

Routine Disclosure relating to Commission of Inquiry matters

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

1. Fact sheet Information – section 34A Notices
2. Fact sheet Information – section 18 Notices
3. Assessment and actions by Heads of Agency in relation to matters referred to in the Col report – State Service employees (**Alleged Perpetrators**)
4. Assessment and actions by Heads of Agency in relation to matters referred to in the Col report – State Service employees (**Alleged Non-Perpetrators**)
5. Assessment and actions by Commissioner of Police in relation to matters referred to in the Col report (**Tasmania Police officers**)
6. Notifications of **State Service employee suspensions** from duty as a result of allegations of child sexual abuse – cumulative since October 2020
7. 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**)

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.

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)

As at 9 August 2024

	Dept of Health	Dept of Education, Children and Young People		Other TSS Agencies	Total employees identified
		Youth Justice and Child Safety	Education		
Total number of employees referred to in the COI report	3	11	8	0	22
Former employees	3	6	6	0	15
Current employees	0	5	2	0	7

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)

As at 9 August 2024

	Dept of Health	Dept of Education, Children and Young People		Other TSS Agencies	Total employees identified
		Youth Justice and Child Safety	Education		
Total number of employees referred to in the Col report	17	20	2	3	42
Former employees	12	4	2	1	19
Current employees	5	4	0	2	11
Not determined	0	12	0	0	12

Head of Agency Assessment Outcomes:					
ED5 process commenced	5	1	0	3	9
ED5 process will commence if individual seeks re-employment in the TSS	6	1	0	0	7
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	9	0	0	15
Head of Agency assessments completed	17	11	2	3	33
Assessment not yet completed:					
- Underway	0	4	0	0	4
- Not yet able to identify individual employees	0	5	0	0	5
Head of Agency assessments not yet completed	0	9	0	0	9

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)	0	0	0	0	0
Sanction of termination recommended but employee resigned	0	0	0	1	1
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	1	0	0	7
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 or resigned)	4	0	0	0	4
No further action based on assessment or ED5 determination	6	9	0	2	17
Total outcomes	17	11	2	3	33

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

As at 9 August 2024

	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
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 16 August 2024

	Total notifications
Cumulative total since October 2020	90
North	54
South	36
Historical ¹	40
Contemporary ¹	50
ED5 processes commenced	85
ED5 processes not commenced ²	5
ED5 processes completed:	47
- Outcome determined: Breach	11
- Outcome determined: No breach	36

Action taken / final outcomes:	
Terminated (due to breach determined)	5
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	1
Breach determined, and remains suspended awaiting finalisation of sanction	1
No breach determined from ED5 process completed, and resigned	5
No breach determined from preliminary assessment or ED5 process completed, and returned to duty	32
Currently suspended with active ED5 investigation underway	35
Resigned or contract expired prior to ED5 process completed	7
Total outcomes	90

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.
2. An ED5 process may not have commenced due to:
 - Awaiting the outcome of a police assessment or court proceedings
 - The preliminary assessment found no evidence of wrongdoing
 - The employee has already resigned from the Tasmanian State Service.

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 16 August 2024	Duration of suspension on full pay (calendar days):		
1	49	17	302
2	51	18	318
3	56	19	318
4	77	20	338
5	119	21	388
6	133	22	421
7	137	23	539
8	162	24	684
9	248	25	834
10	256	26	896
11	256	27	905
12	256	28	1016
13	267	29	1024
14	277	30	1345
15	277	31	1376
16	287	32	1396

*In some cases an employee can be suspended without pay for reasons such as their Working with Vulnerable People Registration having been suspended.

For the 12 employees currently suspended on full pay with length of suspension over 365 days:

- 1 ED5 investigation is paused pending court proceedings;
- 1 ED5 investigation is paused pending police investigation;
- 5 ED5 investigations have been subject to additional allegations requiring investigation;
- 1 ED5 investigation is awaiting investigation report; and
- 4 ED5 processes are in the final stages of determination and response.

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.

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

- 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 17 August 2024

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	195
Department of Health	5
Department for Education, Children and Young People	60
Tasmania Police	52
Registrar – Working with Vulnerable People	71
Teachers Registration Board	7
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	214
Advised by Commission of Inquiry via Section 34A Notices	161
Additional persons identified through pre-existing information holdings collected by agencies	53
Number of alleged perpetrators of child abuse (sexual and/or physical)	149
Current State Service employees	29
Former State Service employees (including 12 deceased)	71
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	7
Breach determined and other sanction applied, and returned to duty	1
Breach determined, and remains suspended awaiting finalisation of sanction	1
Currently suspended with active ED5 investigation underway	14
Not a current employee at time of allegation, matter reviewed by appropriate regulatory authority	2
Under assessment ²	4
Total actions	29

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

² 1 employee subject to an allegation of child sexual abuse is not in workplace, 3 employees are subject to allegations relating to physical (not sexual) abuse which remain under assessment.