, refer to question 1 for line numbers. In addition to those highlighted, a subsequent search has also located eight (8) additional reports, noting, they are not solely attributed to Lester [REDACTED].

- a. Line 11- Crimestoppers report from Alysha [REDACTED] relating to being assaulted by Maude [REDACTED] (JCH-034)
- b. Line 12- Offence Report 542592 relating to offending by Arnold [REDACTED] against [REDACTED] and Ned [REDACTED] (JCH-035)
- c. Line 18- Intelligence Submission relating to offending by [REDACTED] Clyde [REDACTED] and Walter [REDACTED] (JCH-036)
- d. Line 33- Intelligence Submission relating to offending by Colin [REDACTED] against [REDACTED] (JCH-037)
- e. Line 53- Intelligence Submission relating to offending by Lester [REDACTED] against [REDACTED] (JCH-038)
- f. Line 65- Civil claim notification originally against Lionel [REDACTED], then Walter [REDACTED] later identified, victim-survivor is [REDACTED] (JCH-039)
- g. Line 68- Civil claim notification against Lionel [REDACTED] and [REDACTED], victim-survivor is [REDACTED] (JCH-040).

13. In response to (b), the column titled 'Reported by' has been updated to ensure a name, if available is assigned to each matter.

14. In response to (c), the following columns have been added to JCH-001 which will guide the types of notifications and the date in which they occurred, the column titles are:

- a. Listed as 'presents a risk to vulnerable people' within ATLAS, including date added;
- b. Notification through ORS or OLC, including date added; and
- c. Child Safety Occurrence created- RE: Automatic Notification for Child Safety Services, including date added.

15. In response to part c(v), as highlighted in my previous statement TPOL.0005.0001.0001, for any criminal proceeding to be progressed, a prima facie case is required before Tasmania Police can put a person before the court. As such, if a victim-survivor does not wish to cooperate in a criminal investigation, this does present significant challenges to the investigation without corroborating evidence. This is particularly evident in Redress applications, as these reports form the basis for assistance / compensation by victim-survivors to the Scheme, they are only provided to Tasmania Police if they meet a certain criterion. As can be observed in JCH-029, most of the reporting relating to Ashley Youth Detention Centre is via the National Redress Scheme and civil claims, with a significant proportion de-identified. Tasmania Police understands that some victims do not want police involvement and we respect the wishes of those victims. We do however reach out to victim-survivors through, their lawyers, victim support groups and the Commission of Inquiry (noting this is not an exhaustive list), as Tasmania Police understands that with some victim-survivors, a direct approach by police in person can cause additional harm and we do not want this to occur.

16. On review, I do accept that our notifications to external agencies relating to Ashley Youth Detention Centre staff have been deficient at times. This has been a result of incomplete, minimal data, or a failure on our behalf to validate information with the Department of Communities on entities identified within reports. To expand on this, incomplete and minimal data relates primarily to Redress and civil claims, where information at times can be limited for example to a surname only, i.e. [REDACTED] ra [REDACTED] Lester. Without prior knowledge of the individual, these individuals may not be correctly linked with the occurrence within ATLAS which results in no automatic notification being made to either Communities or Working

7

TPOL.0005.0001

Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings

with Vulnerable People. As a result, Tasmania Police has commenced a review of matters relating to Ashley Youth Detention Centre to ensure the correct entity is linked to each matter.

Conclusion

17. I am available to assist the Commission of Inquiry as required.

I make this solemn declaration under the Oaths Act 2001 (Tas).

Declared at 47 Liverpool Street, Hobart on 23 August 2022

[REDACTED]

Jonathan Craig Higgins
Assistant Commissioner
Before me

Case Study Lester Update:

As you can see above, Deputy Commissioner Johnathan Higgins gave verbal evidence at a Coi hearing on the 24th August 2022, the effect of a member of the public had made a complaint to Police about this alleged paedophile, which was classified as 'probably true'. This person was complaining they had been a Victim of Child Sexual Offending by Lester, a long term senior staff member at AYDC. They expressed concern that Lester still worked there. A second person was also willing to speak to Police about the alleged offending by Lester. There was no record of any Police person notifying the Department of Lester's continued employment in a Children's Detention Centre.

If that report, for example, had been acted upon – 16 years of abuse by this person at AYDC could have been prevented. I am wondering what is being done, to investigate failures such as these, that have resulted in significant harm occurring? It is of deep concern that these matters, that are nearly identical across health, OOHC, education too – have not been discussed in depth.

In the Final Coi report, regarding Lester* at AYDC, it states:

“On 8 November 2020, Secretary Pervan decided to suspend Lester and commence an Employment Direction No. 5—Breach of Code of Conduct investigation into the allegation reported by Alysha”.

It became clear through the Coi in Deputy Commissioner Higgins written statements particularly, that the Police and the Department understood Lester had multiple allegations against him, spanning decades. A family member of his, reported him for sexual abuse in 2012.

Despite Alysha reporting the risk of a paedophile in the Management team of AYDC in January 2020, he was finally suspended 11 months after Alysha reported him exposing children to nearly a year with an alleged paedophile in the centre. This was only due to desperate and persistent efforts by myself. I still have nightmares about this person. The first three people suspended at AYDC, ONLY occurred within days, of the **allegations becoming public in November 2020**.

Further, to follow on with that case study – as a very current example - I have never been contacted regarding Lester, regarding an active investigation into him, by the department nor the Police. Clearly, that is not in line with the Premiers expectations. Instead, he was allowed to resign a year and a half later. I, the person who made the report about him was never contacted to assist in any investigation about him.

Case study Stan Update:

If we treat him as a contemporaneous case study:

- ‘Stan’ was suspended due to allegations of rape, over decades.
- I believe that he was inexplicably cleared of those allegations, near the same time as civil proceedings were settled with one of his key alleged victims featured in the Coi report.
- No Police investigation occurred, after he was suspended from AYDC in November 2020, according the Minister Ellis latest update.
- Instead, his **WWVP status is alleged to have been reinstated and it is alleged he received a payout for the time in which he was not paid due to the revocation of his WWVP card**.
- He has had new allegations made against him and remains suspended.
- However, had a person not raised this, he and other offenders could have been back at AYDC right now. He is one of many who were cleared - who has had new investigations opened.

The final Commission of Inquiry report states:⁵¹

⁵¹ Volume 5 (Book 2): Chapter 11 — Case studies: Children in youth detention 191

8.4.1 Allegations against Stan

From the early 2010s, several former detainees alleged that Stan had abused them:

- In the early 2010s, a former detainee made a claim through the Abuse in State Care Program alleging that Stan physically abused him.²⁸⁵⁴ It is unclear when the Department rediscovered this claim, but we infer that it did so through the review of the Abuse in State Care Program claims conducted in 2020, which we explain in Section 9.2.
- In 2017, a former detainee, Ben (a pseudonym), made a submission to the National Royal Commission into Institutional Responses to Child Sexual Abuse that alleged Stan had raped him and another detainee on three occasions.²⁸⁵⁵ This submission was provided to Tasmania Police in 2017.²⁸⁵⁶ It is unclear whether the Department was informed of the allegations in Ben's submission in 2017. However, later exchanges between the Department and Tasmania Police indicate that Tasmania Police had thought that the Department had been aware of these allegations since around the time they were made.²⁸⁵⁷
- In or around early 2019, the Department was notified of allegations of sexual abuse made by a former detainee that named Stan. Due to human error (outside the Department) this allegation was only linked to Stan in October 2020.²⁸⁵⁸ The Department referred these allegations to Tasmania Police on 21 October 2020.²⁸⁵⁹ On 26 October 2020, five days after the Department's referral, Tasmania Police notified the Department that it had 'closed' the matter.²⁸⁶⁰ The Department told us that it referred those allegations against Stan to the Registrar on 21 October 2020, although the Registrar told us he first received this allegation about Stan on 26 May 2021.²⁸⁶¹
- In mid-2020, the Department received a Letter of Demand from Ben which, in line with his 2017 submission to the National Royal Commission, included allegations that Stan raped him on three occasions.²⁸⁶² Despite receiving those allegations in mid-2020, the Department did not report the allegations to Tasmania Police or the Registrar until about three months later.²⁸⁶³ We also saw little action taken

Please read again, the third dot point down. Sentence starting On 26th October 2020....

by the Department from the time of receiving this allegation in mid-2020 until Stan's suspension in November 2020, although we received some evidence that in September 2020 the Department cross-checked Stan's records in an attempt to corroborate the allegations.²⁸⁶⁴ Much of the Department's evidence was that it was waiting on police advice before taking action in relation to Stan.²⁸⁶⁵ We discuss this evidence, and our views on the extent to which the interaction with police processes influenced delays, later in this section.

- In September 2020, the Department received allegations raised by another complainant.²⁸⁶⁶ The information alleged that Stan and several other staff members engaged in child sexual abuse but did not link any specific instance of abuse to Stan.²⁸⁶⁷ That complainant had also raised allegations of sexual abuse while at the Centre through the Abuse in State Care Support Service in 2017, although they did not name any alleged abusers at the time.²⁸⁶⁸ The Department reported these new allegations to Tasmania Police and the Registrar three weeks later, in October 2020.²⁸⁶⁹

On 3 November 2020, Tasmania Police advised the Department that certain complainants did not wish to make a statement.²⁸⁷⁰

8.4.2 Department's response

Stan was suspended pending an Employment Direction No. 5—Breach of Code of Conduct investigation in November 2020.

The Minute to the Secretary recommending this course of action did not include all the allegations against Stan that are outlined above; it only noted Ben's allegation (contained in his Letter of Demand) and the allegation notified to the Department in September 2020.²⁸⁷¹

We note the Minute stated that Stan had direct contact with detainees through his role.²⁸⁷² The letter to Stan notifying him of his suspension and intended Employment Direction No. 5 investigation also stated that Secretary Pervan could not find alternative duties for Stan that sufficiently mitigated the risk that was present in the allegations.²⁸⁷³ We note that the Department told us that the risk posed by Stan remaining in the workplace was mitigated because he was in a building not accessed by detainees, and that the Centre Manager was made aware of the allegations so he could remain vigilant.²⁸⁷⁴ We also saw evidence that the Centre Manager was raising concerns about Stan continuing to work on site with children.²⁸⁷⁵ The Minute leading to Stan's suspension is discussed in Section 9.6.

On 12 February 2021, Secretary Pervan appointed an external investigator to examine the allegations against Stan.²⁸⁷⁶ The other allegations made against Stan, including the earlier Abuse in State Care Program claim, were added to the investigation at this time.²⁸⁷⁷

A further three claims (two of which involved allegations of child sexual abuse) were raised against Stan following his suspension and the start of the Employment Direction No. 5 investigation.²⁸⁷⁸ We understand the investigation is ongoing.²⁸⁷⁹

8.4.3 Response of Tasmania Police and the Registrar

As was the case with Ira and Lester, we received evidence that there were substantial delays in Tasmania Police reporting allegations to the Registrar. For example, while allegations against Stan raised directly with the Department in 2021 were reported to Tasmania Police in 2021, the police did not report this to the Registrar for some nine months.²⁸⁸⁰ Also, we received evidence that despite receiving Ben's National Royal Commission submission in 2017, Tasmania Police did not report the allegations to the Registrar through its automated referral process.²⁸⁸¹ Assistant Commissioner Higgins agreed that this is an example of how the process is subject to 'human error'.²⁸⁸²

Ultimately, Tasmania Police told us that it received four allegations against Stan.²⁸⁸³ The evidence indicates that Tasmania Police had also been notified by the Department of at least one further allegation against Stan.²⁸⁸⁴

The Registrar began an additional risk assessment into Stan on 18 September 2020, having received Ben's allegations against Stan on that day.²⁸⁸⁵ The Registrar did not suspend Stan's registration pending the outcome of the additional risk assessment.²⁸⁸⁶

After receiving more allegations from the Department, the Registrar sent Stan a letter in April 2021 with notice of his intention to suspend Stan's registration to work with vulnerable people.²⁸⁸⁷ More allegations and updates were provided to the Registrar, after which the Registrar proposed to cancel Stan's registration in February 2022.²⁸⁸⁸ The Registrar's written reasons stated that Stan had been named as a 'responsible person for abuse by five separate alleged child victims', and that the allegations 'are those of the most serious kind and are directly relevant to [Stan's] eligibility to maintain registration'.²⁸⁸⁹ Also, the written reasons stated that given the number of allegations raised over a lengthy period, it was reasonable to conclude that a pattern of behaviour was present.²⁸⁹⁰

However, after further engagement with the Department and Stan, the Registrar ultimately decided to continue Stan's registration in July 2022.²⁸⁹¹ There was a stark difference between some of the reasoning provided in the Registrar's proposed and final decisions, with the Registrar concluding in the final decision that it was not possible to identify a pattern of grooming or offensive behaviours.²⁸⁹² The Registrar also considered the claimants' histories of criminal offending, calling their credibility into question.²⁸⁹³

To summarise, the above indicates the Police opened a case for 5 days, and closed it, prior to the department suspending Stan.

According to Mr Ellis evidence provided to the previous Scrutiny Committee, despite ten State servants being charged for CSA related offending during the time period that the Coi was underway, none of them were Coi/34a referrals and of those, one remained under investigation, one was in court, and one was regarding a deceased person.

What standard of investigation and evidence was required in order to make a determination that 'no breach had occurred'? Was that decided by the Department, after Police had fully investigated and decided not to charge the alleged offender? If not, how was such a serious decision reached, and by whom?

Finally, Given that it appears that DECYP have failed to terminate even one alleged child sex offender for matters regarding their alleged sex offending, in up to four years, and DPAC have now needed to take over the investigations into Ashley Staff, how can they be trusted to keep our children safe? How can the public be

satisfied that every investigation into staff at AYDC has been unbiased, rigorous, and thorough enough to have those people back around vulnerable children? I am certainly, not.

Deputy Commissioner Jonathan Higgins stated that those reports not being provided was due to multiple factors **including human error and oversight**, and having numerous spreadsheets, databases and intelligence reporting systems. From his evidence, there didn't appear to be a clear process for the Police to record, share and action information and complaints pertaining to Institutional Child Sexual Abuse.

Deputy Commissioner Jonathan Higgins described a spreadsheet called Institutional child abuse spreadsheet, which was maintained by one officer. It is unclear why such an unsophisticated recording system was in use for this specific kind of offending.

In his statement in July of 2022, Mr Higgins was asked:

“do you consider that Ashley Youth Detention Centre Officials responded in accordance with any relevant Memorandum of Understanding or other agreement between the police and Department of Communities and/or Ashley Youth Detention Centre? If not, what action did the police take in response?”

I am not aware through enquiries with Northern District of any matters since 2019 where Ashley Youth Detention Centre officials have failed to adhere with the MoU.”

I would need to revisit the incidents outlined in that statement but if they are the ones I expect them to be, and no failure to adhere to the MoU was identified, then it is critical that this Committee be provided with a current MoU between Police and AYDC alongside an explanation for how it operates, in real examples (because if anyone is reporting there will be some) in practice.

There is a clear and arguably urgent indication, from all the Coi material available (this is simply one Statement of Mr Higgins or Mr Hine's and from memory – one of the shortest), of the need to investigate Tasmanian Police in a FULLY EMPOWERED inquiry by interstate Crime and Corruption in Police experts. if we want to learn the missing half of the story.

How Reynolds, Griffin, and decades of depraved AYDC perpetrators are all identified in Public evidence as being well and truly known to Police – and to this day, not one has been convicted. I wouldn't believe it to be true, if I couldn't so readily see it – in their own words.

When forced to speak them.

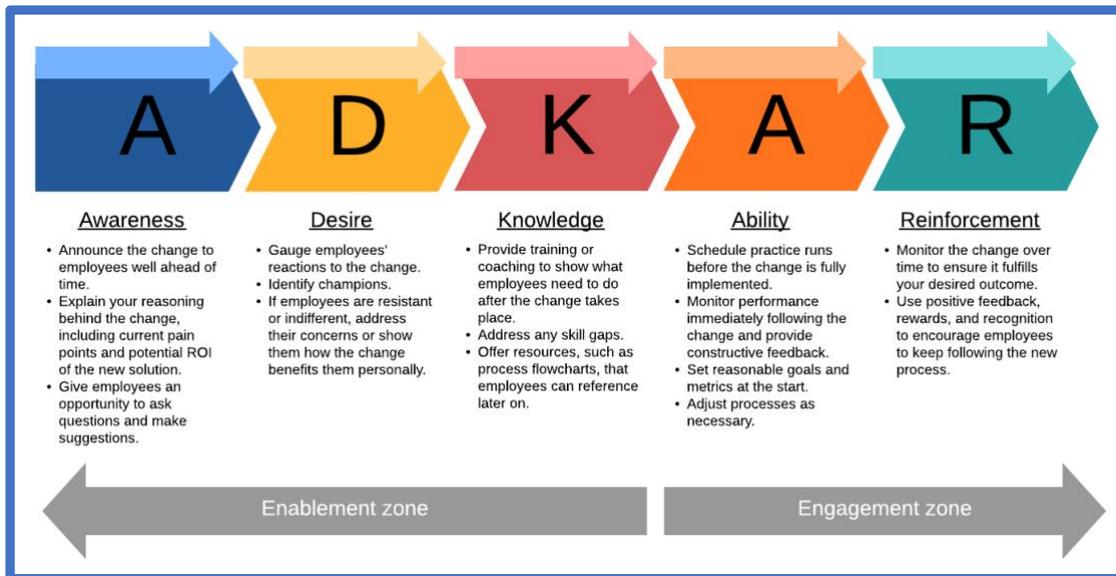
6. Change Readiness

Relevant Coi recommendations 18.6, 18.12, 12,1 18.7

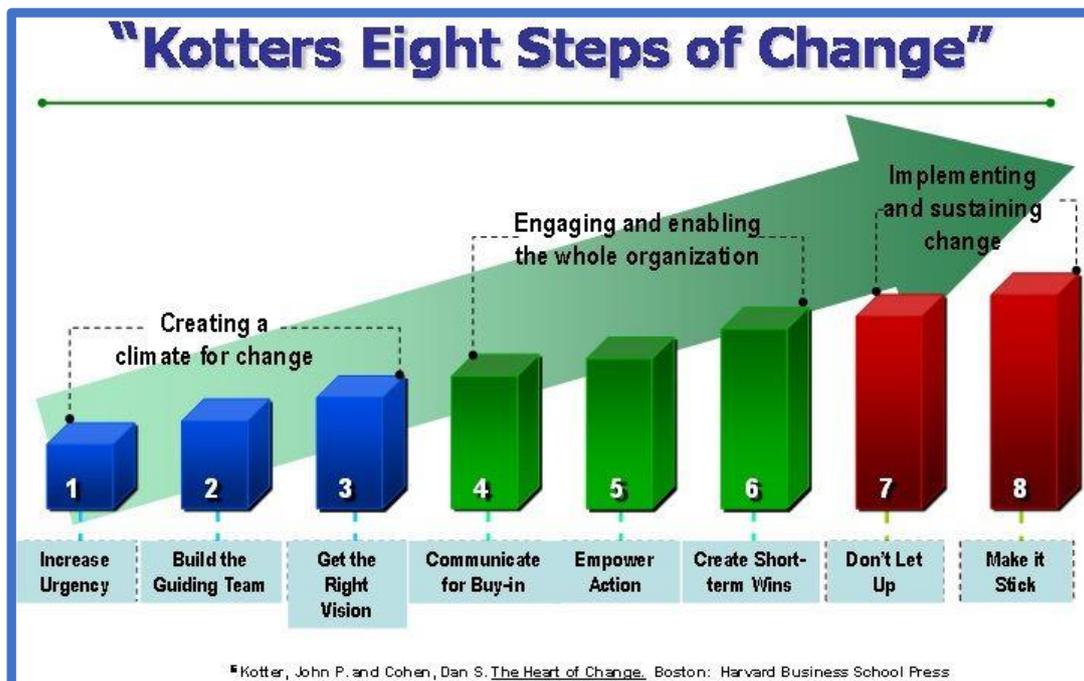
- e. Warning signs from DECYP
- f. Significant delays on most urgent recommendation
- g. Inconsistent timelines and Youth Justice Plans
- h. Pattern emerging of failing to adhere to Coi recommendations.

a. Warning signs from DECYP – a clear lack of readiness for change.

Back when life was simple, working in locked/forensic mental health settings in Change Management – I ran a lot of training for Case Management tools and Motivational Interviewing. So, I love a good change readiness indicator.⁵² Below is a graphic of the ADKAR org change management tool. From what I am observing in DECYP – there are at least parts of the department, in which ‘leaders’ are not yet at an ‘Awareness’ stage of change. This is problematic when we rely on those people to lead the change.



Kotters 8 Steps of change might apply more to DECYP and Police, with now being the moment to “Increase Urgency” aka Stage 1.



⁵² <https://www.retrainingpain.co.uk/readiness-to-change-in-clients-with-persistent-pain/>

It is highly unusual to be however millions of dollars into a State-wide Reform Agenda and to be able to identify at least pockets of two major departments whose Ministers, for example – in Police or DECYP or Management, at AYDC – are going to need to have positions created within them in comparable roles to current leaders, if existing staff remain, to pull them up to level 2. That is where you create your change lead team. However, you would be creating an uphill battle, with two sets of management with vaguely different titles, with different attitudes to change and the only way it could be effective, still relies on someone most senior, pulling rank and directing things to go in the way the new 'leaders' are working. It is here, that we ought to have been in 2021. Identifying who was open to and on board with change, and who was not. Ideally, the people who have or are demonstrating an unwillingness or an inability for change, should have been performance managed out. Years ago.

I would recommend that if people are exhibiting an extreme lack of readiness for change, that in this context they might for example:

- Think it's appropriate to have police actively target youth who are struggling with offending OR
- Think that a child in detention, who has every likelihood of going to adult prison one day, would lie about being sexually abused for money or revenge, knowing the target it would put on their back, OR
- Are failing to report in accordance with law OR
- Believes there is no way to safely house less than 5 kids securely and safely...

By this stage, it is clear that we should know, and be able to easily identify, who is NOT suited to being on your "guiding the change" team.

From there, you have the people in place who can guide the ADKAR process.

I would say that in this instance, there is a distinct lack of WILLINGNESS to change.

Below, for example is a page from the Action plan released in September 2024 by DECYP.⁵³

Status Update

	Activity	Status as at 30 September 2024
4.5.1	Provide Certificate IV in Youth Justice training for AYDC staff	Underway*

MOVING FORWARD: KEEPING KIDS SAFE IN DETENTION ACTION PLAN 2024-2026

Below is a summary of the actions that are reported as still underway in this plan. Including the section they are captured in, and where they can be found in the *Keeping Kids Safe in Detention Action Plan 2024-2026*:

Topic	KKS Plan action	Keeping Kids Safe in Detention Action Plan number
Install and operationalise CCTV Control Room	1.2	1.1 – Continue to enhance electronic surveillance in youth detention
Develop and operationalise a Security Risk Management Plan	1.3	1.3.3 - Develop policy, plans and other documentation to support the Security Risk Management Plan
Develop and operationalise a Security Risk Management Plan	1.3	1.3.4 - Appoint staff in line with the security governance framework
Develop and operationalise a Security Risk Management Plan	1.3	1.3.5 - Implement Security Risk Management Plan
Use of Force Procedure	1.4	3.3 – Provide training to staff on new personal searches, isolation and use of force procedures.
Personal Searches Procedure	1.4	3.3 – Provide training to staff on new personal searches, isolation and use of force procedures.
Isolation Procedure	1.4	3.3 – Provide training to staff on new personal searches, isolation and use of force procedures.

Comments:

4.5.1

This was an outcome accepted in the Noetic Report of 2016 into AYDC – which also recommended closure. SIX YEARS LATER AND ITS UNDERWAY?

1.2

Footage has been stored on hard drives. Some has been deleted. The entire CCTV was down for a period. Anyone has had access to footage in a safe, with the same number visible.

1.4

One of the most senior staff have introduced Isolation plans that appear to breach any proper adherence of the laws around isolation children,.

1.4

One of the most senior staff recently allegedly banned a staff member from 'restraints' for a few weeks, following him choking a child.

1.4

The body scanner was broken for months, and there has been CCTV in Strip search rooms. How has that occurred?

1.7

This is one of the most urgent things that needed to occur. I am personally aware of how much evidence has been destroyed through and even prior to the commission. The lack of urgency is unjustifiable.

3.1

This was in place, in 2019 when I commenced work there.

4.5 SEE 1.2

Records Digitisation	1.7	5.4 – Improve record keeping processes in youth detention.
Workforce Strategy	2.1	3.1 – Develop and implement a workforce strategy for youth justice services across Tasmania and commence implementation.
Specialist Clinical Services Team	3.1	4.1 – Implement the Youth Justice Model of Care and practice framework in youth detention.
Certificate IV in Youth Justice	4.5	3.2 – Provide training in Certification IV in Youth Justice for all staff in custodial youth justice.

Change is hard, and I appreciate that very very much. But this far in, regarding something so important and we are marking recommendations of as complete when the entire staff group at AYDC doesn't know how to; or feel any inclination to report risk or harm to a child appropriately, there is a very real possibility that if we don't stop, and reset – any forging ahead to check a box, will result in tokenistic outcomes that were not implemented appropriately.

⁵³ <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Keeping-Kids-Safe-at-AYDC-Closure-report.pdf>

b. Significant delays on most urgent recommendation

Relevant recommendations 12.1, 16.2, 16.4

There has never been an ounce of ambiguity about the urgent need to Close AYDC with urgency. The Commission report expressing grave concerns, and disappointment the centre may not be closed by 2024. I was at the Closing Address, when President Marcia Neave looked straight at Jeremy Rockliff and Roger Jaensch, who had never attended a single hearing prior - (it took me three emails to convince Mr Rockliff who was not planning to attend that he had an obligation to) and told them then also. In their final report they said:⁵⁴

6.2.2 Decision to close Ashley Youth Detention Centre

We support the Tasmanian Government's decision to close Ashley Youth Detention Centre. We consider it is not fit for purpose as a youth detention facility and should be shut down as soon as possible. We also welcome the willingness of the Tasmanian Government to fundamentally rethink the youth justice model in Tasmania to one that is more evidence based and therapeutic. The current model is not working—for staff, detainees or the broader community.

We were disappointed that there are some indications the Tasmanian Government is reconsidering its previous announcement to close the Centre by 2024. We hold grave concerns for the safety and wellbeing of all detainees at the Centre. While we acknowledge that the process of replacing Ashley Youth Detention Centre is complex, we consider the closure of the Centre should be treated with urgency.

I was promised, that AYDC would be closed, after a day spent telling Premier Gutwein everything I could to get through. As it turns out, alongside every single set of fully committed 'words' in this submission that doesn't align with 'action' we see, it was not true, and was never a genuine commitment. I do not believe it is now either, in any way. Now, a failure to act shows what I can only describe as intentional disregard for child safety after having recently settled the nations biggest class action against any youth detention centre – compensating AYDC Victim Survivors for decades of heinous abuse as well as having had an entire Commission of Inquiry.

(We have had two Commissions on this matter, in fact – only Tasmania has required a second due to failing to implement enough of the Royal Commission Findings. They still haven't, some of which Coi Recommendations, rely on being implemented such as the OOHC Child Safe Accreditation Framework...)

I have an abundance of information that informs my opinion that there is no evidence to support any intention of DECYP closing Ashley, some of it is through my experiences best spoken to directly and some is just from reading and listening.

⁵⁴ Volume 1: Executive summary 29

It has gone from 2024. To Phase 2 (being a recommendation that must be implemented by 2026), to Mr Jaensch stating under oath in these Committees hearings on the 29th of August last year in response to Ms Webb prompting, repeatedly for a date of closure:⁵⁵

Mr JAENSCH - As soon as we've got our initial designs that identify the footprint and the features of the facility that are required for council's processes. That may not include all of the service delivery designed to be completed at that stage. We'll work on the different stages as they're completed.

Ms WEBB - What's the risk you're going to miss the deadline, minister?

Mr JAENSCH - It's possible. But our intention is to drive to the deadline as best we can. I don't want to set another arbitrary deadline and then have to speak to you every six months about how close we are to that.

Head of the State Service and Head of DPAC, who I had recently spent some time with briefing, spoke to recommendation 12.1 too. She revealed then that DPAC has not just had to take over investigations from AYDC.

"This has now come over into our Youth Justice Task Force environment. We are settling and getting that up for final approval and these are the requirements that are fed through to an architect to settle the design. The biggest mistake we could make is to rebuild Ashley and that is what we are attempting to avoid and we want to do it in the right way, but we must settle that model of care first and we have learned from many, many years of experience in doing that. Once we have that, we already have been visiting and speaking to experts across the system to actually identify if there are designs that are already built that we can pick up and use. Why start again exactly from scratch?"

*We have got various sizes and concept designs that have been looked at across the years, but it is settling the model of care, doing all of the work around the diversion so that we're absolutely settled on the size of facility that we are building - and with all of the agencies making youth justice and the closure of Ashley and conversion to this new model our priority. **This has got the best chance of actually delivering it as soon as we possibly can** and with the time line that we can come back to this committee and have the minister speak to."*

She even spoke to the fact that there may be designs in the system already. Which there has been, that have been presented to the Minister – to the best of my knowledge. I can point the Committee to brilliant experts in DECYP who have worked on exactly this, if it would assist.

On the same day of hearings, we heard the Premier speak to 12.1 too – leaving me to conclude that he has no faith in DECYP's ability to deliver on this, which I concur with.

⁵⁵ https://www.parliament.tas.gov.au/__data/assets/pdf_file/0020/84620/JSC-COIR-29-August-2024-Transcript-Part-2-Jaensch.pdf

He stated:

*“We have already committed \$50 million to **commence the transition to a new contemporary fit-for-purpose facility in the south of the state.** The statewide centre will provide the opportunity for intensive intervention and rehabilitation through a therapeutic model of care. The model of care will be used to design a detention centre that both incorporates therapeutic design elements and facilitates the ability of staff to practise in therapeutic ways. The facility will be more home-like than the current Ashley Youth Detention Centre and incorporate design features that reflect best practice international youth detention facilities.*

*Importantly, to ensure cultural connection and safety, we will co-design the new centre with Tasmanian Aboriginal people. Attention is also being paid to how the site will prioritise the safety of young people and promote connections between them, their families, and communities. By ensuring the new facility reflects the best practice international youth detention facilities, we aim to develop a more therapeutic approach to the youth justice system in Tasmania. **Since the establishment of the new youth justice reform taskforce in the Department of Premier and Cabinet, we've been able to significantly accelerate work to close the Ashley Youth Detention Centre.** We have appointed a dedicated executive director specifically focused on the new facility, as well as a dedicated specialist project manager.”*

Whilst the Premiers and the HOSS' words, are significantly more informed and inline with what the Government has committed to, they do not align with any of the documentation that DECYP is putting out. It would be helpful to know who is doing what, because as children continue to get abused – two arms of Government are working on the same thing, going in entirely different directions if we are to trust their words in this Committee.

The Minister for DECYP appeared again, near the end of last year on the 14th of November.⁵⁶

Again, of course, he was extensively questioned on the closure of AYDC timeframe. He was asked for a 'to do' list even, of things that needed doing, to satisfy the Minister that closure could occur.

“Ms WEBB - “My question is, can you give us a definitive list of things that need to be achieved and in place in order for Ashley to close? Of course, the new facility in the south is one, but what else is on the list that we need to tick off to reach the day we can say Ashley's closing? Can you give a definitive list of those things? ...”

Mr JAENSCH – “Thank you for the question. I'll take the opportunity though in - you mentioned development of other facilities in that model. At the last version of this, or in Estimates, we had quite a long conversation about that because the process that's underway at the moment is looking at how we divert young people from detention, making detention the last resort.

⁵⁶ https://www.parliament.tas.gov.au/__data/assets/pdf_file/0027/88092/JSC-COIR-Thursday-14-November-2024.pdf

When we first launched the Youth Justice Blueprint, we also released a facilities plan that referred to where else young people may be supported while they're awaiting the outcome of their legal processes, et cetera.

There was, initially, a proposal to develop a new bail house or supported-bail facilities in different parts of the state. In discussion with non-government service providers, we believe that a better approach might be to work with a range of service providers who already exist and grow their capacity to provide a service response for individual young people rather than building a new government building somewhere and filling it with young people and have some of the same issues as we currently experience when we have those same cohorts together in Ashley.

.....

That's where the work that's been done on diversion - and an intensive case management kicks in. That's where the taskforce has been putting a lot of its effort of late."

When Ms Webb pressed about a complete lack of a timeline for closure, Rec 12.1, there simply wasn't one. The Chair of this committee summarised the Ministers answers very accurately.

Ms WEBB – "What I'm concerned about is, we're here to scrutinise whether you're delivering on these recommendations. This recommendation says 'as soon as possible'. What you're describing provides us with nothing definite to hook onto, to hold you to account to. You could keep continuing to be delivering on this recommendation for the next 20 years and still be saying the same things you're saying: 'One day when we've got this in place to the extent that we need it to be, we will do it.' Unless we know what is the extent you need it to be. What are the specific things that have to be there and present for you to tick off on? "

CHAIR – 'I think the minister has already said that there are no specifics."

What I and many others would like to know, is why, and is that acceptable? If so, why and to whom? Children are unsafe. DECYP Cannot tell us when it will be closed. But the ten-year blueprint that fails to talk about a new facility – is clear. It won't be in the next ten years if left in DECYP's hands.

The Minister said that the process underway now is a focus on diverting youth from detention. They have rethought bail facilities in different parts of the state which could have also provided a speedy interim option to close AYDC. They have a 'better approach' now. Which would all be well and good if we have a mediocre Youth Justice System in need of tweaking. We don't. We have Ashley, an acutely dangerous institution with rates of offending unlike another institution in Australia. We know it is currently staffed by some alleged child sex offenders. Now, is not the time to dawdle off on a diversion path. There is immediate risk, which was outlined in no uncertain terms by the Commissioners. What needs to happen, has been laid out in excruciating detail. Why it is not, is where we need to be now.

My mind also takes me to thoughts of the following...

- The Police media release on the 19th of February captured earlier in this submission, they are openly targeting youth.
- See Case study of OOHC case above, featuring a child stealing food to survive, being threatened with Detention.
- A recipient of enormous funding to provide diversion assistance, is under significant scrutiny in terms of capacity, process followed, appropriateness, accreditations, and the fact they are not a therapeutic service who do not work with girls.
- These are just a few, of many examples which may present significant barriers to implementation of many recommendations for these children at risk.

The evidence is clear, its deafening. What presents the most significant barrier to the most URGENT recommendation being implemented?

.....

The Department in charge of it, is 'putting its efforts in' to other things. Whilst the children at AYDC suffer abuse and become further collateral to a failed system.

Again, These are choices. There is a reason that people are being protected on full pay, a reason AYDC is open, a reason this funding was given to an inappropriate recipient without the necessary accreditations. They are all choices, and we have the right to know on what basis they have been made.

And tangible risk has and is occurring as a result of them.

Below, I detail more concerns and reasoning behind reaching the conclusion that the greatest barrier to any Youth Justice Recommendations, is DECYP.

c. Inconsistent timelines and Youth Justice Plans

Relevant Recommendation 17.8, 18.12, 12.1

The best way I can capture my concerns regarding inconsistency, a lack of cohesiveness, regularly changing timelines and curious decision-making regarding Youth Justice is by sharing some of the most recent documents released by DECYP. I will provide a comparison to some, with documents shared by the recently launched DPAC Team working on Youth Justice.

I am gravely concerned that what we are seeing is a battle between one arm of government if you will, 'the old guard' and another, 'the new'. It is my observation that DPAC is demonstrating a clear readiness for not just change, but action. They have formed a team, created action plans and commenced actioning them in a very short space of time, all things considered. They have also achieved more movement in the AYDC alleged offender's being investigated, than has occurred in the previous four years.

The above is heartening to see of course. However, It demonstrates significant dysfunction and that perhaps – when we look at barriers to implementing the Youth Justice recommendations – the most obvious barrier that I can see from the evidence available, is the Department responsible.

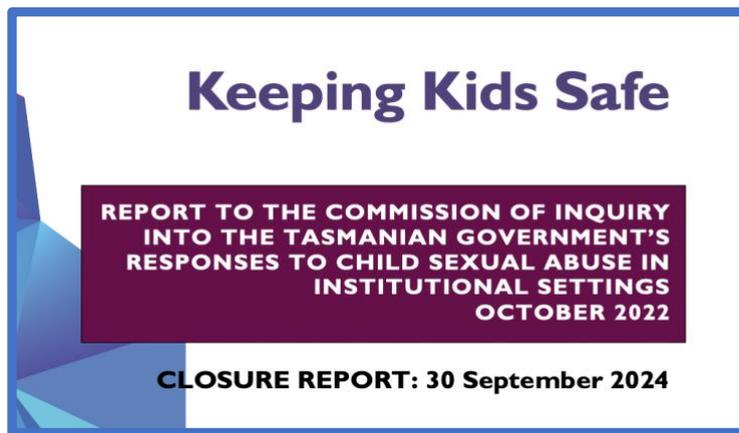
As a brief sample set from the most recent DECYP reports about AYDC followed by the same, but just the one - from DPAC's new Youth Justice Taskforce.

1. AYDC Closure Report (DECYP) September 2024

In September 2024, [An AYDC Closure Report](#)⁵⁷ was released. This was promising...

Until, you realise that the 10 times it mentions so much as the WORD Closure, are as follows.

The title of the report on Page 1:



The contents page on Page 2-3:

CONTENTS	
Contents	2
Background	4
Keeping Kids Safe (October 2022)	4
Keeping Kids Safe Status Update (July 2023)	4
Keeping Kids Safe Report (September 2024) - Closure Report	4
The Commission's Final Report	4

The 'Background' Section on Page 4:

The further 8 mentions are on this page, before the update, which is not about Closing AYDC in any way, and the closest to committing to it at all, is putting the word 'intended' in front of it. Another mention on this page was '[This is a Closure Report](#)'.

⁵⁷ <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Keeping-Kids-Safe-at-AYDC-Closure-report.pdf>

BACKGROUND

On 7 September 2022, the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the Commission) requested that the Executive Director, Youth Justice Reform provide the Commission with an interim plan on how children and young people are being kept safe at Ashley Youth Detention Centre (AYDC) during the transition period, until its intended closure.

Keeping Kids Safe (October 2022)

Keeping Kids Safe, A plan for Ashley Youth Detention Centre until its intended closure (KKS) was developed and provided to the Commission in October 2022. The document addresses the following specific items in the Commission's request for additional documents dated 7 October 2022:

- (a) details of any current or planned works in relation to the use and installation of CCTV at AYDC.
- (b) details of any Department of Communities Tasmania (now Department for Education, Children and Young People) plans to keep children at AYDC safe during the period of transition, including any plans to address staff shortages.

Keeping Kids Safe Status Update (July 2023)

Keeping Kids Safe, A plan for Ashley Youth Detention Centre until its intended closure Status Update as at 31 July 2023 (KKS Status Update July 2023) provided an update of activity on all KKS actions as at 31 July 2023, prior to the Commission's Final Report being tabled.

Keeping Kids Safe Report (September 2024) - Closure Report

Keeping Kids Safe, A plan For Ashley Youth Detention Centre until its intended closure Report 30 September 2024 (KKS Report September 2024) provides an update on all KKS actions as at 30 September 2024.

This is a closure report. The *Keeping Kids Safe in Detention Action Plan 2024-2026* replaces this report.

*Some actions in this KKS Closure Report are noted as 'Underway' and are now included in the *Keeping Kids Safe in Detention Action Plan 2024-2026*.

Moving forward, the Department for Education, Children and Young People will report on the status of improvements to AYDC, including actions that remain underway in the KKS Closure Report where relevant, through the *Keeping Kids Safe in Detention Action Plan 2024-2026*.

Pages 4-19 (end of document) do not mention the closure of AYDC and are solely about refurbishing AYDC. It states that another report, the Keeping kids safe in Detention Plan 2024-2026 replaces this one (From 30th September 2024).

2. The Keeping kids safe in Detention Plan 2024-2026⁵⁸ (DECYP December 2024)

I can't bring myself to comment on this document. But this page, that doesn't mention Recommendation 12.1 (the closure of AYDC), says plenty.

Actions at a glance

Actions



Action 1
Safety and security
Create a safer and more secure physical environment for young people in detention



Action 2
Leadership and culture
Strengthen leadership and culture in youth detention



Action 3
Capable workforce
Ensure that staff in youth detention are properly equipped and qualified to undertake their roles now and into the future



Action 4
Child-centred services
Provide caring, compassionate, therapeutic, child-centred services in youth detention



Action 5
Reforming practice
Improve processes to champion wellbeing and safety of children and young people in youth detention

Output

		Commission of Inquiry Recommendations	Commission of Inquiry Deadline
1.1	Continue to enhance electronic surveillance in youth detention		
1.2	Develop and operationalise a business continuity plan to proactively manage significant risk	12.17	July 2026
1.3	Develop and operationalise a model to actively manage emergencies		
2.1	Strengthen leadership roles and structures in youth detention	12.6	July 2026
2.2	Establish dedicated roles, policies and processes for driving cultural change in detention	12.7	July 2026
2.3	Develop and implement a participation and empowerment strategy for children and young people in detention	12.8	July 2026
2.4	Develop and implement a professional conduct policy for youth detention	12.10	July 2024 ¹
3.1	Develop and implement a workforce strategy for Youth Justice services across Tasmania and commence implementation	12.9	July 2029
3.2	Provide training in Certificate IV in Youth Justice for all staff in custodial youth justice		
3.3	Provide training to staff on new personal searches, isolation and use of force procedures	12.34	July 2026
4.1	Implement the youth justice model of care and practice framework in youth detention	12.18	July 2026
4.2	Establish clear processes and guidelines for the case management of children and young people in detention	12.19	July 2026
4.3	Facilitate connection to family and community for children and young people in detention	12.23	July 2024
4.4	Ensure youth detention is culturally safe for Aboriginal children and young people	12.29	July 2026
4.5	Develop best practice, prevent and proactively respond to harmful sexual behaviours	12.30	July 2026
5.1	Develop and refine models and procedures for personal searches, isolation and use of force	12.31-12.33	July 2026
5.2	Develop and implement a new complaints management model for youth detention	12.35	July 2026
5.3	Improve transfer processes from youth detention to adult facilities	12.25	July 2026
5.4	Improve record keeping processes in youth detention	12.4	July 2026

¹ Outputs with a July 2024 COI deadline listed against them represent ongoing implementation efforts to fully embed changes in practice.

PAGE 9 OF 35 KEEPING KIDS SAFE IN DETENTION ACTION PLAN | 2024-2026 DECYP

Below is an example of Outputs included in the DECYP 'Keeping Kids safe Action Plan'. These pertain to AYDC. RECOMMENDATION 12.9 - (3.2) – Which they **intend to complete by 2029 (!)**, was an accepted recommendation from the expensive and very comprehensive NOETIC report commissioned into AYDC in 2016. That, is already meant to be a minimum requirement for all staff.

Outputs 2024-2026

Outputs	COI Rec.	Completion date
3.1 Develop a workforce strategy for youth justice services across Tasmania and commence implementation	12.9	July 2029
3.2 Provide training in Certificate IV in Youth Justice for all staff in custodial youth justice		July 2029
3.3 Provide training to staff on new personal searches, isolation, and use of force procedures	12.35	July 2026

What this demonstrates, is that AYDC is becoming less safe, and is worse than 9 years ago.

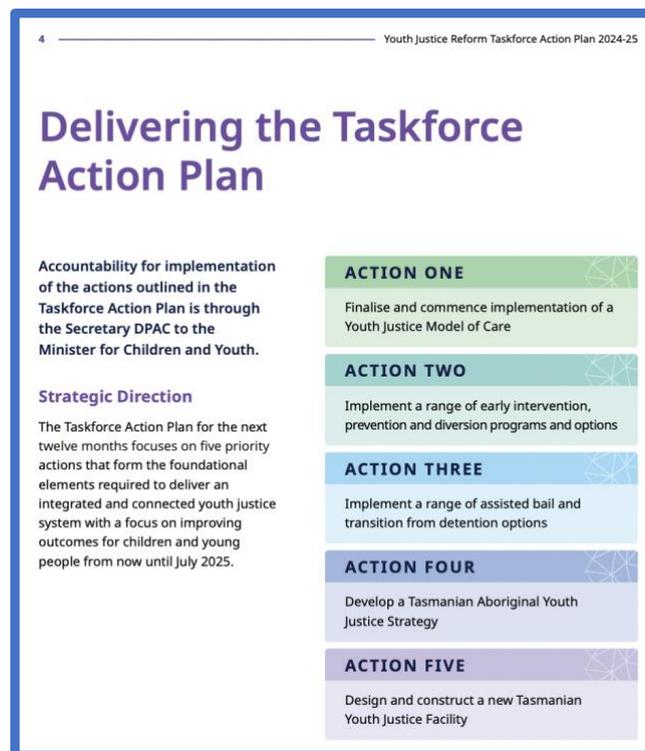
⁵⁸ <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Keeping-Children-Safe-In-Detention-Action-Plan-2024-26.pdf>

FOR COMPARISON:

Youth Justice Reform Taskforce Action Plan 2024 – 2026 (DPAC)⁵⁹

Below are a few sample scree grabs and key takeaways from the recent DPAC Action Plan for AYDC. It includes all that it should.

Tangible actions



4 ————— Youth Justice Reform Taskforce Action Plan 2024-25

Delivering the Taskforce Action Plan

Accountability for implementation of the actions outlined in the Taskforce Action Plan is through the Secretary DPAC to the Minister for Children and Youth.

Strategic Direction

The Taskforce Action Plan for the next twelve months focuses on five priority actions that form the foundational elements required to deliver an integrated and connected youth justice system with a focus on improving outcomes for children and young people from now until July 2025.

- ACTION ONE**
Finalise and commence implementation of a Youth Justice Model of Care
- ACTION TWO**
Implement a range of early intervention, prevention and diversion programs and options
- ACTION THREE**
Implement a range of assisted bail and transition from detention options
- ACTION FOUR**
Develop a Tasmanian Aboriginal Youth Justice Strategy
- ACTION FIVE**
Design and construct a new Tasmanian Youth Justice Facility

THE ELUSIVE 'Time frame'

Outputs – 2024-2025	
Output	Completion Date
Project initiation	Complete
Public consultation (identified sites)	Complete
Identification of preferred site	Complete
Site assessments	Complete
Site confirmation	Complete
Early works package commenced	In progress
Facility design complete	In progress – due 2025

⁵⁹ https://assets.keepingchildrensafe.tas.gov.au/media/documents/Youth_Justice_Reform_Taskforce_Action_Plan_2024-25.PDF

Links to Recommendations.

Intervening early with children and young people in the youth justice system

- Commence implementation of the Youth Justice Model of Care (Recommendation 12.18);
- Develop a Diversionary Services Framework (Recommendation 12.13);
- Commence work to reduce the number of children and young people in detention and on remand through the implementation of early intervention, prevention and diversion initiatives and programs including the commencement of assisted bail and transition from detention options (Recommendation 12.13 and partnering to deliver Recommendation 12.14); and
- Develop an Aboriginal Youth Justice Strategy (Recommendation 12.27).

Design and construct a new Tasmanian Youth Justice Facility

- Finalise the schematic design for the new Tasmanian Youth Justice Facility ensuring that it is smaller and incorporates design features that reflect best practice international youth justice facilities (Recommendation 12.16);
- Aboriginal co-design of the new youth justice facility and services (Recommendation 12.28);
- Ensure Ashley Youth Detention Centre (AYDC) and any replacement facilities are culturally safe for Aboriginal children and young people (Recommendation 12.29); and
- Close AYDC as soon as possible (Recommendation 12.1).

Measuring efficacy mechanisms.

Monitoring and evaluation

The monitoring and evaluation of these actions will be embedded within the broader whole-of-government reporting framework, which will be periodically assessed to ensure alignment with the evolving needs of the children and young people.

The Child Safety Reform Implementation Monitor will play a pivotal role in this process, providing an independent and objective review of the progress made under the *Change for Children Strategy* and Action Plan.

The Implementation Monitor will ensure that all stakeholders remain accountable for their roles in implementing the reforms and that any emerging risks or challenges are promptly addressed.

Relevant actions within this Taskforce Action Plan will undergo evaluation to ensure its effectiveness, relevance, and alignment with the overarching goals of the Blueprint. This will ensure a culture of continuous improvement, allowing us to adapt and refine our approach as necessary, ensuring that our efforts remain responsive to the evolving needs of those we serve.

By Comparison is 'The Youth Justice Blueprint 2024 -2034⁶⁰' Released by DECYP

This document, mentions closing AYDC once. This is on page 5, of 35.

It mentions a 'new facility' once.

Also on page 5 and not again. Its states 'Key elements of our plan include the establishment of new, fit-for purpose youth justice facilities including a new secure therapeutic facility in the south' with harrowing disregard for the Commissions most urgent recommendation, this sole mention in a 10 year blueprint, only mentions a new facility as a key element.

Without a single further detail.

The Blueprint includes the Government's commitment, through a child-centred and rights based approach, to build a nation-leading, best-practice approach to children and young people in conflict with the law. Key elements of our plan include the establishment of new, fit-for-purpose youth justice facilities including a new secure therapeutic facility in the south, as well as the development of a therapeutic model of care for youth justice in Tasmania; raising the minimum age of criminal responsibility to 14 years, and the age of detention to 16 years. The development of an Aboriginal youth justice strategy underpinned by self-determination will consider and address legislative reform to enable Aboriginal organisations to design, administer and supervise elements of the youth justice system for Aboriginal children and young people.

The Hon Roger Jaensch MP
Minister for Education, Children and Youth

KEEPING CHILDREN AND YOUNG PEOPLE OUT OF THE YOUTH JUSTICE SYSTEM

PAGE 2 OF 4

⁶⁰ <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Youth-Justice-Blueprint.pdf>

On page 15, of this document it states: 'What does the evidence tell us?'

Diverting children and young people who are committing low-level offences and are most likely to 'grow out of' offending, away from a justice system response and managing their behaviours in an alternative manner can prevent them being labelled as 'a criminal'. This label can radically impact how they are viewed and treated by others, as well as how they view themselves and their self-worth.

Please refer back to section on 'Police responses', and 'Rhetoric and Language'. It is offensive to acknowledge the research, and that labelling children as criminals is harmful in one document, whilst launching taskforces proudly targeting 'Career Criminals' in others.

d. Pattern emerging of failing to adhere to Coi recommendations

There is a clear pattern emerging of not just lags in implementation which is natural, but choices being made to actively act contrarily to them.

I will explain this in person, if it would assist. The areas of greatest concern are in Youth Justice and Child Safety. I could guide the Committee through each recommendation and the documents or evidence available that signifies a lack of any effort to implement or adhere to them. It is too comprehensive to detail here.

7. Reporting Failures and inconsistencies in Procedure and Legislation

- a. Failures to report
- b. A lack of understanding and education, fear, or all?
- c. What does the legislation say?
- d. Alternative reporting pathways

a. Failures to report

Relevant Recommendation 20.3, 16.10, 6.3, 12.9, 12.34

Children depend on safe adults to report risk or harm that comes to them. If we don't, it could set them on a trajectory that was preventable. It is people, in roles, who have failed in their duty to report. We cannot, put the onus of reporting abuse of people these children are locked in with, on them.

There is a lot of conflicting information regarding making reports about children at risk.

It is clear to me from parents and staff who reach out constantly – many of whom still work at AYDC or in CSS do not know who needs to report risk or signs of grooming and child sexual abuse as Mandatory Reporters or members of the public and to whom, if they must by law and whether anything can happen if they don't? Is it to the ARL? The Police? The Statutory Regulator? Maybe a line leader or Manager? Who do people report risk, suspected abuse, or abuse to?

It is also abundantly clear, both as a Clinical Practice Consultant conducting Supervision at AYDC that the staff had never been trained in reporting of an incident, much less Mandatory reporting. Every one of the AYDC workers who I have said they need to report xyz to abc has been shocked to learn that telling a shift supervisor verbally of a serious incident is not adequate. It was and is, based on current communications, very clear that staff have never received adequate communication about their roles and responsibilities, What the ARL is, what the Independent Regulator is and how Police fit into the equation. I hear constantly the understanding (which I witnessed first-hand also) that Mandatory Reporting means telling a manager.

This is clearly problematic when several Managers are themselves under investigation and have an easily demonstrable track record of actively covering up incidents of child sexual abuse. I can provide evidence and have of two current members of management destroying or interfering with evidence of different child sexual assaults, and the forging of isolation paperwork which was filled out retrospectively after locking kids down for over 11 days.

I can evidence the fact that staff believe they have reported by 'telling a manager' being said to me, twice in the past week by AYDC staff in addition to learning of two other serious child safety matters which had not been reported on in any way. In one case, the Statute of Limitations period for the young person to ask for Police to charge the alleged abuser had run out. Despite this young person being in Out of Home Care and reporting the incident to a myriad of staff.

I can provide an example of an incident disclosed to me as recently as a few days ago that occurred at AYDC to provide an insight into why reporting within the centre, is not appropriate due to massive conflicts of interest, vested interests in certain outcomes, risk to the person reporting, and a very well documented history of destruction of such reports.

It is deeply concerning for me to hear examples of failures to report so consistently, and to see that DECYP considers Rec 6.3 implemented. It would be of use for the Committee to see how DECYP is monitoring the efficacy of recommendations that they consider implemented.

Perhaps they are available publicly, but it hasn't been communicated to AYDC staff, in a way that is understood, what their reporting obligations are. I have not yet come across a youth worker or in fact any operational staff member, **who knows how to make a mandatory report OR that HAS**. The consistent line that I hear is that I did report, I told 'Centre Manager' or 'Youth Justice Director'. Keep in mind that my Centre Manager, was a Senior Sergeant from the Tasmanian Police, and he too – failed to report outside the centre.

It is clear to me, having direct experience with the few people in those roles and having provided Clinical Supervision to them, that if they do know of Mandatory Reports – they have consistently demonstrated what can only be described as ways in which to avoid making them. Sometimes due to fear, sometimes due to indifference. Most often than not, I have sadly found it to be because they believe the children deserve abuse.

Below is a list of examples that are available in original context, spanning the last 5 years at AYDC, of times when current Managers have failed to report and what they have done instead.

1. Child was sexually abused, child told Police during a riot. Police told X. X told no one. Child told another staffer, they told X. X said yes I heard about that, and still did nothing. The other staffer told the then Centre Manager, including stating that X had been aware but had not reported. Centre Manager told other staffer he would sort it out and ensure police notifications were mad. Centre Manager gets X to 'talk to the child'. Other staffer asks next day if it was reported. Centre Manager says X said the child is refusing to report it.

2. Child suffers serious sexual assault. 3 workers capture totally inadequate notes in incident reports. Incident reports are written on paper, signed off on as having been minor incidents which means they do not go to Management meeting. Paper report is filed or archived. Report subsequently found by myself, the supervisors who signed off was questioned and said the rape was 'horseplay'. No further action required in their opinion. I reported to then Director, indicated the need for Police and ARL reports. She asked me in writing to allow them to discreetly investigate before any other agency was engaged. She is still a paid staff member and the Supervisor on staff until less than a month ago. The rape mentioned was in 2019 and became a Commission case study. The Survivor has settled a claim against the State.

3. A vicious assault by a staff member resulted in a child being choked. It was (I believe verbally...) recently reported to Director who banned staffer from 'restraining' kids for a few weeks. No report was made to the best of my knowledge. The staff member who told me this, did not know what a Mandatory Report was.

4. Detainee sexually abused by staff member, calls parent to tell them, their parent tells them not to tell anyone because they will make it harder for child. Parent was an AYDC survivor also. Another adult was informed and reported appropriately. Child nor family willing to engage with a system that has harmed them so much. Staff member returned to site after being suspended 3 times.

My own experiences detailing failures to report, are the worst that I am aware of, many of which pertain to current stuff. I would suggest this is best detailed by providing my Coi Statement to this Committee to fully understand how easily even now, with new mechanisms in place, reports disappear at AYDC. Learning more about this gap, will provide the opportunity to ensure it is filled.

At AYDC the greatest barrier to even reporting internally, is fear of losing your job or suffering serious reprisal. This is a very real fear, given what I have survived there, and a long line of other people have or continue to also include a former children's commissioner who was locked in a room that locks from the outside for hours to send a message at one point.

At least 3 of the four most senior managers on site are long term staff who have a demonstrable anti child stance and would protect workers over children without issue. I have heard consistently that a DECYP HR person and a Union Delegate are the 'Go to' staff to 'get off' any allegations made. Recently a staff member described one of the Managers stating, 'don't worry, 'HR PERSON' will make that go away'.

The culture is rancid, and there is no greater sin than reporting wrongdoing of staff at AYDC. Take it from someone who was assaulted by a colleague who has been on paid suspension for four years. I lost a baby due to reporting at AYDC. When the Commissioners say things like 'live and current risk' or 'grave safety concerns' – that is because it is unsafe. For anybody, let alone children with trauma and additional complexities.

The centre operates like a criminal enterprise, in the sense that it is us vs them, and that any worker who doesn't adhere to the 'rules of silence' is essentially targeted until they leave site. At this point, my opinion I that there is more depending on people staying silent than ever because there is scrutiny and people will have realised their jobs or even their freedom may be at risk. I believe the efforts to ensure reports do not leave the centre are more intensive than ever with extreme measures being taken to have a staff member intimidated when they recently raised some concerns.

Some examples of reprisal I have been told of by other credible staff, as a result of reporting concerns about risk to a child (**excluding** my own experiences) are:

- Being locked in a holding room for hours.
- Being set up for an incident, then that incident being reported but none of the child related concerns being reported.
- Being sexually abused by a twice suspended staff member
- Being searched unnecessarily without being informed there were cameras on, because of an 'unwillingness' to use the body scanner.
- Being extensively bullied, threatened, intimidated, and assaulted.
- Using Police to intimidate.
- False HR complaints made (all not substantiated)
- Having defamatory rumours spread about staffer.
- Being targeted until it becomes physically unsafe for staffer to remain on site.

Again, all but one of these examples are about current staff. This will continue whilst AYDC is operational. Too many people who have committed very serious crimes risk prison time, or are very close friends or relatives with someone else who does.

b. A lack of understanding and education, fear, or all?

Relevant Recommendation 20.3, 16.10, 6.3, 12.9, 12.34

Not reporting creates the culture issues. Culture issues ensure Failures to Report.

Outside of AYDC, I have observed the same pervasive silence and fear DECYP wide, and certainly it has been reinforced by previous Head's of State Service's, Heads of Agencies and the Office of the Solicitor General. I believe their role creates a significant conflict for a number of reasons.

One is that they have until very recently managed all redress and civil claims against the State.

They view their role as to protect the interests of the Crown, and I am unfortunate enough to have learnt that means financial and reputational interests. NOT the moral interests. If the same office is managing Workers Compensation Claims against the State (that is self insured) as well as the Civil/Redress claims, you can imagine through a cynical lense how efforts are made to silence State Servants who may pose a expose the State to significant liability if they were to mention names that the OSG have seen for decades though redress claims.

If you have minimised or fought those civil claims, in often repugnant ways to paint the survivor as a lying criminal, and failed to report any criminal allegations made to Police, you can see how they would now have a vested interest in perpetuating a culture of silence and fear. Suddenly, everyone from HR staff, through to Child Safety Officers, all the way through to the Secretary or Minister, may be seen to be complicit or not to have acted on reports over X number of years.

Respectfully, my advice, would be that nothing short of setting a zero tolerance tone, State Service wide and going through a period of things being very tumultuous and yes, costly, to the State in order to clean it up, will adequately address this culture. Too many people have now been implicated.

Even if you implement all the right offices and policy and procedures, they will not be utilised effectively or if they are, they risk being squashed by the next person up the chain who has something to lose. This, is why I have become a bizarre point of contact. Staff recognise me as someone who WILL report. This is not sustainable, and we need to all be looking at immediate independent of Tasmania phone lines staffed by professionals who can take anonymous reports of risk or harm of children in State Institutions. Unfortunately, with no robust anti-corruption, human rights or whistleblowing laws, for the time being at least, the fear people have is too pervasive for any reporting avenues on the ground to feel safe in regards to AYDC (and parts of OOHC also).

c. What does the legislation say?

Relevant Recommendation 20.3, 16.10, 6.3

Culture aside, the actual messaging on Departmental websites and in the legislation is about as clear as mud.

The children, youth and families act require Mandatory Reporters to report to the ARL, and the Criminal code act requires ANY person to report to the police.

The CYP&TF act doesn't mention the need for any staff to report to Police and gives the Secretary of DECYP the power to dismiss reports at will. (as in Mandatory Reports made to the ARL which could be extremely serious). It is unclear what process is involved in this, if any.

The current (last I looked) DECYP Mandatory Reporting Procedure, states that staff must report any concerns about abuse of a child or young person to the ARL, when in fact, any person, a mandatory reporter or a layperson, is guilty of a crime if they do not report concerns of abuse of a child to the Police. It is oddly quiet on that front, which runs contrary to being a Child Safe Department.

Any leader of an organisation or agency must also notify the WVPR.

Imagine how any of this can possibly take place at AYDC. Police and AYDC have a long term history (and I believe it is an ongoing practice) or Memorandums of Understandings that are confusing and vague in defining who takes the lead on which issues that might occur within the centre. Clearly, no one within AYDC should have any investigatory powers – because there is such significant evidence of destruction of evidence and records. It may be worthwhile checking both the status of any current MOU and the Content, as well as how that has actually unfolded in practice. If it hasn't? It is fair to assume that few, if any, reports of staff misconduct or abuse are leaving the centre.

Paul Reynolds was the Deloraine Policeperson for a time – and played footy with many of the staff. Would that have been a safe reporting pathway? Perhaps. Perhaps not.

The most senior and longstanding staff, have the most at risk at this moment. If we accept the evidence from the Coi met a civil burden of proof and the evidence in the class action was heavily corroborated – we must also accept that NEARLY ALL staff for a century, have not protected the children in our care. I am often flummoxed by the apparent difficulties in terminating staff – when every single one of them will have their names on serious incident reports that have never been reported.

It is a huge testament to the work of the new Head of the State Service, Head of DPAC and former Secretary for Health – the Keeping Children Safe website, DPAC website and the health website are the only ones I noticed that referred to the need to notify Police about any abuse concerns.

However, Justice and DECYP's guidelines were very confusing, inconsistent and fail to mention the legal obligation to report to Police, for anyone in the community. This clearly needs to be streamlined as a matter of urgency. Child sexual abuse is a crime, and the ARL in isolation is not the appropriate way to report a crime and failing to make that very clear to the community and indeed staff potentially leaves them open to having inadvertently committed a crime of failure to report, not to mention that DECYP is not equipped to conduct criminal investigations. (105a)

To accept that DECYP presents the only ways to report abuse as being through their own advice line, is to accept that we are decriminalising child abuse.

In the Criminal Code act, there are two new crimes associated with failing to protect children from sexual offending and failing to report risk of or actual sexual offending. These are sections 105a and 125e of the Criminal Code Act 1924. It would be interesting to know how many people, if any have been prosecuted using these laws? Because if there are 102 alleged child sex offenders suspended, you can only imagine the circles of colleagues who may have failed to report risk or incidents regarding them.

The office of the independent Regulator is a great step in the right direction, so long as they are resourced appropriately to do an enormous job. If not, there is no effective oversight body that wasn't implicated in the Coi report as having failed to respond appropriately to reports of child sexual abuse.

Tasmanian Legislation contains three separate mandatory reporting requirements in relation to child sexual abuse.

1. Section 53A of the *Registration to Work with Vulnerable People Act 2013*, requires reporting bodies to report behaviour that poses a risk of harm to vulnerable persons to the Registrar of Registration to Work with Vulnerable People at the Department of Justice.
2. Section 14 of the *Children Young Persons and Their Families Act 1997* requires relevant persons to report CSA (among other matters) to the Secretary of the Department of Communities.
3. Section 105A of the *Criminal Code* provides that an adult who fails, without reasonable excuse, to report an abuse offence to a police officer is guilty of a crime.

My question here, is that we have just had a Commission of Inquiry into Child Sexual Abuse in Institutions. This featured AYDC, OOHC, Health, Police and education, Three of the four are part of DECYP/Communities and the Police were heavily implicated across the board.

Hopefully this is a short term need – perhaps not – but certainly whilst we are managing a child safety in State Care crisis, alternate reporting avenues must be stood up quickly. I have a significant number of people reaching out to me – because Child Safety and Police are unfortunately viewed as untrustworthy and that it is likely those agencies will seek revenge if staff speak up. It is absolutely a real and tangible fear in people. I hear so often, how can I report child safety to child safety? Or, I've tried before and the reports went missing.

It is important, at a time like this – to put kids first and put whatever is needed in place to ensure State servants can report freely without risk to their jobs or safety. It is not occurring at AYDC. I can assure the Committee of that. I am still yet to meet a worker who knows how to make a mandatory report.

d. Alternative reporting mechanisms

Relevant Recommendation 20.3, 16.10, 6.3

The Australian Federal Police

The AFP does not have jurisdiction over AYDC, and the Tasmanian Police have been heavily involved by way of extensive human error, in the failures to comply with international protocols and conventions, by failing to meaningfully investigate abuse of children at AYDC. I have not yet met an AYDC former detainee, who feels safe to speak to the Tasmanian Police about the abuse they have endured and whilst there is no alternative – Paedophiles remain on staff and in the Community. I believe a strong case could be made to suggest that the AFP ought to have a role to play in investigating abuse or mistreatment that occurs within State Youth Detention Centre's.

State Police play a large role in charging, arresting, sometimes transporting and sometimes prosecuting child remandees or detainees which are invariably distressing experiences for children. The trauma that can accompany these experiences, becomes prohibitive to their ability to see those same Police as 'safe' people to report abuse to. Given the significant vulnerability of this cohort of children, I believe an alternate reporting avenue that is accessible to those with literacy issues, trauma informed and culturally appropriate needs to be created for AYDC Victim Survivors set on need specifically.

If we were to have National Standards for Youth Detention it would be sensible to explore whether the AFP could be involved in the unique situation in Tasmania – being we have only one detention centre and it has a very long standing history of abusing children, with hundreds of Victims already having sought redress or compensation but not been able or willing to pursue criminal avenues. This is a gap, and while Tasmanian Police have an anti youth offending rhetoric that is highly oppositional inflammatory and dehumanising, it means that young people who wish to report Paedophiles from AYDC do not have an avenue to do so that feels safe.

The Australian Human Rights Commission

The AHRC does not have jurisdiction to investigate State Institution violations of children's rights, to the best of my knowledge, even when State based alternative oversight bodies have failed in executing their duties effectively or at all. There are many forms of Human Rights/Children's rights violations that can and do occur that may not fall into the OPCAT's scope, and certainly in Tasmania where there is no Human Rights act and an Integrity Commission that is publicly saying they are not funded to fulfil their duties – there needs to be a Federal alternative that is nationwide, consistent and enforceable.

OPCAT Funding

Below is a recent media release that essentially states that urgent funding is required in Tasmania, to support the implementation of OPCAT⁶¹:

Media release

7 August 2024

CUSTODIAL INSPECTOR CALLS FOR URGENT FUNDING TO FURTHER IMPLEMENT HUMAN RIGHTS AGREEMENT

Tasmania's Custodial Inspector Richard Connock has called for urgent funding to support the further implementation of OPCAT* in Tasmania, saying that vulnerable people in the community are being left at risk of being deprived of their human rights.

Mr Connock said his office's *Inhumane Treatment in Dry Cells Review Report* (Report), which was tabled in Tasmanian Parliament yesterday (6 August 2024), highlighted the importance of regular monitoring in places of detention.

"The concerns that our team observed and heard about in preparation of the Report came to light due to our presence in places of detention," he said. "It is timely, therefore, to reflect on the value of monitoring bodies in protecting people's human rights.

"With the Tasmanian Government having accepted in principle the Disability Royal Commission's OPCAT recommendations, and related *Commission of Inquiry* recommendations, it is essential that funding is committed to the Office of the Tasmanian National Preventive Mechanism (NPM)^ for it to carry out this oversight work.



**Office of the
Custodial
Inspector**
Tasmania

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This demonstrates that the State of Tasmania is not currently able or willing to fund the work required, for OPCAT to be implemented and as a result, the Commission of Inquiry recommendations and vulnerable children are at risk of being deprived of their Human Rights.

⁶¹ https://www.custodialinspector.tas.gov.au/__data/assets/pdf_file/0006/772656/Custodial-Inspector-calls-for-urgent-funding-to-further-implement-human-rights-agreement.pdf

8. Misleading and/or Deceptive Conduct

- a. Alteration of the Coi Website
- b. Failure to Gazette the movements of Staff implications in abuse at AYDC
- c. Routine Disclosure - State Service suspensions due to allegations of CSA
- d. RTI and other impacts of Communities abolishment

-Scrutiny Committee hearings and QoN in 2024 – likely best to address in hearings, due to the extent of factual inconsistencies present.

a. Alteration of the CoI website

Firstly, I'll make a brief observation that warrants immediate scrutiny. The CoI website transcripts and witness statement lists of previously public documents have been significantly altered⁶². It is stated on the Commission of Inquiry Home Page:

“Public notice: The Commission of Inquiry has now concluded its work and its office has closed. The Commission expects no changes will be made to this website, apart from the addition of the report when it is published, an easy read guide to the report, and an animation.”

I am happy to provide examples of the website before and after these changes have been made if it assists. 37 Hearing transcripts were publicly listed in early 2023 prior to the Commissions completion. Now, there are 27 publicly listed. This concerns me as someone that has witnessed large scale destruction of evidence and whilst I hope there is an appropriate explanation – it is contrary to the BOLD note the Commission left on their home page. It is indicative of how often things like this happen, that I notice things like this. I have never had to work in this way previously.

The recent deletions of Hearing Transcripts which were publicly attended as well as broadcast seems extremely odd.

In regards to removal of statements, noting there may be valid reasons I am unaware of for these, but it remains at odds with a stark statement from outgoing Commissioners, so may be worthy of question.

On the Commissions website, in 2022, this is a portion of the Statements that were publicly available:

- [Statement of Michael Pervan, Secretary, Department of Communities, 27 July 2022 \(PDF, 1.9 MB\)](#)
- [Statement of Michael Pervan, Secretary, Department of Communities, 24 August 2022 \(PDF, 51.7 KB\)](#)
- [Statement of Michael Pervan, Secretary, Department of Communities, 25 August 2022 \(PDF, 2.1 MB\)](#)
- [Statement of Kathrine Morgan-Wicks, Secretary, Department of Health, 22 June 2022 \(PDF, 3.4 MB\)](#)
- [Statement of Kathrine Morgan-Wicks, Secretary, Department of Health, 22 June 2022 \(2\) \(PDF, 150.8 KB\)](#)
- [Statement of Kathrine Morgan-Wicks, Secretary, Department of Health, 30 June 2022 \(PDF, 204.5 KB\)](#)

⁶² <https://www.commissionofinquiry.tas.gov.au/Document-Library/Hearing-transcripts>

- [Statement of Kathrine Morgan-Wicks, Secretary, Department of Health, 22 August 2022 \(PDF, 149.7 KB\)](#)
- [Statement of Kathrine Morgan-Wicks, Secretary, Department of Health, 24 May 2022 \(PDF, 2.5 MB\)](#)

On the Commissions website, in 2024, this is the same portion of the Statements that are publicly available:

- [Statement of Michael Pervan, Secretary, Department of Communities, 27 July 2022 \(PDF, 1.9 MB\)](#)
- [Statement of Michael Pervan, Secretary, Department of Communities, 25 August 2022 \(PDF, 51.7 KB\)](#)
- [Statement of Kathrine Morgan-Wicks, Secretary, Department of Health, 22 June 2022 \(2\) \(PDF, 150.8 KB\)](#)
- [Statement of Kathrine Morgan-Wicks, Secretary, Department of Health, 22 August 2022 \(PDF, 149.7 KB\)](#)
- [Statement of Kathrine Morgan-Wicks, Secretary, Department of Health, 24 May 2022 \(PDF, 2.5 MB\)](#)

I invite the Committee to look at the number of Statements from these two critically important witnesses (noting that Kathrine Morgan-Wicks appears to be doing all that she can to create change, now as Head of the State Service in Tasmania and Michael Pervan is no longer employed in the State of Tasmania).

Further, I invite the Committee to look at the dates and file sizes of Statements by Michael Pervan. I consider Mr Pervan's Statement of the 25th of August 2022, one of the most important Statement's that has been made public due to his previous role as Head of Child Safety, and the questions and subsequent answers in his evidence. Its file size is 2.1MB and it is 84 pages long. He also made a Statement on the 24th of August 2022 that is only 51.7KB (and also one on the 27th of July which is irrelevant for the purposes of this example.)

On the website currently, there is only two or Mr Pervan's Statements. It shows a statement on the 25th of August as being available. Its file size is 51.7KB. This document appears to be a copy of the 24th of August statement that has been renamed as the one from the 25th, which again, is of the utmost significance. That Statement has been taken down, and another of his statements renamed in its place. This change, as far as I can see, appeared to have occurred on the 13th of September 2023, during the period after which the Coi had concluded but the report had not yet been released publicly.

b. Failure to Gazette the movements of Staff implicated in abuse at AYDC and other Agencies

The State has inexplicably failed to put resignations (noting again, there have been no AYDC terminations despite widescale suspensions since 2020) in the Government Gazette. I am aware of at least 10 staff who have resigned due to matters relating to abuse of children at AYDC who have not been Gazetted.

This appears to be another effort to protect the privacy of culpable staff, or to protect the reputation of the staff (/crown?). Unfortunately, it also demonstrates the ongoing prioritisation of protecting harmful staff and ‘the interests of the crown’ above the need to be transparent with the Community, and even more importantly – the parents of AYDC survivors, about risk their own children have been exposed to.

The Gazette website explicitly states in the first sentence, that this is required by law.



c. Routine Disclosure - State Service suspensions of alleged Child Sex Offenders

There is a routine disclosure log⁶³ on DPAC's website, which details the number of suspensions of State Servants accused of Sexual abuse of children. It remains astounding to me that such a horrifying document is required.

This practice began during the Commission in a simple and relatively transparent way. The biggest issue at that stage is that only the total number of suspensions state-wide was provided without a breakdown into institutions.

It has been stated by the Minister in Parliament that this was to protect the privacy of those staff. My concern is that a failure to disclose the Institution from which the vast majority of alleged perpetrators came from, limits parents and guardians from being able to:

- a. be aware of the risk their child has been exposed to and
- b. fulfill their role in the safeguarding of children.

These routine disclosures have now begun to breakdown this data more, however they have also become dizzyingly complex, with one of the most senior people in Government asking me to please explain it to them recently.

This is an example from early in the Commission. It is one page long:

⁶³ https://www.dpac.tas.gov.au/rti/routine_disclosure_log_-_departmental_information

Routine Disclosure – Notifications of State servant suspensions from duty as a result of allegations of child sexual abuse – Since October 2020

As at 5 November 2021

Number	Located in the North	Located in the South	Historical	Contemporary	Notifications to appropriate legal authority	Notifications to regulatory body (if applicable)	ED5 process commenced	ED5 Findings		Returned to duty
								Breach of Code of Conduct in relation to child sexual abuse and sanction determined	No breach in relation to child sexual abuse	
25	15	10	17	8	24 ¹	24 ²	23 ³	0	1	2
Explanatory Notes to Data										
1	Tasmania Police charged one employee and notified the Agency									
2	No applicable regulatory body for one case									
3	One investigation under Employment Direction 5 is yet to commence pending the outcome of a Tasmania Police assessment; in one case there will be no investigation under Employment Direction 5 , as the preliminary assessment found no evidence of wrongdoing and the employee has returned to work.									
Notes to Table										
The Tasmanian Government uses the same broad definition of child sexual abuse as the Royal Commission into Institutional Responses to Child Sexual Abuse, which is victim-centered but takes into account legal definitions and frameworks. The definition can be found on Page 19 of the Commission's Final Report .										
Regulatory bodies include: Teachers Registration Board of Tasmania, Australian Health Practitioners Regulatory Authority (AHPRA), Legal Profession Board, Working with Vulnerable People Registrar.										
Legal authorities means any agency established to prevent, detect, investigate or prosecute criminal offences and other offences (including, the Australian Federal Police, Tasmania Police, Director of Public Prosecutions), a Commission of Inquiry, the Attorney-General, the Solicitor-General, the Ombudsman, the Anti-Discrimination Commissioner, the Australian Crime Commission, and the Integrity Commission.										
Scope of action reported in this table: This table includes suspensions of State Servants under investigation for an alleged breach of the State Service Code of Conduct . This table does not include Tasmania Police matters or civil legal findings.										
Working with Vulnerable People (RWVP) processes: If a Government Agency becomes aware by any means, or suspects on reasonable grounds, that a registered person has engaged, or may have engaged, in reportable behaviour, the reporting body is to notify the Registrar, as soon as practicable, of the name and other identifying particulars of the person and of the behaviour (Section 53A of the RWVPA). 'Reportable behaviour' is behaviour that poses a risk of harm to vulnerable persons, whether by reason of neglect, abuse or other conduct. On receiving a notice under section 53A(1) or otherwise becoming aware of reportable behaviour, the Registrar is to enter the information relating to the reportable behaviour in the Register (Section 53B of the RWVPA). The Registrar may also cancel registration if they have conducted an additional risk assessment and are satisfied that the person poses an unacceptable risk of harm to vulnerable persons generally or to all the classes of vulnerable persons to which the regulated activities allowed by the registration apply.										

At the below link, you will find a recent example of a Routine Disclosure, which is 12 pages long. You may note that whilst the data is broken down further, the Heading of the first table is [emphasis added]:

https://www.dpac.tas.gov.au/_data/assets/pdf_file/0013/381001/Routine-Disclosure-relating-to-child-sexual-abuse-matters-17-September-2024-updated.pdf

‘Routine Disclosure of assessment and actions by Heads of Agency in relation to matters referred to in the Col report State Service employees (Alleged Perpetrators’) 4 17 September 2024

This is a nuanced but noteworthy difference to the practice underway previously, when the Commission was ongoing. At that time as you can see in the screenshot above, the disclosure was regarding all state servants suspended due to allegations of child sexual abuse since just prior to the inception of the Commission.

Now, DPAC is leading the disclosure with only data pertaining to staff featured in case studies featured in the Coi Report. When the Coi report provided a handful of case studies, as a sample set, indicative of a much broader group of people, this is clearly misleading to those who don't follow these matters as I do. It is yet another example of this Government putting covering themselves above the rights of children or parents to be fully informed in order to increase safety.

The most recent report, on its first page of data, has the title in the screenshot below. Compared to **Page 9**, where it reverts to the form that was available during the Commission.

Routine Disclosure of assessment and actions by Heads of Agency in relation to matters referred to in the Col report
State Service employees (Alleged Perpetrators)
 17 September 2024

	Dept of Health	Dept of Education, Children and Young People		Other TSS Agencies	Total employees identified
		Youth Justice and Child Safety	Education		
Total number of employees referred to in the COI report	3	11	8	0	22

Routine Disclosure - Notifications of State Service employee suspensions from duty as a result of allegations of child sexual abuse (cumulative since October 2020)
 17 September 2024

	Total notifications
Cumulative total since October 2020	92

I am sure all would agree that 92 alleged Paedophiles within the State Service, is a vastly different number to 22, which is only relevant to those featured in Commission case studies. For the community, parents, guardians to fulfill their vital role in protecting children from abuse, they have the right to be informed about the level of risk that is present. I find this shift in the presentation of this data misleading and potentially dangerous. Further, it only serves to obfuscate and confuse with the only benefit being minimising a matter of the UTMOST seriousness that affects every child in the State.

d. RTI and other impacts of Communities abolishment

Relevant Recommendations 17.8

Abolishment of the Department of Communities and other apparent impacts

I would appreciate the opportunity to explain this very serious event, and subsequent impacts, in a hearing setting. You can imagine it was and continues to be a source of some distress.

RTI's

Since Communities was abolished and merged with DECYP I have myself, been given the absolute run-around with an RTI request, and a former colleague has noticed some strange things occurring too.

I have been told that the merger has made some documents unavailable, and a colleague was told that documents were unavailable due to a software issue when they were archived.

I have also been told that individuals who left any more than 2 years prior, in the most senior of roles in Child Safety, have their inbox's deleted.

None of the above sits well with me, and to abolish a department about to undergo major scrutiny in the middle of a Coi is a bad look any day of the week. But the fact that there appears to be ongoing missing or corrupted files as a result (or claims of the same regarding deleted or destroyed documents) is deeply concerning.

I would recommend an audit is urgently required given the Freeze orders that are in place pertaining to AYDC and OOHC records specifically.

9. Recommendations

Whilst this may be outside of the direct Terms of Reference for this Committee, I would urge the Committee to consider recommending the following to the Tasmanian Government in order to address some of the most impactful and outstanding failures of Tasmanian children and Victim Survivors. It is most important to address these fundamental issues, in order to lay the right foundations for sustainable change and optimal healing opportunity.

1. Close AYDC, within four weeks or provide a detailed explanation regarding why modifying and staffing an alternate Government owned or leased facility hasn't been possible in three years since Premier Gutwein told me he would close it by the end of 2024, to safely house 10 or so children.
2. I would urge this committee by way of an interim recommendation, to either acknowledge that I am in a position of trust at a time when people do not trust agencies to respond appropriately and am inundated with reports regarding risk to children regularly. I am willing to fill this gap and continue to educate people about their reporting obligations and options and to support them to navigate them as safely as possible at a time where cultural change has NOT occurred – but I require clinical supervision at the minimum.
3. Failing to acknowledge the reality that is quite natural for a time, that staff are not safe to report to their own agency, as has been demonstrated for all to see by their treatment of me. If there was any intention of truly encouraging staff to make reports as they need to – they would publicly apologise to me and show those who are scared that they are changing tact. Again, this is what we would see with a genuine attempt at long term change. I invite the Government to provide assurances to staff, at this time, that they will be supported and that their job will be safe if they need to make reports in accordance with the law.

This too would provide an important insight into whether DECYP is ready for change.

It would be healing for me to turn my heinous experiences into helping others not be alone through reporting in an adversarial system, but to do so with support in place as anyone in a role like my unintended one is provided. I am unable to sustain the workload I have as an unsupported volunteer, and the alternative option is people not reporting. I am approached as a last resort, and can provide deidentified evidence of the serious and often despairing nature of the reports I receive, to the Committee confidentially. There is a gap and is it due to DECYP staff being required to report to DECYP.

4. Explain to key stakeholders in the Coi who have the right to know why they were intentionally manipulated and in some cases, I would argue groomed to believe the Government was acting in their interest when at the same time, the OSG (acknowledging private lawyers did the same) actively fought holding people to account by way of

making misconduct findings public and additionally, suggested that Victim Survivors ought to be able to be cross examined. I would encourage explaining how any one of those individuals and instructors, have a role in the State Service or Government. Work out how to support the carnage that is in our Community following the various cover ups that have occurred and help all of us, restore our lives.

5. Disclose the amount of legal funds, provided to those who were intended recipients of Misconduct Findings, to the taxpayers who unknowingly funded their defence. Please explain the process and timeframe that will commence to recover those funds, and retract the Blake Report, because it's findings ARE NOT in line with the inevitable findings pertaining to legal funding and people given indemnity who have acted in bad faith.
6. Ensure that this Committee or something comparable, is in place to undertake sporadic scrutiny for the entire recommendation implementation process given that we have all seen ample evidence of particularly DECYP's ability to self-govern, and act in a child safe way.
7. Explain how the Solicitor General, was the sole person/office, to receive concerns that someone in the office was in breach of Section 33 of the Coi Act, and is still considered the foremost legal adviser in the State, and indeed a model litigant? Noting that I have seen evidence of the then AG stating that the practitioner fell far short of acting as a model litigant in the circumstances the Coi felt a need to intervene on.

This office has caused enormous issues from the update provided about the Woolcott review, and certainly the Commission. When is enough, enough?

8. In acknowledgment of how acutely harmful the responses not only leading to the need for a coi are, but also the Government responses during and after the Coi have been and continue to be for many, invite the Commissioners to make their findings as intended, and also the opportunity to broaden their scope or a comparable inquiries scope for an agreed period of time, to include whomever they deem necessary in order to fully address Government Responses to Child Sexual Abuse as a whole, with the ability to investigate and make findings pertaining to any Departments, Organisations or Offices/Agencies and individuals including members of parliament they deem appropriate.

Below is an excerpt from the Coi report on this matter:

“As a matter of principle, we consider it would be better for an inquiry to make any findings it wishes, including adverse findings, subject to complying with procedural fairness. It should be a matter for the inquiry to choose whether a finding is of such seriousness, given the subject matter of the inquiry, that it might be appropriate to describe it as a finding of misconduct.”

“In considering other Australian jurisdictions, it is not clear to us why the Tasmanian legislation requires separate misconduct processes. This position is inconsistent with contemporary inquiry practices. Ultimately, we are concerned the Tasmanian legislation invites arguments and disputes that prevent local inquiries from being as effective and efficient as they might be, and so limits the impact they can have for the benefit of the community.”

9. Finally, to ensure this enormous reform (and ideally, what must become another investigative agenda) is not tokenistic, is sustainable and effectively implemented – as well as reducing the rampant corruption in Tasmania as a whole, I would strongly urge recommending that a Crime and Corruption Commission like the ones in WA or QLD for example, is created and entirely empowered without restriction to reduce and investigate corruption and crime within the State Service, any of its arms and instrumentalities as well as the Police and OSG.
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