

Routine Disclosure relating to Commission of Inquiry matters

This document contains the following fact sheets and routine disclosure tables relating to Commission of Inquiry (CoI) matters of concern:

1. Fact sheet Information – section 34A Notices
2. Fact sheet Information – section 18 Notices
3. Fact sheet Information – Notes to the April disclosure for COI Assessments and Outcomes
4. Assessment and actions by Heads of Agency in relation to matters referred to in the CoI report – State Service employees (**Alleged Perpetrators**)
5. Assessment and actions by Heads of Agency in relation to matters referred to in the CoI report – State Service employees (**Alleged Non-Perpetrators**)
6. Assessment and actions by Commissioner of Police in relation to matters referred to in the CoI report (**Tasmania Police officers**)
7. Notifications of **State Service employee suspensions** from duty as a result of allegations of child sexual abuse – cumulative since October 2020
8. Joint Referral Review Team (JRRT) matters of interest identified through the CoI (section 34A Notices and other data sources – **State Service employees and general public persons of interest**)

These tables are routinely updated and published on the Department of Premier and Cabinet website www.dpac.tas.gov.au.

Note: the information in these tables is valid as at the reporting date and drawn from complex live datasets which are subject to change. Care should be exercised in the interpretation and reporting of these datasets. As new disclosure tables are added or tables expanded, it is important to note that the tables may not be mutually exclusive, individuals may be listed in one or more tables, and some tables are point in time whilst others are cumulative from a point in time.

Fact Sheet Information - Section 34A Notices

What is a section 34A notice?

A Section 34A Notice in the *Commissions of Inquiry Act* 1995 allows the Commission to communicate information to another authority. If a Commission of Inquiry has any information that may be relevant to a criminal prosecution or disciplinary matter, that information is referred to the appropriate authority.

Did the Commission make referrals under a section 34A notice to an appropriate authority?

The Commission made section 34A referrals naming individuals and shared information received to the relevant authorities/agencies regarding risks or potential risks to the welfare of children.

These referrals named individuals that were current state service employees, former state service employees or general members of the public (never worked in the state service).

The referrals include a wide range of alleged conduct – including criminal, civil or administrative conduct and include historical allegations (e.g. 1970s) to contemporary allegations to the closure of the Commission of Inquiry.

Who were referrals made to?

Referrals were made to a range of organisations and people, including the:

- Registrar of the Registration to Work with Vulnerable People Scheme
- Australian Health Practitioner Regulation Agency ('AHPRA')
- Assistant Commissioner, Tasmania Police
- Secretary, Department for Education, Children and Young People and, before that, the Secretary, Department of Communities and the Secretary, Department of Education
- Secretary, Department of Health
- Teachers Registration Board.

Has action been taken on the referrals?

Every person identified in the report as an alleged perpetrator of child sexual abuse has been referred to the appropriate authority, be it Tasmania Police, AHPRA, the Teachers Registration Board and/or the Working with Vulnerable People Register.

The Joint Referral Review Team (JRRT) has reviewed all received Section 34A Notices.

Employment outcomes relating to alleged perpetrators that are current or former state service employees are publicly disclosed on the DPAC Website, with routine updates as information changes or new information becomes known.

Fact Sheet Information - Section 18 Notices

What is a section 18 notice?

Section 18 of the *Commissions of Inquiry Act* provides that if a Commission of Inquiry wishes to make an allegation of misconduct against a person, the Commission must give notice of the allegation to the person, state the evidence that supports it, and provide the person with a right to be heard.

Section 18 Notices are issued to individuals – not institutions or the State – to make individuals aware of what is alleged against them and to give individuals an opportunity to be heard during the course of a Commission of Inquiry.

Section 18 Notices are procedural steps and not final findings of guilt or breach.

A section 18 notice can be withdrawn, after an individual has been heard or provided additional or alternative evidence to the Commission that satisfied the Commission that the allegation should be dismissed.

Did the Commission make misconduct findings?

The Commission ultimately made one finding of misconduct and named this individual. The Commission also made 75 findings and published adverse commentary, identifying individual state servants or their position title.

How did the Commission advise the State of any concerns with staff?

Report Findings and section 34A referrals are the mechanism by which the Commission advised the State of issues with its staff (and other risks) and these have all been acted on.

The Commission was able to refer matters to appropriate authorities, including to Tasmania Police, Teacher's Registration Board, Australian Health Practitioners Regulation Agency (AHPRA) and Working with Vulnerable People Register, as well as State Government Agencies.

Fact Sheet Information – Notes to the April 2025 disclosure for COI Assessments and Outcomes

The following notes have been added to assist in the identification of substantive movements in the report from the March 2025 disclosure:

1. On page 8 of the Alleged Non-Perpetrators section of the disclosure:
 - a) A change in the number of active ED5 processes underway (noting that these employees are suspended, resigned or absent due to leave) to reflect a decrease (from 3 to 2), with a corresponding increase in no further action based on assessment or ED5 determination (from 23 to 24) in this reporting period.
2. The number of State Service employees suspended as a result of CSA allegations terminated due to a breach determined has increased (from 6 to 7) (see page 10).
3. The number of State Service employees currently suspended as a result of allegations of child sexual abuse with an active ED5 investigation underway has increased from 38 to 41 (see page 10).
4. The number of State Service employees currently suspended on full pay with length of suspension over 365 days has remained at 14 (see page 12).
5. On page 14 of the JRRT section of the disclosure, the number of total Section 34A Notices received increased by 20 (from 195 to 215) due to additional Notices being identified as part of the JRRT process. Seventeen of the 20 individuals referred to in the Notices were already identified from Notices sent to an initial agency or entity. For these 17 individuals, the information was not new, but was a further entry into the JRRT database to capture the additional agency and entity. Three new individuals were identified as Persons of Interest.
6. On page 14 of the JRRT section of the disclosure, the number of current State Service employees currently suspended with an active ED5 suspension underway has decreased (from 15 to 14) with a corresponding increase in the number of matters where a breach was determined and other sanction applied, and the employee returned to duty (from 1 to 2).

This summary should be read in conjunction with tables on pages 8-15 of the April disclosure report.

Routine Disclosure of assessment and actions by Heads of Agency in relation to matters referred to in the COI report

State Service employees (Alleged Perpetrators)

	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
Former employees	3	6	6	0	15
Current employees	0	5	2	0	7

As at 30 April 2025

Head of Agency Assessment Outcomes:					
ED5 processes commenced	1	11	3	0	15
ED5 process will commence if individual seeks re-employment in the TSS	1	0	2	0	3
Assessment recommended no further action due to:					
- Deceased	1	0	0	0	1
- Convicted of criminal charges and imprisoned	0	0	2	0	2
- No reasonable grounds to believe a breach of the Code of Conduct occurred	0	0	1	0	1
Head of Agency assessments completed	3	11	8	0	22

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)

	Dept of Health	Dept of Education, Children and Young People		Other TSS Agencies	Total employees identified
		Youth Justice and Child Safety	Education		
Action taken / final outcomes:					
Deceased	1	0	0	0	1
Convicted of criminal charges and imprisoned, which is a matter of public record	0	0	2	0	2
Terminated (due to breach determined)	1	2	1	0	4
Sanction of termination recommended but employee resigned prior to finalisation	0	0	1	0	1
Breach determined and sanction other than termination applied, and employee returned to duty	0	0	1	0	1
Resigned or contract expired prior to ED5 process commencing. Employee advised ED5 process will commence if individual seeks re-employment in the TSS.	1	0	2	0	3
Resigned or contract expired prior to ED5 process completing. Employee advised ED5 process will commence if individual seeks re-employment in the TSS.	0	4	0	0	4
Active ED5 process underway (noting that these employees are suspended)	0	4	0	0	4
No further action based on assessment or ED5 determination	0	1	1	0	2
Total outcomes	3	11	8	0	22

Routine Disclosure of assessment and actions by Heads of Agency in relation to matters referred to in the Col report

State Service employees (Alleged Non-Perpetrators)

	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 Col report	17	20	2	3	42
Former employees	14	4	2	1	21
Current employees	3	4	0	2	9
Not determined	0	12	0	0	12

As at 30 April 2025

Head of Agency Assessment Outcomes:					
ED5 process commenced	5	3	0	3	11
ED5 process will commence if individual seeks re-employment in the TSS	6	2	0	0	8
Assessment recommended no further action due to:					
- Deceased	0	0	2	0	2
- No reasonable grounds to believe a breach of the Code of Conduct occurred	6	14	0	0	20
Head of Agency assessments completed	17	19	2	3	41
Assessment not yet completed:					
- Underway	0	1	0	0	1
- Not yet able to identify individual employees	0	0	0	0	0
Head of Agency assessments not yet completed	0	1	0	0	1

Routine Disclosure of assessment and actions by Heads of Agency in relation to matters referred to in the Col report

State Service employees (Alleged Non-Perpetrators)

	Dept of Health	Dept of Education, Children and Young People		Other TSS Agencies	Total employees identified
		Youth Justice and Child Safety	Education		
Action taken / final outcomes:					
Deceased	0	0	2	0	2
Terminated (due to breach determined)	1	0	0	0	1
Sanction of termination recommended but employee resigned	1	0	0	1	2
Breach determined and sanction other than termination applied, and employee resigned	1	0	0	0	1
Resigned or contract expired prior to ED5 process commencing. Employee advised ED5 process will commence if individual seeks re-employment in the TSS	6	2	0	0	8
Resigned or contract expired prior to ED5 process completing. Employee advised ED5 process will commence if individual seeks re-employment in the TSS	0	1	0	0	1
Active ED5 process underway (noting that these employees are suspended, resigned or absent due to leave)	1	1	0	0	2
No further action based on assessment or ED5 determination	7	15	0	2	24
Total outcomes	17	19	2	3	41

Routine Disclosure of assessment and actions by Commissioner of Police in relation to matters referred to in the Col report (Tasmania Police officers)

	Alleged Perpetrators	Non-alleged Perpetrators	Total officers identified
Total number of Tasmania Police officers referred to in the COI report	1	5	6
- Former Tasmania Police officers	1	2	3
- Current Tasmania Police officers	0	3	3

As at 30 April 2025

Commissioner of Police Assessment Outcomes:			
Assessment against ABACUS commenced (the <i>Commissioner's Directions</i> relating to conduct, complaint management and compliance review)	1	3	4
Assessment recommended no further action due to there being no evidence of the officer acting in an unethical or unprofessional way and no grounds for an internally raised complaint	0	2	2
Commissioner of Police assessments completed	1	5	6

Action taken / final outcomes:			
Professional Standards inquiry not completed due to officer being deceased	1	0	1
Breach of Code of Conduct found and sanction determined	0	3	3
No further action based on assessment	0	2	2
Total outcomes	1	5	6

Routine Disclosure - Notifications of State Service employee suspensions from duty as a result of allegations of child sexual abuse (cumulative since October 2020)

As at 30 April 2025

	Total notifications
Cumulative total since October 2020	111*
North	66
South	45
Historical ¹	50
Contemporary ¹	61
ED5 processes commenced	
ED5 processes commenced	107
ED5 processes not commenced ²	4
Total	111
Of the 107 ED5 processes that have commenced:	
ED5 processes completed:	58
- Outcome determined: Breach	15
- Outcome determined: No breach	43
Resigned or contract expired prior to ED5 process completing	8
ED5 remains underway	41

Action taken/final outcomes on the 107 ED5 processes commenced:	
Terminated (due to breach determined)	7
Would have been terminated (due to breach determined) but for resignation or contract ending	4
Breach determined and other sanction applied, and returned to duty	4
No breach determined from ED5 process completed, but employee resigned/contract expired	5
No breach determined from ED5 process completed, and employee returned to duty	38
Resigned or contract expired prior to ED5 process completing	8
Currently suspended with active ED5 process underway	41
Total outcomes	107

NOTES:

Police are aware of all cases and the appropriate regulatory bodies have been notified where applicable.

1. Definitions of historical and contemporary:

- Historical allegations of child sexual abuse are where the alleged misconduct occurred prior to the conclusion of the Royal Commission into Institutional Responses to Child Sexual Abuse in December 2017.
- Contemporary allegations of child sexual abuse are where the alleged misconduct occurred from the commencement of 2018 to present.

Routine Disclosure - Notifications of State Service employee suspensions from duty as a result of allegations of child sexual abuse (cumulative since October 2020)

2. An ED5 process may not have commenced due to:
- The preliminary assessment found no evidence of wrongdoing
 - The employee has already resigned from the Tasmanian State Service, or contract ended.
 - The employee is suspended under ED4 6.1.b (charged with an offence punishable by imprisonment for a term exceeding six months).

* Cumulative total reduced by 1: suspension incorrectly reported, employee not in workplace

Routine Disclosure - Notifications of State Service employee suspensions from duty as a result of allegations of child sexual abuse (cumulative since October 2020)

Length of suspension for State Servants currently suspended on full pay*

As at 30 April 2025	Duration of suspension on full pay (calendar days):		
1	1	28	378 ^b
2	9	29	501 ^b
3	14	30	522 ^d
4	16	31	532 ^d
5	24	32	547 ^c
6	52	33	633 ^b
7	57	34	784 ^b
8	58	35	929 ^a
9	77	36	1079 ^b
10	77	37	1141 ^b
11	79	38	1150 ^b
12	79	39	1261 ^b
13	135	40	1590 ^b
14	150	41	1621 ^b
15	152		
16	165		
17	165		
18	172		
19	189		
20	210		
21	238		
22	275		
23	294		
24	296		
25	304		
26	322		
27	364		

For the 14 employees currently suspended on full pay with length of suspension over 365 days:

- ^a1 ED5 process is paused pending police investigation;
- ^b 10 ED5 processes have been subject to additional allegations requiring further investigation;

Routine Disclosure - Notifications of State Service employee suspensions from duty as a result of allegations of child sexual abuse (cumulative since October 2020)

- ^c 1 ED5 process is in the final stages of determination and response; and
- ^d 2 ED5 processes are in the final stages of the investigation report.

There are many factors that Agencies must take into account in progressing these investigations with due process, including:

- Accessing key witnesses - the timing has to be right – particularly when a child or young person is involved.
- New evidence obtained during an investigation requires additional allegations to be put to the employee and further engagement may be necessary with existing and new witnesses.
- All of these elements must be trauma-informed.
- We must appoint appropriately skilled investigators with regard to the potential complexity and seriousness of cases.
- We may also need to pause an investigation where Police investigation is underway or the matter moves to criminal prosecution.
- Where a civil case progresses for the same allegation this may cause delays to the ED5 whilst the civil claim is progressing.
- In addition, we must provide support and ongoing engagement to witnesses, complainants, victims, and respondents; and support to case managers.

Routine disclosure – Joint Referral Review Team (JRRT) matters of interest identified through the Col (section 34A Notices and other data sources) – State Service employees and general public persons of interest

As at 30 April 2025

The following table represents consolidated information collected through the review of all Section 34A Notices as well as pre-existing information holdings collected from the Commission of Inquiry's Draft and Final Reports, and the previous work of the Joint Safety and Accountability Team (JSAT). This has supported the development of a comprehensive dataset of all persons of interest relevant to the Commission of Inquiry.

Total Section 34A Notices received	215*
Department of Health	6
Department for Education, Children and Young People	62
Department of State Growth	1
Tasmania Police	56
Registrar – Working with Vulnerable People	75
Teachers Registration Board	15
Integrity Commission	0
Australian Federal Police	0
Australian Health Practitioner Regulation Agency	Not able to be disclosed

Persons of Interest Identified – from <u>all</u> JRRT data sources¹	217
Advised by Commission of Inquiry via Section 34A Notices	164
Additional persons identified through pre-existing information holdings collected by agencies	53
Number of alleged perpetrators of child abuse (sexual and/or physical)	150
Current State Service employees	28
Former State Service employees (including 12 deceased)	73
Never employed by the Tasmanian State Service (general public)	49
Status of actions relating to <u>current</u> State Service employees	
No breach determined from preliminary assessment or ED5 process completed, and cleared to return to duty	8
Breach determined and other sanction applied, and returned to duty	2
Breach determined, and remains suspended awaiting finalisation of sanction	1
Currently suspended / absent from workplace with active ED5 investigation underway	14
Not a current employee at time of allegation, matter reviewed by appropriate regulatory authority	2
Under assessment ²	1
Total actions	28

¹ All Persons of Interest identified have been referred to the relevant regulatory and/or law enforcement entity.

Routine disclosure – Joint Referral Review Team (JRRT) matters of interest identified through the Col (section 34A Notices and other data sources) – State Service employees and general public persons of interest

² 1 employee is subject to allegations relating to physical (not sexual) abuse which remain under assessment.

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