

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.