

Statement of Mandy CLARKE

RFS-TAS-114

Name Mandy Clarke

Address Level 9, 47 Liverpool Street , Hobart Tasmania.

Occupation: Deputy Secretary Business and Executive Services

This statement is made by me in response to RFS-TAS-114 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.

I respond to the request for statement from the perspective of the Deputy Secretary from 11 September 2019 to 11 February 2022 noting my last working day in the Department of Communities was 21 January 2022.

I have not worked long term in the Tasmania State Service. Prior to joining the Tasmania State Service in the later part of 2018 I had worked in the non government sector for over 20 years both as a front line worker for a number of years prior to moving into executive management - Chief Operating Officer roles in larger not for profit organisations. My work experiences have covered a range of different community services that support disadvantaged people including in areas such as homelessness, family support and counselling, youth mental and primary health, acquired disability, intensive disability support and drug and alcohol support services.

I hold a Masters in Business, Diploma in the Social Sciences, Graduate Certificates in Accounting and Management.

I found the role of the Deputy Secretary for Children, Youth and Families to be extremely challenging portfolio that had a very broad scope.

The role reported to the Secretary of the Department of Communities. The position provided executive leadership, support and strategic direction to:

- The Children and Families Directorate which included the Strong Families Safe Kids Advice and Referral Line, Child Safety Service, Out of Home Services, Adoption and Permanency Service, and Intensive Family Engagement Services;
- The Youth and Family Violence Portfolio which included Community Youth Justice, Ashley Youth Detention Centre and the Family Violence Counselling and Support
- The CYF Business Administration and Support Services; and the
- Policy and Intergovernmental Relations Unit.

The role also had senior executive responsibility for co-ordinating two whole of government strategies; namely, the Government Family and Sexual Violence Action Plan (relinquished this responsibility in 2021) and Under 16 Unaccompanied Youth Homelessness Strategy.

The strategic focus and direction of the Children Youth and Families Division during my time as the Deputy Secretary is described in Striving for Practice Excellence Our Strategic Direction 2021-2024 (Attached to this statement marked MC.006)

I have responded to the Commission's questions based on my knowledge and re-collection of events only. As a former employee of the Department of Communities it was difficult to access records from the Department of Communities within the required time frame. If I can offer the Commission any further support in relation to my views or recollection of events as a former Deputy Secretary I am very willing to do so on provision of the relevant record/s.

There are several matters where I have been unable to make a response and/or a limited response to RFS- TAS-114. My rationale for this is as follows:

- I have no present day knowledge of a matter as I am not longer an employee of the Department of Communities and/or the matter occurred prior to my employment with the Department of Communities and/or the matter occurred after my departure from the Department of Communities;
- The request for response relates directly to the Secretary decision making responsibilities, the Secretary's views and/or directly relates to correspondence between the Secretary and a third party;
- I had no involvement in a matter and/or the matter is an operational matter that sits within the responsibilities of the Ashley Youth Detention Centre management.

Safety of Detainees

1. It has been some time since I worked in the Department of Communities as the Deputy Secretary Children, Youth and Families. I have no present-day knowledge to assess if the Centre presently provides a physically and psychologically safe environment for detainees. The Department of Communities Secretary is best placed to respond.
2. During my transition into the role of Deputy Secretary my initial assessment was the Centre required significant change. Based on information I received, observations I made and discussions with the Director my assessment within the first three months of commencing in the role was whilst there were some very experienced dedicated and committed staff undertaking very challenging work the Centre's working relationship with the Custodial Inspector and Commissioner for Children and Young People was strained, there appeared to be a divide between operational staff and the professional services staff, there were a small number of long term staff that appeared to dominate decision making and perhaps not open to the ideas from others, the Centre appeared to operate in isolation to the Children, Youth and Families Division and the broader Department and an older custodial setting ideology appeared to dominate decisions at the Centre. Over time I did observe positive change and good improvements in the way the Centre was beginning to operate but acknowledge that a lot more work was needing to be done.

When reflecting on how and why a pattern of abuse could have commenced and persisted at the Ashley Youth Detention Centre, whilst not an exhaustive list, I maintain the following to be key contributing factors.

- The Centre has had a very poor public reputation with a lengthy history and stories of violence and brutality dating back to the time when the Centre was the Ashley Boys Home.

- For an extensive period of time the Centre has been very insular in the way it has operated. For example, the Centre was not subject to external or regulatory oversight until 2017 when the role and functions of the Custodial Inspector commenced.
- It is my view the location of the Centre has also been a contributing factor. For example, regular visits from external support services and family and friend contact visits are all extremely beneficial for detainees but may not be fully maximised due to the location. Importantly, I believe regular visits from external services also act as a form of scrutiny within the Centre.
- A large cohort of the Centre's total staffing numbers had worked at the Centre for a very long time. It is possible that staff that have worked at the Centre for a long time may at times refer to stories of the old days which could be an ongoing challenge for the Centre management in their efforts to redefine a workplace culture characterised by therapeutic practice approaches.
- The physical environment of the Centre may also be a contributing factor. Shared rooms, communal bathrooms, historical limitations in the accommodation facilities, and no CCTV at points in time all increase the likelihood of abuse occurring. For example, placement decisions are significantly improved by all accommodation units within the Centre now having a secure outdoor area. Prior to 2021, the Franklin Unit was the only accommodation unit in the Centre that offered a secured outdoor space.
- Historically higher numbers of detainee in the Centre at a given point in time, continued use of old systems such as the Behaviour Development System and use of old language such as referring to rooms as cells may subtly reinforce a culture within the centre as security dominated rather than offering therapeutic engagement with detainees.
- Old practices may have been a contributing factor. For example, search procedures and use of mechanical restraints have all significantly changed over time, and hopefully continue to evolve through the use of technology such as scanning technology.

2.1 I believe there are several reasons as to why many victims may have felt unable to disclose at the time of their abuse. Fear of being disbelieved, their complaint not being taken seriously, fear of the perpetrator/s, retaliation from other detainees and/or other Officials, shame and embarrassment may have all been factors which have prevented victims from disclosing.

Ashley Youth Detention Centre Reform

3. The current status of the of the Ashely Youth Detention Centre Reform is best responded by the Department of Communities Secretary.
4. Whilst I have no contemporary knowledge regarding the current status of the Reform Team and the appointment of the Executive Director, I provide the Commission with the following information in relation to the status of the Youth Justice Reform.

Following the announcement on the 9 September 2021 from the former Premier and the former Minister for Children and Youth to close the Centre within three years a number of planning activities commenced. At the time the planning activities were led by myself in close collaboration with the then Minister for Children and Youth and the Minister's Chief of Staff and Children and Youth Advisor.

Between September and November 2021 a Transition Plan was developed. The Transition Plan was called *"Reforming Tasmania's Youth Justice System: A pathway for improving outcomes across the youth justice support continuum, including the transition plan for the closure of Ashley Youth Detention Centre"* (Attached to this statement marked MC.007). The Transition Plan outlines how the Government would transition away from the Ashley Youth Detention Centre and transform the youth justice system as a whole to better support the safety and wellbeing of Tasmania's children and young people, and our whole community. The Transition Plan provides indicative timeframes.

The Transition Plan included three key components:

- a) The development of the Youth Justice Blueprint to set the strategic direction for the whole Youth Justice System over the next 10 years. The Blueprint sought to outline a strategic direction across the service continuum, from prevention and early intervention, through to services for repeat and high-risk offenders. A Discussion Paper was developed to support the commencement of the consultation process to engage government, non-government organisations and the community in the development of the Blueprint (Attached to the statement marked MC.003).
- b) The establishment of a process for developing and supporting the Youth Justice Workforce, including current staff at Ashley and other staff across the youth justice sector; and
- c) The process for transitioning away from the Ashley Youth Detention Centre and the construction of new, fit for purpose, custodial youth justice facilities.

The Transition Plan is supported by a Youth Justice Reform Governance Framework (Attached to this statement marked MC.001).

The three documents provided as Annexures were published in December 2021 and made available on the Department of Communities website.

The Executive Director Youth Justice Reform was a newly established Senior Executive Officer role. The position was to report directly to the Department's Secretary and the Youth Justice Reform Steering Committee Independent Chair.

My recollection regarding the status of the Youth Justice Reform at the point of my departure from the Deputy Secretary role is as follows:

- The consultation process to develop the Blueprint had commenced with the release of the Discussion Paper;
- A 2022/2023 Budget Submission was developed to fund the Youth Justice Reform;
- The Department's People and Culture Division:-

- facilitated the approval process to create a new State Service Senior Executive Service office for the position of Executive Director Youth Justice Reform;
- prepared the Statement of Duties for the Executive Director role and commenced the recruitment for the role through the engagement of an external recruitment agency;
- prepared the Statement of Duties for other roles within the Youth Justice Reform team and commenced recruitment; and
- commenced preliminary planning in relation to the development of a AYDC Workforce Transition Plan.
- The Project Manager and two positions in Youth Justice Reform team had been identified and were in the process of commencing in their roles;
- Noetic Solutions were engaged to develop a detailed functional brief for the two new facilities and to assist in the development of the Blueprint;
- The appointment of Steering Committee members had commenced; and
- Early planning to identify potential sites for the two new facilities had commenced with assistance provided through the Department's Housing Division.

Stand downs and disciplinary processes

5. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary is best placed to respond.

As the former Deputy Secretary, I do not believe the establishment of the Commission was a factor in standing down any of the Officials who have been stood down since November 2020. To the best of my knowledge the Department became aware of the Commission of Inquiry when the former Premier announced the Commission of Inquiry.

At the time the Commission of Inquiry was announced the Department had been progressing a range of work directly associated with the stand downs including file discovery work and initiating a review of the Abuse in State Care Ex Gratia Scheme.

6. Having critically reflected on the approach taken in relation to Officials who have been stood down since January 2019 and up until I departed the Department of Communities in January 2022 I offer the following learnings and insights:

- As the Deputy Secretary I was both shocked and confronted and never anticipated the Department would need to respond to a number of historical allegations of abuse of current employees.
- Initially, I think the Department, as a newly formed Department with a number of new personnel, had to learn how to navigate a very challenging and unfamiliar industrial landscape.
- I believe the Department's paramount consideration was the safety of young people in detention however I also recognised the importance of balancing the paramount

consideration with the need for an initial assessment to be undertaken that would support a plausible allegation when/if subjected to industrial scrutiny.

- I think factors including dispersed storage of records, paper based client and Centre records, the need to research the standard operating procedures at a particularly point in time, trying to make a connection between the claimant and the alleged abuser, and limited information and particulars of the alleged abuse were factors that contributed to the Department's time lines for responding to individual matters.
- Whilst I acknowledge and recognise the need for ongoing continual improvement in my opinion the Department and its personnel did their very best and built capability relatively quickly. When reflecting on actions taken, I think the Department was persistent in sourcing information and also proactive in initiating actions and systems to deliver more robust reliable internal processes such as digitisation of records which greatly enhanced the Department's timeline in undertaking an initial assessment of historical allegations of abuse.

My recollection is that State entities did share information and the processes and systems for sharing information were refined as/when required.

7. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
8. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
9. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
10. I have no awareness of any recent stand downs occurring. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.

The Ashley Youth Detention Centre Culture

11. I think the 54 articles prescribed in the UN Convention on the Rights of the Child and the Custodial Inspection Standards for custodial Youth Justice and the Practice Framework succinctly encapsulates the philosophy that should underpin the way children are detained at the Ashley Youth Detention Centre.
12. This question is directed to the Department of Communities Secretary.
I have never occupied the role of Acting Secretary for the Department of Communities.
13. This question is directed to the Department of Communities Secretary.
I have never occupied the role of Acting Secretary or Secretary for the Department of Communities.
14. This question is directed to the Department of Communities Secretary.
I have never occupied the role of Acting Secretary or Secretary for the Department of Communities.

15. The Department of Communities Secretary is best placed to describe the present workplace culture at the AYDC.
16. Based on my learnings, experiences and observations as the Deputy Secretary for Children, Youth and Families I consider some key challenges confronting those who manage and work at the AYDC to be:
 - Progressing full implementation of a therapeutic model of practice
 - Responding to the complex needs of detainees
 - Ensuring the safety of everyone in the Centre
 - Recruiting and retaining the right staff
 - Maintain good staff morale in the face of frequent negative publicity about the Centre and continued stand downs.
17. As the former Deputy Secretary it is my view that the *“Through the Fence and into their lives Report”* is an informative report that provides an accurate depiction of the AYDC in the context of progressing a therapeutic model of care at a specific point in time. The Report was commissioned by Children, Youth and Families Portfolio and provided the Department particularly the new executives and Centre Management team with valuable information and direction regarding the way forward to respond to workplace culture matters and to fully embed a therapeutic framework of practice.
 - 17.1 No, the findings did not surprise me. The findings further informed and synthesized a view that I had already began to form during the first three months in the role as Deputy Secretary.
 - 17.2 The Report set the scene for a re-set and the Department through the Director of Youth and Family Violence instigated and oversaw the development of a Practice Framework and Learning and Development Framework. Other key actions that I re-call were also progressed over time and included revision of key standard operating procedures and active progression of child safe organisation practices.
 - 17.3 In my opinion the culture at the AYDC and the poor level of knowledge and implementation of a therapeutic model of practice amongst Ashley Youth Detention Centre Officials as at April 2020 is resultant from a combination of factors which cumulated over a number of years. A lack of strong leadership, changes in leadership, the change management capability required to shift from a custodial to a therapeutic framework of practice appears to have been under estimated and a deliberate professional development support program that clearly articulated changing expectations and supported staff to progressively adopt changes in practice are in my view key factors.
 - 17.4 The Secretary is best placed to make an assessment if the situation has improved as at July 2022.
18. Statement RFS-TAS-052 was evidence provided by the Department of Communities Secretary. The Secretary is best placed to respond to their evidence.

The Ashley Youth Detention Centre Workforce

19. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary is best placed to respond.

As the former Deputy Secretary I do consider mandatory educational and/or experiential prerequisites for the identified roles to be critically important and the development of a Learning and Development Framework was attempting to described competencies requirements for some of the roles in the AYDC.

20. I have never occupied the role of Acting Secretary for the Department of Communities. The question is directed to the Department of Communities Secretary.
21. The question is directed to the Department of Communities Secretary.
22. I have no knowledge or awareness of the Health and Community Services Union issuing a provisional improvement notice. The Department of Communities Secretary is best placed to respond.
23. The Department through the Secretary of Communities is best placed to provide a contemporary response.
- 23.1 As a former Deputy Secretary, there were points in time where I was aware that Officials have felt unsafe at work for a variety of reasons including detainee behaviour, fear of being stood down due to an allegation of abuse, blamed or alienated due to negative publicity of the Centre, lack of confidence in Centre management capability and behaviours of other officials.
- 23.2 I recall the following actions were undertaken in response to the concerns raised. The Deputy Secretary visiting the Centre to talk to the staff about the National Redress Scheme , elevating issues to the Secretary as/when required, initiating internal discussions and working collaboratively with the People and Culture Division to ensure employee assistance support, provision of information to the staff and additional training opportunities occurred (Attached to this statement marked MC.005).
- 23.3 Apart for a Provisional Improvement Notice which did not proceed on the 7th March 2020 I do not recall any specific formal concerns, noting however the Deputy Secretary had very limited contact with Unions.
24. Details pertaining to the Department of Communities bullying policy and how the Department's bullying policy is enforced at the AYDC is a response for the Department Secretary.
25. Details pertaining to the Department of Communities sexual harassment policy and how the Department's sexual harassment policy is enforced at the AYDC is a response for the Department Secretary.

Use of Information derived from abuse in care claims

26. The request is directed to the Department Secretary as the Official issuing the fourth and final report in the Abuse in Care Scheme.

I am aware the Department's Review of the Abuse in State Care Ex Gratia Scheme also included a Review of the Notification Process. The Notification Process Report may provide the Commission with supplementary information, specifically why the alleged abuse of any Officials employed at Ashley Youth Detention Centre was not used to assess

whether those Officials should continue to hold their roles working with children at Ashley Youth Detention Centre (Attached to this statement marked MC.008)

Based on the information sourced to complete the Abuse in State Care Program Notification Process Report it appears at the time the overall aim of the Review of Claims of Abuse of Children in State Care process was not about investigation. It would appear that at the time the administration of the Scheme was focussed on confidentiality and privacy for claimants, and matters were only referred to the Police at the request of the claimant. It appears a child safety lens was not applied to the Scheme.

27. I am aware the Department did review the Tasmania Abuse in State Care Ex Gratia Scheme.

My re-collection is the review commenced in or around September 2020.

The purpose of the review was to:

- cross check the names of alleged abuser in Abuse in State Care Ex-Gratia Scheme claims against the names of Department staff employed at the AYDC at the time; and
- identify what actions may have been taken when a current Department employee had been named in a claim.

Examination of the notification process associated with all four rounds was also undertaken. This examination produced the Abuse in State Care Program Notification Process Report referred to in this statement at question 26.

28. The Department through the Secretary of Communities as the record custodian is best placed to provide information relevant to paragraph 27.

29. To the best of my knowledge:

- the reference in Annexure H: CCYP.0001.0005.1832 "Abuse in State Care Scheme" was referencing the Abuse in State Care Ex Gratia Scheme; and
- the cross check commenced in or around September 2020 following the Department of Communities and Justice meeting with [REDACTED] on the 31 August 2020. During this meeting [REDACTED] indicated "*if the Department were to examine publicly available reports regarding AYDC, all of the reports from the last 10 years indicate concerning violations*". The Department commenced the review of the Abuse in State Care Ex Gratia Scheme as one way of attempting to verifying [REDACTED] concerns (Attached to this statement marked MC.004).

I recall the review did identify existing Officials were named as an alleged abuser.

The Department Secretary is best placed to provide employment related information regarding the identity of the Officials, how the Department responded and how the Department ensured the safety and welfare of detainees.

30. [REDACTED] Walter was not working in the AYDC during my tenure as the Deputy Secretary. I am unable to offer the Commission any information as I have no knowledge of [REDACTED] Walter's employment history. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary is best placed to respond.

31. [Walter] was not working in the AYDC during my tenure as the Deputy Secretary. I am unable to offer the Commission any information as I have no knowledge of [Walter]'s employment history. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary is best placed to respond.
32. [Walter] was not working in the AYDC during my tenure as the Deputy Secretary. I am unable to offer the Commission any information as I have no knowledge of [Walter]'s employment history. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary is best placed to respond.
33. The Department of Communities Secretary is best placed to answer this question.
34. I have no current knowledge of the present status of investigations into [Stan] and [Ira]. Prior to resigning from the Deputy Secretary role I was aware [Lester] had resigned from his employment at the Department of Communities. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary is best placed to respond.

Identifying and responding to adult perpetrators

35. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary is best placed to respond.

Notification regarding allegations

35. To the best of my knowledge:
 - I was advised of the allegations against [Stan] in or around June 2020 when the Department's legal team received notification of a pending civil claim from the Office of the Solicitor General.
 - I became aware of the concerns [Alysha] made against [Lester] in January 2020 in or around 31 August 2020; and
 - I became aware of the allegation against [Ira] in or around late September 2020 through a National Redress Scheme claim.

As indicated previously in this statement I have no knowledge of [Walter]

36. On becoming aware of [Stan]'s allegations I sought to understand what actions the Department was taking. To the best of my knowledge the advice received was that the Department's Corporate Services Division - Legal Services had/were commencing file discovery which would be done in collaboration with the Office of the Solicitor General.

Following a meeting on the 31 August 2021 with [] I sought internal advice if the Department had ever received any information about a staff member at AYDC who was witnessed naked with a child in the 1990s. I was advised that [Alysha] had made a similar complaint in January 2020 about [Lester]. Following receipt of the information the following actions were initiated in response to becoming aware of [Lester]'s allegations.

- I verbally informed the Secretary of the outcome of the meeting with []

- I made a request to the Department's People and Culture Division to examine the commencement dates of each AYDC employee. The purpose of seeking this information was to determine how many of current AYDC employees had been working in the Centre for more than a decade. My re-collection is that the information from People and Culture indicated at the time approximately half of the total staff working at the Centre had been working at the Centre prior to 2010.
- I sort information to understand the Department's response to Alysha's complaint in January 2020 about Lester.
- I proposed a review of all the Abuse in State Care Scheme Ex Gratia Claims relating to AYDC.
- I proposed the established of an Interdepartmental Working Group.

On becoming aware of Ira's allegations I sought to understand what action the Department was proposing. This would have occurred through discussions with the Department's People and Culture Division.

Seeking advice from the Solicitor General in relation to Lester, Stan and Ira

37. The Secretary's decision to seek advice from the Office of the Solicitor General is a matter for the Secretary to make a response. I had no involvement in the process of seeking advice.
38. Noting I had no involvement in seeking advice from the office of the Solicitor General I consider this question in relation to current or future risk to children is best responded to by the Department of Communities Secretary.

Process for clearing National Redress Forms

39. The Deputy Secretary Children Youth and Families has not always "cleared" the National Redress Scheme (Tasmania) – Request for Information from Records Custodians Response Template forms (NRS forms).

To the best of my knowledge in or around late September 2020, in my former role as the Deputy Secretary I instigated a change in the Department's process for "clearing" NRS Forms. The change entailed re-assigning responsibility for "clearing" NRF Forms from the Corporate Services – Legal Services Division to the Office of the Deputy Secretary.

The actual purpose of the "clearing" is to provide Departmental approval to release information extracted from Department of Communities records as the information custodian to the Department of Justice.

At the time my rationale for initiating the change in the "clearing" process was two fold.

- a) I wanted to ensure I as the Deputy Secretary was fully appraised of National Redress Scheme forms that alleged allegations of abuse against Department employees. Undertaking the "clearing" process ensured I would be appraised on a daily basis. At this time I was starting to form the view that more NRF Forms alleging abuse of current AYDC officials may occur. The change in the clearing process also sort to strengthen the linkage between the relevant operational portfolios and the People and Culture Division. Both Divisions needed to work together when an allegation against a current staff member is received. At the time I thought this was an important

consideration in the event additional claims were received in the future. Additional claims were subsequently received.

- b) I was cognisant from a health and wellbeing perspective there were Department employees exposed to reading some very graphic abuse allegation information. I directly observed behaviour that indicated to me the material was a cause of distress for some people. At the time I believed it was appropriate and in the best interest of the staff to reduce the level of exposure as far as practically possible. I thought re-assigning the “clearing” process to the Deputy Secretary was one practical way to help reduce the level of exposure.

- 39.1 The Department through the Department of Communities Secretary is best placed to confirm the date when the first National Redress Scheme form was received by the Department.
- 39.2 The Department through the Department of Communities Secretary is best placed to confirm the date when the RFS-TAS-021 was developed. My re-collection is the procedure may have been reviewed in or around September 2020 when the “clearing” task was re-assigned.
- 39.3 The NRS Forms are centred upon an individual claimant. If an individual applicant did make an application under the Abuse in State Care Ex-Gratia Scheme the Department Officer preparing the NRS Request for Information Template would reference that claim in the NRS Form.
- 39.4 To the best of my knowledge when populating a NRS Request For Information Form the Departmental Officer will access and review all available client file holdings to assist in populating the NRF Request for information Form. No as the Deputy Secretary I did not seek to access such records as that is the role of the dedicated Departmental Officer.
- 39.5 When an NRS application alleges abuse against a current employee the Deputy Secretary would refer the matter to the People and Culture Division. The Deputy Secretary would forward a copy of the NRS Form to the People and Culture Division for the appropriate actioning.
- 39.6 The Secretary would be notified by People and Culture Division.
- 39.7 Risk assessment would occur between the relevant operational and the People and Culture portfolio.
- 39.8 In late 2021, a detailed flowchart was developed by the People and Culture Division. The flowchart details the step by step process that is followed.
- 39.9 There are timeframes for the Department of Communities to fully complete the NRS Form and return to the Department of Justice. Each individual NRS form prescribed a “due date”
- 39.10 During my time in “clearing” National Redress Scheme applications the time between receiving a NRS Form alleging abuse against current staff member and ensuring the Department commence an initial assessment was very prompt. My recollection is that there was a shared understanding, commitment and expectation from all the Department staff that had involvement that such matters were treated as high priority and other work was re-prioritised when a matter was received.
- 39.11 As the Deputy Secretary I satisfied myself relevant action had/was being taken by:

- Receiving regular updates on the status of a particular matter from the People and Culture Division; and
- Participating in an Interdepartmental Working Group which was established in or around late September 2020. The purpose of the Working Group was to ensure
 - co-ordination and communication of staff between Departmental Officers involved in civil and redress matters; and
 - People and Culture were able to provide progress updates and share information on relevant Department personnel matters and investigations and/or relevant other matters where additional information was being sought. The Working Group membership included Director of People and Culture and other senior members of People and Culture, Director of Youth and Family Violence Service, Director of Children and Families (joined at a later date) Principal Legal Officer, Deputy Secretary Children, youth and families and the Deputy Secretary Corporate Services who was the Chairperson. This group met fortnightly. The remit of the Working Group evolved over time and whilst its original remit continued the scope of the Working Group started to identify and incorporate continuous improvement activities.

39.12 The Department through the Secretary is best placed to respond to this question.

Response to allegations raised in relation to Lester, Stan and Ira

Lester

41. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
42. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
43. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
44. My understanding is that the Department of Communities People and Culture Division did examine the complaint raised by Alysha in January 2020. The Secretary of the Department of Communities is best placed to provide a detailed response.
45. As the decision maker the Secretary of the Department of Communities is best placed to answer this question.
46. The preliminary assessment and Annexure M TDC.0004.0022.0045 indicates:
 - The Department became aware of Alysha's concerns regarding Lester on the 9 January 2020.
 - The Deputy Secretary became aware of Alysha's complaint about Ms Honan on the 28 September 2021 when the Office of the Solicitor General forwarded Alysha's complaint.

- 46.1 As the Deputy Secretary I became aware of Alysha's complaint about Ms Honan on the 28 September 2021 when the Office of the Solicitor General forwarded Alysha's complaint to me via email.
- 46.2 I satisfied myself of the accuracy of the information contained in the preliminary assessment by:
- directly preparing the preliminary assessment myself;
 - requesting and reviewing a significant number of records including emails and documents relevant to each of the concerns Alysha's representative raised;
 - cross checking all factual information in source documents; and
 - a peer review process
- 46.3 No assumptions were made when completing the preliminary assessment. The comments in the preliminary assessment were intended to communicate factual information only.
- 46.4 As the author of the preliminary assessment I did not apply any test. In the context of Alysha's complaint relating to Lester the purpose of the preliminary assessment was to assess information to identify if there were reasonable grounds that suggested Ms Honan may have *"discouraged from reporting Lester and/or attempted to shut down and/or frustrate investigations"*.
- 46.5 The preliminary assessment included information where discrepancies were identified and the witness statement for Alysha's information only. The information had no relevance on the adequacy of Ms Honan's response. As the author I was very aware that I was not able to fully disclose a range of information to Alysha. The intention in sharing the discrepancies and information about the witness statement was an attempt to demonstrate to Alysha that the Department made every effort to identify all potential avenues of information that related to the matter she raised.
- On reflection the intention of including this information may have been communicated differently to make this intention clear.
- 46.6 Yes at the time of completing the preliminary assessment my understanding is the review of the Tasmania Abuse in State Care Ex-Gratia Scheme identified three claims were received by the Scheme in relation to Lester. My understanding is that the Department did put the particulars to Lester through the Employment Directive 5 process.
- 46.7 At the time of completing the preliminary assessment Lester had not been the subject of allegations made through a National Redress Scheme application nor had Lester been named in a civil proceedings known to the Department.
- 46.8 As a former employee of the Department of Communities I do have access to records to confirm when information was reported to Tasmania Police. The Secretary of the Department of Communities is best placed to answer this question.
- 46.9 As a former employee of the Department of Communities I do have access to records to confirm when information was reported to the Registrar. The Secretary of the Department of Communities is best placed to answer this question.

46.10 As a former employee of the Department of Communities I do have access to records to confirm the information reported to the ARL. The Secretary of the Department of Communities is best placed to answer this question.

46.11 The timeframe for completing the preliminary assessment in my view and by my standards was not acceptable.

I am extremely disappointed that the assessment took this length of time. I acknowledge **Alysha** had been out of the workplace for some time and did not have up to date information and the matters raised by **Alysha** were important and serious and a more timely response was warranted.

There were a number of contributing factors as to why I was unable to complete the assessment sooner. The closure of AYDC announcement in late September did divert my attention to preparing Youth Justice Reform planning and documents.

This meant the assessment was completed out of hours which I acknowledge is not satisfactory.

I sincerely apologise to **Alysha** for the length of time it took me to complete the preliminary assessment.

46.12 As the author of the preliminary assessment I do not consider the following statements to be misleading.

- The review found no application had been received in any one of the four Abuse in State Care Ex Gratia Scheme rounds in relation to the matter reported by the complainant or third party.'
- The DCT has not received a request for information under the NRS that relates to the matter raised by the complainant and/or is not aware of any civil proceedings that may have relevance to the information provided by the complainant.'

The review of records undertaken as part of the preliminary assessment confirmed the Department had not received an abuse allegation through the Abuse in State Care Ex Gratia Scheme, National Redress Scheme and/or civil proceeding that described the information provided by **Alysha** and/or any third party.

47. The Department of Communities Secretary is best placed to answer this question.

48. As the Official that undertook the preliminary assessment I do not agree the Departments' response in 2022 to the complaint raised by **Alysha** in relation to Ms Honan's response to her complaint represents a significant current failure to respond to complaints about the handling of allegations of child sexual abuse. In the context of **Alysha** complaint against Ms Honan regarding **Lester** the purpose of the preliminary assessment was to assess the available information to identify if there were reasonable grounds that suggested Ms Honan may have "discouraged from reporting **Lest** and/or attempted to shut down and/or frustrate investigations" as alleged by **Alysha**. At the time the preliminary assessment was unable to identify any information that suggested Ms Honan "discouraged from reporting **Lest** and/or attempted to shut down and/or frustrate investigations".

49. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary is best placed to respond.

50. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
51. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
52. The Secretary of the Department of Communities is best placed to answer this question.

Ira

53. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
54. The Secretary of the Department of Communities is best placed to answer this question.
55. The Secretary of the Department of Communities is best placed to answer this question.

56. The Department through the Secretary of Communities is best placed to answer this question.

57. The Department of Communities Secretary is best placed to answer this question.

Yes it does concern me that that persons named as alleged child sexual abuse offenders remained working at Ashley Youth Detention Centre for prolonged periods of time without the allegations against them being investigated and their suitability to work with children assessed.

58. The Department of Communities Secretary is best placed to respond to the current day.

I am confident based on the information available to me at the time that during my tenure as the Deputy Secretary for Children, Youth and Families I exercised my responsibilities to ensure all Officials that were the subject of historical allegations of abuse that I aware of had been identified and their suitability to remain working with children was being assessed.

59. The Department of Communities Secretary in best placed to respond.
60. Employment matters are the responsibility of the Secretary. The Department of Communities Secretary in best placed to respond.
61. As the decision-maker for all employment matters the Secretary of the Department of Communities is best placed to answer this question.
62. The Department 's Secretary of Communities is best placed to respond to questions relating to their correspondence with the then Minister for Children and Youth.

Information gathering before commencing ED5 process

63. Employment matters are Department through the Secretary of Communities is best placed to answer this question.

Missing Files

64. I do re-call I was made aware of the missing files and the action the Department's People and Culture took in response to the matter. The Department through the Secretary of Communities is best placed to answer this question.
65. I do re-call the Department's Corporate Services Division did initiate a process to digitise Department paper based records. I am not aware **Lester** had any involvement in the process of converting files to an electronic platform. My understanding is that **Lester** has not worked at the AYDC for some time.

The Department through the Secretary of Communities is better placed to respond to this question.

Responding to children displaying harmful sexual behaviours

66. Based on my experience as the Deputy Secretary it is usual practice for incidents involving harmful sexual behaviour to be managed at the Centre level and/or the Centre Manager would report to incident to the Director Youth and Family Services.

The exception being the Director would report all critical incidents to the Deputy Secretary who then reported the incident to the Secretary.

The Director would also ensure all critical events were reported to the Custodial Inspector and the Commissioner for Children and Young People.

For example, when **Alysha** reported to the Director Ms Honan in early December 2019 an alleged sexual assault that occurred in the Centre in **2019**. This incident occurred prior to myself and Director Honan commencing in our respective roles. On receipt of the information a Serious Event Review was initiated to determine what had actually occurred.

67. My re-collection is incident reports generally are an important record of the event and also assist the AYDC senior management team to understand what occurred and what action was taken when an incident occurred.
68. On a day to day basis during my time as the Deputy Secretary I was not involved in the process of examining incident reports relating to harmful sexual behaviours as this rests within the centre management responsibilities.

Henry incident

69. The incident involving harmful sexual behaviours directed by two detainees towards **Henry** **Henry** occurred in **2019** which was prior to me commencing in the role of Deputy Secretary.

- 69.1 Yes, I do consider the issue briefing minimised the incident.

- 69.2 Yes I do consider the issue briefing demonstrates a lack of understanding of harmful sexual behaviours.
- 69.3 Following a comparison of the two briefs I consider the briefing about inappropriate contact between residents that occurred on [REDACTED] 2021 to be professional and appropriately detailed and demonstrates an understanding of harmful sexual behaviours. It is superior to the briefing relating to the [REDACTED] 2019. I believe the author of the two briefs would be different.
- 69.4 A Serious Event Review Team referral was initiated in December 2019 in response to **Alysha** reporting the [REDACTED] 2019 incident to the Director. **Alysha** reported her concerns in early [REDACTED] 2019 to the Director. **Alysha** expressed serious concerns about how this incident was handled in [REDACTED] 2019. **Alysha** did not work in the service in [REDACTED] 2019 but had become aware of the incident.
- I had no knowledge of the incident until the Director reported **Alysha** concerns to me. I was not employed in the position Deputy Secretary when the incident occurred nor was the Director. Deploying members of the CYF then Serious Events Review Team to investigate the matter assisted the Department to undertake a detailed examination of what had occurred.
- 69.5 To the best of my knowledge the SERT recommendations were accepted and the Centre management team was responsible for the implementation of the recommendations.
- 69.6 The remaining questions relating to the current status of SERT's recommendations is best responded to by the Department Secretary.

Margaret incident

70. This incident occurred prior to my commencement as the Deputy Secretary Children, Youth and Families. Responding to the question requires an assessment of Departmental records. The Department through the Secretary of Communities is best placed to answer this question.

Placement decisions

71. The Department through the Secretary of Communities is best placed to answer this question.
- During my tenure as the Deputy Secretary placement decisions occurred at the Centre management level. **(Add some additional point to this)**
72. The Department through the Secretary of Communities is best placed to answer this question. **(Add a couple of points on Redress)**
73. The Department through the Secretary of Communities is best placed to answer this question.
74. No I was not aware of the specific complaint made by [REDACTED]

The Department through the Secretary of Communities is best placed to answer respond would such a placement occur today.

75. The Department through the Secretary of Communities is best placed to answer the question.

Unit Bound, Isolation and the Blue Program.

76. Responses to this question are directed to the Department of Communities Secretary.
77. Responses to this question are directed to the Department of Communities Secretary.
78. Responses to this question are directed to the Department of Communities Secretary.
79. Responses to this question are directed to the Department of Communities Secretary based on the Secretary previous statement to the Commission RFS-TAS-052.
80. Responses to this question are directed to the current Department of Communities Secretary.
81. Responses to this question are directed to the current Department of Communities Secretary.

Incident on the 13 December 2019

82. Having reviewed Annexure AC: TDCT.0004.0023.0095 I think the briefing does provide sufficient information in relation to the description of the actual event itself. I consider the briefing also provides an overview of the property and other damage that occurred as a result of the incident.

My assessment is the briefing provides little detail on engagement with residents post incident. A possible explanation for this would be that the Department executives at that stage had not become aware of how the three residents involved were managed post incident. The reported use of Unit Bound practice and unauthorised liolation practices triggered the engagement of the James Cumming Investigation.

I am confident once the information became known then then Minister would have been advised and informed of the initiation of the James Cumming investigation.

83. My understanding is the investigation into the incident on the 13th December was delayed due to Mr Patrick Ryan's inability to participate having been off work for an extended period.
84. Responses to this question are directed to the Department of Communities Secretary based on the Secretary previous statement to the Commission RFS-TAS-052.

Incident on 6 March 2020

85. As the Deputy Secretary my re-collection of events of the 6 March 2020 incident is as follows:
- I was verbally notified by the Director of the incident unfolding at the Centre in the afternoon of Friday 6 March 2021.

- On receipt of the information I advised the Secretary by phone of the incident occurring.
- I received regular verbal up-dates from the Director through-out the evening and continued to provide the Secretary with further up-dates via phone.
- I also provided the Minister's Advisor with up-dates via phone as the incident was unfolding.
- Tasmanian Police attended the Centre and provided the required intervention.
- Overall I believe the AYDC team managed the incident very well. My re-collection is the incident concluded with all young people safely down from the roof and no staff or Tasmania Police Officers were injured during the incident.
- I re-call having a discussion with the Director late on the evening of Friday 6 March after the young people were safely back in their rooms. The Director informed me the Centre Management team were proposing to utilise old "*unit bound*" strategies to manage the detainees post incident. The Director challenged the Centre Management team on their proposed approach. One long term staff member that was present during the telephone discussion between the Director and Centre Manager did express their dissatisfaction directly to me after the event via way of a formal complaint.
- Whilst I am unable to fully recall the events as they unfolded on the Saturday 7th March 2021 I remained in close communication with the Director and I was informed the detainees that did not participate in the incident expressed their dissatisfaction with the detainees that did.
- I re-call the Director informing me that a Workplace Health and Safety representative stated their intention to lodge a Provisional Improvement Notice stating the workplace was unsafe. The now Centre Manager negotiated with the safety representative and Workplace Standards on the day and the Provisional Improvement Notice was not formally lodged.
- It is important to acknowledge the incident was very serious. I attended AYDC on the Monday 9th March 2021 and the safety concern and sense of fear amongst the staff was visible.
- The AYDC team quickly mobilised to ensure the grounds were safe and free of weapons, the shipping container which was used by detainees to gain access to the roof was moved outside the perimeter fence and climb roller guard was installed on the Bronte Roof within a short period of time after the incident had occurred.
- It was standard practice for the Centre to learn from critical incidents by undertaking internal reviews of serious incidents.
- No issues were raised by the Workplace Union Delegates or Union Organisers in relation to the management of the incident.
- To the best of my knowledge there has been no future incidents of detainees gaining access to the roof.

Oversight

86. The Department's Secretary of Communities is best placed to respond to questions relating to their correspondence with the Commissioner for Children and Young People.
87. The Department through the Secretary is best placed to respond to questions relating to their correspondence with the Ombudsman own motion investigation.

I do recall shortly after commencing in the role of Deputy Secretary meeting with the Ombudsman Office. The Ombudsman had been waiting to receive information from the Department about the incident. The Ombudsman and had made contact with the new executives seeking assistance.

The information was provided and I re-call the Ombudsman completed the own Motion investigation and advise the Department Secretary.

88. The Department 's Secretary of Communities is best placed to respond to questions relating to their correspondence with Commissioner for Children.

88.1 I don't consider the letter Annexure R: CCYP.0001.0005.1737 sought to provide a summary of the Report. The letter was only a covering letter to the Report that provided some supplementary information.

88. The Department 's Secretary of Communities is best placed to respond to questions relating to their correspondence with the Commissioner and former Commissioner for Children and Young People.

90. I am unable to make any comment in relation to the transfer of Max or the correspondence that occurred between the Secretary and the Commissioner for Children and Young People.

The Department of Communities Secretary is best placed to respond to the question.

91. The Department 's Secretary of Communities is best placed to respond to questions relating to their correspondence with the Ombudsman.

91.1 I provide the following reflections in response to the Ombudsman concerns: -

- In my experience operational decisions have to prioritise immediate safety and security risks for everyone in the Centre. This becomes a particular focus when the Centre is short staffed. Whilst managing the safety and security for everyone in the Centre is critical it is also important as far as practically possible to find ways to ensure a young person does access their education.
- It would appear that staffing logistics when allocating residents to the group programs may have been given priority over the importance, need and potential risk of Harry not attending school and/or attending school on time.
- I support the Ombudsman view that processes to monitor school attendance would benefit from a review with the aim of improving and/or strengthening the process to avoid any further occurrence.
- I also am fully cognisant of the day to day complexity of co-ordinating activities across the Centre, the importance of routine for the residents, and acknowledge at times the Centre Manager, Operations Co-ordinators and staff find it very challenging to balance and respond to the individual needs of each resident.

91.2 The Department is better place to confirm if senior officers based at AYDC from the Departments of Communities and Education implemented any specific changes and/or new practices in relation to reviewing/monitoring school attendance.

- 91.3 I have no contemporary knowledge if similar issues have arisen as a result of workforce shortages and what steps may have been taken.
92. The Department 's Secretary of Communities is best placed to respond to questions relating to their correspondence with the Commissioner for Children and Young People.

Coordination with Tasmania Police

93. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.
94. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.
95. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.
96. My recollection is the "Issue Management Resolution" document was the first iteration of developing a clear process for the Department of Communities People and Culture Division to refer matters relating to current Department of Communities staff subject to allegations of abuse to Tasmania Police through the Office of the Assistant Commissioner Operations.
97. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.
98. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.
99. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.

Child Sexual Abuse Joint Review Team

100. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.

For clarification purposes the Deputy Secretary Children, Youth and Families was the Department of Communities representative on the Tasmania Police Child Sexual Abuse Joint Review Team Steering Committee. Other Steering Committee members included Deputy Secretaries from Departments of Education, Health and Justice.

The Child Sexual Abuse Joint Review Team was a co-located team lead by Tasmania Police that included two experienced child safety practitioners that worked and reported directly to the Director of Children and Families in undertaking their work.

101. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.
102. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.

Harmful Sexual Behaviours

103. No, I was not aware in or around the [REDACTED] 2019 that a perception amongst detainees that the Franklin Unit was a place where they would not be protected by Ashley Youth Detention Centre Officials against the risk of abuse, including sexual abuse or harmful sexual behaviour by detainees in the Franklin Unit.

No, I was not aware that at least one Official had allegedly threatened a detainee that he would be placed in the Franklin Unit, with the implication being that the detainees in the Franklin Unit may inflict physical harm upon that detainee.

No, I have no knowledge a formal or informal practice of an Official using placement decisions to punish other detainees by proxy occurred.

In or about early [REDACTED] 2019 I do re-call the Director informing me of the challenges, threatening behaviour and stand over tactics exhibited by two young males people located in the Franklin Accommodation Unit. At the time I did not specifically associate or attribute the Franklin Unit to be the cause of the problem. I am aware from approving National Redress Forms that the Franklin Unit does appear to have a history and association of inappropriate practices.

Following a review of the email from [REDACTED] I believe the matters raised in the email are serious and warranted further investigation. A significant matter in [REDACTED]'s email is a very serious allegation of an official threatening a detainee. An allegation of this kind in my view would warrant a formal investigation.

104. The Department through the Secretary of Communities Tasmania is best placed to provide a response to the question.

I re-call the Director informing me that they had received a call from the Commissioner for Children and Young People who had advised them that [REDACTED] had made contact with

the Commissioner for Children and Young People to express concerns regarding two older detainees intimidating and using stand over tactics on other detainees.

I do re-call the Director was prompt in responding and intervening to ensure appropriate action was taken.

105. Based on the information provided I agree the decision to place Joseph [REDACTED] in the Franklin Unit was contrary to the recommendation expressed during the MDT's.

Based on the information provided and in the absence of knowing what specific actions may have been taken at the time I think an intervention by the Centre Manager was warranted. One first step may have been for the Centre Manager to have convened a meeting with Operations and Professional Services staff to facilitate the group to work through issues and concerns in a collaborative manner with the aim of developing resolution strategies. One of those strategies may have included the need to review some operating procedures.

106. Whilst I have not previously sighted the email from [REDACTED] and have no specific information on what steps may have occurred in response to the email I do consider the initiation of a Serious Event Review by the Children and Families Serious Review Team was the appropriate response to fully examine the incident.

Your own conduct

107. This question is directed to the Department of Communities.
108. No. I have never been the subject of any allegations or investigations arising from the way in which I carried out my duties and responsibilities in any position I have ever occupied in the public service or non government sector.
109. [REDACTED] to make a request for documents from the Department of Communities.
- Ms Kathy Baker to assist me to re-fresh my memory regarding the date I would have become aware of the allegation of abuse relating to Ira [REDACTED] and to make request for documents.
- The documents I sourced are attached to this statement.

Other information

110. I have no further information to provide to the Commission regarding Ashley Youth Detention Centre.
111. No I have no further information I would like to provide the Commission.

Request for Documents

112. I have responded to the Commission's questions based on my knowledge and re-collection of events only.

Mandy Clarke



Date:

19-8-22