

## Statement of Timothy Bullard

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RFS-TAS-004 – Jeremy

Name	Tim Bullard
Address	Department of Education Tasmania  Level 8, Parliament Square Building, Hobart Tasmania
Occupation	Secretary of the Department of Education

### **Background**

1. This statement is made by me in response to RFS-TAS-001, issued on 24 February 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.
2. My name is Timothy John Bullard, and I am the Secretary of the Department of Education ("the Department").
3. I graduated from the University of Tasmania in 1994 with a Bachelor of Arts/Bachelor of Laws (Honours). I commenced my career as a lawyer in the Office of the Solicitor-General, before moving to the United Kingdom in 2000, where I worked in Corporate Finance for international law firm Clifford Chance from 2000 until 2002
4. From 2002 until 2004 I worked as a policy officer for the London Borough of Redbridge where, as part of my responsibilities, I provided policy support to Local Education Authority, with a particular focus on seeking the views of children and young people and providing young people with agency. My work was featured at a national conference and showcased by the BBC.
5. In 2004 I returned to Australia and commenced at the Department of Premier and Cabinet working in various policy positions in the Policy Division; becoming Deputy Secretary (Policy) in

2014. During this time, I led work on a broad range of policy areas, including working with the Department of Education and the Australian Government on the National Education Agreement and various national partnerships, assisting in the development of Child and Family Centres, and leading the Tasmanian team negotiating Better Schools (Gonski 1) funding.
6. In 2016 I commenced as Deputy Secretary (Strategy and Performance) at the Department where I was responsible for broad range of strategic functions. I acted for short periods as Secretary, whilst the previous incumbent was on leave, commencing an extended period of Acting Secretary from 28 November 2017 before being appointed Secretary of the Department on 29 March 2018. My tenure as Secretary is from 29 March 2018 for a period of five years.
  7. During my time with the Department I have served on two of the three national boards that oversee the delivery of education in Australia, the Australian Curriculum, Assessment and Reporting Authority and the Australian Institute of Teaching and School Leadership.
  8. The Department of Education is responsible for the delivery of early year services and public school education, adult and community education, and library and archive services throughout Tasmania. The Department reports to Minister Jaensch as the Minister for Education, Children and Youth.
  9. Education services are delivered across the State through 194 government schools, 12 Child and Family Learning Centres and 47 libraries. The number of students from pre-kindergarten to senior secondary is around 59,500 FTE. The Department also has over 10,000 employees, with a majority of staff working in its government schools.
  10. The 2022-2025 Department of Education Strategic Plan, *Learners First: Every Learner, Every Day* drives the Department's culture, evidence-based actions, approach to improvement and allocation of resources. The Strategic Plan articulates the Department's shared commitment that together we inspire and engage all learners to learn more every day (refer Annexures).
  11. The delivery of education from kindergarten to year 12 is governed by the *Education Act 2016* (TAS) and the *Australian Education Act 2013* (CTH).
  12. The work of the Department is supported by four Divisions, namely Learning, Support and Development, Strategy and Performance, and Corporate and Business Services. These Divisions support Child and Family Learning Centres, libraries and schools through the provision of

services such as finance, human resources, facilities management, strategic policy advice, curriculum development, school improvement and school review.

13. The recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and the recent Independent Inquiry into the Department of Education's Responses to Child Sexual Abuse (DoE Inquiry) have provided the Tasmanian Government and the Department with a nationally consistent and evidence-based approach to improving our practices.
14. In response to the DoE Inquiry, we have established the Office of Safeguarding Children and Young People to lead the development of a whole-of-department child safeguarding strategy and policy framework.

### ***Commitment***

15. The Department of Education's vision is that Tasmanians are connected, resilient, and curious thinkers. This is underpinned by our obligations to ensure all children and young people have a right to an education, to be heard and to be kept safe from harm.
16. We know that, as a Department, our duty of care requires that we act 'in loco parentis' in keeping children in our care safe from harm.
17. The safety and wellbeing of children and young people in our care, therefore, underpins all aspects of our work. Our Strategic Plan also acknowledges the rights of the child to be kept safe from harm and it is also reflected in our Strategic Plan goal of wellbeing, which requires us to ensure that all learners are 'safe, feel supported and are able to flourish so they can engage in learning'.
18. Just as the Tasmanian Government has endorsed the National Principles for Child Safe Organisations, which give effect to the Child Safe Standards defined by the Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA), the Department is committed to developing and refining our practices to align with and support the National Principles.
19. I am personally committed to embedding practices that safeguard children and young people across our Department, by making our systems, policies, practices and training stronger.

***Areas for improvement***

20. We will only be truly successful when every learner in our system has the agency and confidence to speak up when they don't feel safe, and every employee in the Department has the knowledge and capabilities to support those who report abuse, and appropriately manage and report suspected instances of child sex abuse once they become aware of them.
21. Whilst there has been improvement in our processes and policies over the last few years, we accept that there are areas in which we can, and must, do more work to ensure that we are all working in a way that keeps children and young people in our care safe, and places them at the centre of all our decisions. One of these areas is the investigation of allegations of child sexual abuse committed by current staff, and the processes that underpin those investigations.
22. As will be discussed in further detail in relation to the specific case studies, I acknowledge that some past investigations have not been undertaken in accordance with best practice processes or in a manner that is timely and acknowledge that they have, at times, fallen short of community standards and expectations.
23. It is also of personal concern to me that the best interests of children and young people have not always been properly served by the manner in which allegations have been managed.
24. Of particular note is the follow up support provided to children and young people who have made allegations of child sexual abuse against an employee or a peer. It appears that historically, effort has been directed at the management of the investigation and the employee/peer who is the subject of the allegations, rather than support for the child or young person making the allegations being prioritised.
25. The release of the DoE Inquiry corroborated evidence that we had begun to gather with regard to the lack of co-ordinated support for children making allegations and since that time we have put in place clear processes to ensure that this support occurs.
26. Information sharing within the Department, across agencies and with bodies such as the Teachers Registration Board (TRB) must also improve. There is more we must do, within the bounds of what is legally permissible, to enable information to be shared in a consistent and timely way to inform the decisions of all parties that have a role in keeping children and young people safe from harm.

27. In addition, I am of the opinion that in the past matters have not been dealt with as expediently as they should have been, including when this has involved other agencies. There are a number of reasons for the time it takes to bring a matter to a resolution, including criminal investigations, time taken by independent investigators, the resources required to co-ordinate the investigation and the process dictated by Employment Direction No. 5. We must do more to reduce the time we take to address allegations of child sexual abuse and bring closure to the incident for those who are involved.
28. Our record keeping systems have also been lacking. This has been due to a range of factors including schools maintaining local records and not always using central systems, a lack of functionality and interface capability with existing systems such as the Student Support System (SSS), and the capacity to share relevant information between agencies, such as Registration to Work with Vulnerable People (RWVP)<sup>1</sup> and Tasmania Police (TASPOL).<sup>2</sup> This has hindered the sharing of relevant information across the Department or in providing easy access to historical information and data to help inform our understanding of past matters. This means we have not always been able to effectively deal with allegations and suspicions of child sexual abuse. Whilst the use of the Department's record management system is now widespread in corporate areas it is not used by schools and the digitisation of historic records of abuse is still ongoing.
29. It is difficult to assess the degree to which children and young people have been believed in the past, as the records available tend to be as a result of an allegation being believed and therefore referred for action. The Department needs to continue to be clear and consistent in its expectations of staff in relation to the prevention, detection, and response to child sexual abuse and in their willingness and ability to listen to the voices of children and young people. The release of *Our Approach to Improvement – A guide to student voice and agency*, last year is a further step in supporting a consistent and culturally embedded approach to student voice and agency.
30. We must also do more to support our staff—to help them understand how to prevent, detect and respond to suspicions and allegations of child sexual abuse, to listen to the voices of children and young people, to respond appropriately and to speak up when something does not

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<sup>1</sup> I note an information sharing agreement was entered into by the Department and RWVP in July 2018; refer to NTP-TAS-004 item 4

<sup>2</sup> I note a Memorandum of Understanding was entered into by the Department and TASPOL on 19 February 2022; refer to NTP-TAS-004 item 4

fit with the culture we are trying to build, where children and young people's safety is at the centre of our deliberations, values and actions, and where safeguarding the children and young people in our care is everybody's responsibility.

31. We are already working on these areas for improvement, and I am determined that, through this work, we will build a culture where every child and young person in our care can feel safe, supported and listened to.

### ***Current effort***

32. I established the Office of Safeguarding Children and Young People to: lead culture change across the Department; to that ensure the safety, and voices and views of children and young people are the centre of our behaviours and decisions; and that our systems, practices, procedures, and professional learning put the best interests of all our children and young people first. This decision acknowledges not only the importance of this work, but the complexity of doing it well in an organisation that is as large and diverse as the Department.
33. As part of this, the Office is overseeing the implementation of the recommendations of the DoE Inquiry, and the implementation of seven outstanding recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA).
34. Since establishment of the Office of Safeguarding Children and Young People and release of the DoE Inquiry, we have:
  - discussed the importance of being child safe with all senior leaders across the Department (including Principals), and provided guidance on our contemporary approaches to recognising and managing child sexual abuse;
  - communicated with all staff regarding safeguarding;
  - revised and simplified our protocols for staff to support them in responding to concerns or complaints about abuse in a range of different scenarios, including adult-student abuse; student-student abuse and abuse involving the internet and related technologies;
  - negotiated and finalised a Memorandum of Understanding with Tasmania Police for preventing and responding to sexual abuse in government schools;
  - commenced a review and revision of approximately 70 policies and procedures to ensure they explicitly refer to safeguarding children and young people as a key consideration, as

well as emphasising the goal of understanding, preventing and responding to child sexual abuse;

- conducted a system review of a significant, recent incident of child sexual abuse involving a staff member and student, and commenced implementation of the recommendations of this review;
- commenced the development of a comprehensive, integrated student safeguarding policy and Code of Conduct for all Department staff;
- continued the development of a comprehensive Case Management Platform as a means of effectively recording, storing, and capturing all relevant child safety-related information and commenced a pilot of the first stage of this system;
- revised and updated the Department's current website and staff intranet pages to improve visibility of, and accessibility to, information about safeguarding children and young people;
- commenced the development of a stand-alone Safeguarding Children and Young People website that is more child and family focused, which will be easy to navigate and will provide practical guidance for all members of the community, and information on a range of child sexual abuse tools and supports;
- commenced discussions with the UTAS School of Education to explore ways the Bachelor of Education and Master of Teach programs can in future years include specific and substantive content and assessment on understanding, preventing and responding to child sexual abuse in schools; and
- updated the Department's mandatory reporting guidelines to ensure they are clear and easy to understand, and commenced the development of a fit-for-purpose mandatory training module for all staff that will place mandatory reporting obligations within the wider context of a safeguarding system.

35. This work will continue as a priority; however, we do not intend to stop there. We know there is much more to be done.

### ***The future***

36. We have planning underway to:
- a. work with the TRB and other government agencies to develop a more efficient and effective system of information-sharing;

- b. embed the newly developed Case Management Platform within the Department and explore opportunities to extend this system for use across other relevant State Government departments;
  - c. create a range of professional development modules for all staff as part of embedding a child safe culture across the Department;
  - d. revise and update all safeguarding-related policies and procedures to ensure they are focused on preventing child sexual abuse from occurring, as well as facilitating prompt, sensitive and effective responses to known concerns or allegations;
  - e. develop risk management and assessment templates, guidelines and resources for use by schools and, in particular, School Safeguarding Officers; and
  - f. develop and roll out annual training for school staff.
37. Through the standard 2022-23 State Budget process, resourcing decisions will be made in respect of the additional actions below:
- a. appointing a Student Safeguarding Officer in every government school, with appropriate induction and training being overseen by the Office of Safeguarding Children and Young People;
  - b. working with each Safeguarding Officer to help them establish an individual and specific risk management plan and safeguarding risk assessment for their school, and
  - c. developing and rolling out targeted information on understanding, preventing, identifying and responding to sexual abuse in inductions and annual training for all principals, teachers and teacher aides.
38. I would welcome any insights the Commission might be able to provide in terms of our current and planned approach, as well as suggestions for future focus as we work to address recommendations from the Royal Commission, the DoE Inquiry, and our own system reviews. We acknowledge that the scope of work is large and diverse, and it will require consistent and ongoing effort to embed it culturally within the organisation. Particular insights into prioritisation of effort for biggest impact would be particularly welcome.

***Further context regarding the role of the Secretary in responding to allegations of abuse.***

39. Without limiting the above, I wish to provide some further context in relation to how I, as Secretary, approach the making of determinations in relation to allegations of child sexual abuse made against an employee, after I have been briefed on the investigation of these allegations, including any findings of an investigator.



40. As Secretary of the Department, I have a duty of care to children and young people while they are in our care. For this reason, it is Department practice that in every case where allegations of child sexual abuse are made against a current employee, the employee is requested, as soon as possible, to leave the workplace prior to service of formal documentation. If after initial examination of the circumstances it is concluded that employees may have breached the State Service Code of Conduct, they are then formally suspended in accordance with Employment Direction No 4 at the same time as an investigation is commenced pursuant to Employment Direction No 5.
41. As Secretary of the Department, I am also a “person conducting a business or undertaking” (PCBU) for the purposes of workplace health and safety legislation and as such I must ensure, so far as reasonably practicable, that the Department’s workplaces pose no risk to the health and safety of any person, and I must do what is reasonable in the circumstances to mitigate or remove the risk or hazard.
42. In managing allegations of child sexual abuse against current employees I must, therefore, ensure that the processes in place to respond to the allegations are fair, proportionate, abide by the principles of natural justice, and comply with the relevant legislation and employment directions.
43. I am also cognisant of the fact that it is for me to prove the allegations to the requisite standard required by law (not for the employee to disprove them), and that any determination made by me against the employee must be established on the evidence to the requisite standard required under law (on the balance of probabilities).
44. I am also aware that any sanction imposed must be proportionate, taking into account both the seriousness of the employee’s action that gave rise to the allegation and the impact that action had on the child or young person.
45. Additionally, I am acutely aware that allegations against Department employees and subsequent investigation invariably have a negative impact on an employee’s wellbeing. I have, on a number of occasions, been informed of serious concerns for the safety and wellbeing of employees as a result of being investigated. In discharge of my responsibilities as employer, I have authorised access to additional personal and psychological support for these employees during the investigation.

***Determination of allegations of child sexual abuse under Employment Direction No. 5***

46. Determinations made by me for allegations of suspected child sexual abuse are made under *Employment Direction No. 5 ("ED5")*. This direction sets out the procedures for the investigation and the determination of a breach of the State Service Code of Conduct found in section 9 of the *State Service Act 2000 ("the Code")*.
47. The following provisions of the Code are the most applicable to matters alleging sexual abuse of a child:
1. An employee must behave honestly and with integrity in the course of State Service employment.
  2. An employee must act with care and diligence in the course of State Service employment.
  3. An employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination.
  4. An employee, when acting in the course of State Service employment, must comply with all applicable Australian law.
  5. For the purpose of subsection (4) ,

***Australian law*** means –

- (a) any Act (including this Act) or any instrument made under an Act; or
- (b) any law of the Commonwealth or a State or Territory, including any instrument made under such a law...

(13) An employee, when acting in the course of State Service employment, must behave in a way that upholds the State Service Principles.

(14) An employee must at all times behave in a way that does not adversely affect the integrity and good reputation of the State Service.

48. Whilst an act of child abuse by an employee, if proven in a court of law, would constitute a breach of the Code by virtue of subsection 4, there are many instances where a prosecution does not proceed or is unsuccessful.
49. My experience is that, in these situations, the Code is not a framework well suited to the determination of allegations of child abuse. By way of example, if conduct cannot be established

to have breached Australian law under subsection 4, then the determination of the matter will normally fall to subsection 1 – 3 as the basis for allegations made.

50. It is important to note that these subsections directly relate to conduct that is “in the course of State Service employment”. In other words, misconduct that occurs outside the work context (e.g. at a weekend social event or after a young person has left the school where the alleged perpetrator is teaching), would not naturally invoke the ED5 process as it would not amount to “in the course of State Service employment”.
51. As recommended in the DoE inquiry, the Office of Safeguarding Children and Young People is currently working with other departmental business units to develop a Department-specific Code of Conduct that is more relevant and effective in terms of child sexual abuse. Consideration of its implementation within existing legislative frameworks is under active consideration.
52. There are additional statutory arrangements that provide broader powers beyond “in the course of employment”, though these provisions are not within my authority or control as Secretary of the Department. For example, the:
  - *Teachers Registration Act 2000* enables the TRB to determine whether an applicant for registration is of good character or fit to be a teacher (ss.17J and K) and the TRB can also hold an inquiry in respect of any matter relating to a person who is or was a registered teacher (s.20);
  - *Registration to Work with Vulnerable People Act 2013* enabled the Registrar in the Department of Justice to consider applications for Registration to Work with Vulnerable People (RWVP) whereby the registration of a person can be subject to conditions, suspended or cancelled (ss.35 and 49).

#### ***Request for Statement 4 – Jeremy***

53. The 2012 and 2015 responses predate my time as Secretary of the Department. I have, however been involved in the 2016 response as both Acting Secretary (at times during 2016 and 2017) and as Secretary (from 29 March 2018).

54. To fully address the matters outlined by the Commission, I have had to seek advice from the relevant officials within the Department.
55. These officials include:
- a. Trudy Pearce, Deputy Secretary, Learning Services;
  - b. Kane Salter, Deputy Secretary, Corporate and Business Services;
  - c. [REDACTED], Director, Legal and Workplace Relations (Director Human Resources);
  - d. [REDACTED], Manager, Workplace Relations;
  - e. [REDACTED], Assistant Director Industrial Relations;
  - f. [REDACTED], Senior Workplace Relations Consultant;
  - g. [REDACTED], Principal Legal Advisor- Inquiry and Civil Claims, Legal Services;
  - h. [REDACTED], Senior Legal Consultant, Legal Services;
  - i. [REDACTED], Acting Senior Consultant Performance, Learning Services, [REDACTED] Region;
  - j. [REDACTED], Student Support Leader, Learning Services; and
  - k. the Education Performance and Review team
56. In relation to Workplace Relations initial investigations and subsequent ongoing management of this matter, I have had regard to the material attached to my recommendations, as contained in various Minutes to the Secretary. I have also had the benefit of meeting with Workplace Relations to make determinations and/or to discuss processes or outcomes.
57. I note that Ms Jenny Burgess, then Acting Secretary, approved a variation to the direction of Ms Jenny Gale (then Secretary) on 28 January 2020 to permit [REDACTED] Jeremy to enter the school grounds of [REDACTED] in his role as a parent of a student attending the school, as any parent can in relation to his/her child..
58. The Commission has set out the background to the allegations made against [REDACTED] Jeremy a teacher at [REDACTED] from [REDACTED], at Part A of Schedule 1 RFS - [REDACTED] Jeremy I accept that Part A accurately reflects the allegations and response of the Department.

**Response by the Department and [REDACTED]**

59. I wish to identify some matters of concern to me relating to the investigation and the response of the Department to the allegations made by three students in 2012.

- a. It is unclear whether the young people making the allegations were supported following their disclosure. Records demonstrate that then-Assistant Principal, [REDACTED] met with each of the students; however, it is unclear what support was provided. To date, No records have been identified by Learning Services that indicate that a school teacher or social worker/psychologist offered and/or provided support to any of the three students or their families. Workplace Relations does not hold any additional records to this point.
- b. [REDACTED] then Principal [REDACTED], and/or Learning Services did not advise the Conduct and Investigations Unit of the complaints, nor the outcome of the investigation (being that Jeremy [REDACTED] was sent a warning letter by then-Principal [REDACTED]). As such, the Conduct and Investigations Unit did not make a notification to the TRB in accordance with the Teachers Registration Act 2000. The TRB was notified on [REDACTED] 2016 as detailed below.
- c. This matter was referred to the Integrity Commission when I commenced the ED5 investigation concerning both the 2012 and 2015 allegations on [REDACTED] 2021. On [REDACTED] 2022, [REDACTED] confirmed with the Integrity Commission that it received a notification on [REDACTED] 2021 and the matter number is [REDACTED].
- d. The matter was reported to Tasmania Police (TASPOL) on [REDACTED] 2016.
- e. At the time of the allegations in 2012, notification was not made to Child Protection Advice and Referral Service (CPARS, as it was then known).
- f. [REDACTED] and/or Learning Services did not draw Jeremy [REDACTED] attention to the Department's *Conduct and Behaviour Standards* that were in place at the time. It is noted, however, that a copy of the State Service Code of Conduct was sent to Jeremy [REDACTED].
- g. There is no record of communication with the students, aside from the initial meeting between [REDACTED] and each of the three students described above. There are minimal records of communication with the families of the students. Records demonstrate that [REDACTED] spoke with the parents of the students twice (annexed and marked "A" is a copy of an email between [REDACTED] and [REDACTED] Human Resource Manager, Learning Services [REDACTED] Region on [REDACTED] 2012). Further, a letter dated [REDACTED] 2012 was sent from [REDACTED] to a student's parent confirming that Jeremy [REDACTED] had been spoken to

and he had acknowledged the conversation took place and was sorry he responded to personal information.

60. I also wish to identify some matters relating to the investigation and response of the Department to the allegations made by [REDACTED] regarding events occurring in 2015:

- a. To date, no records have been identified by Learning Services that indicate that a school teacher, social worker/psychologist offered and/or provided support to [REDACTED] following her disclosure. Additional enquiries made of Workplace Relations and Education Performance and Review to ascertain whether any centrally held records or records stored in the Department's Student Support System have also been unsuccessful in identifying records that could have confirmed whether that this happened.
- b. There are no records of the 2015 allegations, or the depth of the investigation undertaken by the then Principal, [REDACTED]. There are no records of [REDACTED] notifying Learning Services, the Conduct and Investigations Unit or TASPOL in respect to the 2015 allegations.
- c. At the time of the allegations in 2015, notification was not made to CPARS.
- d. Records confirm that TASPOL was made aware of the badminton allegation on [REDACTED] 2016 when [REDACTED] of Workplace Relations provided a copy of [REDACTED] statement to TASPOL.
- e. This matter was referred to the Integrity Commission when I commenced the ED5 investigation concerning both the 2012 and 2015 allegations on [REDACTED] 2021. On [REDACTED] 2022, [REDACTED] confirmed with the Integrity Commission that it received a notification on [REDACTED] 2021 and the matter number is [REDACTED].
- f. There are no records of communications with [REDACTED] her family, students, or staff at [REDACTED] regarding the 2015 allegations.

61. I also wish to identify some matters relating to the investigation and response of the Department to the allegations made by [REDACTED] regarding events occurring in 2016:

- a. In [REDACTED] 2022, Ms [REDACTED], Manager Workplace Relations, contacted the Department of Communities to ascertain if notification had been made by the Department of Education to CPARS in respect to the 2016 allegations.
- b. On [REDACTED] 2022, Mr [REDACTED], Principal Legal Officer, Office of the Solicitor-General, advised via email that he had been contacted by the Department of Communities with respect to [REDACTED] enquiry. Mr [REDACTED] confirmed that a notification was made to CPARS in respect to the 2016 allegations by the Department in [REDACTED] 2016 (attached and marked annexure “B” email from [REDACTED], Workplace Relations to Department of Communities 18 January 2022 and response from [REDACTED], Department of Justice of [REDACTED] 2022).
- c. On 29 March 2022, [REDACTED] confirmed with the Integrity Commission that it did not receive a notification with respect to the 2016 allegations at the time.
- d. There are limited records of communications with [REDACTED] or her family regarding the 2016 allegations. I am aware that the following communication took place:
  - i. An in-person meeting between [REDACTED] and [REDACTED] and her [REDACTED], in which the initial complaints were made;
  - ii. An in-person meeting between [REDACTED] Human Resources Manager, Learning Services [REDACTED] Region including a subsequent interview of [REDACTED] was undertaken by [REDACTED]
  - iii. Telephone communication between [REDACTED] and [REDACTED] Learning Services [REDACTED] Region.
- e. There are no records of communication with the student or staff body at [REDACTED] [REDACTED] regarding the 2016 allegations.

***Item 28 – Policies and Procedures – Identify the policies and procedures of the Department:***

- (a) in place between 2012 and 2016 which outlined how the Department ought to have responded to the 2012 Allegations, 2015 Allegations or 2016 Allegations, and***

62. From 2012 to 2016 (the “relevant period”), all Department employees were mandatory reporters and, as such, were required to report under section 14 of the *Children Young Persons and their Families Act 1997* where they either believed, or suspected, on reasonable grounds, or knew that a child had been or was being abused or neglected.
63. As such, an employee would have been compelled to make a mandatory report if they believed on reasonable grounds that **Jeremy** had subjected a child to abuse.
64. Although it is now a crime pursuant to s105A of the *Criminal Code* 1924 to fail to report any abuse or suspected abuse of a child or a person who was a child at the time of the offence, this was not the case in 2012, 2015 and 2016. It is noted that s105A came into effect in 2019.

***The 2012 Allegations:***

65. The policies or procedures in place in 2012 which outlined how the Department ought to respond to and investigate such allegations were:
- a. the *Maltreatment Guidelines – Guidelines regarding alleged abuse of students by employees of the Department of Education (2008)*; and
  - b. the *Commissioner’s Direction No 5 (CD5) (2002)*.
66. Additionally, at the time of the 2012 allegations, employees were required to comply with the following:
- a. *State Service Act 2000 - section 9: The State Service Code of Conduct (“the Code”)*;
  - b. *Protective Practices for Staff in their Interactions with Students (2006)*; and
  - c. *Department’s Conduct and Behaviour Standards 2006*.
67. Each of the above policies and procedures are described in the table at annexure “C”. The policies outlined at 66(a), (b) and (c) are guidelines for appropriate behaviour, as opposed to processes required to be followed should appropriate behaviour be breached.
68. The *Maltreatment Guidelines* outline the relevant pathways for reporting, investigating, supporting students, supporting staff and communicating outcomes.
69. Specifically, the *Maltreatment Guidelines – Guidelines regarding alleged abuse of students by employees of the Department of Education (2008)* required the following:

***Reporting:***



- a. 2.1: if an allegation was made to a Department employee concerning the abuse of a student, or if they had reasonable grounds to suspect abuse has occurred, it was mandatory that the employee made an immediate verbal report to the Principal of the school concerned, and that the Principal followed the procedures outlines in the guidelines.
- b. Where the Principal was the alleged person, the report must be made direct to the General Manager Learning Services.
- c. Copies of records were required to be kept, including the Grievance Incident Report Form, if required to be completed.

*Investigation:*

- a. 2.2.1: if the allegation was made against an employee, the Principal was required to seek advice from the General Manager Learning Services and the Manager (Conduct and Investigations).
- b. Principals were expected to make a professional judgement about the level of seriousness of an allegation. They were required to note the definitions provided in these Guidelines and in the *Children, Young Persons and Their Families Act 1997*.
- c. 2.2.2: If the Principal believed that the allegation did not constitute maltreatment but did believe that the employee may have acted inappropriately, then they were still required to contact the Manager (Conduct and Investigations) to seek advice on any proposed action.
- d. 2.2.3: If the Principal had reasonable grounds to suspect a genuine case of abuse, they were required to immediately contact their General Manager Learning Services and/or the Manager (Conduct and Investigations).
- e. 2.2.4: The Principal must then have provided a written report to the General Manager Learning Services within 48 hours.
- f. Copies of records were required to be kept.
- g. 2.2.5: The employee against whom the allegations were made was then advised that a report had been made, the nature of the allegations and that an investigation would be conducted. Written notice was then provided to the employee together with a copy of the guidelines.
- h. 2.3.1: On receipt of a report from any source (Principal, employee, student, parent, member of the community, etc.) the General Manager Learning Services was required to notify the Manager Employee Relations and Support via the Manager Conduct and Investigations immediately by telephone.

- i. 2.3.2: The General Manager Learning Services, in conjunction with the Manager Conduct and Investigations was required to take immediate action to appoint a Department employee to make an initial investigation. In normal circumstances the investigating employee would be: (a) the General Manager Learning Services; (b) the HR Manager Learning Services; or (c) a senior member of the support staff.
- j. 2.3.4: A full brief of the Investigating Officer was required.
- k. 2.3.5: The General Manager Learning Services or the Manager Conduct and Investigations should have also contacted the appropriate Service Centre Manager to have an authorised officer from Child and Family Services appointed to the investigation.

*Student Support:*

- a. 2.2.6: It was essential that both the student and the employee were safeguarded.
  - b. 2.2.7: The Principal was required to take immediate steps to inform the parents or guardians of the student about the incident.
70. The procedure for investigating a breach of the Code for the 2012 matters were set by CD5 (effective date 20 June 2002). The Department's Conduct and Investigations unit was guided in its investigation processes by CD5, the Code and policies and procedures around conduct and behaviour. In 2012, once a matter was referred to the Secretary, and if the Secretary formed a reasonable belief that the Code may have been breached, a CD5 was commenced, and the Secretary would appoint an external investigator and a contact officer within Conduct and Investigations. Conduct and Investigations' should have notified TASPOL, and the TRB.

***The 2015 and 2016 Allegations:***

71. During 2015 and 2016 of the 'relevant period', employees were also required to report under the following:
- a. The *Mandatory Reporting Procedure* 2015, 2016 (further revisions were made in 2019) (Note: this procedure superseded the Maltreatment Guidelines); and
  - b. the Department's *Professional Standards for Staff: Policy & Guidelines* (2015).
72. Staff were also required to comply with:
- a. *Duty of Care for Students on Departmental Sites- Procedure* (2015);
  - b. *Good Character Checks Policy* (2015); and
  - c. *Good Character Checks Procedure* (2015)

The policy and procedure at 71 and 72 are described in the table at annexure “C”.

73. The procedures for investigating a breach of the Code for the 2015 and 2016 matters were set out in ED5 (effective date 4 February 2013). The Department’s Conduct and Investigations unit was guided in its investigation processes by ED5, the Code and policies and procedures around conduct and behaviour. Once a matter was referred to the Secretary, and if they formed a reasonable belief that the Code may have been breached, an ED5 was commenced, and the Secretary would appoint an external investigator and a contact officer within Conduct and Investigations. Conduct and Investigations should have notified TASPOL, the Department of Justice RWVP and the TRB (if applicable). Since 2020, the he conduct of the investigation has been guided by an internal document titled the *ED5 Investigation Checklist*.

74. It is noted in the matter of the 2012 and 2015 allegations that Conduct and Investigations was not informed of the allegations at the outset nor of the disciplinary measure put in place (i.e. a warning letter from the Principal in 2012). This should have occurred.

**(b) *in place at present which outline how the Department ought to respond to allegations such as the 2012 Allegations, 2015 Allegations or 2016 Allegations.***

75. Should any of the allegations arise now, the relevant policies and procedures are as follows:
- a. *State Service Act 2000* – section 9: the State Service Code of Conduct
  - b. *Employment Direction No.5* - current
  - c. *Employment Direction No.5 Fact Sheet* – Principal/Manager Guide – current
  - d. *Department of Education process where an allegation(s) of child sexual abuse is made against a current employee* – May 2021-current
  - e. *DoE process to manage information about historic and/or current child sexual abuse perpetrated by current DoE employees* – 2021-2022
  - f. *Mandatory Reporting Procedure* - 2016 and 2019 – current
  - g. *Conduct and Behaviour Standards* – 2018 – current
  - h. *Professional Standards for Staff Policy* – 2015- current
  - i. *Professional Standards for Staff Guidelines* – 2015 – current
  - j. *Protective Practices for Staff in their Interactions with Students* – 2006- current
  - k. *Duty of Care for Students on Departmental Sites Procedure* – 2019 – current
  - l. *Registration to Work with Vulnerable People Policy* 2021 – current

- m. *Advice for DoE staff on responding to incidents, disclosures and suspicions of child sexual abuse – 2022 – current*
- n. *Communication Guide for Principal/Managers – Employees Subject to Child Sexual Abuse Allegations – 2022 – current*

76. Relevant staff would also refer to the following for additional guidance:

- a. Workplace Relations Checklist
- b. Legal Handbook
- c. Accountabilities toolkit

77. The current best practice response implemented by the Workplace Relations Unit is how the Department now responds to allegations such as the 2012 allegations, 2015 allegations or 2016 allegations. This process was utilised by Workplace Relations when the 2012, 2015 and 2016 allegations were initially referred to me:

- a. Allegations of alleged breach/es of the Code are reported to Workplace Relations, either directly by the person affected, a staff member suspecting the breach, Learning Services, Human Resources or the Principal.
- b. After being briefed by the person who reported, the Senior Workplace Relations Consultant will discuss the alleged conduct with Ms [REDACTED], Manager Workplace Relations, and [REDACTED], Assistant Director Industrial Relations, and an assessment will be made as to the nature and seriousness of the allegations. Workplace Relations does not follow a specific policy, and assesses the allegation according to the nature and seriousness of the allegation (guided by the ordinary meaning of serious misconduct), including the context and whether the conduct is isolated or part of a pattern of behaviour. If the allegations raise matters of a sexual nature, the Secretary is automatically briefed, regardless of this assessment.
- c. If the matter is assessed as being more serious, Workplace Relations will brief the Secretary as to whether the matter should be investigated under ED5 (noting that all allegations of child sexual abuse are matters for the Secretary to consider); however, best practice is followed for any suspected child sexual abuse and the employee is asked to immediately leave the workplace and await correspondence from the Secretary, pending any determination.

- d. If the matter relates to an allegation of child sexual abuse, Workplace Relations immediately informs TASPOL, RWVP and, if the employee is a teacher, makes a notification to the TRB.
- e. Depending on the circumstances surrounding the allegations, Workplace Relations would refer the matter to Learning Services' Human Resources to provide support for the child, staff and the employee, or make referrals for support, and obtain further information.
- f. If Workplace Relations assesses the allegation/s as being at the lower level of seriousness (i.e. not an allegation of child sexual abuse or otherwise inappropriate physical contact), the matter may be handled locally in consultation between the Principal and Learning Services, without a referral to the Secretary.
- g. If the Secretary determines that the matter is to be investigated under an ED5 process, an investigator will be appointed. The employee is formally advised and, at the same time, they may be suspended from duty with pay, pending the outcome of the investigation.
- h. Once the investigator has provided their report, and the employee has had the opportunity to consider and respond to that report, the matter is referred to the Secretary for determination. If the Secretary is satisfied that the employee has breached the Code, the Secretary then imposes a sanction/s. Regardless of whether the matter is resolved at the school level, Learning Services level or under an ED5, the TRB must be notified if there is any disciplinary action against a teacher under the *Teachers Registration Act 2000*. Workplace Relations considers that 'disciplinary action' encompasses a warning letter from the Principal.

***Item 29 - Identify the policies and procedures of the Department in place:***

- (a) ***between 2016 and 2019, and***
- (b) ***at the date of this Notice, concerning:***
  - (i) ***the standard of proof to be applied in investigations into alleged breaches of the Tasmanian State Service Code of Conduct pursuant to Employment Direction No. 5, and***
  - (ii) ***the conduct of such investigations in circumstances where criminal proceedings are (or have been) on foot in respect of the same allegations.***

78. Since the implementation of the *State Service Act* 2000 (“the Act”), the standard of proof for investigations has been on the balance of probabilities (refer Procedures for the investigation and determination of whether an employee has breached the code of conduct: Clause 6.5, ED5 and refer to Allegation and Investigation of whether an employee has breached the Code: Clause 3, CD5).
79. ED5 clause 7.1 sets out the procedure for the investigation and determination of whether an employee has breached the Code of Conduct pursuant to Section 9 of the Act. Accordingly, a Head of Agency must have “*reasonable grounds* to believe that a breach of the Code *may* have occurred” (emphasis added). Clause 6.4 of ED5 provides that the onus of establishing any fact is on the party asserting it, and proof is to be on the balance of probabilities.
80. As Secretary, I am aware of the differing standard of proof that applies to ED5 investigations and criminal investigations. I am also aware of the different rules of evidence that apply in both contexts. For this reason, a finding of not guilty by a court, or a decision by TASPOL not to proceed to charge an individual, does not influence my decision making as to whether or not to commence an investigation.
81. Likewise, a determination by the TRB not to suspend or cancel a teacher’s registration, or a determination by the Registrar for Working with Vulnerable People not to suspend or cancel an employee’s RWVP registration, does not influence my decision to commence an ED5, which I make on the evidence before me.
82. I understand that historically, there may have been occasions where the outcome of a proceeding or TRB/RWVP determination has influenced the Department’s own investigations, particularly with respect to Employment Direction No. 6.
83. The policies and procedures in place at the date of this notice regarding the standard of proof are the same as those that were in place in 2019.
84. With regard to the policies and procedures in place between 2016 and 2019, regarding the conduct of an ED5 investigation where criminal proceedings are (or have been) on foot in respect of the same allegations, there was no written policy or procedure in place setting out the conduct of ED5 investigations in those circumstances.

85. The Department was, however, cognisant of the fact that any action that it took should not jeopardise a police investigation or prosecution by the Crown. As such, Workplace Relations did liaise with TASPOL, as a matter of course, to determine whether its investigation could be undertaken concurrently, or whether the ED5 investigation should wait until the finalisation of the TASPOL investigation and/or conclusion of proceedings.
86. Where the matter was before the courts, the ED5 investigation was paused:
  - a. If the employee was charged with a criminal offence, the ED5 investigation was paused and would recommence at the conclusion of the criminal process.
  - b. If TASPOL was investigating the allegations, Workplace Relations sought permission from TASPOL to continue with the ED5.
87. Between 2016 and 2019 a Departmental investigation would continue despite a finding of not guilty in a criminal proceeding, or a determination by the Director of Public Prosecution not to proceed with prosecution, or if TASPOL ceased investigating.
88. The approach to investigations pursuant to ED5, where there are criminal proceedings on foot as at the date of the notice, remains the same as that used between 2016 and 2019 above. I am acutely aware of the tension that currently exists between undertaking an ED5 investigation in a timely manner, in order to minimise distress to the child or young person who has made the allegation and also the employee being investigated, and the requirement not to jeopardise a police investigation and/or criminal proceedings. I understand that, in such matters, the criminal justice system must and should take precedence over my investigation.
89. Annexed and marked “D” is a copy of correspondence dated 15 December 2020 from [REDACTED] addressed to me regarding reporting to Police.
90. In addition the Department is working with TASPOL to formalise the positive working relationship that we have with them, and commit to working together into the future.
91. In that regard, a Memorandum of Understanding (MoU) on Preventing and Responding to Child Sexual Abuse in Government Schools has recently been entered into between the Department and TASPOL to:

- i. ensure both parties are focussed on understanding, preventing and responding to child sexual abuse in Government schools;
- ii. foster a collaborative approach in responding to incidents of child sexual abuse in Government schools;
- iii. clarify the roles and responsibilities of both DoE and Tasmania Police when responding to such incidents; and
- iv. provide a framework for ongoing improvement in responding to such incidents.

The MoU includes agreement on each agency's respective roles and responsibilities in relation to prevention, reporting, investigation, communication and information sharing, and provides clarity to both agencies and their respective staff in relation to each agency's role in instances of child sexual abuse.

92. The Department and TASPOL are now collaborating to further refine the MoU and, importantly, establish agreed operational parameters that will underpin and support the MoU.

***Item 30: Please explain what you understand to be the purpose of each of the policies referred to in paragraphs 28 and 29, above.***

93. Respectively, I understand the purposes of the policies to be as follows:

Between 2012 and 2020:

- a. *Maltreatment Guidelines – Guidelines regarding alleged abuse of students by employees of the Department of Education (2008) – Covers reporting obligations under the Children, Young Persons and Their Families Act 1997. It includes procedures employees should following after an incident of abuse or neglect.*
- b. *Mandatory Reporting Procedures 2015, 2016 and 2019:*
  - i. The Procedure sets out the process that staff and volunteers must comply with in their role as Mandatory Reporters under the *Children, Young Persons and Their Families Act 1997*. It sets out how staff and volunteers should comply with their obligation to report where they know, believe or suspect that a child is suffering, has suffered or is likely to suffer abuse or neglect.



- ii. The Procedure was issued in accordance with the Act and was approved and endorsed by the Secretary of Communities Tasmania. It sets out how staff and volunteers should comply with their obligation to report where they know, believe or suspect that a child is suffering, has suffered or is likely to suffer abuse or neglect.
  - iii. The Procedure is available on the Department's intranet and explains the legislative requirements on Principals and staff to notify the Strong Families, Safe Kids Advice and Referral line (ARL) in the event of a sexual assault or a concern about the safety and wellbeing of a student/child. If more support is required, the Principal is required to phone Legal Services/Workplace Relations, depending on the form of alleged abuse/concerns about the safety and wellbeing of a student (see further below in relation to current issues with mandatory reporting).
  - iv. The Procedure is also included in the Accountabilities Toolkit, a document that sets out, among other things, the key policies that school Principals must ensure all school staff have read and understood at the beginning of the school year.
- c. *Protective Practices for Staff in their Interactions with Students Guidelines* 2006 - current – The purpose of these Guidelines is to provide clear advice to all adult members of schools and colleges in the establishment of positive, caring and respectful relationships with children and young people. The main intent is to safeguard the emotional and physical wellbeing of children, young people and employees by promoting an enhanced understanding of appropriate relationship boundaries. It covers a number of topics including duty of care, maintaining professional boundaries with students, communication, personal disclosure, physical contact, managing boundaries for staff in specialist roles and support staff, among other things. The intent of these guidelines is to encourage staff to continue relating to students with warmth, honesty and respect. They are also intended to provide clarity about when, and in what ways, interactions with students can cause harm.
- d. the *State Service Act 2000* - section 9: The State Service Code of Conduct – Sets out the range of conduct standards an employee must abide by in the course of their

employment, including behaving honestly and with integrity; acting with care and diligence; and treating everyone with respect and without harassment, victimisation or discrimination.

- e. the *Department's Conduct and Behaviour Standards 2009 and 2018-current* – The Standards reflect the principles which underlie the *State Service Act 2000* and reiterate, in a departmental context, the conduct and behaviour requirements for State Service employees. The Standards provide guidance to employees on their rights and responsibilities under legislation, awards, agreements, directives and departmental policies and practices, requiring them to behave in ways that promote the safety, welfare and wellbeing of students, other clients and employees, in accordance with relevant occupational, health and safety legislation.
- f. the *Department's Professional Standards for Staff: Policy 2015- current*. The Policy was developed to provide departmental employees with standards of conduct and clearly defined behavioural expectations whilst working in the educational and learning environments. The Policy covers physical contact with students, appropriate use of electronic communication and social media sites, and professional relationships between employees and students. Principals/ managers are required to report any alleged breaches of this policy to the Manager Workplace Relations and employees are to report any known or suspected cases of child abuse (including sexual relationships) to Child Safety Services.
- g. The *Professional Standards for Staff Guidelines* – 2015- current. The Guidelines provide further support to understand the standards of conduct and behavioural expectations detailed in the Professional Standards for Staff Policy. These guidelines provide direction and guidance for employees when conducting themselves both inside and outside of their workplace to ensure they provide a safe and inclusive physical and emotional environment for students and colleagues.
- h. Employment Direction No. 5 – Requires the Secretary of the Department to appoint an investigator to investigate an alleged breach of the Code in accordance with the procedures set out in ED5 if he/she has reasonable grounds to believe that a breach of the Code of Conduct has occurred.

- i. *Duty of Care for Students on Departmental Sites Procedure* – 2015, 2019-current. This procedure details Department staff's duty to take reasonable care to avoid reasonably foreseeable risks of harm. It details the roles and responsibilities for staff when caring for students with different needs in different circumstances.
  - j. *Registration to Work with Vulnerable People Policy* - 2017, 2019. The purpose of this policy is to highlight the Department's commitment to ensuring the safety and wellbeing of children and other vulnerable people on DoE premises; ensure compliance with the *Registration to Work with Vulnerable People Act 2013*; and set out the requirements when enacting this policy for employees and any other person working or engaging in activities within the Department.
94. With regard to the Mandatory Reporting Procedure, I acknowledge that there are issues with compliance in relation to all staff undertaking mandatory reporting training and, therefore, understanding their role as a mandatory reporter. In addition to the sheer number of staff we must ensure are trained and aware of their responsibilities (more than 10,000), we believe that there is general confusion about the threshold required for a report to be made, the timeframes around reporting and whether guidance must be sought, or the matter delegated to, senior Department staff.
95. While mandatory reporting information and relevant policies are available on the Department's intranet, mandatory reporting training is currently not provided on the intranet or in a systemic way through face-to-face training. The Office of Safeguarding Children and Young People is presently reviewing options to best deliver induction sessions and regular annual mandatory reporting training for all staff as an obligation of their employment to ensure staff understand and comply with their obligations.
96. To assist schools, Workplace Relations is undertaking work to raise general awareness regarding inappropriate conduct to ensure that Principals are aware that any allegations concerning potential child sexual abuse are referred immediately to Workplace Relations and relevant mandatory notifications are made. For example, in 2021 Workplace Relations provided a presentation to Principals on mandatory notification obligations.

97. In addition to the Policies set out above:

Between 2018 and 2022:

- a. Employment Direction No.5 Fact Sheet – Principal/Manager Guide. This fact sheet provides information for Principals/Managers regarding an Employment Direction No.5 (ED5) investigation and related matters, together with guidance should an employee they manage be the subject of such.
- b. *Department of Education process where an allegation(s) of child sexual abuse is made against a current employee* May 2021 - current – provides advice to staff, Principals and Managers on the steps required in the event that an allegation of child sexual abuse is made against a current staff member.
- c. *DoE process to manage information about historic and/or current child sexual abuse perpetrated by current DoE employees*, 2021-current – provides advice to staff about how to manage historic and current child sexual abuse claims.
- d. *Registration to Work with Vulnerable People Policy* – 2021 – current. The purpose of this policy is to highlight the Department’s commitment to ensuring the safety and wellbeing of children and other vulnerable people on DoE premises; ensure compliance with the *Registration to Work with Vulnerable People Act 2013* and set out the requirements when enacting this policy for employees and any other person working or engaging in activities within the Department.
- e. *Advice for DoE staff on responding to incidents, disclosures and suspicions of child sexual abuse* – 2022 - current. The purpose of this document is to provide Department employees with clear guidance on what to do and who to notify if they suspect a child is suffering, has suffered or is likely to suffer sexual abuse.
- f. *Communication Guide for Principals/ Managers – Employees subject to Child Sexual Abuse Allegations* – 2022 - current. The purpose of this document is to assist Principals in the event that a current employee at a school or college is subject to allegations of child sexual abuse. The advice provides a recommended approach to the initial discussion with the employee who is subject to the allegations and any broader discussion that may need to occur with staff.

98. Please refer to annexure “C” for further information on the above policies and procedures.

99. ***Accountabilities Toolkit 2017-current (annually updated)***

Since 2017, the Department has published an Accountabilities Toolkit, which was developed to support Principals to fulfil their key accountabilities. The toolkit is reviewed and updated annually. In 2022, the toolkit was updated to include a new section highlighting the Department’s commitment to safeguarding all children and young people in our care and each individual’s responsibility as part of this. It was emailed directly to Principals in February 2022 and is made available on the staff intranet. The toolkit provides links for Principals to key agency-wide resources for Principals for the management of critical incidents. This includes:

- a. *Mandatory Reporting Procedure*;
- b. *Security & Emergency Management Procedures (SEMP)*, including information for Principals relating to incidents of sexual assault (it should be noted that the procedure requires the staff member to notify TASPOL and Child Safety Services.);
- c. a link to the Department’s *Critical Incident Response Procedure* Document;
- d. a link to the Department’s critical incident flowchart for Principals.
- e. Ease of access to information is further provided by virtue of an Emergency Management App.

The Toolkit makes it mandatory for the Principal to ensure that staff are aware of key policies at the beginning of every year. This includes Mandatory Reporting.

100. ***Legal Services Handbook (current, although under review)***

The Legal Services Handbook provides general guidance for departmental employees only. The handbook is published on the Departmental Intranet and is largely utilised by Principals and staff employed within schools to assist in school related issues, including but not limited to, family law and child safety matters, student administration, health and medication issues, Cyber safety and student behaviour.

101. ***Flowcharts***

A new suite of flowcharts for the correct handling of suspicions or allegations of child sexual abuse has recently been developed and is currently in the final stages of design. This will be made available to staff in mid-April 2022. The flowcharts, which relate to incidents of harmful sexual behaviour and incidents involving current/former staff or family/community members and volunteers), have been developed to ensure the information is clear and consistent and all staff understand the required steps they need to take in each instance of suspected or alleged child sexual abuse.

## Jeremy [REDACTED] employment

**Item 31: State the current status of Jeremy [REDACTED] employment with the Department.**

102. On [REDACTED] 2022 Jeremy [REDACTED] employment was formally terminated (annexed and marked "E" is a copy of my correspondence to Jeremy [REDACTED]).
103. Jeremy [REDACTED] was employed as a [REDACTED] within the Department since [REDACTED]. He had been assigned the classification of [REDACTED] under the Teaching Staff (Tasmanian Public Sector) Award and assigned the duties of a [REDACTED] at [REDACTED]. Jeremy [REDACTED] held [REDACTED] permanent status.
104. On [REDACTED] 2016 the Department was notified of an allegation by [REDACTED] that Jeremy [REDACTED] had "lured her into the [REDACTED], grabbed her by the hand and kissed her". It is understood that this incident is alleged to have occurred on [REDACTED] 2016, during a [REDACTED] class at [REDACTED].
105. Jeremy [REDACTED] was sent home on [REDACTED] 2016 and was suspended pursuant to ED4 since that time, with the exception when I lifted his suspension on [REDACTED] 2017 until [REDACTED] 2018 (an annual leave period) and again from [REDACTED] 2020, on the basis that Jeremy [REDACTED] did not have a current TRB, I had stopped his pay and he was prevented from attending work, in accordance with Clause 7 of the Teaching Service (Tasmanian Public Sector) Award.
106. I subsequently reimposed the suspension pursuant to ED4 on full pay on [REDACTED] 2020 as I was satisfied that the failure of Jeremy [REDACTED] to obtain his TRB registration was beyond his control (Clause 7 of the Teaching Service (Tasmanian Public Sector) Award) as a result of evidence

presented to the Tasmanian Industrial Commission (TIC) through the application made by [REDACTED]  
[REDACTED] Jeremy

107. In any event, [REDACTED] Jeremy did not return to his employment from the date of the 2016 allegations until his termination of employment on [REDACTED] 2022.

**Item 32 - Identify the periods during his employment with the Department when [REDACTED] Jeremy**

**(a) was stood down, including the reason(s) for each stand down**

108. The Department does not use the term 'stood down'; however, for the purposes of providing information we have taken 'stood down' to mean either 'asked to leave the workplace pending receipt of formal documentation' or 'suspended from duty pursuant to Employment Direction No 4 (ED4)'.

109. [REDACTED] Jeremy was asked to leave the workplace on [REDACTED] 2016. [REDACTED] Jeremy formal suspension of duty with full pay (in accordance with ED4) commenced on [REDACTED] 2016. The suspension was in response to [REDACTED] allegations made on [REDACTED] 2016. Ms Jenny Gale, then Secretary, informed [REDACTED] Jeremy that he would be subject to an Employment Direction No. 5 investigation; however, as [REDACTED] Jeremy was formally charged by TASPOL, the Employment Direction No.5 investigation did not commence until [REDACTED] 2020 as a result of waiting for criminal proceedings to be finalised.

110. [REDACTED] Jeremy was suspended from his workplace, either pursuant to ED4 or due to his failure to hold a current TRB as described above and, to the best of my knowledge, he did not return to a Department site, except for attending his child's [REDACTED] for [REDACTED] and learning programs, or attending [REDACTED] as a parent.

**(b) did not have a current teacher's registration, and**

111. On [REDACTED] 2016, Workplace Relations notified the TRB of [REDACTED] complaint. On [REDACTED] 2016, the TRB suspended [REDACTED] Jeremy registration under the *Teachers Registration Act* 2000 (the Act).

112. [REDACTED] Jeremy applied to the Magistrates Court for the decision of the TRB to be set aside. On [REDACTED]

2016 Magistrate ordered that the decision of the TRB to suspend the registration of Jeremy be set aside and that the TRB impose a condition upon the registration of Jeremy that he not seek or accept employment as a teacher within any Tasmanian School or TasTAFE pending the outcome of an enquiry of the TRB.

113. On 2017, the TRB refused Jeremy application for registration on the basis that he was not registered under the *Registration to Work with Vulnerable People Act 2013*.

114. I have confirmed with Workplace Relations that the TRB investigation is still underway.

**(c) *did not have a current Registration to Work with Vulnerable People.***

115. The *Teachers Registration Act 2000* was amended in 2017, requiring any person seeking registration as a teacher under that Act to have registration under the *Registration to Work with Vulnerable People Act 2013*.

116. I am told by Workplace Relations that records indicate that Jeremy applied for registration under the *Registration to Work with Vulnerable People Act 2013* on 2016. On 2016, the Registrar advised Jeremy that the pending charges against him were likely to be 'highly relevant' in determining whether he was a risk of harm to children and that the Registrar would not be in a position to finalise the risk assessment process and determine the outcome of the application until the pending charges had been resolved. By letter dated 2017, the Registrar advised Jeremy that he had formed the view that Jeremy was unsuitable to work with children. Jeremy requested a reconsideration of that decision on 2017. On 2017, the Registrar refused to grant the registration of Jeremy. On 2017, the Department ceased payment of Jeremy salary.

117. I lifted his suspension on 2020 as Jeremy did not have a current TRB and, in accordance with the Teaching Service (Tasmanian Public Sector) Award, I stopped his pay.

118. I subsequently reimposed the suspension pursuant to ED4 on full pay on 2020 as a result of a TIC application by Jeremy.

119. In any event, Jeremy did not return to his employment from the date of the 2016 allegations until his termination of employment on 2022.



120. On [REDACTED] 2017, Magistrate [REDACTED] ordered a stay of the decision of the Registrar and the Department resumed payment of Jeremy [REDACTED] salary.
121. Jeremy [REDACTED] was found to be not guilty of the charges of indecent assault on [REDACTED] 2019.
122. On [REDACTED] 2019, the Registrar registered Jeremy [REDACTED] under the *Registration to Work with Vulnerable People Act 2013*.

***To the extent that the response to (b) or (c) above concerns periods in which the relevant registration was suspended, provide the reason for the suspension.***

123. No specific reasons were provided by TRB or the Registrar as to why Jeremy [REDACTED] was suspended or not registered/registered.

## **2012 Allegations**

***Item 33 – Outline the steps taken by the Department or [REDACTED] in response to the 2012 Allegations to:***

- a) assess the risk posed by Jeremy [REDACTED] to the three complainants, and to students at [REDACTED] more generally***

124. The Department's records demonstrate the School and Learning Services' action as follows:
- a. The 2012 allegations are alleged to have occurred on or around Term 1, 2012.
  - b. One of the three students approached then-Principal, [REDACTED] Assistant Principal [REDACTED] met with and obtained some detail from the three students separately (refer statement of [REDACTED] annexed to report of [REDACTED] dated [REDACTED] 2021 at annexure "F").
  - c. [REDACTED] made handwritten notes on [REDACTED] 2012, documenting steps to take (refer pg. 2 and 9-11 annexure "G" "the 2012 complaints bundle"). These notes are undated; however, [REDACTED] recalls in her statement to [REDACTED] that she met with each of the three students on or about [REDACTED] of Term 1 2012. The notes also indicate that phone calls with the parents would take place.

- d. Handwritten notes marked "Jerem version" (refer pg. 3 annexure "G" "the 2012 complaints bundle")
- e. Handwritten notes marked [REDACTED] documenting student allegations (refer pg. 4- 8 annexure "G" "the 2012 complaints bundle")
- f. [REDACTED] notes in her statement to [REDACTED] at paragraph 19 that she took the information that was provided to her by the students seriously and was given no reason to believe that they were being anything but truthful with her.
- g. On [REDACTED] 2012 [REDACTED] and [REDACTED] (assistant Principal) met with Jeremy [REDACTED] to review the complaints and warn against future inappropriate behaviour (refer to [REDACTED] notes at pg. 13 of annexure "G" "the 2012 complaints bundle" and pg. 15 of [REDACTED] report).

Those notes reflect that *"in hindsight Jere said this was best not said. Jere said not professional a bit loose should not have responded to personal information. But conversation at time and in context was not inappropriate."*

Response of [REDACTED] was *"conversation must be totally non-personal and not involve sexual view of any nature. Not even use word sex."* The balance of notes set out the next steps to be taken, as per the below.

- h. On [REDACTED] 2012, [REDACTED] (Assistant Principal) emailed other teaching staff [REDACTED] [REDACTED] to provide advice in respect to actions being taken, i.e., moving students out of Jeremy [REDACTED] class and into their classes and removing from his activities.
- i. On [REDACTED] 2012, [REDACTED] emailed Jeremy [REDACTED] to note actions taken by the school, including:
  - i. Students will move into other classes.
  - ii. Students are not to be in his activities. Parents know about these arrangements.
  - iii. Be mindful of body language and reminder not to place himself in a position where this can be misconstrued.

- iv. When speaking with [REDACTED] (House Captain) he must have another staff person present.
  - v. [REDACTED] to issue a letter to parents.
- j. On [REDACTED] 2012, [REDACTED] telephoned [REDACTED] HR Manager, Learning Services [REDACTED] seeking advice generally and assistance writing to the parents (annexed and marked "H" is a copy of File Note of [REDACTED]). An email with draft letter was provided to [REDACTED] from [REDACTED] that same day. This email indicates that [REDACTED] had spoken to the parents twice (refer to annexure "B").
- k. On [REDACTED] 2012, [REDACTED] wrote to the parents of the students to confirm that [REDACTED] **Jeremy** had been spoken to about the conversations he had had with their daughters, that he acknowledged the conversation had taken place and was sorry he responded to personal information (refer to annexure "G" complaints bundle 2012). The letter advises that [REDACTED] had reiterated to him that such behaviour was "unprofessional and not appropriate in an educational environment" and had made him aware of his obligations under the *State Service Act 2000 Code of Conduct*.
- l. On [REDACTED] 2012, [REDACTED] and [REDACTED] spoke by phone about drafting a letter to [REDACTED] **Jeremy** about his obligations, "*given this is not the first time that it has occurred*". (NOTE: there are no records of prior incidents.) (Refer to annexure "H" File Note of [REDACTED]) It was agreed that Human Resources would draft the letter for her comment and signature of [REDACTED] General Manager [REDACTED] Learning Services.
- m. On [REDACTED] 2012, a letter was sent to **Jeremy** from [REDACTED] on [REDACTED] 2012, confirming the allegation of a number of parents that he had used inappropriate language and made inappropriate comments in relation to their children (refer to page 15 annexure "G" 2012 complaints bundle). The letter indicated that **Jeremy** had recognised that his behaviour was not acceptable. The letter reminded **Jeremy** of the requirements of the *State Service Act 2000 Code of Conduct* and that such behaviour was not acceptable. The letter served to provide **Jeremy** with a formal warning and that any future alleged instances would be considered to be a potential breach of the *State Service Act 2000 Code of Conduct*, which could lead to an investigation and a range of sanctions. A copy of the Code of Conduct was provided, together with a copy of *Protective Practices for Staff*

document.

- n. There is no evidence of this matter being reported to TASPOL or a CPARS notification being made at this time.

**b) *provide support to the three complainants, their families, carers, students or staff at*** [REDACTED]

125. Clause 3.1 of the Maltreatment Guidelines required the Principal to provide support and protection for the students concerned, including advising them that information and support was available from the Department and Intake and Assessment Services; ensuring that the students were not placed in any adverse position within the school and nominating a staff member to provide specific support where appropriate. Similarly, the *Protective Practices for Staff in their Interactions with Students Guidelines* 2006 required the Department staff member to refer the student to a staff with specialised skills (i.e., guidance officer or social worker). A plan of support for the student and staff member should have been implemented according to this policy.

126. Learning Services has, to date, been unable to find any records about the supports put in place for the students, their families, carers, students or staff at [REDACTED]

**c) *communicate with the three complainants, their families, carers, students or staff at*** [REDACTED] ***regarding actions taken in response to the 2012 Allegations, and***

127. [REDACTED] informed Learning Services via email that she would send a letter to the parents concerned. A letter was drafted and sent to Learning Services for consideration before being released (refer annexure “G” 2012 complaints bundle.) Records further demonstrate that [REDACTED] had spoken with the parents of the students twice.

**d) *make systemic improvements to reduce the risk of similar behaviour in the future (e.g. staff training, changes to facilities).***

128. Enquiries have been made of various areas to determine what improvements were made that relate directly to this matter and a specific link to policy or procedure amendment could not be identified, except that various policies/procedures/guidelines have been published after 2012.

The Department has previously provided a list of those policies/procedures/guidelines pursuant to NTP-TAS-002 item 4.

129. Whilst policies and procedures have been updated over time, I am unaware of any specific cases used to inform review of Department standards, guidelines and policies.
130. I can advise that based on a recommendation in the DoE Inquiry, the Department has begun the process of systematically reviewing significant instances of child sexual abuse to understand how system changes may better support the Principal and staff dealing with instances of child sexual abuse and, through this, better support the student and keep them at the centre of all actions and decisions that relate to them.

**Item 34 - State whether the Teachers Registration Board was notified of 2012 Allegations, and:**

**a. if a notification was made, provide details of the timing and content of the notification, and**

131. These allegations were not known to Conduct and Investigations until 2016, when subsequent allegations were raised and explored. There is no evidence of contact with the TRB. In 2016, the 2012 handwritten notes were provided to [REDACTED] (Conduct and Investigations) by [REDACTED] (then-Principal) and a notification was made to the TRB on 1 August 2016.

**b. if a notification was not made, explain why no notification was made and state whether (and why) different action would be taken today.**

132. A notification was not made to TRB at the time. I refer to paragraph 70 above and confirm the advice of Workplace Relations that these allegations should have been referred to the TRB.
133. Pursuant to today's practices and procedures, the school would be required to notify Workplace Relations. Workplace Relations would then, in turn, make a notification to the TRB.

**Item 35 - Identify whether the response of the Department or [REDACTED] to the 2012 Allegations complied with the policies or procedures identified in answer to paragraph 28 above. If the Department's or [REDACTED] response did not comply with those policies and procedures, please explain the respects in which the Department's or [REDACTED] response did not comply.**

134. Following clause 2.2.1 of the Maltreatment Guidelines, the Principal was required to make a report to the General Manager Learning Services and the Manager of Conduct and Investigations in respect to the 2012 allegations. [REDACTED] made contact with [REDACTED] General Manager Learning Services. There are no records of contact with the Conduct and Investigations Unit.
135. Pursuant to clause 2.3.1, the General Manager Learning Services was further required to notify the Manager (Employee Relations and Support) via the Manager (Conduct and Investigations) immediately by phone. There are no records of this contact.
136. Pursuant to clause 2.3.1, the General Manager Learning Services or the Manager (Conduct and Investigations) should also contact the appropriate Service Centre Manager to have an authorised officer from Child and Family Services appointed to the investigation. There are no records of this contact with Child and Family Services.
137. Pursuant to clause 3.1 of the Maltreatment Guidelines, the Principal was required to provide support and protection for the students concerned, including advising them that information and support was available from the Department and Intake and Assessment Services; ensuring that the students were not placed in any adverse position within the school and nominating a staff member to provide specific support where appropriate. Similarly, the *Protective Practices for Staff in their Interactions with Students Guidelines 2006* required the Department staff member to refer the student to a staff with specialised skills (i.e., guidance officer or social worker). A plan of support for the student and staff member should have been implemented according to this policy, including a plan for:
- a. Communication with parents
  - b. Referral to and liaison with specialist counselling
  - c. Formalised support within the school/college which may include closer monitoring or supervision
  - d. referral to and liaison with appropriate agency with disability specific expertise.
138. In compliance with the above procedures and guidelines, Department staff should have made clear, documented referrals to school social workers/psychologists or to specialist counselling, if agreed to by the family. By virtue of the communication plan, there would have been a clear

understanding of expectations around communications and subsequently clearer and more productive communication with the student and their families, including acknowledging the complaint at an early stage and advising of process in a survivor-led, trauma-informed approach.

139. There are no records of support offered to the students, aside from the decision of [REDACTED] to move the students out of Jeremy [REDACTED] classes.
140. Further pursuant to clause 3.2.3 of the Maltreatment Guidelines, the Principal was required to advise the students' parents of the allegation and that the General Manager Learning Services or the Manager of Conduct and Investigations would contact CPARS and/or TASPOL. It is clear from records that the parents received notice of the allegation (the parents were spoken to twice by [REDACTED] and one letter was sent in conclusion). There are no records of advice to the parents about referrals to TASPOL or CPARS.
141. There are no records of the General Manager Learning Services, [REDACTED] notifying CPARS and/or TASPOL. There are no records of [REDACTED] contacting CPARS and/or TASPOL.
142. Conduct and Investigations' process for a suspected breach of the Code in 2012 is the same process as current practice. That is, in 2012, the Conduct and Investigation Unit would have made a preliminary assessment of all the information concerning a potential breach of the Code, and, if necessary, referred all information to enable the Head of Agency to form a view as to whether or not reasonable grounds existed that a breach of the Code had occurred. The Conduct and Investigations Unit would then have been placed in a position to assess the severity of the incident and appropriate steps moving forward (i.e. CPARS, TRB, Integrity Commission, and TASPOL). It is noted that the notification process is now guided by the *Workplace Relations Checklist*, which came into existence in or about 2020.
143. Records demonstrate that the *Protective Practices for Staff in their Interactions with Students* Guidelines (2006) was provided to Jeremy [REDACTED] under letter from [REDACTED] of [REDACTED] 2012 (refer annexure "G" 2012 complaints bundle). This document sets out specific examples of inappropriate communication and conduct with students highly relevant to Jeremy [REDACTED] own conduct.

144. As part of the Department's efforts to ensure all staff understand their duties in relation to communication with students and their families, we have made a commitment to build this into future training and guidelines.

**Item 36 - Identify the respects (if any) in which the response of the Department or [REDACTED] to the 2012 Allegations would be handled differently today, and why.**

145. The standard procedure since early 2021 is that all matters relating to alleged child sexual abuse are referred to Workplace Relations for subsequent referral to me, as Secretary.

146. If the 2012 allegations were received today:

*Reporting:*

- a. The first receiver of the allegations/Principal would follow the *Department of Education process where an allegation(s) of child sexual abuse is made against a current employee (May 2021 - current)* for advice and procedure generally. This document requires the first receiver and/or Principal to notify the Advice and Referral Line of the allegations and refer the matter to Workplace Relations for advice and investigation. Following the Procedure, the notifications must occur as soon as possible or within the first 24 hours.
- b. Further, pursuant to the *Mandatory Reporting Procedures 2019*, the Principal or first receiver of the allegations must comply with their obligations as Mandatory Reporters under the *Children, Young Persons and Their Families Act 1997*.

*Student Supports:*

- a. In respect to student wellbeing and support, the Principal would have access to the *DoE process to manage information about historic and/or current child sexual abuse perpetrated by current DoE employees* flowchart and more recently to the *Advice for DoE staff on responding to incidents, disclosures and suspicions of child sexual abuse*. Both documents require the person receiving the information/Principal to inform Learning Services and Legal Services of the incident and to ensure supports are put in place (medical, emotional, wellbeing etc) for the affected child/person. The *Advice for DoE staff on responding to incidents, disclosures and suspicions of child sexual abuse*



specifically states that Student Support Leaders can provide advice on differentiated support for the child or young person as required and reminds the Principal of the need to avoid interviewing the student.

- b. Learning Services advise that the student, their family and affected staff are provided support from Learning Services. Principals and school leaders always ensure that safety is the first consideration. After this, the student is given the opportunity to meet with the school psychologist/social workers who may support therapeutically, or refer to specialised non-government agencies (SASS or Laurel House if applicable) or other support specialists. The student's teachers are typically advised of the incident to ensure that support for the student remains a priority and the teacher will notify school leaders and professional support staff if they have any concerns regarding the student so these can be prioritised and responded to. If permitted by the student and safe to do so, the incident is reported to the student's family and the support offered to the student is outlined.

*Employee Support:*

- a. School leaders and professional support staff are mindful that school staff may be impacted by working with children who have survived child abuse due to witnessing events or having students disclose to them information, and that some may be personally triggered by incidents. Staff are encouraged by Leaders to engage with EAP (the Employee Assistance Program). The Department continues to support staff and Leaders' wellbeing with a suite of supports.

*Investigation:*

- a. Workplace Relations would make an assessment on the context, nature and seriousness of the allegations.
- b. **Jeremy** would be asked to immediately leave the workplace pending the receipt of letter from the Secretary informing him of the commencement of the ED5 investigation. Workplace Relations would follow the practice described at paragraph 77. The matter would be referred to me for my determination of whether I have reasonable grounds to believe a breach of the Code of Conduct has occurred. Further, the matters would be formally referred to relevant agencies, specifically, notifications would be made to

TASPOL, RWVP, the TRB and the Integrity Commission. Each of these agencies is provided with a full summary of the nature of the allegations.

- c. As a part of the investigation process, Jeremy would be provided with a copy of:
    - i. Employment Direction No. 5;
    - ii. Employment Direction No. 4;
    - iii. Information for Respondents fact sheet;
    - iv. EAP brochure; *and*
    - v. *State Service Act 2000* - section 9: The State Service Code of Conduct.
  - d. Employment Direction No. 5 requires the Secretary of the Department to appoint an investigator to investigate an alleged breach of the Code in accordance with the procedures set out in ED5 if he/she has reasonable grounds to believe that a breach of the Code of Conduct has occurred.
  - e. The ED5 Investigation must comply with ED5 at each step of the investigative process.
  - f. The appointed Contact Officer, who will be a Senior Workplace Relations Consultant, is guided by an internal document titled the *ED5 Investigation Checklist*. This ensures that all necessary steps are taken in a timely manner.
147. As is apparent, all allegations concerning Jeremy (2012 – 2016) have subsequently been referred to me by Workplace Relations and I commenced two separate ED5 investigations with external investigations conducted by [REDACTED]. Further, Jeremy was suspended from duty pursuant to Employment Direction No. 5 since 2016, with the exception of two periods of lifting the suspension; one period related to a leave period from [REDACTED] 2017 to [REDACTED] 2018 (annexed and marked “I” is a copy of the relevant Minute relating to that period and authorisation.) One period related to a time during which Jeremy did not have a current TRB registration and, in accordance with the Award, I stopped his pay from [REDACTED] 2020 until [REDACTED] 2020, upon TIC application by Jeremy
148. I subsequently reimposed the suspension pursuant to ED4 on full pay on [REDACTED] 2020 as a result of a TIC application by Jeremy

149. On [REDACTED] 2022, I subsequently determined that **Jeremy** had breached the Code and pursuant to Section 10(1) (g) of the *State Service Act* 2000 I imposed the sanction of termination of employment. I note that **Jeremy** has lodged a dispute pursuant to s.29(1A)(a) of the *Industrial Relations Act* 1984 regarding the termination of his employment in the Tasmanian Industrial Commission.

## 2015 Allegations

### *Item 37 - In relation to the 2015 Allegations:*

- a. *state when the Department or [REDACTED] were first notified of the allegations, and*
- b. *provide details of any action taken by the Department or [REDACTED] with respect of **Jeremy** at that time.*

150. The Department has not located any records of this incident.

151. I am now aware that [REDACTED], a teacher at [REDACTED] witnessed the alleged incident (hand on thigh). I understand that [REDACTED] made a statement to [REDACTED] on [REDACTED] 2021 (annexed to the report of [REDACTED] 2021) in which she asserts that:

- a. she saw the incident and reported the same to the then Principal at [REDACTED] [REDACTED] within that same day.
- b. [REDACTED] advised her that he would deal with the matter.
- c. [REDACTED] did not ask her to document the event, nor did he make a mandatory report to Tasmania Police “or any other authority”.

152. I am aware that [REDACTED] gave evidence in the Supreme Court trial that the complaint was that “**Jeremy** had sat too close to [the student] and [the student] was wearing a very short skirt, or shorts.” [REDACTED] confirmed in examination in chief that he did not speak with **Jeremy** the student or her parents about it, nor did he speak to anyone else about the matter. [REDACTED] confirmed in cross-examination that had the complaint been that a teacher had put their hand on the leg of a student that it would have been reported in the “*Education Department system*”.

153. There are no records of [REDACTED] following the Mandatory Reporting Procedure and notifying CPARS. There are no records of [REDACTED] making contact with Conduct and Investigations in 2015.
154. Workplace Relations first became aware of the 2015 allegation in respect to Jeremy [REDACTED] placing his hand on [REDACTED]'s thigh upon receipt of the Supreme Court Trial Transcript in 2021. This allegation was explored during the second 2021 investigation.
155. The Department was made aware of the badminton allegation (as described in Part A "Background") in 2016, upon [REDACTED] providing a statement to the Department (to [REDACTED] Human Resource Manager, Learning Services [REDACTED] Region) dated [REDACTED] 2016. This statement was provided to TASPOL by [REDACTED] Conduct and Investigations on [REDACTED] 2016 (annexed and marked "J" is a copy of that correspondence.) [REDACTED] had also made a statement to TASPOL on [REDACTED] 2016. During her examination in chief in the Supreme Court proceedings, [REDACTED] indicated that she had not told anyone about it at the time. This event was explored further in the 2021 investigation.

***Item 38 - Outline the steps taken by the Department or [REDACTED] in response to the 2015 Allegations to:***

- a. assess the risk posed by Jeremy [REDACTED] to [REDACTED], and to students at [REDACTED] more generally***
156. At the time that the 2015 badminton allegation became known, together with the 2016 allegations, Jeremy [REDACTED] was suspended from the workplace and prevented from entering any Department of Education school, except for the purposes of dropping off or collecting his own children, or attending Launching into Learning with his child at [REDACTED]
157. A second ED5 investigation took place in 2021 and Jeremy [REDACTED] remained suspended as was previously the case.
- b. provide support to [REDACTED] her family, students or staff at [REDACTED]***
158. Learning Services has, to date, been unable to locate records on file in relation to the 2015 allegations.

159. In 2014 and 2015, [REDACTED] had access to a school social worker, [REDACTED]. [REDACTED] closed her file on [REDACTED] on [REDACTED] 2015, as [REDACTED] was not requesting social worker support in 2015 and her file had been updated and completed. (Annexed and marked "K" is a copy of an email from [REDACTED] to [REDACTED] Social Work Referrals dated 11 July 2015)

**c. communicate with [REDACTED] her family, students or staff at [REDACTED] regarding actions taken in response to the 2012 Allegations, and**

160. There are no records of communications with [REDACTED] her family, students, or staff at [REDACTED] regarding the 2015 allegations.

**d. make systemic improvements to reduce the risk of similar behaviour in the future (e.g. staff training, changes to facilities).**

161. I refer to paragraphs 128 to 130 above.

**Item 39 - Identify whether the response of the Department or [REDACTED] to the 2015 Allegations in the period prior to 2021 complied with the policies or procedures identified in answer to paragraph 28 above. If [REDACTED] or the Department's response did not comply with those policies and procedures, please explain the respects in which [REDACTED] or Department's response did not comply.**

162. Following the *Mandatory Reporting Procedure*, the Principal, or person receiving the allegation, was required to make an immediate report to Child Safety Services. There are no records of [REDACTED] making such a notification.

163. Pursuant to the *Professional Staff Professional Standards for Staff Policy* 2015, [REDACTED] had access to direction and guidance on employee conduct to ensure they provided a safe and inclusive physical and emotional environment for students and colleagues. Under this policy, [REDACTED] was required to report the alleged breach of the policy to the Manager of Conduct and Investigations by telephone, as well as to CPARS. This did not occur.

164. Pursuant to the *Protective Practices for Staff in their Interactions with Students Guidelines* 2006 [REDACTED] should have referred [REDACTED] to a staff member with specialised

skills (i.e., guidance officer or social worker). A plan of support for the student and staff member should have been implemented according to this policy, including a plan for:

- a. Communication with parents
- b. Referral to and liaison with specialist counselling
- c. Formalised support within the school/college which may include closer monitoring or supervision
- d. referral to and liaison with appropriate agency with disability specific expertise.

There are no records that this occurred.

165. There are no records of notification to TASPOL, the Integrity Commission or the TRB in 2015.

166. As there was no referral to Conduct and Investigations, there was no contemporaneous investigation of the matter. If the referral had been made, the process described at paragraph 73 and 77 would have been followed.

167. There are no records of correspondence to **Jeremy** or provision of the *Department Conduct and Behaviour Standards*, the *Protective Practices for Staff in their Interactions with Students* 2006 or *Professional Staff Professional Standards for Staff Policy and Guidelines* 2015 to **Jeremy**

**Item 40 - Identify the respects (if any) in which the response of the Department or  to the 2015 Allegations would be handled differently today, and why.**

168. As detailed in paragraph 145 to 149 above.

## **2016 Allegations and 2016 Investigation**

**Item 41- Outline the steps taken by the Department or  in response to the 2016 Allegations to:**

- a) **assess the risk posed by **Jeremy** to , and to students at  more generally**

169. Department records demonstrate the following risk assessment occurred, resulting in Jeremy being removed from the workplace and then being formally suspended:
- a. On [REDACTED] 2016, [REDACTED] and her mother, [REDACTED] met with the Principal of [REDACTED] and advised him of the alleged incident (annexed and marked "L" copy of original notification from Principal to Learning Services [REDACTED] Region [REDACTED] 2016.)
  - b. On [REDACTED] 2016, after meeting with [REDACTED], [REDACTED] reported the alleged incident to TASPOL.
  - c. By email of [REDACTED] 2016, [REDACTED] emailed [REDACTED] Learning Services, [REDACTED] Region and advised her of the complaint and that this student had had a few other instances with this teacher where his actions had been suspicious, noting there was "enough to warrant extreme concern". [REDACTED] then forwarded that email to [REDACTED] (Human Resources Manager, Learning Services [REDACTED] Region) who in turn notified Conduct and Investigations. This all occurred on [REDACTED] 2016. (Refer annexure "L" copy of original notification from Principal to Learning Services [REDACTED] Region [REDACTED] 2016.)
  - d. On [REDACTED] 2016, [REDACTED] (also referred to as [REDACTED] in Department records), [REDACTED] grandmother, wrote a letter to [REDACTED] also advising him of the complaint (received [REDACTED] 2016) (annexed and marked "M").
  - e. On [REDACTED] 2016, [REDACTED] telephoned Learning Services [REDACTED] Region to discuss the allegations.
  - f. At 8.45 am on [REDACTED] 2016, Jeremy attended a meeting with the Principal ([REDACTED] Assistant Principal [REDACTED] and [REDACTED] via speakerphone. Jeremy was informed of the 2016 allegation and asked to leave the premises (annexed and marked "N" is a copy of a risk assessment by [REDACTED] Conduct and Investigations, [REDACTED] Learning Services and [REDACTED] of Industrial Relations – dated [REDACTED] 2016. On [REDACTED] 2016, Jeremy was formally suspended from duty and an ED5 investigation commenced.

- g. By email of [REDACTED] 2016 [REDACTED] was advised by Workplace Relations to make a mandatory report (annexed and marked "O" is a copy of that email). As identified above at paragraph 61(b), on [REDACTED] 2022 [REDACTED], Principal Legal Officer, Office of the Solicitor-General, confirmed that a notification was made to CPARS in respect to the 2016 allegations by the Department in July that year.
- h. By email of [REDACTED] 2016, [REDACTED] provided the letter from [REDACTED] to Conduct and Investigations and requested formal investigation of the events of [REDACTED] Then General Manager, [REDACTED] was copied into that correspondence (annexed and marked "P" is a copy of that email).
- i. By return email of [REDACTED] 2016, [REDACTED] Assistant Director Industrial Relations indicated there would be discussion about a report to TASPOL the following day. (Annexed and marked "Q" is a copy of that email.)
- j. On [REDACTED] 2016, [REDACTED] made a statement to TASPOL
- k. On [REDACTED] 2016, Jenny Gale, then-Secretary, formally suspended Jeremy [REDACTED] pursuant to Employment Direction No.4. A letter was sent to Jeremy [REDACTED] that day, informing him of the ED4, copies of ED4 and 5 documents, information relating to EAP and directing him not to enter the grounds of any Tasmanian Government school/campus, other than for the purpose of dropping off or collecting any children he had attending the campus (refer to annexure "R").
- l. On [REDACTED] 2016, [REDACTED] Human Resource Manager, Learning Services [REDACTED] Region met with [REDACTED] and her family (annexed and marked "S" is a copy of an email dated [REDACTED] 2016 from [REDACTED] to [REDACTED] Learning Service [REDACTED] Region confirming plans to meet with [REDACTED] and her family).
- m. By email of [REDACTED] 2016, to [REDACTED] of Conduct and Investigations requested copies of any background information to accompany the formal warning letter of [REDACTED] 2012, parent complaints, what inappropriate language and comments were made in relation to students, what specific allegations were put to Jeremy [REDACTED] and what his response was, etc. This material was provided to TASPOL (annexed and marked "T" is a copy of that email).



- n. The 2012 and 2016 allegations were investigated by Conduct and Investigations as described in the preceding paragraphs.

**b) provide support to [REDACTED] her family, students or staff at [REDACTED]**

170. There is no evidence to suggest that [REDACTED] had access to the School Social Worker. Support was made available to [REDACTED] family via phone.

171. Staff were advised that Jeremy [REDACTED] was on a period of leave.

**c) Communicate with [REDACTED] her family, students or staff at [REDACTED] regarding actions taken in response to the 2012 Allegations, and**

172. Records demonstrate that [REDACTED] met with [REDACTED] and her family on [REDACTED] 2016. Records further demonstrate that [REDACTED] of Learning Services [REDACTED] Region spoke to [REDACTED] by phone on [REDACTED] 2016 to confirm the allegation and that the matter would be investigated by Conduct and Investigations. [REDACTED] advised [REDACTED] to telephone [REDACTED] if she had any further queries (annexed and marked "U" is a copy of [REDACTED] email to [REDACTED] [REDACTED] No further records of communication have been located as at the date of this response.

173. There are no records of communication with students or staff at [REDACTED] regarding the 2016 allegations, save for email updates direct to [REDACTED], and later [REDACTED] about the status of Jeremy [REDACTED] suspension and the criminal proceedings generally.

**d) make systemic improvements to reduce the risk of similar behaviour in the future (e.g. staff training, changes to facilities).**

174. Now that the investigation into the 2016 allegations is complete, the file will be provided to the Office of Safeguarding Children and Young People to inform future policy development.

**Item 42 - In relation to the 2016 Investigation:**

**a) identify the scope of the investigation**

175. The scope of the investigation encompassed the following allegations:

- i. That **Jeremy** removed [REDACTED] from a [REDACTED] class (the class) and requested that she follow him; contrary to section 9(1) and/or 9(2) and/or 9(3) of the Code;
- ii. That **Jeremy** requested [REDACTED] to follow him from the class to a room next to the [REDACTED] (the equipment storeroom) at the school; contrary to Section 9(1) and/or 9(2) and/or 9(3) and or 9(13) of the Code;
- iii. That **Jeremy** held the arms of [REDACTED] and kissed her on the mouth; contrary to section 9(2) and/or 9(3) and/or 9(13) and/or 9(14) of the Code;
- iv. That **Jeremy** placed his hand under [REDACTED] top and on her breast; contrary to section 9(2) and/or 9(3) and/or 9(13) and/or 9(14) of the Code;
- v. That **Jeremy** placed his hand under [REDACTED] top and under her bra and placed his hand on her breast; contrary to section 9(2) and/or 9(3) and/or 9(13) and/or 9(14) of the Code;
- vi. That **Jeremy** grabbed [REDACTED] hand and placed it on his penis on the outside of his pants; contrary to section 9(2) and/or 9(3) and/or 9(13) and/or 9(14) of the Code;
- vii. That **Jeremy** told [REDACTED] that she was not allowed to tell anybody about what is alleged to have occurred as he would go to jail and then kill himself; contrary to section 9(2) and/or 9(3) and/or 9(13) and/or 9(14) of the Code.

176. The scope of the investigation did not include an allegation raised at trial by [REDACTED] namely that **Jeremy** had touched her vagina during the course of the other alleged assaults. This is because Workplace Relations was not informed at the time of that particular allegation.

**b) provide an outline of the steps taken as part of the investigation**

177. On [REDACTED] 2016, Ms Jenny Gale, then Secretary, suspended **Jeremy** from duty with pay pursuant to ED4.
178. On [REDACTED] 2016, [REDACTED] took a statement from [REDACTED] (refer to annexure "V").
179. On [REDACTED] 2016, [REDACTED] (Conduct and Investigations) notified the TRB of the complaint by email, and advised the TRB that the Department was awaiting advice from TASPOL

as to whether they could run alongside the TASPOL investigation, or needed to wait until [REDACTED] Jeremy was potentially charged and/or convicted (annexed and marked “W” is a copy of that email).

180. On [REDACTED] 2016, the TRB suspended Jeremy [REDACTED] registration.
181. On [REDACTED] 2016, [REDACTED] Conduct and Investigations advised the TRB that “Given *that Police are currently investigating the matter, the Department has taken no further action other than to suspend him from duty which is our standard process.*” (annexed and marked “X” is a copy of that email.)
182. On [REDACTED] 2016, Jeremy [REDACTED] was charged with two counts of indecent assault contrary to section 127(1) of the *Criminal Code* 1924 in respect to [REDACTED] allegation. All Department investigations were placed on hold while TASPOL conducted its investigations, and the matter was prosecuted. Jeremy [REDACTED] was found not guilty of both counts of assault on [REDACTED] 2019
183. By [REDACTED] 2017, all Department of Education employees were required to hold a current RWVP. Jeremy [REDACTED] was unable to register under the *Registration to Work with Vulnerable People Act* 2013 due to the pending criminal charges. As Jeremy [REDACTED] was unable to register under that Act, the Department ceased paying him his salary on [REDACTED] 2017. Pursuant to proceedings in the Tasmanian Industrial Commission, it was ordered on [REDACTED] 2017 that the Department pay Jeremy [REDACTED] a salary from [REDACTED] 2017 until such time as his application for registration pursuant to the *Registration to Work with Vulnerable People Act* 2013 was determined by the Registrar. It was further ordered that if the Registrar registered Jeremy [REDACTED] then the Department would continue to pay his salary, and that if Jeremy [REDACTED] registration was refused, then the Department would cease to pay the salary from the date of the negative notice until such time as Jeremy [REDACTED] renewed his RWVP.
184. At the conclusion of the criminal proceedings in [REDACTED] 2019, Workplace Relations did not immediately recommence its investigations [REDACTED] 2020).
185. Workplace Relations has advised that the investigation did not recommence immediately upon the acquittal of Jeremy [REDACTED] due to a general review of the matter, and meetings to determine the

process and a pathway forward, including ongoing discussions about whether an ED5 should be commenced or ceased.

186. By letter dated [REDACTED] 2020, I informed Jeremy [REDACTED] that I had reasonable grounds to believe that he may have breached the *State Service Act 2000* Code of Conduct and I intended to investigate the alleged breaches in accordance with ED5. James Cumming Investigation Services Pty Ltd were engaged that same day to investigate the alleged breaches of the Code. [REDACTED] [REDACTED] completed his report into the 2016 allegations on [REDACTED] 2021, finding that Jeremy [REDACTED] had a case to answer.
187. James Cumming Investigation Services Pty Ltd concluded its investigation dated [REDACTED] 2021. Jeremy [REDACTED] was provided with a copy of the Investigation Report on [REDACTED] 2021 (annexed and marked "Y" is a copy of that report).
188. On [REDACTED] 2021, Jeremy [REDACTED] provided a written response to the Investigation Report. He continued to be suspended in accordance with ED4 during that time.
189. On [REDACTED] 2021, I determined that Jeremy [REDACTED] had breached the Code and that I would impose a sanction of termination of employment in accordance with Section 10 of the Act, subject to consultation with the Director State Service Management Office (SSMO) (annexed and marked "Z" is a copy of that Determination).
190. On [REDACTED] 2021, a second investigation report was provided by James Cumming in respect to the 2012 and 2015 allegations finding that Jeremy [REDACTED] had a case to answer (refer to annexure "F").
191. On [REDACTED] 2021, the Director SSMO confirmed that I had satisfied the delegation requirement to consult with the Director SSMO.
192. On [REDACTED] 2021 I, wrote to Jeremy [REDACTED] inviting him to show cause as to why termination of his employment was not an appropriate sanction. On [REDACTED] 2022, [REDACTED] [REDACTED], provided a response on behalf of Jeremy [REDACTED]

193. On [REDACTED] 2022, I met with Workplace Relations to discuss the response from [REDACTED] on behalf of Jeremy [REDACTED]. During this meeting I determined that, having considered the matters put forward in [REDACTED] response, the sanction of termination of employment was still appropriate in the circumstances.

**c) provide an outline of the outcome of the investigation, and**

194. Overall, Mr Cumming found that Jeremy [REDACTED] had a case to answer.

195. On [REDACTED] 2021, I determine that Jeremy [REDACTED] had breached the Code in respect to the 2016 allegations and that I would impose the sanction of termination of employment. I instructed Workplace Relations to prepare a Briefing Note to the Director, SSMO in accordance with the delegation, as the provision to terminate the employment of Jeremy [REDACTED] was only to be exercised after that consultation.

196. On [REDACTED] 2021, the Director SSMO confirmed that I had satisfied the delegation.

197. The Director SSMO did not specifically mention the need to provide Jeremy [REDACTED] with the opportunity to show cause why his employment should not be terminated; however, it was suggested that such a process should be followed for consistency with other ED5 matters where termination had been considered.

198. It is also noted that, in a meeting with Workplace Relations on [REDACTED] 2021 to discuss the letter from SSMO, I specifically acknowledged the advice from SSMO in respect of allegation 2 and determined I was still satisfied to proceed on that basis that there was a breach of the Code.

199. On [REDACTED] 2021, I wrote to Jeremy [REDACTED] inviting him to show cause as to why termination of his employment is not an appropriate sanction.

200. On [REDACTED] 2022, [REDACTED] lawyer [REDACTED], provided a response on behalf of Jeremy [REDACTED] to my letter of [REDACTED] 2021.

201. On [REDACTED] 2022, I determined that the sanction of termination stands and on [REDACTED] 2022 I terminated Jeremy [REDACTED] employment.

- d) ***To the extent that the investigation was paused pending the outcome of criminal proceedings involving Jeremy [REDACTED] explain the steps that were taken by the Department or [REDACTED] in relation to the 2016 Allegations following the conclusion of those proceedings.***

202. At the conclusion of the criminal proceedings, Workplace Relations recommenced investigations as described above at paragraphs 175 to 176 and 184 to 201

***Item 43 - Provide details of the timing and content of any notifications the Department provided to the:***

***a) Integrity Commission***

203. [REDACTED] confirmed with the Integrity Commission that they had not received a notification with respect to the 2016 allegations. As per usual practice, notification of the outcome will be made now that the investigation has been completed.

***b) Teachers Registration Board, and***

204. The TRB was advised that an investigation was commencing on [REDACTED] 2016. The TRB will now be advised of the conclusion of the investigation.

***b) Principal of [REDACTED]***

205. [REDACTED] was made aware by email on [REDACTED] 2016 from Conduct and Investigations that the investigation was to commence. In [REDACTED] 2017, [REDACTED] was made aware by Learning Services that the matter was likely to proceed to trial. [REDACTED] is now a relief teacher and accordingly would not be advised of the outcome of Jeremy [REDACTED] investigation.

206. [REDACTED] has been made aware of the conclusion of the investigation.

***regarding the commencement and outcome of the 2016 Investigation.***

***Item 44 - To the extent that a person or agency referred to in paragraph 43 above was not notified of the 2016 Investigation, explain why no notification was given and state whether (and why) different action would be taken today.***

207. [REDACTED] confirmed with the Integrity Commission that they had not received a notification with respect to the 2016 allegations. It is our usual process that they would be notified via an online

notification as soon as the ED5 was commenced. I accept that this was an oversight of the Department.

208. Although information has not been requested by the Commission on this subject, a live issue is the notification of the outcome of an ED5 investigation to those who made the initial complaint. The Department has historically taken the view that the investigation, determinations and sanction in relation to an ED5 investigations are personal information related to the employee, and as such are covered by the *Personal Information Protection Act 2009* (“the PIP Act”).

209.

210. In my opinion there is a risk that the lack of communication fails to bring closure for the complainant. I am also aware of at least one occasion where this lack of communication of the investigation and outcome has been construed by a complainant as a lack of action on behalf of the Department.

211. I am conscious of the need to deal with circumstances such as this in a trauma informed way and have asked the Office of Safeguarding Children and Young People to consider our approach to these and other similar matters, where victims/survivors seek an outcome. As such, I would welcome any thoughts the Commission might be able to share in relation to the Department’s future approach to similar complaints and ED5 investigations from the perspective of the complainant.

**Item 45 - Provide details of the timing and content of any communications between the Department and the [REDACTED] concerning Jeremy [REDACTED] return to teaching following his acquittal in 2019.**

212. Jeremy [REDACTED] did not return to teaching.

213. Learning Services communicated with the Principal, [REDACTED] in [REDACTED] 2019 in respect to the not-guilty verdict for Jeremy [REDACTED] and confirming that Jeremy [REDACTED] was still to be investigated by the Department.

**Item 46 - Identify whether the response of the Department or [REDACTED] to the 2016 Allegations complied with the policies or procedures identified in answer to paragraphs 28 and 29, above. If the Department or [REDACTED] response did not comply with those policies and procedures, please explain the respects in which the Department or [REDACTED] response did not comply.**

*Reporting:*

214. Following the Mandatory Reporting Procedure, [REDACTED] was required to make an immediate report to CPARS. [REDACTED] did not make the notification.
215. Pursuant to the *Professional Standards for Staff Policy* 2015, [REDACTED] had access to direction and guidance on employee conduct to ensure employees provide a safe and inclusive physical and emotional environment for students and colleagues. Under this policy, [REDACTED] was required to report the alleged breach of the policy to the Manager of the Conduct and Investigations Unit by telephone, as well as to CPARS. [REDACTED] made this report by email to Learning Services, which in turn forwarded it to Conduct and Investigations on [REDACTED] 2016 (refer annexure "L").
216. Pursuant to the practice described at paragraph 77, upon Conduct and investigations receiving notice of the allegations, a referral was made to TASPOL and the TRB on [REDACTED] 2016.
217. On [REDACTED] 2022, Ms [REDACTED], Manager Workplace Relations Consultant, contacted the Department of Communities Tasmania to ascertain if a notification had been made to CPARS with respect to the 2016 allegations.
218. On [REDACTED] 2022, Mr [REDACTED], Principal Legal Officer, Office of the Solicitor-General, advised via email that he had been contacted by Department of Communities with respect to [REDACTED] enquiry. Mr [REDACTED] confirmed that a notification had been made to CPARS in respect to the 2016 allegations by the Department on or about [REDACTED] 2016 (refer to annexure "B", email



from [REDACTED], Workplace Relations to Department of Communities [REDACTED] 2022 and response from [REDACTED], Department of Justice of [REDACTED] 2022).

*Student Support:*

219. Pursuant to the *Protective Practices for Staff in their Interactions with Students Guidelines* 2006, [REDACTED] should have referred [REDACTED] to a staff member with specialised skills (i.e., guidance officer or social worker). A plan of support for the student and staff member should have been implemented according to this policy, including a plan for:

- a. Communication with parents
- b. Referral to and liaison with specialist counselling
- c. Formalised support within the school/college which may include closer monitoring or supervision
- d. referral to and liaison with appropriate agency with disability specific expertise.

There are no records that this occurred.

*Investigation:*

220. An investigation took place pursuant to ED5. The process as described at paragraph 77 is applicable, that being:

- a. Workplace Relations made an assessment on the context, nature and seriousness of the allegations.
- b. Jeremy [REDACTED] was asked to immediately leave the workplace pending the receipt of letter from the Secretary informing him of the commencement of the ED4/ED5 investigation.
- c. A Senior Workplace Relations Consultant was appointed as Contact Officer and was guided by an internal document titled the *ED5 Investigation Checklist*. I note [REDACTED] was initially the Contact Officer, followed by [REDACTED]
- d. The matter was referred to me for determination of whether I had reasonable grounds to believe a breach of the Code of Conduct has occurred. Pursuant to ED5 7.1, the Head of Agency must have “*reasonable grounds* to believe that a breach of the Code *may* have occurred” (emphasis added). Pursuant to clause 6.4 of ED5 the onus of establishing any fact was on the party asserting it, and proof is to be on the balance of probabilities.

- e. Employment Direction No. 5 requires the Secretary of the Department to appoint an investigator to investigate an alleged breach of the Code in accordance with the procedures set out in ED5 if he/she has reasonable grounds to believe that a breach of the Code of Conduct has occurred. This occurred and subsequent reports were issued by James Cumming Investigations Pty Ltd.
- f. The ED5 Investigation complied with ED5 at each step of the investigative process.
- g. **Jeremy** was suspended from duty pursuant to ED4 and subsequently ED5.
- h. As a part of the investigation process, **Jeremy** was provided with a copy of:
  - i. Employment Direction No. 5;
  - ii. Employment Direction No. 4;
  - iii. Information for Respondents fact sheet;
  - iv. EAP brochure; and
  - v. *State Service Act 2000* - section 9: The State Service Code of Conduct.
- i. On **2022**, I subsequently determined that **Jeremy** had breached the Code and, pursuant to Section 10(1) (g) of the *State Service Act 2000*, I imposed the sanction of termination of employment. I note that **Jeremy** has appealed my determination and/or sanction to the Tasmanian Industrial Commission.

**Item 47 - Identify the respects (if any) in which the response of the Department or **2016 Allegations would be handled differently today, and why.****

- 221. Pursuant to the *Protective Practices for Staff in their Interactions with Students Guidelines 2006* (as described at paragraph 93) student support should have been provided to **2020 Investigation**
- 222. Pursuant to the *Workplace Relations Checklist*, the Integrity Commission should have received notification of the allegations.

## 2020 Investigation

**Item 48 – In relation to the 2020 Investigation:**

- a. identify the reason(s) the Department considered it necessary to reinvestigate the 2016 Allegations in [REDACTED] 2020**
- b. identify the scope of the 2020 Investigation**
- c. provide an outline of the steps taken as part of the investigation, and**
- d. provide an outline of the current status and outcome (if any) of the investigation.**

223. The 2016 matter was not reinvestigated. The investigation carried over from 2016 to 2020 following the conclusion of the criminal trial.

224. See paragraphs 175 to 201 in respect to the 2016 investigation.

**Item 49 - Provide details of the timing and content of any notifications the Department provided to the:**

- a. Integrity Commission**
- b. Teachers Registration Board, and**
- c. Principal of the [REDACTED]  
regarding the commencement and outcome (if any) of the 2020 investigation.**

225. See paragraphs 203 to 206 in respect to the 2016 investigation. TASPOL was renotified in 2020.

226. On [REDACTED] 2022, [REDACTED] confirmed with the Integrity Commission that a notification of the 2012 and 2015 allegations was made by the Department on [REDACTED] 2021 (at the commencement of the second ED5 notification). The integrity commission further confirmed that a notification regarding the 2016 allegations was not made (at the commencement of the first ED5).

**Item 50 - To the extent that a person or agency referred to in paragraph 49, above, was not notified of the 2020 investigation, explain why no notification was given and state whether (and why) different action would be taken today.**

227. Pursuant to the Workplace Relations Checklist, the Integrity Commission is to be notified at the commencement of the initial ED5 investigation. It is unknown why they weren't notified at the

initial commencement of the ED5 investigation in 2016 when Jeremy was notified of the Department's intention to commence an ED5 investigation.

228. All relevant third parties, TASPOL, TRB, RWVP and the Integrity Commission were notified at the commence of the 2021 ED5 investigation (second ED5 investigation).

## 2021 Investigation

### *Item 51 - In relation to the 2021 Investigation:*

#### *a. identify the reason(s) the Department considered it necessary to investigate the 2012 Allegations and the 2015 Allegations in 2021*

229. The 2015 allegation concerning Jeremy having his hand on the leg of were brought to the attention of the current Workplace Relations unit by on 2021, following his interview of . The allegation concerning Jeremy hitting on the bottom with the badminton racquet was not known to Workplace Relations until the receipt of the Supreme Court transcripts. It was determined, in consideration of both documents, that the 2015 allegations should be investigated. As was close to finalising his investigations for the 2016 allegations, it was determined that a separate investigation of those matters, outside the 2016 allegations, was required.
230. The 2012 allegations were reinvestigated in 2021, in accordance with contemporary procedure, noting the original allegations had not been referred to the Secretary.

#### *b. identify the scope of the investigation*

231. The scope of the investigation encompassed the following allegations:
- a. That on or about 2012, in a conversation with then student, Jeremy made the following inappropriate comments:
    - i. Asked "are you pregnant?"; and/or
    - ii. Said to "Oh I thought you would say that you weren't sexually active"; an alleged breach of section 9(2) and/or 9(3) of the Code.
  - b. That on or around 2012, in a conversation with then student in reference to her being unwell, Jeremy inappropriately commented "Are you two

closer than I thought?" and then laughed and winked at [REDACTED] an alleged breach of section 9(2) and/or 9(3) and/or 9(14) of the Code.

- c. That on or around [REDACTED] 2012, in a conversation with then [REDACTED] student [REDACTED] Jeremy [REDACTED] commented in respect to her having a tongue ring, "So your brother spends a lot of time in your mouth?"; an alleged breach of section 9(2) and/or 9(3) and/or 9(14) of the Code.
- d. That on or around 2015, Jeremy [REDACTED] placed his hand on the inner thigh of then [REDACTED] student [REDACTED]; an alleged breach of section 9(2) and/or 9(3) and/or 9(14) of the Code.
- e. That on or around 2015, Jeremy [REDACTED] hit then [REDACTED] student [REDACTED] on the bottom with a badminton racquet; an alleged breach of section 9 (2) and/or 9(3) and/or 9(14) of the Code.

**c. provide an outline of the steps taken as part of the investigation, and**

232. The steps for the 2021 investigation were the same as the steps for the 2020 investigation.

**d. provide an outline of the current status and outcome (if any) of the investigation.**

233. This investigation is not complete.

234. On [REDACTED] 2021, I provided the Investigation Report to Jeremy [REDACTED]

235. On [REDACTED] 2022, Jeremy [REDACTED] provided his response to the Investigation Report.

236. In due course, Workplace Relation will refer the matter to me for my determination.

**Item 52 - Provide details of the timing and content of any notifications the Department provided to the**

**a. Integrity Commission**

237. The Integrity Commission was notified on [REDACTED] 2021.

**b. Teachers Registration Board, and**

238. The TRB was notified on [REDACTED] 2021. RWVP was also notified on [REDACTED] 2021. TASPOL was notified on [REDACTED] 2021.

**c. Principal of the [REDACTED]**

239. [REDACTED] was telephoned by Workplace Relations staff on [REDACTED] 2021. Workplace Relations advised [REDACTED] about the allegations and noted that the matter would be formally investigated. A witness fact sheet was provided to her.

*regarding the commencement and outcome (if any) of the 2021 Investigation.*

***Item 53 - To the extent that a person or agency referred to in paragraph 52 above was not notified of the 2021 investigation, explain why no notification was given and state whether (and why) different action would be taken today.***

240. All relevant persons and agencies were notified of the 2021 investigation.

## RFS-TAS-004 Request for Documents

### ***Item 54: Produce copies of the following documents:***

- (a) Policies and procedures that are either referred to in or relevant to your response as in place at the relevant time. Where a document is provided that is no longer current, please also provide the current version of that document.
- i. *Maltreatment Guidelines – Guidelines regarding alleged abuse of students by employees of the Department of Education – 2008*
  - ii. *Good Character Checks Policy – 2015*
  - iii. *Good Character Checks Procedure – 2015*
  - iv. *Employment Direction No.5 - current*
  - v. *Employment Direction No.5 Fact Sheet – Principal/Manager Guide – current*
  - vi. Department of Education process where an allegation(s) of child sexual abuse is made against a current employee – May 2021-current
  - vii. DoE process to manage information about historic and/or current child sexual abuse perpetrated by current DoE employees – 2021-2022
  - viii. Mandatory Reporting Procedure - 2016 and 2019 – current
  - ix. Conduct and Behaviour Standards – 2018 – current
  - x. Professional Standards for Staff Policy – current
  - xi. Professional Standards for Staff Guidelines – current
  - xii. Protective Practices for Staff in their Interactions with Students – 2006- current
  - xiii. Duty of Care for Students on Departmental Sites Procedure – 2019 – current
  - xiv. Registration to Work with Vulnerable People Policy 2021 – current
  - xv. Advice for DoE staff on responding to incidents, disclosures and suspicions of child sexual abuse – 2022 – current
  - xvi. Communication Guide for Principal/Managers – Employees Subject to Child Sexual Abuse Allegations – 2022 – current
  - xvii. Strategic Plan 2022 -2024
- (b) The handwritten statement of allegations that [REDACTED] provided to the Department on [REDACTED] 2016
- Handwritten statement [REDACTED] dated [REDACTED] 2016.

(c) The statements of [REDACTED] and [REDACTED] referred to on page 2 of the Secretary's letter to Jeremy dated [REDACTED] 2020 (Annexure F)

- i. Refer above for [REDACTED] handwritten statement
- ii. Handwritten statement [REDACTED]

(d) The Department's notification of the 2015 Badminton Allegation to Tasmania Police on [REDACTED] 2016, as referred to on page 3 of the Minute to the Secretary dated [REDACTED] 2021 (Annexure J).

- i. Attachment 6 of Minute to the Secretary dated [REDACTED] 2016 (note: this attachment contains bundle of documents referred to at 54(i) below "2012 complaints")
- ii. Notification to TAS Police [REDACTED] 2021
- iii. Email [REDACTED] to [REDACTED] (DPEM) [REDACTED] 2016.

Please note attachment 6 of that Minute to the Secretary of [REDACTED] 2021 contains the referral of the 2012 allegations to TASPOL. The 2015 allegations (as a whole) were referred to TASPOL on [REDACTED] 2021. The badminton allegation was made known to TASPOL by virtue of Workplace Relations sending TASPOL [REDACTED] handwritten statement on [REDACTED] 2016.

(e) The [REDACTED] 2016 orders and written reasons (if any) given by Magistrate [REDACTED] in relation to the setting aside of the Teachers Registration Board's decision to suspend [REDACTED] Jeremy registration

- i. Magistrate [REDACTED] Order [REDACTED] (there were no written reasons).

The hearing listed before Magistrate [REDACTED] on [REDACTED] did not proceed as the parties tendered a consent memorandum and the Magistrate made orders in terms of the signed consent memorandum. There was no written decision.

(f) The [REDACTED] 2017 orders and written reasons (if any) given by Magistrate [REDACTED] in relation to the stay of the Registrar's [REDACTED] 2017 refusal to grant Jeremy registration to work with vulnerable people in child-related activities.

- i. Magistrate [REDACTED] consent orders [REDACTED] 2019.
- ii. Magistrate [REDACTED] order [REDACTED] 2017.
- iii. Reasons Magistrate [REDACTED] [REDACTED] 2021.



(g) The Supreme Court transcripts and original statement of [REDACTED] that are referred to on page 3 of the institutional child abuse notification to Tasmania Police made on [REDACTED] 2021 (Annexure G).

- i. Supreme Court Transcript of Proceedings – pages 1 to 34
- ii. Supreme Court Transcript of Proceedings – pages 35 to 138
- iii. Supreme Court Transcript of Proceedings – pages 139 to end

(h) The letter or contract by which [REDACTED] was engaged to conduct the 2020 investigation.

- i. Letter of appointment – [REDACTED] 2020
- ii. Letter of appointment – [REDACTED] 2021

(i) All documents provided to [REDACTED] to carry out the 2020 and 2021 investigations, and

i. 2020:

- i. Email [REDACTED] to [REDACTED] Jeremy ED5 [REDACTED] 2020
- ii. Statement of [REDACTED] (refer 54(c)(ii))
- iii. Statement of [REDACTED] (refer 54(b))
- iv. Email [REDACTED] of Supreme Court Tasmania to [REDACTED] State of Tasmania v Jeremy [REDACTED] 2019
- v. Jeremy [REDACTED] Supreme Court order [REDACTED] 2019
- vi. Letter to Jeremy [REDACTED] – remove suspension & stop pay [REDACTED] 2020
- vii. Letter to Jeremy [REDACTED] – commence ED5 Investigation [REDACTED] 2020
- viii. 2012 complaint
- ix. Email [REDACTED] to [REDACTED] RE: Jeremy ED5
- x. Letter to Jeremy [REDACTED] re-suspension without pay [REDACTED] 2016
- xi. Tasmanian Industrial Commission Order [REDACTED] 2017
- xii. Email [REDACTED] (Workplace Relations) to [REDACTED] (TRB [REDACTED] 2016
- xiii. Letter to Jeremy [REDACTED] letter of suspension [REDACTED] 2016

ii. 2021:

- i. Email [REDACTED] to [REDACTED] ED5 Investigation – Jeremy [REDACTED] 2021
- ii. 2012 complaints (bundle)
- iii. Letter to Employee [REDACTED] 2021 – ED5 – commence investigation and suspension
- iv. Letter [REDACTED] to Jeremy [REDACTED] 2012
- v. Statement of [REDACTED] (refer 54(b) above)
- vi. Jeremy [REDACTED] – Extract from Supreme Court transcripts – historical

(j) Any report (including any draft report) provided by [REDACTED] in relation to the 2020 or 2021 investigations.

- i. [REDACTED] 2021
- ii. [REDACTED] 2021

***Item 55: Produce copies of any training materials current in place concerning:***

- (a) The standard of proof to be applied in investigations into alleged breaches of the *Tasmanian State Service* Code of Conduct pursuant to Employment Direction No. 5, and
- (b) The conduct of such investigations in circumstances where criminal proceedings are (or have been) on foot in respect of the same allegation.

There is no training material in place for either (a) or (b).

**Item 56: Produce copies of any documents supporting your responses to paragraphs 33, 34, 37, 41, 42, 43, 45, 48, 49, 51 and 52 above.**

## ANNEXURES

### **General**

- A. Email from [REDACTED] to [REDACTED] 2012 (refer paragraphs 59(g))
- B. Email from [REDACTED] Workplace Relations to Department of Communities [REDACTED] 2022 and response from [REDACTED], Department of Justice of [REDACTED] 2022 (ref paragraph 61(a)-(b),)

### **Item 28**

- C. Master Table – Policies, procedures and guidelines relating to child sexual abuse (ref paragraphs 67, 72, 98)

### **Item 29**

- D. Letter from Commissioner of Police [REDACTED] to Tim Bullard [REDACTED] 2020 (ref paragraph 89)

### **Item 31**

- E. Letter from Tim Bullard to [REDACTED] Jeremy [REDACTED] 2022 (ref paragraph 102)

### **Item 32 + 33**

- F. Report of [REDACTED] [REDACTED] 2021 (ref paragraph 124(b))
- G. 2012 Complaints bundle (ref paragraph 124(c)(d)(e)(g), 127, 143)
- H. File Note of [REDACTED] Learning Services [REDACTED] Region [REDACTED] 2012 (ref 124(j)(l))

### **Item 34**

See annexure “W” below.

**Item 36**

- I. Minute to the Secretary re lifting of suspension during leave period [REDACTED] 2017 and Letter from Tim Bullard to Jeremy [REDACTED] 2017 (ref paragraph 147)

**Item 37**

- J. Email from [REDACTED] Conduct and Investigations to TASPOL [REDACTED] 2016 (ref paragraph 155)

**Item 38**

- K. Email from [REDACTED] to [REDACTED] Social Work Referrals [REDACTED] 2015 (ref paragraph 159)

**Item 41**

- L. Copy of notification to Department ([REDACTED] to Learning Services [REDACTED] 2016) (ref paragraphs 104, 169(a) and (c))
- M. Letter from [REDACTED] to [REDACTED] 2016 (ref paragraph 169(d))
- N. Risk Assessment email [REDACTED] and [REDACTED] Industrial Relations (ref paragraph 169(f))
- O. Email [REDACTED] Industrial Relations to [REDACTED] and others [REDACTED] 2016 (ref paragraph 169(g))
- P. Email [REDACTED] Learning Services to [REDACTED] Industrial Relations and [REDACTED] Conduct and Investigations [REDACTED] 2016 (ref paragraph 169(g))
- Q. Email [REDACTED] Industrial Relations to [REDACTED] Conduct and Investigations [REDACTED] 2016 (ref paragraph 169(i))
- R. Letter Jenny Gale to Jeremy [REDACTED] 2016 (ref paragraph 169(k))
- S. Email [REDACTED] Learning Services to [REDACTED] Learning Services [REDACTED] 2016 (ref paragraph 169(l))
- T. Email [REDACTED] Conduct and Investigations to TASPOL [REDACTED] 2016 (the attachment to [REDACTED] email is the 2012 complaints bundle) (ref paragraph 169(m))

- U. Email [REDACTED] Learning Services to [REDACTED] Industrial Relations,  
[REDACTED] Conduct and Investigations and [REDACTED] Learning Services [REDACTED] 2016 (ref  
paragraph 172)
- V. Statement of [REDACTED] 2016 (ref paragraph 178)
- W. Email [REDACTED] Conduct and Investigations to TRB [REDACTED] 2016 (ref paragraph 179)
- X. Email [REDACTED] Conduct and Investigations to TRB [REDACTED] 2016 (ref paragraph 181)
- Y. [REDACTED] Report [REDACTED] 2021 (ref paragraph 187)
- Z. Determination [REDACTED] 2021 (ref paragraph 189)