

Statement of Michael PERVAN

RFS-TAS-104

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1. This statement is made by me in response to RFS-TAS-104, issued on 2 August 2022 by the President of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the Commission), the Honourable Marcia Neave AO. It supplements the statement I made on 23 August 2022.
2. Further to the reflections that I provided in relation to Question 2(a), I note that my earlier reflections focus on the extent to which, as Secretary, I am able to proceed on the basis that a pattern exists. Because of the role I play in the employment processes that arise out of individual allegations, it is important that I not prejudice the impartiality of those processes or expose myself to allegations of bias. It could be said that if I proceed on the basis that a pattern exists, I might assume that allegations have occurred without applying an independent mind to the issues.
3. However, my comments say nothing about the extent to which the Commission might properly find such a pattern, as it has its focus on systemic issues and has heard a large volume of "lived experience" evidence. I accept this could rationally support such a finding. Furthermore, to the extent my view matters, I would not oppose such a finding based on the totality of material, especially given the Commission's terms of reference.
4. I maintain my apologies, despite these painstaking reservations. I feel terribly sorry for persons affected, and sorry we could not prevent what occurred.
5. I also wish to elaborate on my comments about describing AYDC as "a monster" in paragraph 68 of my primary Statement. This references a comment by counsel, rather than any evidence. In making this comment, I was aware of the effect of the media reporting of the Commission on the staff. I am not commenting adversely on the evidence which lay behind the comments of counsel that lead to the formulation of that description.
6. Further, I do not mean to diminish the wrongdoing and practices which the Commission finds to have occurred. Strong adjectives could be appropriate. I do recognise that the Commission is required to take a long term view, and to extract patterns. I do not oppose the making of strong findings and judgments upon the conduct and practices which occurred and re-occurred.