



Commission of Inquiry into
the Tasmanian Government's
Responses to Child Sexual
Abuse in Institutional Settings

WITNESS STATEMENT OF TIMOTHY CARTWRIGHT APM

I, Timothy John Cartwright APM of an address provided to the Commission, in the State of Victoria, consultant and adviser, do solemnly and sincerely declare that:

1. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.
2. I make this statement in my personal capacity.

Background and qualifications

3. I served as a member of Victoria Police for 41 years, retiring in 2015. I served as acting Chief Commissioner from late December 2014 until my retirement in mid-2015. Prior to this, I served as Deputy Commissioner (Regional Operations) from mid-2011, where I was responsible for the day to day operational policing of Victoria, including counter-terrorism, emergency management, and the policing of all major events.
4. I was awarded the Australian Police Medal in 2005 for my service in Victoria Police.
5. I served as the Family Violence Reform Implementation Monitor from August 2016 until August 2019. In that role, I was responsible for monitoring the Victorian Government's implementation of the recommendations of the Royal Commission into Family Violence (RCFV), and reporting to Parliament annually.
6. I am currently a member of the expert advisory panels for the Victorian Government's Cultural Review of the Adult Custodial Corrections System, and for the review of Victoria's youth justice legislation. I was also on the expert advisory panel for the Equal Opportunity and Human Rights Commission's cultural review of Ambulance Victoria.
7. I am currently Vice President of Berry Street (a large child and family services not-for-profit organisation), having served on the Board since 2016.
8. I am also on the advisory board for the Australian Intercultural Society (an association focused on building community through dialogue between all cultures and faiths).

9. I have a degree in Criminal Justice from the Royal Melbourne Institute of Technology, and a Graduate Diploma in Public Policy and Management from Monash University (School of Business).

10. Attached to this statement marked **TC-1** is my curriculum vitae.

Commissions and inquiries as pathways to positive change

11. I set out below (in no particular order) some of the important ways in which independent commissions and inquiries can provide a pathway to positive change:
- (a) Providing an opportunity for truth telling, and acknowledgement of victim survivors. This may include people who have previously attempted to report concerns without success, or who have been attacked or harassed for doing so.
 - (b) Validating people who advocate for change, and providing a base from which they can build their advocacy for positive change.
 - (c) Focussing care and attention on a topic as a matter that concerns the whole community.
 - (d) Providing an apolitical opportunity for reform that is not party-driven.
 - (e) Establishing a burning platform, which can drive change and have an impact.
 - (f) Providing an opportunity for experts to be heard publically in one forum.
 - (g) Creating wider ripple effects — for example, members of boards and leaders who are not directly involved in the area of the inquiry may nonetheless be driven to examine their own organisations' policies, processes and responses to see what they can learn, and what they can do better in future.

The Family Violence Royal Commission

12. The RCFV was established in 2015, following a number of family violence related deaths in Victoria. The final report, including 227 recommendations, was provided to the Victorian Government on 29 March 2016.

Role of the Implementation Monitor

13. Recommendation 199 concerned the establishment of an independent function to (among other things) monitor and report on implementation of the Commission's recommendations. That function was created through the establishment of the Family Violence Reform Implementation Monitor (**Implementation Monitor**) under the *Family Violence Reform Implementation Monitor Act 2016* (Vic) (**Act**).
14. As above, I was appointed as the inaugural Implementation Monitor in August 2016, and held the role until August 2019. For administrative purposes, I sat within the Department of Premier and Cabinet. I had a budget of about \$1 million annually out of which I was able to employ around six FTEs.
15. Under the Act, I was required to monitor and review the implementation of the RCFV recommendations. I was also tasked with monitoring and reviewing the progress against the "Implementation Plan". The main part of the Implementation Plan was published by the Minister on the Department of Premier and Cabinet internet page. This aspect of my role involved assessing the progress of agencies in completing implementation actions, and the effectiveness of the methods used in doing so. I was required to provide annual written reports on my findings and conclusions to Parliament.
16. It is critical that the legislation establishing the role of Implementation Monitor gives the Implementation Monitor independence, and the ability to report free from interference. The Act provides that the Minister can direct the way the Implementation Monitor works, but can have no influence on actual reporting, which is entirely a matter for the Implementation Monitor.
17. Security of tenure is another important way of ensuring the independence of the role. The Act provides for appointment by the Governor in Council, and limited grounds on which the Implementation Monitor may be suspended or removed from the role following resolution by each House of Parliament.
18. In my view the role should be relatively short-term and time-limited. Once the bulk of implementation has occurred, the monitoring role should be assumed by an agency or managed via business-as-usual arrangements. This approach recognises that culture change requires generational shifts that may take 15 or 20 years to be fully effected - it will not be a four, five or six year 'fix'. While

there may be a degree of urgency in implementing recommendations, there is also a need to build a path to sustainable change.

19. One challenge of the Act was that, although I was required to report to Parliament on progress against the Implementation Plan, the Act did not specify what was to be in the Implementation Plan. Instead, the "Implementation Plan" was effectively a website which listed the RCFV recommendations and little other detail.
20. The Implementation Plan listed intended completion dates for each recommendation, and the agency or government department responsible. It did not list any milestones, dependencies or priority actions. The absence of this information made it very difficult to report on progress against individual recommendations. The challenges were highlighted when, at one stage, a large proportion of the completion dates for implementation shown on the website were extended overnight, with no explanation published.
21. However in the absence of a more detailed Implementation Plan, I was guided by the clear intention of the Act, which gave me confidence that I was complying with the intent of the legislation.
22. The content of legislation is of course a matter for the government of the day, and the Parliament. However it is important that the intention of the legislation which establishes the Implementation Monitor's functions is very clear, and I suggest that some legislative detail regarding the content of the Implementation Plan is desirable.
23. By way of contrast to the Act, the earlier Victorian legislation establishing the Bushfires Royal Commission Implementation Monitor prescribed detailed requirements as to the content of the Implementation Plan.¹

Key skillsets for an Implementation Monitor

24. It is important for any Implementation Monitor to have knowledge of, and credibility in, at least one of the key areas covered by the formal Inquiry, and to have the confidence of those involved in the sector and those who may have

¹ *Bushfires Royal Commission Implementation Monitor Act 2011 (Vic)*. See in particular sections 22 and 23.

been advocating for change. Credibility, integrity and perceived integrity are important.

25. An Implementation Monitor also needs to have empathy and the capacity to generate trust, particularly when the role will require contact with victim-survivors and their loved ones, or those who have advocated for change.
26. A willingness to talk to others, to be prepared to seek advice, and to avoid being "all things to all people" is also important. There is likely to be some overlap between the responsibilities of the Implementation Monitor and the responsibilities of others in the field who also have capacity to ask for relevant reports and data. In Tasmania, these people could be the Ombudsman, Auditor-General, Children and Young Persons' Commissioner, or the Custodial Inspector.
27. The Implementation Monitor also needs to be resilient, to be able to maintain their independence, and do so despite the inevitable criticism that comes with the role.
28. One of the challenges of the Implementation Monitor's role is to engender confidence in their office, and to build a reputation that will see the acceptance of the Implementation Monitor's observations, and action that will produce better outcomes for the community.
29. In a small community like Tasmania, it can be particularly challenging to be seen as independent, given that senior figures naturally have long-standing relationships and associations in their fields of interest. The Implementation Monitor may well need to report on the actions and effectiveness of their own associates and colleagues.
30. While appointing a person from outside Tasmania will minimise the risk of personal conflicts of interest, it will miss the advantages that a "home grown" candidate is likely to bring to the role. A good knowledge of how things work in the State, being able to leverage existing professional relationships, and an existing community reputation for integrity will all add to the likelihood of a successful and productive appointment.
31. The expectations of the Implementation Monitor in terms of what they will need to achieve in the role should be built into the selection criteria, and candidates should be tested on how they propose to achieve the desired outcomes.

Information gathering

32. One of the challenges I encountered as Implementation Monitor was the lack of benchmarks, baselines or available implementation data from government agencies. I had expected agencies to have detailed information on the various implementation streams. For example, I expected to see a staged plan for the development of staff experience and training, including persons responsible and with timelines and a critical path. But that information was generally not available. In addition, many of the agencies only had handwritten information, or information recorded electronically, but not in a form that allowed to easy extraction.
33. The RCFV also recommended many initiatives that were leading edge, so again, baseline data was scarce or had to be built.
34. As a result, we had to rely largely on anecdotal evidence and build our own database in order to assess the effectiveness of the implementation of recommendations. We had to be careful to acknowledge in our reporting that the information we had was anecdotal in nature and not necessarily based on objective data.
35. We spent a lot of our time in consultation, interviewing participants, victim survivors, advocates and services, experts and representatives of government agencies themselves.
36. Those conversational interactions also helped us to learn, first-hand, from young people and their families, and from officers with good intent and skillsets whether they were seeing change and what their experience of that change was. These conversations did highlight how traumatised victim survivors often are, and the need to always consider and plan for the impact of the conversation.
37. We were also able to develop productive relationships with many stakeholders. One of the things that I set out to do as the Implementation Monitor was to have discussions along the way about any concerns I was forming, so having robust relationships with stakeholders was important.
38. Relationships with independent third parties were also important. For example, our relationship with Victoria Legal Aid was particularly helpful. Legal Aid practitioners represent both victims and perpetrators; its staff sit in court, and see the services in action, and the justice response. For these reasons, it was

able to provide a 'litmus test' on what was happening in the justice system, and how reforms were working.

39. One aspect of my role as the Implementation Monitor, which I didn't expect and I do not think the Victorian Government expected, was the family violence sector's reliance on me as an independent observer and, in the end, advocate. In my first report to Parliament, while impressed by the commitment of all involved, I was critical of the lack of planning in the implementation process. The sector came out very strongly in support of my reports and very much appreciated that an independent voice had expressed some of the issues that they were experiencing. Attached to this statement marked **TC-2** is a copy of my first report to Parliament dated 1 November 2017.

Achievements following the RCFV

40. The achievements of the RCFV have included both intentional and collateral benefits.
41. The intentional benefits include:
- (a) greater recognition of the challenges of addressing family violence;
 - (b) community discussion and recognition of the significance of power imbalances within relationships and the gendered nature of family violence;
 - (c) far more recognition of and contribution from people with lived experience of family violence, and the engaging of them in decision making;
 - (d) the creation of Family Safety Victoria and Respect Victoria. Family Safety Victoria was the first dedicated agency responsible for policy development and implementation, for evaluation of initiatives, and accountable for the implementation of the bulk of the RCFV objectives. In Respect Victoria, we saw the creation of a government agency focussed on the primary prevention of family violence, and breaking the cycle of violence through early intervention, education and a range of strategies; and
 - (e) the establishment of Support and Safety Hubs (also known as Orange Doors) which integrate and co-locate the three types of intake

services, being specialist family violence services for women, specialist men's/perpetrator services and children and family services.

42. The collateral benefits following the RCFV include:
- (a) validation of victim survivors and better understanding of the need to engage with them in a trauma-informed way;
 - (b) energising the family violence sector after decades of often futile advocacy;
 - (c) introduction of respectful behaviours education in schools and better community understanding of the causes and impacts of family violence; and
 - (d) impetus in other community sectors to seek the opinions and advice of those who have lived experience.

Framing effective recommendations

43. As the Family Violence Reform Implementation Monitor, and in a range of other work experiences, I have had the opportunity to reflect on what constitutes an effective set of recommendations. In very general terms, the fewer the better.
44. One of the challenges of my role was monitoring the implementation of 227 recommendations that differed enormously in impact. Some aimed at changing cultural attitudes, and needing a generational change, and others that were far more humble. While the surrounding report and discussion provided context for each recommendation, it would be useful to indicate which recommendations should be given priority or implemented first, and which recommendations are critical in setting the foundations for successful reform.
45. It is useful for recommendations to specify the broad outcomes that are sought to be achieved, with some guidance as to how they will best be achieved. Detailed recommendations are not always practical or enduring. Recommendations might be superseded by subsequent events and new evidence, where the stated outcomes will continue to guide actions. There is also a natural tendency to 'tick off' recommendations, rather than test actions against their effectiveness; again anything that can be done to require a focus on outcomes is more likely to lead to success.

46. Further, framing recommendations within the broad outcomes sought to be achieved will give agencies the capacity to take ownership of implementation, and enable them to formulate actions that are tailored to their individual operational and cultural circumstances. This will improve the level of agency engagement in the process and make them more accountable for outcomes.
47. There are, however, occasions where a recommendation needs to be a very specific 'stick' and leave no room for interpretation. For example, a recommendation may set a hard quota or specific figure to be achieved, to fast track the achievement of the desired outcome. This may be required in areas where recommendations have been made previously and attempts to implement them have continually failed. Hard quotas and mandatory requirements have finally seen some success in the context of gender equality measures and quotas of women on company boards.

Achieving sustainable change

48. Responsibility for implementing recommendations should be part of the key performance indicators of the relevant executives and heads of agency responsible for implementation of the recommendations, so that accountability is real and not notional.
49. The allocation of overall and specific responsibilities for implementation of recommendations is a matter for Government, however my observation has been that implementation is best given to agencies that have a track record in program delivery and implementation. A track record of engagement of their communities is also important for success, as is an openness to scrutiny and criticism.
50. Selection, recruitment and promotion processes, and professional development plans for agency staff tasked with implementing reforms should reflect and support the qualities and skills needed and the notion of shared responsibility for achieving outcomes. Everyone has to sign up to the task, and the most junior person should have the same right as the most senior person to challenge decisions and processes.
51. A good example of a successful model of change is the workplace health and safety model, where the responsibility for safety is shared from the top to the bottom of the organisation. This model normalises conversation around

occupational health and safety and allows people to raise minor worries to enable early risk analysis. In the same way, the normalisation of conversation around child safety risks and concerns should be built in to an organisation's culture, values, policies and processes, so that people are more willing to call out minor concerns as early identifiers of possible risk.

52. It is also important to recognise that cultural change takes time and persistence. Many institutions are set up in a way that promotes opaqueness rather than transparency in their processes. For example, institutions often do not have independent people on panels that make recruitment decisions for senior leaders, or encourage transparency around their performance results. This can have the effect of blocking out fresh perspectives and entrenching particular organisational cultures.
53. To effect real change, not only should agencies put in place policies and procedures, they should also put in place *processes* that reflect an openness to scrutiny and build in opportunities to review and refresh their views, and to take into account different views. In this respect it is important to bring lived experience voices into every part of the process. This not only increases scrutiny and openness, but it also builds and embeds cultural change. It provides an opportunity for decision-makers to be challenged by people with lived experience.
54. Transparency and an expectation of public scrutiny is necessary to achieve cultural change. Scrutiny by an Implementation Monitor or an independent statutory office, such as the Commissioner for Children and Young Persons, is an important tool for enduring change.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at Melbourne
on 22 August 2022

Before me

This Declaration was witnessed by audio-visual means in accordance with the 'Notice Under Section 17' dated 4 September 2021, as authorised by the COVID-19 Disease (Miscellaneous Provisions) Act 2020.