

Question Without Notice

Tuesday, 11 June 2024

I (*Ms Webb*) tomorrow to ask the Honourable Leader of the Government —

Regarding the Ashley Youth Detention Centre (AYDC) and the conduct of any investigations of alleged child sex abuse by AYDC employees arising from the *Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings*, can the government please advise the following:

- 1) Regarding Tasmanian Police investigations:
 - a) Were all of the child sex abuse allegations that led to the original employee suspensions investigated by Tasmania Police; and if not, how many were not investigated by police?;
 - b) Were witnesses and/or alleged victims associated with each complaint contacted either by police or the relevant department, and if not, why not?
- 2) Regarding Departmental ED5 investigations:
 - a) Did all AYDC employees subject to child sex abuse allegations that led to the original staff suspensions have these allegations put to them during the ED5 investigation process, and if not, why not?
 - b) How were these allegations investigated by the relevant department under the ED5 process?
 - c) Were these allegations cross-referenced with information held about each employee by the Working With Vulnerable and Young People registrar, and if not, why not?
 - d) Were these allegations cross-referenced with evidence about each employee gathered by the Commission of Inquiry, and if not, why not?
 - e) Were these allegations cross-referenced with information held by the government in the form of redress claims by other victims and, as such, were already accepted by the government (such as the 4 rounds of the Abuse in State Care redress schemes 2004-2014)?

Response

Question 1

- a) All matters pertaining to allegations of child sexual abuse within AYDC have been reported to Tasmania Police. All matters that had the complainant's permission to progress did so. Tasmania Police can not comment on active investigations.

- b) When considering whether to progress with matters the complainant is contacted by Tasmanian Police. Where a matter progresses, relevant witness material is sought. Tasmania Police will not provide information about specific matters of investigation.

All complainants and witnesses identified as part of an Employment Direction 5 (ED5) investigation are contacted to participate in the investigation, noting that a complainant can elect to not participate for a variety of reasons including re-traumatisation. While a decision to not participate needs to be respected, such a decision can impact on the determination of the matter, subject to any other available evidence.

- Appropriate supports are offered to complainants and other departmental staff.
- Liaison occurs with Tasmania Police where allegations may be subject to criminal charges, both for the purposes of whether an ED5 investigation should proceed and also in relation to providing supports and related matters.

Question 2

- a) When an employee is asked to remain away from the workplace pending an investigation, they are advised of the general nature of the allegation/s. The more specific detail of all allegations of child sexual abuse are then put to the employee during an ED5 investigation.
- b) An independent investigator is appointed by the Head of Agency or delegate to investigate the allegations under briefing from the department.

The investigator is tasked with preparing an investigation report with findings of fact based upon available evidence. A determination of breach of the *State Service Act 2000 Code of Conduct*, based upon allegations that are able to be substantiated on the available evidence, is made by the Head of Agency or delegate in accordance with ED5.

More broadly, it is noted that in July 2024, the Head of the State Service has appointed respected Tasmanian barrister, Ms Regina Weiss, to provide practical and strategic advice on the establishment of the Shared Capability and Centralised Investigations Unit which will have a focus on improving the timeliness and capability of ED5 investigations in the Tasmanian State Service. Ms Weiss will also provide expert advice to assist in the finalisation of COI related assessments and investigations, with an initial focus on matters involving current and former employees of Ashley Youth Detention Centre.

- c) All information pertaining to allegations of child sexual abuse and related harm to children and young people is notified to the Department of Justice Registration Working with Vulnerable People (RWVP) at the commencement of or during an investigation. Information held by the Registrar RWVP in the Department of Justice is not shared with the Agency. The Registrar RWVP provides notice to the Agency when the Registrar suspends or cancels an employee's RWVP which is acted upon immediately by the Agency.
- d) The Department for Education, Children and Young People has undertaken a review of information already held by it and all matters arising from the Commission of Inquiry,

including findings within the Final Report, and matters received via referral pursuant to section 34A of the *Commissions of Inquiry Act 1995*. This has resulted in cross-referencing existing information and confirmation that the same allegations of child sexual abuse:

- were already under investigation pursuant to information received from other sources including National Redress Applications or civil claims; or
- has resulted in additional allegations being included as part of an existing investigation or a new ED5 investigation being commenced.

- e) As indicated in the response above, all allegations received via the Commission of Inquiry have been examined and cross referenced with existing information held by the department including information contained within National Redress Applications and civil claims. The Department for Education, Children and Young People has not undertaken a broadscale review of allegations documented in Abuse in State Care Claims (ASCC).

Noting, the ASCC was administered in conjunction between the Ombudsman's Office and the Department of Health and Human Services (rounds 1 and 2), the Department of Premier and Cabinet (round 3) and the Department of Health and Human Services (round 4).

A handwritten signature in blue ink, appearing to read 'Jeremy Rockliff'.

Jeremy Rockliff MP
Premier

Date: 30 July 2024