

Independent examination needed into commission of

The final report of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in

Institutional Settings, titled Who was looking after me? Prioritising the Safety of Tasmanian Children, was expected to deliver accountability on the systems and individuals who had allowed, and in some cases enabled, abuse of children to occur in Tasmanian institutions over decades.

Unfortunately, that has not proven to be the case.

The work of the commission is arguably unfinished, with the report presenting a bewildering absence of

After two years and a great deal of pain, this is an unacceptable outcome, writes Meg Webb

clear accountability. Incredibly, the report contains only one finding of misconduct against one individual and none of its 75 findings are specified as 'adverse'.

This is in direct contrast to what was promised at the establishment of the inquiry to victim-survivors, their supporters, and state whistleblowers – who were asked to provide evidence and be witnesses and trust in the commission to deliver meaningful justice through acknowledgment and

accountability.

It is hard to imagine any greater betrayal of these vulnerable Tasmanians.

The commission did gather and interrogate a significant and valuable body of evidence and made referrals of more than 100 people to police and other authorities for further appropriate investigation.

However, a key tangible output of its investigations – the findings presented – contain a glaring lack of

specific accountability for the extensive, egregious and protracted failures presented in the body of the report.



Meg Webb

Beyond referring alleged perpetrators and other criminal matters to police and regulators for investigation, the key focus of the inquiry process was how the state's

systems within health, education, youth justice and out-of-home care failed to identify, respond to, stop or prevent sexual abuse of children in the state's care.

On this front, the commission's attempts to pursue adverse findings and findings of misconduct were complicated and impeded by the legislation it operated under and, more particularly, by interpretations of that legislation insisted on by the state's lawyers – with the report stating: "This interpretation made it difficult and, in some cases, impossible for us to make some of the findings we might otherwise have made."

inquiry's unfinished work

While the report gives an insight into misconduct findings that may have been intended by the commission – by stating that 30 section 18 misconduct notices were issued to 22 people – it seems those findings had to be abandoned.

The commission was essentially prevented from finishing its work.

After two years, millions of dollars and a great deal of pain, this is a completely unacceptable outcome, especially for those who were encouraged to trust and participate in the process.

Unless these outstanding matters are now independently and transparently examined and

explained, the credibility of the commission of inquiry and the integrity of the Tasmanian government is called into question.

The Ministerial Statement made by Premier Jeremy Rockliff, on October 17, promised anyone identified in the report as needing to be held to account would be held accountable – it is now clear the state itself needs to be held to account, particularly for any actions taken by its lawyers to prevent legitimate findings being made by the commission.

All efforts must be made to restore public trust and confidence.

However, the actions announced by the Premier to pursue matters

relating to potential section 18 misconduct findings by the commission are internal government processes – not suitably independent and not guaranteed to be transparent.

The Tasmanian community deserves and is owed much better than this.

The Premier can make this right by establishing an independent examination of the commission's unfinished work on findings of misconduct, including full scrutiny of the way the state's lawyers may have impeded this work.

Meg Webb is the independent Legislative Council member for Nelson.