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THE PARLIAMENTARY JOINT SESSIONAL COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON THURSDAY 5 FEBRUARY 2026

RECOMMENDATIONS OF FINAL REPORT OF THE COMMISSION OF INQUIRY

The committee met at 9.30 a.m.

CHAIR (Ms Webb) - Welcome. Today we're having a hearing of the Joint Sessional Committee inquiring into recommendations made into the Final Report of the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings.

I will introduce the members of the committee here; Cassy O'Connor MLC, member for Hobart; Deputy Chair of the Committee, Cecily Rosol MP, member for Bass; I'm Meg Webb MLC, Chair of the Committee, member for Nelson; Jess Greene, MP, member for Bass; Sarah Lovell, MLC, member for Rumney, and we're supported by Jenny in Secretariat and Roey on Hansard.

Thank you so much for your time today. As a matter of process at the beginning, I recognise that the content of this hearing may be triggering to some members of the committee, members of the community watching online and others who may come into the room.

I would encourage anyone who is impacted by the content matter in this hearing to make contact with support services. These include the Statewide Sexual Assault Support Line, which is 24-hour support from local specialist counsellors, Sexual Assault Support Service or Laurel House on 1800 697 877 or 1800 MYSUPPORT; the Lifeline 24-hour crisis support on 13 11 14 or Tasmanian Lifeline from 8 a.m. to 8 p.m. every day on 1800 98 44 34; or 1300 YARN, a 24-hour crisis support for Aboriginal and Torres Strait Islander people on 13 92 76; or Relationships Australia from 9 a.m. to 5 p.m. Monday to Friday on 1300 364 277.

We're getting a little bit of feedback here, but we'll keep pressing on.

May I ask you, first of all, to state your name and the capacity in which you're appearing before the committee today?

Ms COE - Louise Coe, Independent Regulator.

Ms WARING - Allison Waring, Principal Solicitor.

CHAIR - Thanks so much. Can I confirm that you've received and read the information for witnesses guide sent to you by the committee Secretary?

WITNESSES - Yes, we have.

CHAIR - Thank you.

All evidence taken at this hearing is protected by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. I remind you that any comments you make outside the hearing may

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not be afforded such privilege. This hearing is public, which means members of the public and media may be present. The evidence you present is being recorded and a *Hansard* version will be published on the committee website when it becomes available. This hearing is also being broadcast.

Should you wish for some or all of your evidence to be heard in private, you must make that request to the committee and the committee will consider the request.

Ms LOUISE COE, INDEPENDENT REGULATOR, and **Ms ALLISON WARING**, PRINCIPAL SOLICITOR, OFFICE OF INDEPENDENT REGULATOR, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you so much. With that, we can begin. You'd perhaps like to make an opening statement before we move on to questions from the committee?

Ms COE - Good morning, committee.

I appreciate the opportunity to discuss the OIR's second annual report representing the first 18 months of operation. I'd first like to acknowledge the Tasmanian Aboriginal communities as the original and continuing custodians of the land, seas, waterways and skies of Lutruwita, land never ceded. I pay my respects to the Muwinina and Palawa people, the traditional owners on the land in which we meet today. I recognise the institutional failures of the past and present and acknowledge all victim/survivors of child abuse in Lutruwita. I acknowledge the ongoing pain, trauma and suffering endured by the victims and survivors of child abuse.

I will make a short opening statement to allow the committee to ask questions and for me to provide my observations of the progress of Tasmanian organisations in implementing the child and youth safe framework.

While I will be frank in my observations and commentary as to how I see the system to protect and prevent harm to our children are operating, it is not my intention to criticise individual efforts nor to make broad brush statements which may diminish the hard work of many Tasmanians who work tirelessly to promote the best interests of children. My role as a regulator is to drive compliance by monitoring the state's child safeguarding laws to ensure a consistent application of the child and youth safe framework. I acknowledge the collaborative effort of other regulatory and oversight agencies and the dedicated work of my brilliant team in delivering quality education, training, monitoring and oversight services.

The OIR is a newly formed regulatory agency with the objects to protect and promote the best interests of children by executing the functions as outlined in the *Child and Youth Safe Organisations Act 2023*. These functions are broadly to:

- educate and provide advice to entities to implement the Child and Youth Safe Standards, the Universal Principle and the Reportable Conduct Scheme;
- oversee and enforce compliance with the standards and the universal principle;
- administer, oversee and monitor the reportable conduct scheme;

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- conduct own-motion investigations, public interest monitoring of investigations and assess whether entities have appropriately handled reportable conduct investigations; and
- to provide relevant information relating to reportable conduct findings and ensure the sharing of information between relevant entities.

You will find evidence of those activities over the past financial year within the annual report.

Tasmania is well placed to build a robust child-safe culture. We have seen genuine commitment and engagement by agencies and organisations to capitalise on what they already have in place to better protect and promote the best interests of children and to build on these systems to provide genuine child-centred care.

From January 2024 until 31 December 2025, we've seen engagement from organisations that have participated in either our online or face-to-face forums attended by approximately 2450 participants across 100 sessions within the last 18 months. We have reviewed and provided tailored feedback to approximately 20 organisations who have shared their child-safe materials office. We have provided outcome letters for 546 finalised reportable conduct investigations. These letters provide commentary on the quality of the investigation, our view as to whether we agree with the findings, and if we have suggestions to improve practice.

Where there are concerns that identified risks to children are not being managed in a particular matter, we will follow up with the relevant entity. We will share information as appropriate with other agencies, including our interstate regulatory partners if we have concerns relating to individuals or organisations providing services to children.

As an efficient regulator, the OIR collaborates and shares information with our oversight partners such as the New South Wales Ombudsman, the Integrity Commission, the Custodial Inspectorate, the Register for Working with Vulnerable People, the Commission for Children and Young People and the Office of the Implementation Monitor.

I appreciate the committee may be interested in what our reporting data is saying about the safety of children and young people receiving services from both government and community organisations. At this early stage of the scheme's implementation, it may be too early to see any clear trends that will develop over time. Early indications, though, based on the volume of matters reported through to the Reportable Conduct Scheme, in conjunction with increasing engagement by organisations with our forums and online educational materials, there are strong indicators that children are becoming safer. We are seeing an upward trend in the number of reportable allegations being reported to the OIR. Obviously, this can be taken as either a good or bad indicator of child safety. Again, given the early stage of the scheme and what we know from the Commission of Inquiry, allegations or incidents of harm to children are expected to occur. Reporting and taking action to investigate these allegations is pivotal in building a child-safe culture.

The OIR will maintain our focus on increasing levels of engagement. Our engagement strategy has been refined in the last 12 months to provide targeted engagement with high-risk organisations on key topics such as the child-safe risk mitigation strategies. Our 2026 assessment and monitoring program will focus on a range of organisations based on reportable conduct, trends and data, overall risk of the sector and public interest. These priority areas for

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2026 include the early childhood sector, out-of-home care sector, ongoing monitoring of youth justice including reception prisons and early intervention services.

In terms of reportable conduct data, I'm not generally concerned with the reporting data from the highest sector, namely education. This is to be expected and in line with other states that have established schemes in place. The types of matters being reported are not often at the high end of seriousness, although we have seen a number of teachers' aides being reported suggesting an opportunity for more training and support to be provided to these aides to ensure appropriate engagement with children.

Concern remains about the level of physical altercation between youth workers and young people at AYDC. I've reported previously on the lack of timely closures of reportable conduct matters, which has made it difficult to discern the quality of reporting and investigations of allegations of reportable conduct. I've had significant engagement with the department over the previous 12 months and we are now seeing signs that our feedback is being taken seriously and action is being taken from the secretary's office to address concerns. While there's been recent activity to increase recruitment of youth workers at Ashley Youth Detention Centre (AYDC) to clear the backlog investigations, review all child-initiated complaints, promote the use of body-worn cameras, improve the quality of reporting and investigations and engage proactively with the youth justice oversight network, concerns remain as to whether all matters are being reported through identified channels.

I remain particularly concerned as to the training of new and experienced staff and appropriate de-escalation techniques. It is my view the majority of the physical violence allegations against youth workers stem from a lack of effective training and remedial action after incidents have occurred. There still remains a clear focus on the adult worker and more needs to be done to ensure the voice of the young person is heard.

According to recent published data, there is also a concerning upward trend in the average daily number of children in care for the September quarter 2025 to 985 children. There's also an upward trend in publicly reported substantiated investigations for Tasmanian children in care to a high of 35. That's the RoGS (Report on Government Services) data for 2025-26.

I'm also aware there is a marked increase in children in residential care in 2024-25, to 106. The number of reportable conduct notifications received across both government and non-government agencies for the 2024-25 year is 133. Forty-eight of these notifications come from DECYP and 85 from the NGO sector.

Given these upward trends indicating a considerable increase in residential placements combined with increasing NGO providers during the 2025-26 year, out-of-home care will be a sector of interest for 2026.

In August last year, my office was notified that Tasmania Police received legal advice correcting earlier advice that police officers are not subject to the Reportable Conduct Scheme. This is of obvious concern and I note the recommendation of Peter Woolcott in his review Strategic Recommendation 6.1 to explicitly include Tasmania Police as a regulated entity and make them subject to both the Child and Youth Safe Standards and Reportable Conduct schemes.

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I've met recently with the Attorney-General, who has assured me this matter would be addressed as a priority. Even more recently, I received correspondence from the Department of Justice in relation to a regulation amendment. It's my wish that this regulation is made retrospective to 1 August last year.

Finally, in terms of government agencies requiring to comply with the Child and Youth Safe Framework, I have continued to urge the heads of these agencies to develop a child and youth safe action plan. This is not a mandatory requirement, but it is highly desirable way to demonstrate commitment to implementing the framework. So far, the Department of Police, Fire and Emergency Management (DPFEM) and the Department of Health have submitted action plans for our review and comment. DECYP also most recently provided its first action plan.

Nationally, Tasmania is an early adopter of both the standards and Reportable Conduct schemes. Our experience and knowledge setting up both schemes has been sought out by our interstate partners. Across the nation there is excellent collaboration and knowledge sharing. In March this year, Tasmania will host the Inter-Jurisdictional Conference, attended by regulators and policy officers from all states and territories to discuss implementation of the Child and Youth Safe Scheme.

In closing, while I acknowledge the positive and general efforts of individuals and agencies to promote child safeguarding practices, there is still plenty to be done to increase knowledge and awareness and then drive the importance of having child-centred practices. Legislative amendments will help to ensure the smooth and inclusive running of the scheme and place greater emphasis on information-sharing across all agencies required to collectively keep children and young people safe.

It is important for organisations to remain vigilant to the behaviours of workers which cause concern. Low-level behaviour can escalate, and addressing these behaviours early is the best way to disrupt a perpetrator's behaviour. Access to information is essential for the protection of children and young people.

As a state, we are hesitant still to share our concerns with other entities. We are also wary about substantiating a finding of reportable conduct. The two most recent reviews into the prolific offending by two childcare workers in Victoria and Queensland have highlighted the importance of not ignoring early-warning signs and not looking to the criminal justice system to prevent offending.

The focus should be on detecting safety threats, acting in a systemic way, recording, and communicating these threats. This requires agencies to work together and not simply pass the risk on. Information-sharing is a protected mechanism by which we safeguard children in this state. Thank you for your attention.

CHAIR - Thank you so much. That was a good, comprehensive opening statement. Congratulations on the annual report. There's plenty in here that appears very positive in terms of progress, given we're still only 18 months into the establishment of the office, so that's impressive. I know that members of the committee will have a lot of questions on different aspects of it. I'd like to start somewhere fairly broad.

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I'm wanting to make sure I'm understanding the data that you're providing, so I'm looking at page 9 of the annual report, which is where you've got the information about the Reportable Conduct Scheme and the notifications, and there are some good, clear numbers there for notifications received in the 2024-25 year and the fact that 340 reportable conduct notifications were closed during that financial year, some of which were from the same reporting period; others had carried over.

What wasn't entirely clear to me was the information provided about the outcomes of those. When you close 340 reportable conduct notifications, what was the exact breakdown of the outcomes of those closures? There is some material provided in a paragraph in the middle of the page about 34 found not to be substantiated; 25 not in jurisdiction; 32 in line with Section 35(2) of the act; 58 instances where the office didn't agree with the findings. That doesn't all add up to 340. Is there somewhere that you can point to that shows us in a nice, clear way, of the 340 notifications that were closed, what the outcome was as a full breakdown so we can see what happened in the entire 340?

Ms COE - I'm sure that does add up to - if it doesn't add up to 340, because the 35(2) matters are matters that the head of relevant entity advised us that they're not going to complete an investigation, so they make a submission under 35(2) saying unable to complete, and that relates - and then we agree or we don't agree. We will write back if we disagree, and there might be valid reasons why they can't complete an investigation. So that relates to that number.

In these substantiated and unsubstantiated, that should be the breakdown, that they either substantiate or not substantiate, or it's a 35(2) or it's not in jurisdiction. The numbers that we disagree with, that's our view. So that's not a number to be added in because they might substantiate it and we disagree or they might not substantiate it and we will disagree.

CHAIR - Okay.

Ms COE - So we can't make them - it's an oversight role I have in reportable conduct, so I can't make them change their decision. I can just say I disagree and the reasons why I disagree. I might disagree because of the way the investigation was conducted; I might disagree with what the evidence is saying and their subsequent finding. They might have claimed an exemption of lawful justification, and I might disagree that that does not apply. So that number would not be part of the 340, where I disagree.

Ms LOVELL - So there's 340 - 34 were found to be substantiated, 25 not in jurisdiction, 32 were 35(2). So does that mean the rest of them were unsubstantiated?

Ms COE - I'm just trying to get to the page.

Ms LOVELL - I think it might just be that one number that's not outlined, but that might just be whatever's left over was not substantiated.

CHAIR - I just wanted to be really clear that we understood exactly what the outcome was then of that 340.

Ms WARING - So we've got this data.

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Ms COE - So the data I've got is more up to date to 31 December, so not from the annual report.

Ms LOVELL - So they're not going to match then, either.

Ms COE - No. That's not going to match.

CHAIR - Yes, so I think probably the member for Rumney's correct that what we don't have there in the description provided in the annual report is the remaining number that perhaps are unsubstantiated, do you think?

Ms COE - It would be the unsubstantiated -

CHAIR - So we just take it as read that the -

Ms COE - I think the percentage was 31 per cent were substantiated, so the other 69 per cent would be the unsubstantiated number.

CHAIR - Okay. Thank you for clarity.

Ms LOVELL - Thirty-nine per cent was substantiated?

CHAIR - No.

Ms O'CONNOR - Thirty-nine cases.

CHAIR - Thirty-nine is not a number here. So 34 were found to be substantiated. That's 10 per cent basically of the 340, isn't it? Twenty-five found not to be in jurisdiction, 32 instances were in line with the section 35(2), which you've explained. Those are the only numbers then that are provided from the 340, and that only adds up to - what's that 66, 91 altogether. Do we take 91 away from 340 and the rest, whatever number remains, are ones that were unsubstantiated?

Ms COE - I don't want to give you the wrong number. Can I confirm that?

CHAIR - Sure. We can write something through to you and clarify that afterwards. I did also want to ask about the instances in which the OIR doesn't agree with the findings of investigations. You just spoke to that a moment ago to explain that to us briefly. I'm also wondering, what happens next then? Let's say their finding has been unsubstantiated and you have disagreed with that. There's obviously a concern if that's the end of the process. What then can happen next, if you have concerns that that was an incorrect finding or - where do we go from there?

Ms COE - When we have a finding of substantiated under the act, I notify the registrar for registration to work with vulnerable people (RWVP) and advise them of the outcome. If I don't agree with the outcome, I will still advise them and say I don't agree with this for these reasons, so I will provide that reason. They have that information; they can use that for an assessment or not. If there's a matter where it has not been substantiated, then I can still notify the RWVP and I will say, 'This matter has not been substantiated. I have significant concerns

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because of X, Y and Z.' This is the information so they can use it in an assessment of that person's working with vulnerable persons check. There's that process.

I can also share - if it's a teacher, I might share that information with the Teachers Registration Board. Any concerning information, regardless of the outcome, will be shared if I have concerns about it. I will also obviously disclose what my concerns are in the outcome letter back to the agency that's conducted the investigation. I will also tell them that - say it's an unsubstantiated matter, they may not expect me to notify the RWVP, but I will say I've notified the RWVP or I've notified the Teachers Registration Board or any other regulator that might have some sort of involvement in oversight in that particular position.

CHAIR - Or potentially even Tasmania Police if there were something that was of that nature that you felt needed to - was involved?

Ms COE - Yes. We can, we don't normally - I'm trying to think if we've had any of those situations, because normally at the beginning of the matter, if it's a really serious allegation within the three-day notification form, they will say whether they've notified Tas Police or not. If they haven't, then we will notify. We would be most likely involving police a lot earlier if it's a serious issue that we think hasn't been addressed.

CHAIR - Before you've arrived at your conclusions?

Ms COE - Yes, before the - the outcome letter could be six, 12 months later sort of thing. That's the point of the three-day notification - that within three days of the head of entity becoming aware, they make a notification through to our office. It's at that point we will look for a risk assessment and see if there are children at ongoing risk and we will take action accordingly, or we will notify the agency to take action accordingly.

Ms O'CONNOR - Can we just check however, if you have referred any matters to Tasmania Police?

Ms COE - We have referred matters to Tasmania Police, but not at that final stage. We have provided - sorry, I will also - in terms of our public-interest monitoring, we've notified Tasmania Police of final reports, but in both instances they were also involved at various stages of that public-interest monitoring piece.

CHAIR - I might come back to that later actually. I know, Sarah, you had a question in the same area we're in?

Ms LOVELL - No, I think we've covered it; it's okay.

Ms ROSOL - Just in terms of - if your determination disagrees or is different to the entity in terms of the outcome of the investigation, what's the effect on the entity? You've talked about how you pass that information on to various other agencies and things like that, but what about the entity that conducted the initial investigation? What's the effect of you saying 'I disagree with this' on them? Do they have to do anything?

Ms COE - Not necessarily, but we will offer follow up with them, and in a particular matter where I believe there was an overuse of lawful justification, I've actually provided analysis that my office has done on a number of matters where they came to that conclusion

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and my office did not agree. That would be a piece that they then shared with the agency. We've had subsequent meetings about it, about the use. They don't have to change their outcome. In this particular one, I asked if they're changing any of their outcomes and they said no on the basis of procedural fairness because they've already notified the subject of allegation as to the outcome of the matter, but it's something that I will continually press on if I have a disagreement.

If it's about the quality of the investigations and particularly in the early days, we accept most agencies - that's not their bread and butter. We will work with them to improve those investigations, and we give quite detailed feedback if we think it's about the investigation quality. If it was a third party that's done the investigation and I thought it was particularly poor, I've also expressed that view to the Department for Education, Children and Young People and in a particular matter they've written back saying we're not using that external investigator again. It's taken into account.

Regardless, what we put in our system - so we have a resolve system, which is our case management system. We will put in the outcome and we will put in if we don't agree. If that person comes up again, we will have a history of whether they've got any other reportable conduct matters. To be honest, if it's sustained or not sustained is neither here nor there. They're in our system. If we get multiple notifications for that one person, and there have been people who have had multiple notifications and they're not sustained, I can still - and I have written to RWVP saying, 'This person has this many notifications, I'm really concerned,' and that's a matter for the RWVP to consider in relation to their vulnerable persons check. I will do what I can to influence and to educate, but I can't make them change their outcome. But in the end, we will use the data in our system to assess any risk.

CHAIR - Could I ask a follow-up question then around if there's been an instance where you've disagreed with the outcome of the internal investigation that's been conducted by the agency? Obviously, your disagreement with that and the reasons that you have for disagreeing - if that's an agency within a government department, that's probably something that the hierarchy of the department becomes aware of and that's fine.

If it's a funded organisation, for example, is that - so you would have communicated your disagreement with their outcome back to, say, the board of that organisation or whoever was the governance body, would you also communicate it to the funding body, the department that funds them?

Ms COE - I can, yes.

CHAIR - Is it something that you do as a matter of practice? I'm just thinking if there's government - if there are organisations that are being funded by government under contract and, for example, there might be one or more instances in which you might disagree with an investigation, that to me seems like something a funding department should know.

Ms COE - Yes, I do communicate - even if it is concerns that are not necessarily about the outcome but concerns about practice or concerns about how we might assess, how child safe they are as an organisation, then yes, I definitely communicate that through to the secretary.

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CHAIR - Okay. In terms of things that you've disagreed with when you've assessed something and had a different view as to what's been arrived at, is there - are there some common themes? Are you seeing some common areas where you would think perhaps mistakes are being made or particular poor practices being demonstrated, or is it fairly varied at the moment?

Ms COE - My major focus would be using the exemption of lawful justification. They would say, 'reportable conduct did occur'. Usually it's physical violence, and then we would say - they would use the exemption of lawful justification. I might be of the view that it's not actually in line with their policies, procedures or legislation.

CHAIR - Thank you. Alright, let's move on to another area?

Ms O'CONNOR - We note in your annual report that about a third of all reportable conduct notifications are coming out of the Department for Education, Children and Young people. Recommendation 6.4 of the Commission of Inquiry recommends that the department develop professional conduct training for employees. Have you any line of sight to how that professional conduct training within DECYP is happening? Because we've heard evidence come before us about - at some point within position descriptions, for example, there will be a requirement for mandatory training in the education sector. We're not sure or clear whether that's actually happened, and I'm interested in your observations of how DECYP is giving effect to that recommendation to ensure that teachers, teachers' aides, volunteers within that sector have the mandatory training that they are required.

Ms COE - I don't have oversight in terms of the teachers' training, but in terms of the youth workers within AYDC, we've done an assessment and monitoring piece and my staff have actually done the training that they have done under the mandatory training for that role. So, I'm not sure with teachers whether it's the same training or any additional training. I don't have any oversight of that.

Ms O'CONNOR - But you would agree that there's an obvious nexus between a mandatory training requirement within DECYP and the number of reportable conduct notifications, potentially, that are coming through that agency?

Ms COE - To clarify mandatory training: it's used by agencies to say 1000 of our staff, or whatever, have done mandatory training, that is most often the mandatory reporting where you have child protection concerns. I'm concerned with the child safeguarding concerns, that's my remit, and that I'm not always clear when they say 'mandatory training', whether they're just saying here's the reporting process, ARL, police, or whether they're actually looking at preventative behaviours and looking at how you implement the Child and Youth Safety Standards.

Ms O'CONNOR - Well, they should be, according to the Commission of Inquiry recommendations.

You referred earlier to DECYP having presented a child safe action plan as one of a number of agencies that are doing that. Are you able to detail any of what is in that action plan?

Ms COE - We received it right before Christmas and I've had a read of it - it's high level and the actions are quite output - the measures for actions are quite output-orientated. We

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weren't involved in the development of that plan, whereas the other two agencies were involved in that development and we gave our feedback for the process. We were just presented with the final action plan. So, I haven't given any feedback to the department as yet because, as I said, it just came in before Christmas, but it's high level and I think - same with their safe, secure, supported plan - it does incorporate the Child and Youth Safety Standards; it does mention reportable conduct; it doesn't go down to the how - how you do these things, how you make an organisation safe, what you need to do on the ground.

I think more needs to be done to socialise the standards and to actually assist operational areas to implement the standards, because they're principle-focused so they can be implemented in many different ways; it's supposed to be outcome-focussed, but when you're in an operational space, you need to know the how, and I think that's the part for me that is missing from what I have seen.

It's not detailed enough. It's high level, it says the right things, it doesn't go down to guide, say, a principal or a director of the youth detention: 'This is what you should be doing,' and I would like to see that.

Ms O'CONNOR - And will you provide that input to DECYP and would you expect to see a more robust child safety action plan presented by the agency?

Ms COE - Well, we have provided feedback on the safe, secure, supported, we did that in May last year. We did it in writing, so that feedback has happened. We will provide feedback on the Child and Youth Safe - Action Plan that they have submitted but, as I said, yes, it's good that it's done, that they're actually doing this, I just think it needs to go that bit further and not just count measures of attending X amount of meetings or having the number, because you can roll out the training, particularly online training, and I've had people say to me 'I just click through, I just click through.'

Ms O'CONNOR - 'Tick and flick' we've heard.

CHAIR - Can I check and follow up on that around what interactions or working in collaboration with the office of the Implementation Monitor you might've had, knowing that the Implementation Monitor last year was developing an evaluation framework to assess how well recommendations are being implemented in that evaluation framework? Was that something that you had input into? Because, for example, your expectations about what it would look like to meet certain recommendations are obviously highly relevant, like you've just spoken about.

Ms COE - With the evaluation framework, the Implementation Monitor's doing, I've been on the working group. There have been two working groups and our consultation group - ones with government agencies, ones with non-government agencies. I elected to be on the non-government agency group. I have participated in the development of that framework and offered to the Implementation Monitor to give my views on particular pieces of policy because I've looked at his annual report and had some views and offered to give that too.

CHAIR - Our understanding is, obviously the first iteration of his annual report - he's really just taken the government's word for it essentially because his evaluation framework wasn't yet in place. Our expectation certainly from the conversation we've had with him as a committee is that the next iteration of his annual report will be applying the evaluation

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framework and will be making assessments of effectiveness of implementation, not just taking the government's word for what they've done. You expect to have some involvement in assisting him with his understanding and applying that evaluation framework to the areas you're relevant to?

Ms COE - I regularly meet with him and the interim commissioner. We met with the Implementation Monitor last week and we talked about a variety of areas of concern and areas of shared concern. If I write to a department secretary per se about a particular matter, I will often CC in the Implementation Monitor and the interim commissioner so we're all on the one page and know what we're saying.

CHAIR - Thank you. That's good to hear. Sarah, did you want to go?

Ms LOVELL - During your opening remarks, you mentioned about Tasmania Police having some advice they weren't part of the Reportable Conduct Scheme. You said the Attorney-General had indicated he would be remedying that through regulations and that you hoped it would be retrospective. Is it your understanding it will be retrospective or -

Ms COE - I don't know. It's a reg amendment, and as I said, I think it was, again, just last week, Department of Justice sent us a copy of the reg. We have written back, and I've asked, can it be retrospective, because from 1 August last year they had stopped reporting the identity of matters through to my office. We have had very few matters actually reported through. I know there have been instances where there's been significant interactions with young people I'm concerned about.

CHAIR - Can I draw it to your attention that regulation will have to come through the Parliamentary Subordinate Legislation Committee. It will be looking at it so if it doesn't come through as you would have liked to see it, there's an opportunity to communicate with the Subordinate Legislation Committee of the parliament and suggest they look at that matter to improve the regulation in your view.

Ms ROSOL - Back to some of the reportable conduct investigations - if an entity completes their investigation into an allegation of reportable conduct, should that outcome be reported to the OIR?

Ms COE - Yes.

Ms ROSOL - Every investigation should be reported to the OIR.

Ms COE - Well, it starts with the allegation being reported, then we know there is an allegation. There's a 30-day update requirement that within 30 days they update us as to where that's at. Then there's a requirement to notify us of the final outcome. Once we receive the allegation it goes into our system. We will be following up at those points.

Ms ROSOL - You should know about every investigation that's happening?

Ms COE - Yes.

Ms ROSOL - Then if the OIR disagrees with the outcome, for example, if an allegation was made against a coach and the sporting organisation undertook an investigation and finds

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that reportable conduct did occur, but you disagreed with that outcome and find that it wasn't reportable conduct, can the sporting organisation in that example still take an action against the coach even though you've said you don't agree that it was supported?

Ms COE - As an oversight role, I provide that advice. They don't have to follow it.

Ms ROSOL - They can do what they want with it?

Ms COE - It's up to them if they want to take action.

Ms ROSOL - Just another question about that. When a reportable conduct investigation's been undertaken by an entity other than a government agency, how are the results of that passed on to the relevant government agency? For example, if a conduct occurs in a non-government school, how would DECYP find out about that investigation? What action would they be required to take then?

Ms COE - If it's a non-government school and DECYP doesn't have a role with the worker?

Ms ROSOL - If a conduct occurs in a non-government school, how would DECYP find out about the investigation? Is there any way if there was a staff member who'd been working in a non-government school and then was going to go and work in a government school, how would DECYP find out about that?

Ms COE - From our perspective, if it's substantiated and it is a teacher, as I said, I would notify the RWVP and I would notify the Teachers Registration Board. The school itself can also share information under section 40 of our act and share it with other relevant entities. If they have concerns and think that worker might be working in a DECYP school or going to that, they can share information directly with the head of the relevant entity of DECYP.

Ms ROSOL - That's a 'can' - they don't have to; they can choose to?

Ms COE - It's a discretion under section 40. That's what I'm talking about, the information-sharing in my opening address. It's really about not holding back sharing information because it might be wrong but what if it is not? We have children's safety so I would rather say report than not report - share information. There's still a hesitancy to necessarily share information.

Ms ROSOL - What do you think the solution is to that hesitancy?

Ms COE - I am not sure. You consider making section 40 more of a mandatory requirement than discretion, but then I don't know how that would go down.

It is really difficult. It is a cultural piece. It is something that needs to develop over time and think when you have something that wasn't shared and there's an impact, then that's an impetus for next time making sure it is shared. That's usually the only way that things change, unfortunately.

CHAIR - I would like to talk a little bit about the interactions between your office and other oversight bodies. It is reported very positively in the annual report that that's happening

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quite actively and is through a range of very specific mechanisms. In a broad sense to start with, you created a guide as a resource, the 'Guide to Tasmanian oversight bodies' published in March last year. Is there any indication as to how well that's being utilised?

Ms COE - I have utilised it.

CHAIR - Presumably the guide is meant to be there as a reference for either the general public or people within agencies or people who may need to be figuring out what they need to do in terms of contacting an oversight body. Is there any way the measurement of success of that resource can be done or is being done?

Ms COE - The only way I would be aware of is how it is serviced on each of our websites, all the participating agencies counting the downloads, and we have on our website a 'no wrong door' tab that people can click on. As I said, there's also a child-friendly version that's been recently published. It is really just trying to make it simpler for people who make a complaint and that's where I have said I have used it. It's like someone's contacted us. It's not within our remit and I wrote to other agencies rather than that person telling their traumatic story and going through it again, I wrote and tried to get other outcomes from other regulatory partners.

I haven't had any other anecdotal feedback. But it is really whether individuals, community - that's who it is really aimed at - is finding it helpful.

CHAIR - I was wondering whether we were able to measure its use and success. The area I am particularly interested to ask more about, again from that collaborative perspective, is what's been put in place around AYDC and how that is working in a practical sense. For example, when I look at the annual report of the Commission for Children and Young People and look at the fact their advocate who's onsite has received - I am just going to bring it up so I can get the number right - 640 requests for advocacy support from young children and young people within AYDC - this resulting in 34 complaints being put through, which seems a small number compared to the 640 occasions of seeking support.

I am wondering how those instances, for example, of young people in there going to the CCYP advocate to seek support sometimes about what sound like very serious matters that would be reportable conduct - whether it was physical interactions or isolation and things like that might be seen as inappropriate.

Where does that cross with you and what's the relationship between the CCYP advocate there at AYDC and your role, and how does that communication channel look?

Ms COE - It's very closely aligned. If there's a complaint from a young person and it looks like it's a reportable conduct allegation, so it involves a worker and it's one of the categories of reportable conduct harm, then the interim commissioner will notify me and will send that information through to me and then it's entered into our system. We might have it, in which case that's fine. If we don't have it, then we will write to the secretary of the department and say we've had a disclosure of this allegation, you're required to investigate.

There's that mechanism where there's this close alignment between and we make sure we have in our regular oversight meetings, the interim commissioner's obviously there, but also the advocate is there who who takes these complaints from children. We are often checking if we have all of the complaints and sometimes the custodial inspectors say 'well, we don't know

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about that one'. It is an information merry-go-round, really, about trying to make sure that we all know about significant matters.

Also, the complaints last year from children that had gone through DECYP, the advocate does share it with DECYP as well as ourselves. The central management office went through all those child complaints to look at it in terms of whether anything was reportable under the Reportable Conduct Scheme. That hadn't been done, but in February last year we were advised of 13 matters that they notified through that had come directly from child complainants.

There's a mechanism that DECYP has in terms of managing complaints. And again, that's another process that's evolving. We have had some input into that process. We are constantly checking to see whether we have all the matters, and again in my opening address, I'm not convinced we necessarily have all those matters because we don't have a clear systematic way except from just constantly checking with the other oversight partners 'do you have this matter?'.
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A number of matters - and not so much now, there's better reporting than, say, 12 months ago, but the Custodial Inspector would advise us of the matter and we're like, we don't have that matter. So again, we'd write to the department saying you need to notify this matter, which does invariably happen, but there's that time lag, which isn't really acceptable.

CHAIR - It's quite a complex nexus there, isn't it?

Ms COE - It is, and it's relying on relationships rather than having solid systems. But I think as I understand, DECYP is building towards a more complete or holistic case management or complaint management system, but that's not going to be finalised until July this year. But again, we've had some input into that process as it's been under development to express our concerns or to ask our questions as what we would like to see.

But there is a diligence in people, if we don't have that matter, to then report through. We very rarely have someone go we're not reporting something without a valid reason.

CHAIR - In terms of that sharing of information across the different oversight bodies that are relevant to AYDC so that everyone's sort of aware of the same, for example, same relevant matter. How is the coordination then undertaken to ensure that whatever actual action needs to occur to investigate or to address or whatever, that has been allocated to the right entity and has been done?

You might have shared information with another entity about another oversight body about a particular matter, but then you might think, oh good, they're dealing with that now, but then what if they thought, they've just told us, but you're dealing with it still.

How is it made sure that there's actual closure there and everyone's clear that things have been dealt with?

Ms COE - Well, we have slightly different functions. We look at reportable conduct so we can look at individual matters. The Custodial Inspector can't look at individual matters unless it leads to a systemic issue. They are the reports that you saw, two of which came out last year.

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The interim commissioner for children and young people can't look at individual matters except for the advocacy role that the advocate plays for young people while they're in detention, so it really comes down to the OIR in terms of following through a reportable conduct matter and getting an outcome.

Then we also share information with the Integrity Commission. We have a protocol where we will notify it of these matters that we have involving children and young people. It will notify us to make sure there's sort of a no missing matters that are reported through to them. That's an information-sharing protocol there. You are not going to have different people necessarily doing different things because there are different functions and different outcomes that are possible. As an oversight network, we meet every two months and we will often talk about the matters that have been finalised or not finalised or where things are at.

CHAIR - Thank you.

Ms O'CONNOR - Can I follow up on that?

CHAIR - Yes. I just want to clarify one thing and then - just about the interactions with the Integrity Commission. You mentioned in the annual report tailored intelligence reports to the Integrity Commission. Is that what you were just mentioning then, sharing the matters?

Ms COE - The information protocol, yes.

CHAIR - Thank you.

Ms O'CONNOR - You said in your opening address that you're concerned about the training of new staff at Ashley Youth Detention Centre. What's your understanding of what kind of training they are provided with, but also, are you satisfied with the training of current staff at AYDC?

Ms COE -No, I'm not satisfied. I think that's something they would admit themselves; they don't often have the opportunity for training. I think that's one of the matters they're trying to address, to build in time in their roster to have dedicated training.

My main concern is on when we've seen reportable conduct matters and I won't sign off on a reportable conduct outcome letter in relation to AYDC unless one of my officers has sighted the CCTV and if there's body-worn camera footage that they've listened to that and seen that as well. The concern is there will be an incident and it could have been handled better. It's like there's recognition by the workplace panel or the IRC that particular matter could be handled better and they would make suggestions which are really valid suggestions.

My concern is that feedback loop is not necessarily going back to the workers. They can't close that loop for me and that's the purpose of the Reportable Conduct Scheme because it's low-level matters. It is meant to get in early and see if there's something that needs to be remediated, if there's feedback, if there's a better way of handling a matter that is actually followed through. I haven't been convinced that step is actually taken there.

As I said, there are valid observations and feedback that should be provided. I'm not convinced that's actually happened. That's how existing and new staff can learn and improve.

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I'm really concerned as to when there is an incident and there could be room for improvement that is not fed back.

Ms O'CONNOR - It's bordering on alarming to hear you're so concerned that to some extent it sounds like there's not really any comprehensive or dedicated training of current and new staff at Ashley Youth Detention Centre. Correct me if I've misinterpreted what you've said, but given the history of that place, given how much it featured in the Commission of Inquiry that we're still at this point now where there is apparently inadequate training of staff at Ashley Youth Detention Centre, what are you hearing or able to influence about making sure that training is happening?

Ms COE - They do have an induction and it's a six-week induction for new staff. They're rolling out a new sort of de-escalation technique called APR, used to be the Maybo, now they're doing that and there's going to be training for that. It's not that there's no training. My concern is when incidents occur there needs to be some corrective action and there is feedback to that worker or they view the CCTV or the body-cam footage. That's the part for me that's missing because we see time and time again there's a lack of de-escalation. That's the issue. There's an immediate reaction and it results in physical violence.

I totally accept the environment is heightened, people are anxious. There's been a number of serious assaults both ways, so people are on edge. That's a whole piece that needs to be managed. Then there does need to be training and then there's short staff. How do you take someone off the floor for training if you're understaffed and the children then are in rolling lockdowns in their rooms? It is not just one particular issue; it's all of it. It is quite complex.

Ms O'CONNOR - To follow through on that, what's your understanding of the adequacy of the staffing at AYDC because we're certainly hearing consistent reports that they're significantly understaffed, which would be adding to that stress that you've referred to?

Ms COE - That's right.

Ms O'CONNOR - That's my first question. The second is: is there any possibility of breaking down those reportable conduct notifications that you talked about - and some are coming through Ashley Youth Detention Centre and they're primarily, you said, related to violence, incidents of violence? Have there been substantiated notifications coming out of AYDC? If so, how many? I can't see that in the annual report. Have there been referrals -

Ms COE - It wasn't broken down per sector -

Ms O'CONNOR - Have there been referrals to Tas Police, for example?

Ms COE - No referrals that I'm aware of to Tas Police. We've had 135 - so up until 31 December - this will be not in line with what's in the annual report - we've had 135 notifications relating to AYDC. Of those, there are 73 which relate to historical matters, so they're matters that we're taking as being prior to 1 July 2023 and they're often coming through the redress scheme or civil claims. That's a large number; it leaves 62 by my maths. They're the number of notifications that we've had. We've had very few substantiated matters.

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Ms O'CONNOR - Okay, and just in relation to the question about staffing, your understanding about the level of staffing?

Ms COE - I suppose they talked about it in the budget Estimates. They've got a stabilisation taskforce action plan. I know they've increased their number of new staff. I think that the latest figure I was given was nine new staff had started and been through the induction program, and they would just be going through the buddy system in AYDC, so they're just getting onto the floor. From what I can gather, the other day when the strike happened, there were 17 youth workers to be rostered on that day, which is fantastic. They usually need at least 15 to have children out of their room participating in programs, which is obviously the ideal.

That morning, nine called in sick, so you've got more than half not showing up and then there was the action in the afternoon. That makes it really difficult on a day-to-day basis that even when you think we've got more staff available, if they don't show, they don't show. That makes it difficult because it means children stay in their room. They don't like being in their room and it's frustrating for them and then you see escalated behaviour subsequently.

Mrs GREENE - Can I chime in? You mentioned in your introductory statement about youth workers at Ashley Youth Detention Centre. I've got some questions about the use of private security guards there and their level of training. Can you elaborate on that? Do you think that the training that they're now receiving is appropriate to be doing escorts, for example, to the Launceston General Hospital or to other appointments?

Ms COE - I understand that they're also being trained in the APR system. I think the practice is now for when it allows a youth worker to actually accompany the young person with the essential security staff member as well, which is an added protection. Is it adequate? Well, it's not necessarily translating to particular safety. It may be adequate. It may be that they're not engaging or it's not adequate and they don't know their skills. It's really - it's the de-escalation that I really am concerned about - not that immediate reaction rather than building that relational piece, but it's difficult if you're a security worker escorting someone. I think, knowing what we know through the Custodial Inspector report and our own investigations, it's a concern.

CHAIR - Just to clarify entirely though: those security staff that are doing that role currently, they come under a reportable conduct scheme?

Ms COE - They do. We clarified.

CHAIR - Great. In terms of - I'm very interested in where there might be gaps in the AYDC sort of reporting and documenting system about incidents that occurred there, because we've got the incident review committee that is supposed to be reviewing those things on a regular basis internally. Now, in a hearing that we had late last year when I pressed about how regularly that committee meets, it was first insisted, oh, they meet on this particular regularity, and I said, 'Give me the dates when they've met.' Then when they finally came back with those dates, it didn't match up. There had been gaps of time when that committee's not meeting. Is that of concern to you that that internal mechanism, which is supposed to be doing the review of incidents to then potentially provide what you've described as, you know, often potentially good guidance on what could be done to be corrective about behaviour or standards, that that doesn't meet necessarily on a regular basis and that there doesn't seem to necessarily be an understanding of that through to higher levels of management within the department?

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Ms COE - Well, I was told that they can be stood up quite quickly as well. If there's an incident - I know, as you're saying, there's a fortnightly meeting or something. I've also been told by the department that they can also stand up that committee quite quickly if there's a matter that needs to be reviewed. It is concerning. It needs to be a more systemic approach and a regularity, as you say, that hasn't necessarily happened. Sometimes there might be a valid reason for it, but if there are instances of violence that we're seeing being used, then they do need to be meeting frequently and they need to be assessing all those matters and providing that feedback. That would be my expectation, and that it's fed through to the DECYP corporate channel, through the CMOU, the case management oversight unit, that then reports through to my office. That's the process, and while it's getting better, originally there were matters that fell through the gaps.

I think there are systems - and we've given consistent feedback and they've had a review of that IRC and how that's operating. I've seen that review and I've provided feedback to the department on some other aspects of concern from our perspective. I haven't actually seen that review come through to fruition, as in the new terms of reference or whatever, but my understanding is that it's something that's being looked at; it just - everything takes time.

CHAIR - Sure, it'd be something for us to be looking at going forward. The sort of lack of closing the loop that you spoke about where the IRC, the incident review committee, may have assessed an incident that occurred, have come up with constructive, important suggestions that need to be then taken back to staff to - you mentioned a gap there. Is there no-one designated or no mechanism designated by which that informed and expert advice from that committee would then go back and be given to staff, and it be assessed that staff have understood actually how they might have done things differently and could do things differently and better next time?

Ms COE - I don't know if there's been any recent changes. We have done an assessment and monitoring piece on AYDC, which is more an educative piece basing on strengths and making recommendations. At the time of doing that, the training coordinator was not advised of those outcomes and that's what we saw as a significant gap. We've given that feedback to the department, so it may have been remedied between then and now. I can't say for sure whether that has been remedied at this point in time.

CHAIR - Thank you.

Mrs GREENE - You mentioned the industrial action at Ashley Youth Detention Centre on Tuesday. The department had failed to respond to union concerns by late last week, which I believe was the deadline, and then the department was notified on Monday that industrial action would be taken the next day; would it be your expectation that the department should have arranged for additional staffing or supports to be put in place that day, so we were truly supporting young people on that day? It was no surprise that they were going to be short staffed and now we've seen an incident yesterday; I'm just after your thoughts on that.

Ms COE - I think they would probably - not speaking for the department though. If nine people rang in sick on the day, that's not necessarily to be expected. My understanding is they had non-operational staff who were trained in youth work who supported the centre on that day. I think they are doing what they can in terms of the numbers of people who are available.

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Mrs GREENE - It's just I would hate to see their industrial action characterised as causing issues for young people that day because most days at Ashley Youth Detention Centre, a number of staff call in sick. My understanding is just yesterday there was a message that went out to staff asking for people to do overtime. That's a very common occurrence, not just on that particular day, not a surprise, so it would be great if they had ensured appropriate staffing levels.

Ms COE - Yes, I think that's the ongoing issue. There is just not enough and then the children aren't getting to the programs that they need to get to.

Ms O'CONNOR - I'm interested in you've got two different sectors in education in Tasmania. You've got your private sector and independent and Catholic schools and then DECYP's public schools.

The Commission of Inquiry makes some recommendations about DECYP engaging with the Catholic and independent schools on making sure that they have genuinely child-safe practices in place.

Some of the evidence that we've heard come before the committee is not particularly reassuring about that level of engagement between government through DECYP and the independent and Catholic schools. I guess a concern that we've heard is that there may be a different safety lens being applied to children in independent and Catholic schools than there is in public schools given that DECYP doesn't directly regulate independent and Catholic schools.

Do you have any concerns about the level of engagement with that educational sector and the progress of that recommendation, which I think is 6.8?

Ms COE - As a general comment with non-government schools, we've had quite good engagement through our strategic engagement teams in terms of implementing the standards.

From our perspective, my office provides that training and guidance material and through the Reportable Conduct Scheme we've seen matters come through and we can see evidence of where they are implementing the standards in terms of what their outcomes are and they will often tell us what remedial action.

So, I don't have any particular concerns as a whole in terms of the NGO sector, I think they have taken up the Child and Youth Safe Standards and implemented it to a certain degree.

Ms O'CONNOR - Have they sought training or direct input from your office?

Ms COE - Yes, they have. We've had engagement. And as I said, if the matter comes up through the Reportable Conduct Scheme, we will have ongoing engagement with them as well and we might make referrals to the engagement team from the reportable conduct team if we think there might be something that they need to address, but in some outcome reports they will take remedial action following a reportable conduct matter, which really shows they've looked at the risks and they've addressed the risk and they've acknowledged their role in that incident occurring, so it might be about supervision, it might be about clarifying expectations.

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Generally, I'm not particularly concerned. I think there's a relatively high level of reporting and, as I said, they're not - you know, apart from a few pointy-end ones - they're not generally of a serious nature, but it's good to see that these matters are being looked at early and actioned, because that's what I'm concerned about: that there's some follow-through action after an incident occurs, because that's how you learn. That's how you change your process and build a culture.

Ms ROSOL - Going back to your opening statement, you talked about out-of-home care and the increasing trend in reports and reportable conduct and increasing substantiation and that being a focus going forward.

Are you able to talk more about what your focus will be, the actions that you will be taking in that area, and in terms of those increasing trends, where those trends are, what's happening in that space?

Ms COE - I think the numbers are showing that there's a higher number of children in care on a daily basis, which is obviously concerning. It's now 985.

We have fairly good engagement with the non-government sector in that space and a lot of those agencies have a national footprint so they're familiar with the Reportable Conduct Scheme and the Child and Youth Safe Standards.

I think it is concerning the number of children who are not in traditional foster care placement. From our perspective, it's a bit of a complication because we have an issue as to whether it's a subcontractor arrangement which is not considered part of the Reportable Conduct Scheme. So if you've got a foster carer, they are considered a worker for the Reportable Conduct Scheme. If there's a company or a sole trader or some sort of organisation providing services and they have staff that there may be reportable conduct allegations that are not captured directly unfortunately, and that's one of the matters we want to remediate. Clarifying that engagement piece between how these organisations - how these individuals or organisations are being contracted to provide care is a concern of mine.

Ms ROSOL - In view of that lack of clarity, or not being covered by the legislation, do you think then -

Ms COE - Sorry, can I clarify.

Ms ROSOL - That's me saying that incorrectly.

Ms COE - They're covered, but I would have to - there's no-one to do that investigation. I would expect for DECYP to do the investigation. If it's a foster carer, there's no question and it's their foster carer that's a worker for their purpose. If they're in a subcontractor situation, it would be up to us as an agency to do an own motion if we want to look at that particular matter. It's not really an acceptable situation to be in if there are concerns. I think the number of matters being reported through from the DECYP side about their carers, it appears a bit low given the number of children in care and the high needs and vulnerability of those children. I think it needs to be - the Child and Youth Safe Standards and reportable conducting needs to be better socialised.

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Ms ROSOL - That was going to be my question. Do you think that there are incidents being missed?

Ms COE - Yes.

Ms ROSOL - But you think the incidents being missed are potentially in DECYP, not in the subcontracting -

Ms O'CONNOR - Both, potentially?

Ms COE - Of course it can be both. I think there's a higher number of reporting coming through from the NGO sector compared to what's coming through DECYP, so that's where my concern would be. I know that we've provided training - I think it was early last year, forums, online forums and it wasn't particularly - I don't think it was particularly well-publicised because it wasn't well-attended in terms of particular areas within DECYP, whereas I feel through FCAT and the NGO sector, we've done a lot of forums but focusing on carers and the Reportable Conduct Scheme and there's a greater knowledge of this scheme. It's something that we're going to look into more closely.

Ms O'CONNOR - Do you think legislative change is required?

Ms COE - In terms of the subcontractor situation, definitely.

Ms O'CONNOR - Are you working with government to get some refinements?

Ms COE - We provided a list - a table, I should say - of desired amendments.

Ms O'CONNOR - When did you provide that table?

Ms COE - Subcontractor, sole trader, sorry.

Ms O'CONNOR - When did you provide that table to the government?

Ms COE - Well, there's a review of the act - is it this year?

Ms WARING - It's got to be started before 1 January next year.

Ms COE - We provided it probably before Christmas, I think. Yes, before Christmas, so early December.

Ms O'CONNOR - Sorry, just a final question. Has the government given any indication that they recognise there's a need for refinement of the act in order to make sure there aren't these gaps?

Ms COE - Well, in terms of the police regulatory amendment, that's being addressed. Yes, we've had acknowledgement back from the Department of Justice to say that it will be in contact - their strategic legal and policy team will be in contact with us.

CHAIR - Can I ask some questions about the public interest monitoring power? You've described in your report that you've utilised that twice or invoked that twice to be monitoring.

It's not - I just thought it would be valuable to have you explain under what circumstances you choose to do that and noting that it's monitoring an investigation so you're not actually undertaking it yourself, that's a different power. How is that differentiated in a practical sense from when you go - and in your general monitoring of investigations?

Ms COE - That was my question when I saw the section in the act before we had to invoke it. There's a requirement for it to be of a public interest, so we have a public interest test which we satisfy before we take on that public interest monitoring role. It really is an intensive monitoring of the investigation. In both matters, we've engaged with the employer from the outset. We've said, 'This is what's going to happen. We will be monitoring this investigation.' We would have regular check-ins as to how it's going. We've asked for an external investigator to be appointed in both matters because there are potential conflicts and they were areas of interest.

In one particular matter, my obligation is to keep the identity of children and young people confidential as much as possible. In one matter I said that I would disclose to the independent investigator the details of the complaint, so the agency didn't actually know the details of the young people involved because I wasn't sure if they were still engaged with the service. There's sort of a role from the very beginning where we look at what's being done, who's being interviewed. Police were involved in both of those matters. We'd wait for the police investigation to be finalised, if any, first so we had close contact with police, regular check-ins with police. If there are children who are under care orders, obviously there are issues with the guardian, the secretary of DECYP, so we'd be in close connection with that. It really is an intense kind of monitoring.

It's not an own-motion investigation, but if I had concerns through that process, we can commence an own-motion investigation at any stage, intervene in that process. The outcome of that was shared with all relevant parties. I think I said before, earlier we had those matters - that I shared the final investigation report with police and with RWVP in both matters. It's very much an intensive-type monitoring of how an investigation is being handled.

CHAIR - To ensure that you don't get to the end of it and then take a look at it and say, well, we disagree with how you've done that and we'd have a different finding?

Ms COE - That's exactly right.

CHAIR - You're basically helping to ensure that the finding that's arrived at through that investigation would probably be the finding that you would arrive at too, were you to be doing it under your own motion.

Ms COE - In one of those matters I did suggest to the investigator who wasn't going to interview a certain person, I think it would be worthwhile to interview that certain person. We would have this ongoing dialogue about where the investigation was going.

CHAIR - Then in terms of own-motion investigations, because you also report that that's been undertaken, and I just wondered whether that's something you can reflect on a bit more for us about how - what's the threshold for that, or what triggers the decision to step into that space, without going into specific details about obviously -

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Ms COE - It's really the situation if there's not an employer that can do an investigation in an unbiased way. If you've got sole traders, that's a particular issue because how does a sole trader investigate themselves? In that case, that's where we - it is resource intensive, we don't particularly want to be in that space, but there are vulnerabilities and there's particular - again, a public interest in doing the investigation. In those situations, we would invoke our own-motion powers and make sure that we complete the investigation in a timely manner.

CHAIR - In terms of the way it's described in the annual report, you say that the two that were undertaken in this 2024-25 year were earlier than expected use of the power; why was it earlier than expected? When did you expect a -

Ms COE - Well compared to other jurisdictions, I think in New South Wales it was like 22 years before they did an own motion. I think Victoria had their scheme, I think, in 2016, and it's only in the last couple of years that they've done their own-motion investigations, so I wasn't really expecting to do it in the first sort of 12 months.

CHAIR - Okay, so that's comparatively - the two that were undertaken in the 2024-25 year, are they completed now?

Ms COE - They're not completed as yet.

CHAIR - No, sorry, I now see ongoing.

Ms COE - But soon to be.

CHAIR - Okay, thank you.

Mrs GREENE - We know that children with disability are at a higher risk of child sexual abuse and neglect and physical violence, and I noticed that there was a number of notifications from disability services in the annual report. What does the data show you about the factors that are involved in those notifications in disability settings? Is it still poor training and workforce turnover and workforce shortages, or is it more individual worker misconduct?

Ms COE - It's really difficult because a lot of those matters are in the in-home care situation, so there are escalating behaviours of the young person and then there's an inappropriate response that - again, it's about the worker training, their experience and the difficult situations which occur. It's a homelike environment, but they're providing care and they're not the parent.

You would like to see more training, but I know they have a difficult time recruiting to that space. Then there's some challenging behaviours that people - if they don't have the right therapeutic training and trauma-informed training - they may not necessarily respond to in the appropriate way. Although they do often have, in the disability - they do often have the two-worker model, so that is quite helpful. We found quite early in the piece there was a lot of reporting through disability sectors, and they were finalising matters so we could engage quite early and see how they were investigating and giving them feedback. That's been quite positive and then if we have particular concerns, we can also notify the quality and safeguard commissions as that's another layer of protection. So we've done that as well.

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CHAIR - I am interested and I appreciated the section in the report on page 41, which was your afterword, which is sort of looking ahead. I wanted to ask about a couple of matters in that. Primarily, I am interested in the statement where you talk about -

The Reportable Conduct Scheme remains pivotal. It is starting to change organisational culture, but awareness is uneven -

et cetera.

How are you measuring that it's starting to change organisational culture to be able to make that statement?

Ms COE - By looking at subsequent reports coming in and what they're saying their remedial action is and what they've put in place, and I think that is very much a child-centred approach. So they recognise where they might have unclear policy and procedures, or they might, in terms of medication, they might be at fault in terms of stipulating that procedure.

They give us the feedback to say, 'We've done this, this and this so this situation doesn't happen again or minimises it happening again'. So I see that as a real positive as building a culture because it's something - as you know, culture doesn't happen overnight and it's a slow burn - but it needs to be constantly chipped at, so sometimes you might get an investigation and in early days we'd get just three lines on a page, you know that's not acceptable.

Over time reports have been finessed. We get a lot more information than we used to. And that's really helpful for us to see that they're actually taking it seriously and they are looking at these matters. For me, as I said previously, it's the 'after' deep dive. Why did this occur? How did this occur? What do we need to do and what do we need to stop doing or change?

That's the important part. So I do think you can say culture is building where you'd see inappropriate engagement and you see improvement over time with the reporting and the quality of the investigation. Slowly, as I said also, there is a reluctance to substantiate particular matters, so I think consistently providing feedback to say, 'Well, we think you could have substantiated in this matter, we are going to notify the RWVP, we're going to take other steps to pass that information on.'

I think that makes organisation maybe a bit more confident for the next one, if that happens, to make a different decision.

CHAIR - With other jurisdictions who have this similar sort of mechanism in place, over time have they found that any discrepancy between what an agency might find and what the independent regulator might deem - so a difference in opinion about result - does that decrease over time because of improved understanding and improved systems and therefore better-conducted investigations internally within organisations and agencies?

Ms COE - I am just trying to think of what I have looked at in other annual reports so I don't know if they necessarily reported that. They do have higher substantiation rates which you would kind of expect over time in a mature scheme. But I think we all have the same approach that if we see something and we don't like it, we will go back and educate and then we will keep going back if we need to try to change that culture.

PUBLIC

I guess we hope that all this effort is actually making a positive impact, but then people change and then organisations change and you might be back to square one.

CHAIR - Sure. Also from this same section, your Afterword area where you point to your intention to bring focus to public awareness, so educating the community, parents and carers and community members.

In terms of that, are you funded to do that and are you resourced to do that, or is your intention to do that something that you're going to need to seek additional funding and resources for?

Ms COE - I am not intending to seek additional resources and funding. I find that part of my core responsibility in terms of our strategic engagement. In that space, with the early childhood sector, we are rolling out next month particularised training, but we're also providing sessions for parents and carers.

There are sessions for the operators and then sessions for parents and carers to say this is what you should be looking at. You don't often want to do that too early in the scheme because organisations might be scrambling, but I think, at this stage, it's a really good opportunity to have parents, carers, guardians drive the market and ask those questions when they're looking at putting a child in a childcare centre or a school or whatever, like, what are your child-safe policies? Are you implementing the standards? That's our focus for this year and that kicks off next month, I think.

Ms O'CONNOR - I'd like to go back to the fact that Tasmania Police is apparently not covered by the Reportable Conduct Scheme and to understand better your level of engagement with Tasmania Police.

Given there's been history of the most egregious breaches of trust and damage to children, does Tasmania Police, or have they informed you, for example, that they have any sort of child-safe framework or policies or practices in place?

Ms COE - DPFEM has put in a child-safe action plan, so they have taken that on board. Up until that sort of change in focus, I think there's been quite good engagement with Tasmania Police and the department as a whole. It's just really concerning now that it's a gap. We've seen some matters that have come through reception prisons involving police officers. That's concerning. And we don't have oversight of that.

Ms O'CONNOR - And what happens in that instance if a young person reports that they've been physically or sexually harmed by a Tasmania Police employee? What happens?

Ms COE - My understanding is they will still do an internal review. It's just that the advice they've received, they can't give us the names of the police officers involved. As I explained earlier with our system, we put the subject of allegations details in them and track that profile. So that's a concerning aspect.

Then the outcomes of reports - there are matters they have reported obviously prior to 1 August and they will give us the outcome in some particular matters, and a couple of them I might have concerns, but others seemed appropriate, the appropriate outcome. I don't really have that oversight at this point in time. That's why the concern about the regulation.

PUBLIC

Ms O'CONNOR - But you do have before you the DPFEM child-safe action plan. Are you able to share with the committee what are the elements of that plan?

Ms COE - Well, it's how they're going to socialise the Child and Youth Safe Standards within their organisation and that's something that we're in negotiation - well, not in negotiation - we gave them feedback on in their development. As I said, it's more about just socialising the scheme at this early stage. What's it going to look like? Are people going to know what the standards are?

So it's not particularly demanding, but it's just to keep it on the agenda and make it a strategic document that it's part of the organisation. It's not an add-on, it's not like a regulatory burden. This is how we improve our service delivery, particularly to children and young people and this is how we're socialising it because there's no point saying we're a child-safe organisation and the workers know nothing about the standards, so it's about socialising that and taking a really child safe approach.

As I said, there is an intention, police are happy, I understand, to be in the scheme - or you know, correctly within the scheme.

Ms O'CONNOR - And so they should be.

Ms COE - So, there's no pushback there. It's just an unfortunate turn of events really.

Ms O'CONNOR - And can you just remind us again when you you've been informed that the regulatory change might be presented first of all to the Subordinate Legislation Committee and then to the parliament?

Ms COE - Well, I think it was last week we got a draft of the regulation. So that would be up to Department of Justice as to when that progresses, but when I met with the Attorney-General, he said it was a priority and it would be addressed, and so far it looks like it is a priority, so hopefully soon.

CHAIR - Any last questions? We're reaching the end of our time.

Well, thank you so much. We really appreciate the time that you've spent with us today to discuss the report and to answer questions. We congratulate you and your team on excellent work that's reported on here.

It's been a big task, I know, to stand things up and get it underway. Now I'm imagining this next year is going to be a really consolidating one for you and your team, so thank you.

I just need to mention that the evidence you've provided at the hearing today is protected by parliamentary privilege. I take the opportunity to remind you that any comments you may make to the media or others outside of this room, even if you repeat what you've said here, will not be protected. Do you understand that?

Ms COE - I do understand.

CHAIR - Thank you.

PUBLIC

The witnesses withdrew.

The committee adjourned at 11.00 p.m.