



## WITNESS STATEMENT OF Rachel [REDACTED]

I, a person whose full name and address are known to the Commission, [REDACTED], 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 consent to being identified in this statement for the purposes of section 194K of the *Evidence Act 2001* (Tas).

### BACKGROUND

- 3 When I was 15 to 16 years of age, I was a victim of ongoing grooming and child sexual abuse perpetrated by a teacher aged in his [REDACTED] at my Tasmanian government school. I have referred to that teacher only as 'the perpetrator' for the purposes of this statement.
- 4 The perpetrator taught me at school for three years in the early 2000s. In addition to that teaching role, the perpetrator was also part of an extra curricular activity which involved the perpetrator. He was well known in the local community and had a public image as someone I thought I could trust.
- 5 The perpetrator first started grooming me in and out of school when I was in grade 9. By the time I was in year 10 that grooming had progressed to sexual abuse. However, at that time, I did not know how to tell anyone about the extent of the abuse and I did not realise how wrong it was. As an adult, I am exposed to reminders of my trauma and now understand the expectation of professionalism a teacher should uphold. While as a child I could not appreciate the full extent of the perpetrator's actions, upon reflection the perpetrator did not portray traits of a typical professional teacher.

### INVESTIGATION INTO ABUSE

- 6 I travelled with the perpetrator to an [REDACTED] in [REDACTED] 2005. I was 16 years old at the time and my mother attended with me as my guardian. On that trip, my mother witnessed the perpetrator engage in a range

of inappropriate conduct on me, including boundary breaches, inappropriate touching, inappropriate comments and being overly familiar considering our teacher-student relationship.

- 7 A few days after that trip, my mother reported what she saw to my school. Someone at my school prepared an incident report accusing the perpetrator of breaching the *State Service Act 2000* (Tas) Code of Conduct as a result of his behaviour and demeanour toward me whilst on that trip. That incident report was sent to the Department of Education which I understand caused the Department to commence an internal investigation into the allegations.
- 8 In [REDACTED] 2005, the Department of Education's Manager of Investigations wrote to my mother stating that the Director of Human Resource Management at the Department had decided to outsource the investigation to a third party investigation firm. The Department claimed that it had done so because it wanted to ensure that the investigation remained independent and that it in no way wanted to disrupt or delay the enquiry. The investigation was extremely slow and drawn out. Ultimately, the process took between three to four years.
- 9 I was made to feel like the perpetrator's actions were my fault, that I was to blame, and that it was my job to protect him from getting into trouble. I remember that he had said something to me along the lines of 'I'll lose my job if you say anything'. Because of my confusion, I withheld some elements of the perpetrator's abuse against me at the start of the investigation by the Department of Education.
- 10 I soon realised that I had made a mistake by withholding that information from the investigators, but I felt it was too late to inform them. They did not make me feel like they were on my side. They did not make me feel that they would believe me.
- 11 Throughout that process, neither the Department of Education nor the investigators seemed to have regard to the appropriate people to carry out the investigation.. It was a very confusing and stressful time for me and I was not in a clear state of mind. I feel that if the Department of Education had arranged for a female interviewer, there could have been a greater chance for me to have opened up to them about the full extent of the abuse I had suffered from the perpetrator. Instead, two men had been allocated to investigate my

allegations. The Department of Education failed to provide a neutral and safe interviewing space. So I stayed too nervous and too scared to tell the whole truth.

- 12 I believe that the Department of Education failed to take into account the trauma, severe anxiety and depression I was suffering in the way that they managed the investigative process and their interviews with me. I can recall two interviews that were recorded and approximately two other interviews that were not recorded. In interviews, the investigators asked me extremely confronting questions that I was not ready to answer. The appointed investigators did not seem at all familiar with how to interview a traumatised young person. I was subjected to a two hour long interview, which was gruelling. Sometimes they would let my mother be present during interviews, and other times they would not allow her, despite the fact that I was still a child with no other support person. The Department of Education never offered me any psychological support at those interviews, or to deal with the aftermath of what had happened to me.
- 13 The Department of Education made it very clear to my mother and I that we could not to speak to anyone about this case. The initial investigator from the Department of Education explained that if we did talk about the case, my mother could be sued for defamation. This kept us feeling incredibly isolated.

#### MY DISCLOSURE

- 14 It took me two years of enduring the Department of Education's investigation for me to build up the courage to open up about the full extent of the abuse I had suffered.
- 15 In [REDACTED] 2007 the Department of Education held what they referred to as a final meeting to 'close out' their investigation into the allegations my mother and I had made in 2005.
- 16 After bottling the child sexual abuse for almost two years, I broke down and finally came out with details about the sexual abuse I had suffered. Also present at the meeting were several of the investigators from the Department of Education, and my mother. It was really difficult for me to talk about what I had been holding back for years. I remember the feeling of my heart beating

out of my chest just prior to revealing the sexual abuse. I had to sit on my hands because they would not stop shaking.

- 17 I told them everything I could remember about what the perpetrator had done to me, which included grooming, sexualised communications, sexual touching, inappropriate sexualised questions and sexual comments. It was the most difficult thing I've ever had to do.
- 18 A few days later, I submitted a statement to the Department of Education containing all of my allegations against the perpetrator. Attached to this statement and marked **Rac**<sub>0</sub>-1 is a confidential copy of that statement.

#### DEPARTMENT OF EDUCATION RESPONSE

- 19 I didn't hear anything from the Department of Education for a while after that meeting. It seemed like their investigation remained ongoing. I was not told whether they would be adding my allegations to their investigation.
- 20 Then, in [REDACTED] 2007, I saw a public statement in a newspaper which was an 'agreed statement' between the Department of Education and the perpetrator, which said that following an 'extensive' investigation the Department of Education had determined that the perpetrator had not breached the *State Service Act 2000* (Tas) Code of Conduct.
- 21 I felt extremely hurt, confused, betrayed and neglected by the Department of Education. The public statement led me to believe that I had not been heard. The Department of Education had not told me anything about a determination being made about the perpetrator until I read that statement. They also never communicated to me that they had concluded their investigation. So far as I could see, the perpetrator received no sanction whatsoever, not even a slap on the wrist. I lost any trust I had left in the Department of Education.
- 22 I have never received any reasons for the Department of Education's determination. I can only assume that they took the perpetrator's side. It was not until later that I learned that the Department of Education had given the perpetrator my statement and my mother's statement containing our allegations before preparing his own statement. This felt like a breach in itself,

he did not need to know what we had said word for word, just a summary of the allegations made against him would have been sufficient.

23 I felt betrayed and publicly humiliated by the Department of Education – they had failed to support their student and chose instead to protect the teacher.

24 Today, in 2022, the Department of Education seems to be now treating my 2007 disclosure as new allegations. This is despite them taking my interview and statement in 2007. The fact that the Department of Education is treating those allegations as a 'new' disclosure suggests that they didn't investigate them whatsoever in 2007.

#### TEACHERS REGISTRATION BOARD RESPONSE

25 In [REDACTED] 2007 a few months after my meeting with the Department of Education I submitted a detailed statement to the Teachers Registration Board documenting my abuse. I believe that a new investigation into the perpetrator was opened because of that statement. Attached to this statement and marked Rach<sub>0</sub>-2 is a confidential copy of that statement.

26 In [REDACTED] 2007, I believe that another teacher at my school and a teacher's aide each made formal complaints to the Teachers Registration Board about the perpetrator. I know this because my mother was personally given a copy of the complaint by the teacher who made the detailed formal complaint above. They told me that they had observed the perpetrator's grooming behaviours towards me, and a general change in my demeanour at school.

27 So far as I am aware, the Teachers Registration Board never passed these complaints or observations onto the Department of Education. The Teachers Registration Board also never interviewed the perpetrator, or any other teachers at my school. I still don't have an answer as to why.

28 In [REDACTED] 2008, I met with the then Deputy Chair and a then Manager for the Teachers Registration Board and subsequently signed a statement they helped me prepare which declared some, but not all, of my experience of child sexual abuse. Attached to this statement and marked Rach<sub>0</sub>-3 is a confidential copy of that statement. That statement also contained random comments about me which I did not think were relevant to my allegations against the perpetrator. I

understood that statement to be the official statement conveying my child sexual abuse at the hands of the perpetrator. I was told that the statement would support a submission to be put forward by the Teachers Registration Board that the perpetrator would be deregistered. I have a copy of this signed document.

- 29 The Teachers Registration Board gave me assurances that the perpetrator was never going to teach again. However, in a subsequent meeting with the then Manager of the Teachers Registration Board, my mother and I were told that, in fact, the perpetrator would only lose his teachers registration for one year on a probationary period. It is my understanding that the perpetrator had successfully appealed the decision by the Teachers Registration Board to completely deregister him. Neither I nor more mother were ever told that that decision could be appealed. I have never seen what evidence was provided for or against the perpetrator's appeal. To this day I still do not have clarity on how the decision to deregister the perpetrator was overturned.
- 30 The two government agencies also seem to have lost all record of the Teachers Registration Board's investigation into the perpetrator; the Department of Education advised my mother in 2021 that the Teachers Registration Board had no record of any investigation that it undertook into the perpetrator's conduct in 2007.
- 31 In 2021, I tried to obtain documents about the Teachers Registration Board's investigation through a 'Right to Information' request. The Teachers Registration Board delayed their provision of documents for so long that I had to seek advice from the Tasmanian Ombudsman. The Ombudsman told me was that the Teachers Registration Board needed to resolve a number of issues before their decision regarding responding to my request could be finalised. The need to go through a complex Right to Information process to obtain information about myself is traumatic enough, I don't understand what the Teachers Registration Board's issues have anything to do with obtaining my information. I still have not received any documents pertaining to my case from the Teachers Registration Board.

## TASMANIA POLICE RESPONSE

- 32 By [REDACTED] 2007, I had built enough courage to report my abuse to the police. I was accompanied to the police station by my mother and the Department of Education's Conduct and Investigations Manager.
- 33 At the police station, an officer instructed me to hand write my statement, which I did and submitted a statement to police. However the police informed me that one of the possible charges against the perpetrator, 'assault with indecent intent', had to be reported within 12 months after the incident. This meant that the perpetrator could not be convicted. I understood at this time that Tasmania Police were telling me that it was up to the Department of Education to finish their investigation. It seemed to me that Tasmania Police took no ownership of the matter. Had the Department of Education referred the matter to Tasmania Police when my mother made the initial allegations against the perpetrator in 2005, the limitation period wouldn't have been an issue and the whole matter could have gone very differently. Tasmania Police had no sympathy for that.
- 34 I felt extremely let down by the justice system. It had taken a lot of courage to finally make a statement, just to feel like I was hit with a dead-end; no support and no closure.
- 35 I was apprehensive about telling my story to this Commission. I was worried about what I can and can't say.

## RECOMMENDATIONS FOR CHANGE

- 36 I am a [REDACTED]. I advocate for better protection and support from the Department of Education for families caught in these horrific situations. Parents should be assured professionalism by teachers and focus on reinforcing policy and education regarding appropriate student-teacher relationships in and out of school hours.
- 37 I believe that my story highlights the inadequate processes led by the Department of Education regarding alleged child sexual abuse. From the pain I have personally endured I hope that raising concerns through this Commission of Inquiry can better protect future generations against child

sexual abuse, improve processes and policies within the Department of Education, provide extra support for families during allegations, education regarding appropriate student-teacher relationships, eliminate future systemic failures and prevent silencing of another victim.

- 38 My specific recommendations for changes are the following:
- (a) ensure an educational program promoting awareness for appropriate student-teacher relationships in and out of school is implemented into the curriculum
  - (b) maintain a secure internal record keeping system to ensure complaints, investigations and inappropriate behaviour on government teaching files are never deleted (especially historical case files)
  - (c) ensure parents and/or guardians are offered impartial support and advice during investigations against an accused
  - (d) ensure victims are offered age appropriate support such as counselling and psychiatric assessments
  - (e) ensure the victim is offered an appropriate support person during investigations
  - (f) ensure the gender composition of the interviewers are appropriate in relation to the matter and gender of the affected victim
  - (g) abolish the limitations period for 'assault with indecent intent', which is currently 12 months, and
  - (h) ensure that Department of Education investigations into allegations of child sexual abuse do not exceed 12 months.

## CONCLUSION

- 39 I am hopeful that this Commission can operate to make the changes to ensure that future generations will be protected and students are educated about appropriate student-teacher relationships in and out of the school environment.

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

Declared at [REDACTED]

on 14 April 2022

Before me

