

WITNESS STATEMENT – TIMOTHY BULLARD

TRFS.0008.0001.0001-0001

Name: Timothy (Tim) John Bullard

Address: Level 8 Parliament Square, 4 Salamanca Place, Hobart Tasmania

Occupation: Secretary, Department of Education

I. What is your current role and professional background (particularly within the Tasmanian State Service)?

1. This statement is made by me in response to RFS-TAS-008, issued on 29 March 2022 by the President of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the Commission), Hon 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.

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2. Did you or your department make a submission to the Commission?

8. The Department has responded to two Notices to Produce and five Request for Statement Notices from the Commission of Inquiry, but did not provide an independent submission.

3. Has your Department been the subject of significant changes (for example, machinery of government changes or restructures) in the Relevant Period? If so, describe any changes that are relevant to the Commission's Terms of Reference.

9. The Department of Education has not been subject to significant changes in the Relevant Period that are pertinent to the Commission's Terms of Reference.

Organisational structure**4. Provide an organisational structure identifying key reporting lines within the Department. In your answer please include a description of the various units or areas that contribute to preventing, identifying and responding to child sexual abuse in Institutional Contexts.**

10. The high-level organisational structure depicts the Office of the Secretary and the four Divisions, each led by a Deputy Secretary, namely Learning; Strategy and Performance; Support and Development; and Corporate and Business Services. The Office of Safeguarding Children and Young People is within the Office of the Secretary.
11. An organisational chart is attached at Annexure I. The Department's Executive (the Secretary and four Deputy Secretaries), are personally committed to improving the Department's efforts to prevent, identify and respond to child sexual abuse in the Department. The Executive actively considers and makes decisions in relation to improvements, with child safeguarding being a standing item on the agenda of its weekly Executive meetings.
12. Relevant business units and areas that contribute to preventing, identifying and responding to child sexual abuse have been marked with a star icon. The high-level Departmental structure second shows the business units within each Division with a further structure depicting the business units or areas in the Learning Division given that Division involves schools.
13. Relevant business units and areas that contribute to preventing, identifying and responding to child sexual abuse in institutional contexts are outlined below.

Office of the Secretary*Office of Safeguarding Children and Young People*

14. The Office of Safeguarding Children and Young People (Office) has been established to lead and provide strategic advice and direction on the Department's culture, systems, practices, processes, procedures and professional learning as they relate to safeguarding children and young people from the harm of abuse in all Departmental settings.

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15. The Office is overseeing the full implementation of the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, the Independent Inquiry into the Department's Responses to Child Sexual Abuse and any *further recommendations that arise from the Commission of Inquiry.*

Corporate and Business Services Division

Human Resources (including Industrial Relations)

16. This Business Unit provides a range of workforce services including:
- a) contemporary HR strategies, policies and practices (employee conduct, performance, conduct and behaviour standards and professional standards);
 - b) attracting and developing high quality employees (screening of new employees through mandatory Registration to Work with Vulnerable Children checks);
 - c) providing specialist workplace relations support and advice to senior officers, managers and principals;
 - d) coordinating employment direction matters, in particular, investigations pursuant to Employment Direction No.5 (alleged breaches of the Code of Conduct), Employment Direction No.6 (employee inability), Employment Direction No.4 (employee suspensions from duty) and formal grievances.

Legal Services

17. This business unit provides legal information and assistance to staff on a broad range of legal matters, including family law and child safety matters.

Internal audit and Risk Management Services

18. This business unit provides independent and objective assurance around risk management and control processes, including that relevant policies and processes are being adhered.

Learning Division

Operations

19. This Team provides support and advice to schools, colleges and Child and Family Learning Centre's in the areas of Staffing, and general Administration support.
20. The support includes regional human resources activities including transfers, staff placements, performance management, local conduct and behaviour issues.

Student Support

21. This Team provides direction and leadership of student support and wellbeing functions and services, such as professional support staff (School Psychologists, Speech Pathologists, Social Workers), Inclusive Learning, Student Engagement, Student Wellbeing and the School Health Nurse program.

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22. The Interagency Student Support Team which involves Strong Families Safe Kids, Safe Home Safe Families, Wellbeing Assessment, Mandatory Reporting and guidelines.
 23. School Health Nurse Program leads the development and implementation of health promotion activities, in addition to clinical assessment, screening, short term support and early intervention activities in the school setting.
- 5. What are the roles, responsibilities and staffing of the new Office of the Director of Safeguarding Children?**
24. The overall role of the Office of Safeguarding Children and Young People (Office), is to lead and provide strategic advice and direction on the Department's culture, systems, policies, practices and professional learning as they relate to safeguarding children and young people from the harm of abuse in all Department settings.
 25. Six staff currently work directly within the Office, as noted below:
 - (a) Executive Director (SES 3, 1.0 FTE) – leads and provides strategic advice and direction in relation to the Department's culture, systems, practices, processes, procedures and professional learning relating to safeguarding children and young people from the harm of abuse.
 - (b) Senior Project Manager (Band 8, 1.0 FTE) – provides high-level project advice and support to manage the development, delivery, implementation and review of designated strategic projects in an environment that values collaboration and continuous improvement.
 - (c) Principal Policy Analyst (Band 7, 1.0 FTE) – provides strategic and high-quality policy development, analysis and advice that supports effective decision making that is informed by relevant legislation, departmental and whole-of-government directions and national initiatives related to safeguarding children and young people.
 - (d) Senior Communications and Engagement Consultant (Band 7, 1.0 FTE) – manages communication, stakeholder engagement and change management associated with all aspects of the Department's safeguarding of children and young people from the harm of abuse in schools, libraries and Child and Family Learning Centres.
 - (e) Executive Officer (Band 4, 1.0 FTE) – provides professional and proactive executive support to the Executive Director to ensure the smooth and efficient operation of the Office.
 - (f) Senior Project Officer (Band 6, 0.4 FTE) – provides high-level project advice and support to manage the development, delivery, implementation and review of designated strategic projects.
 26. Six additional staff, who are part of the Department's Strategic Policy and Planning (SPP), and Strategic Systems Development (SSD) business units, directly support the work of the Office of Safeguarding Children and Young People. These are:
 - (g) Senior Policy and Project Officer, SPP (Band 6, 0.6 FTE) – provides strategic policy advice to inform decision making across the education portfolio and manages the development, delivery, implementation and review of designated strategic policy and projects, to improve education outcomes in Tasmania, with a focus on child safety and child safe organisations.

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- (h) Policy and Project Officer, (Band 5, 0.9 FTE) – supports the provision of strategic policy advice that informs decision making across the education portfolio and contributes to the development, delivery, implementation and review of strategic policy and projects to improve education outcomes in Tasmania, with a focus on child safety and child safe organisations.
 - (i) Project and Policy Officer, SSD (Band 5, 0.5 FTE) – provides project management support and policy analysis for the development and implementation of a range of key strategic projects within Strategic Systems Development.
 - (j) Project and Policy Coordinator, SSD (Band 7, 0.3 FTE) – provides strategic support and high quality advice on matters relating to Business System projects, policies and planning, together with contributing to the establishment and development of a Data and Systems strategy that enables the Department to achieve its strategic goals by optimising ICT investment.
 - (k) Program Manager, Systems and Data, SSD (Band 8, 0.2 FTE) – provides strategic policy, and technical advice and support to inform senior management, schools and business units in relation to projects, and associated strategic direction for business application solutions and data investment in the agency.
27. The Department has committed to four additional positions, which are yet to be recruited and, in the case of the SES position, approved by the State Service Management Office. These are:
- (l) Director Safeguarding (SES 1, 1.0 FTE) – provides strategic leadership and direction for the Office of Safeguarding Children and Young People, oversees priority projects that promote and protect the wellbeing of children and young people in all Education Department settings, and leads cultural change across the organisation.
 - (m) Senior Project Officer (Band 6, 1.0 FTE) – provides high-level project advice and support to manage the development, delivery, implementation and review of designated strategic projects in an environment that values collaboration and continuous improvement, with a focus on child safety and child safe organisations.
 - (n) Senior Policy and Project Officer (Band 6, 1.0 FTE) – provides strategic policy advice to inform decision making across the education portfolio and manage the development, delivery, implementation and review of designated strategic policy and projects, to improve education outcomes in Tasmania, with a focus on child safety and child safe organisations.
28. See Annexure 2 for a copy of the proposed organisational chart.

6. How will the machinery of government changes announced on 24 February 2022 impact the Department's role in preventing, identifying, and responding to child sexual abuse in Institutional Contexts?

29. As all affected agencies are still working through the operational details and implications of the proposed machinery of government changes, it is too early to predict how this might impact on the Department's role. It is also inappropriate to speculate at a time when some staff in the Department of Communities are uncertain about their future.

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That said, the Department sees the proposed changes as an opportunity to build closer links across all areas working to safeguard and protect Tasmania's children and young people; thereby building a more effective process for sharing information and taking a holistic approach to the prevention, identification and response to child sexual abuse in an institutional context.

7. What are your reflections on how effectively the Department is contributing to the prevention and early intervention of child sexual abuse in Institutional Contexts, including:

(a) What has changed within the Relevant Period. Describe any proposed reforms in detail, including proposed implementation plans

30. The Department has changed several of its relevant policies, processes and procedures over time (for example, the Department's Conduct and Behaviour Standards), and has introduced new policies and procedures as either Department-specific, government-wide responses (such as the introduction of RWVP requirements and Mandatory Reporting, or the provision of advice for staff on the processes to follow when allegations of child sexual abuse are made).
31. These changes are multi-faceted and complex, relating to both documented approaches, changes in practice and cultural developments and are comprehensively addressed in my RFS-TAS-001 to 005 inclusive. However, I am aware that more needs to be done.
32. Since the establishment of the Office, the Department has been focused on the current situation and context in terms of our prevention, early intervention and responses to incidents, allegations and suspicions of child sexual abuse, with a view to the future.
33. In consideration of the immediate needs of all staff, Mandatory Reporting training is a major focus for the Office. This training is currently being reviewed and updated, with new content expected to be tested with school principals and staff before the end of 2022. The new, compulsory training material will be rolled out annually through the Department's online training platform, Canvas, commencing no later than the start of Term 1, 2023.
34. The Office is also developing content for professional development modules for existing, new and aspiring school principals, covering topics related to understanding, preventing, identifying and responding to child sexual abuse. This training will then be rolled out to all staff across the Department and will become a compulsory part of annual training.
35. The Office is also working with the University of Tasmania (UTAS) to ensure graduates from relevant UTAS courses are aware of their professional responsibilities in relation to understanding, preventing and responding to child sexual abuse in schools. This includes developing a set of relevant principles, protocols and practices that can be included in UTAS teacher education courses in relation to child sexual abuse, and creating, piloting and embedding suitable content into future UTAS courses and professional development activities (see Annexures 38 and 84).

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36. In mid-2020, the Department's System Strategic Systems Development (SSD) team began working on the development of a new Case Management Platform (CMP), with the aim of creating a centralised technology system to support an efficient process for recording, managing, and sharing information about students, staff and other stakeholders. An initial suite of functionality has been developed to capture historic and current child sexual abuse allegations and harmful sexual behaviour. This is currently being tested before being further expanded to ensure all business unit needs are met, safeguarding objectives are considered and best interests of the child/young person remains a priority.
37. When fully developed, the CMP will be rolled out across the Department, allowing staff in all schools and regions to securely capture, appropriately share, action, monitor and report on cases of child sexual abuse in a way that provides enhanced visibility and accountability and assists in the identification of trends or flags that can be dealt with early to help in the prevention of future child sexual abuse.
38. Importantly, the Office is leading the development of a Safeguarding Children and Young People Policy, in line with the recommendation from the DoE Inquiry that the Department 'develop and implement a comprehensive, integrated Student Safeguarding Policy'.
39. This is a significant component of work that will be informed by a concurrent, holistic review of approximately 70 existing policies and procedures that all contribute in some way to the Department's safeguarding system.
40. The objective of the review is to ensure that all relevant departmental policies and procedures incorporate safeguarding as a key consideration, and work together as the foundation of a comprehensive, consistent and holistic system of prevention, early intervention and response.

(b) What is working well and needs to be continued or built upon

Strategic commitment

41. Since 2018, the Department has had in place a Strategic Plan that identifies Wellbeing as one of the Department goals. The Strategic Plan has been widely communicated and understood across the agency and is used by all areas of the Department to guide improvement planning.
42. The ongoing focus on Wellbeing since 2018 has focussed all Department settings on developing improvement plans that ensure young people are safe, well and positive learners.
43. During the review of the Strategic Plan in 2021, the *United National Convention on the Rights of the Child* was elevated to be explicitly recognised in the Plan as a key system driver, with a particular focus on safeguarding children and young people by ensuring that they are heard and kept safe from harm (see Annexure 82).

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44. The Strategic Plan provides a strong foundation for our ongoing work to improve our approach to safeguarding children and young people. Building from this we will continue to develop an understanding of and commitment by, all staff to the wellbeing and safety of children.

Leadership

45. The Department's Executive comprises of the Secretary and four Deputy Secretaries. The Executive is the key decision-making body regarding operational matters in the Department of Education.
46. The Department's Executive members are personally committed to, and invested in, improving the safety of children in our care. The Executive Group has safeguarding children and young people as a standing item on its weekly agenda and members are actively involved in communicating, promoting and overseeing child safeguarding activities.
47. Building on this, the Executive will continue to promote and provide oversight of the activities already underway, to ensure that the focus on safeguarding children and young people remains.
48. Principals, library managers, business unit managers and Child and Family Learning Centre leaders are also being included in broader conversations regarding the Executive's expectations with regard to safeguarding children and young people. Building on this work we will develop specific training and supports for leaders across the organisation to assist them to meet these expectations.

Culture of improvement

49. Since 2018 the Department's values of Aspiration, Courage, Growth and Respect, have informed the decisions and behaviours of both learners and staff across the organisation. The values provide a strong basis to be having conversations across the Department about learning from our past failings to deliver on our aspiration that all children and young people are safe, well and engaged in learning, whilst in our care.
50. All business units, schools, libraries and Child and Family Learning Centres use inquiry cycles to constantly review their performance against the strategic plan and identify priorities for improvement. The value of Growth and the culture of continuous improvement means that we have the architecture in place to have every setting across the Department inquiring into improvements that it needs to make in regard to safeguarding children and young people.

Establishment of the Office of Safeguarding Children and Young People

51. Establishment of the Office, combined with the promotion of the Rights of the Child as an important and visible system improvement driver in the Department's strategic plan 2022 – 2024 (see Annexure 82), makes visible the Department's commitment to the underpinning ethos that all children and young people have the right to an education, to be heard and to be kept safe from harm.

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52. As previously noted, the work of the Office to update, amend or create new policies, procedures and advice has already commenced and is beginning to provide clarity for principals and staff on their responsibilities and roles in identifying, preventing, and responding to suspicions, allegations and instances of child sexual abuse.
53. Because this work involves several different business units and divisions across the Department, it is also helping to build a more collaborative approach, with information being more effectively shared and used across the agency for the benefit of the children and young people in our care. As the Office continues to build relationships across the Department, and with other Tasmanian Government agencies and non-government entities, I expect the level of collaboration and information-sharing will continue to improve, thereby delivering a more cohesive and child-centred approach across the State Government.
54. Work is underway in the Office of Safeguarding Children and Young People on mapping our current effort against the National Principles for Child Safe Organisations. This includes understanding where there may be overlap with work underway in response to recommendations of the Royal Commission and the DoE Inquiry, where there are gaps and the key areas in which work must be prioritised.
55. This includes current work discussed elsewhere in this Statement, such as policy development and revision, development of a Code of Conduct for the Department, ongoing professional development for staff, engaging with families and school communities, and ensuring processes to respond to complaints and concerns are child-focussed.
56. As the National Children's Commissioner identified in her evidence to the Commission, this is a complex exercise given the scope and scale of the National Principles. However, the Department recognises the importance of this work in embedding a child safe culture at all levels of the organisation and is committed to resourcing it adequately.

Employment

57. The introduction of specific questions on the Department's pre-employment form regarding whether the applicant has been the subject of previous employment investigations or disciplinary proceedings, is providing an additional layer of checking prior to employment, along with the existing mechanisms for the requirement of an RWVP card for all employees, and Teacher registration for those in teaching positions.
58. A whole of State Service decision to implement a register of those subject to disciplinary action that results in termination will provide an additional level of scrutiny of an employee's suitability for employment.
59. The removal of casual staff from temporary employment registers where there is a matter of concern that, after according procedural fairness to the individual impacted, results in me concluding that the individual poses a risk to children and young people, means we now have a mechanism for dealing with those individuals.

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60. In addition, the review of historic allegations of child sexual abuse against current employees provided the Department with a large amount of information about how matters had been dealt with historically, particularly those approaches that had not worked well. This material has informed improvements to current disciplinary processes, including:
- a. requiring that all allegations of child sexual abuse be reported to Workplace Relations, with no scope to deal with them at a local (school or Learning Services) level. Building on this work, we will continue to communicate what should be reported and the way in which employees can easily do this;
 - b. requiring all matters then be reported to Tasmania Police, Working with Vulnerable People and the Integrity Commission, regardless of the seriousness of the offence. The Teachers Registration Board is also informed where the employee is a teacher and a mandatory report is made where there are children involved;
 - c. commencing an investigation pursuant to Employment Direction No. 5 under the *State Service Act 2000*, even where a question remains as to whether or not the conduct was 'in the course of employment', noting that I consider that this is a matter that should be explored as part of the investigation, rather than impede an investigation commencing. Building on this work, the Department is exploring the ability to introduce a Department specific Code of Conduct that more specifically identifies acceptable and non-acceptable behaviours and addresses disciplinary action in relation to child sexual abuse;
 - d. suspending employees who are the subject of allegations of child sexual abuse from duty, as a matter of course, mitigating any risk of the employee remaining in the workplace;
 - e. ensuring that any child impacted by the alleged abuse is supported by professional support staff. Building on this work, we will employ dedicated case managers who are accountable for ensuring that the supports required are provided to the child and their family, both immediately and over the course of time;
 - f. improving our support to employees who are the subject of the allegations, by providing access to counselling and psychological support where required, and providing a liaison officer for the matter. Building on this work our staff wellbeing team is exploring ways in which improved support can be provided to employees more generally.

Continuing to Educate Students about Safety

61. Evidence-based resources assist teachers and school staff in delivering the curriculum and are available on the Department's Teaching and Learning Centre and Learning Management System (Canvas), which are accessible to all staff. The Department's Respectful Relationships Education resources (updated in 2021) include online and publicly available materials, incorporating teaching and learning sequences, strategies, processes and skills to guide schools and communities in the explicit teaching of respectful relationships education. This resource is designed to support school communities to model positive environments and appropriate behaviours in which individuals know, understand and engage in equitable and respectful relationships.

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62. School leaders, in consultation with their community, have the autonomy to make decisions regarding additional respectful relationships education programs best suited to their context.
63. The Department supports a range of evidence-based and age-appropriate programs, to address respectful relationships, consent, sexuality, body ownership and protective behaviours.
64. In the early years, schools can engage with the Bravehearts Foundation to deliver the Ditto's Keep Safe Adventure Program. Funding for this program is supported by the Department of Education and the Tasmanian Government.
65. Schools can also engage with a range of support services, such as the Sexual Assault Support Service (SASS). SASS is currently working with a number of schools across the state to deliver its Sexual Assault and Prevention Program, as well as delivering 'Consent is a Conversation' workshops.
66. In addition, the Department promotes a range of other educational resources and/or programs delivered by external providers, which are detailed in the response to NTP-TAS-004, item 71 (see Annexure 7).
67. The Department will continue to provide professional learning and resources to support teachers to implement the Australian Curriculum, including respectful relationships and consent education across the years of schooling. Building on the work to date, the Department will develop sequences of learning across Prep to Year 10 in age-appropriate ways, to align with the strengthened content and explicit teaching of consent education outlined within the updated Australian Curriculum. During the second half of 2022, the respectful relationship education resource will be reviewed and updated to support implementation of the revised curriculum in 2023.
68. Version 9 of the Australian Curriculum was endorsed by Education Ministers in April 2022 and will be implemented in Tasmanian Government Schools from 2023.

Student Voice and Agency

69. Recognising the importance of empowering children and young people the Department's *Guide to Student Voice and Agency* has been developed, in part, to respond to the *Royal Commission into Institutional Responses to Child Sex Abuse*, by providing evidence based guidance to schools to develop student voice and agency.
70. Students who are empowered to use their voice and become active agents in their own learning and lives, are known to have improved wellbeing and learning outcomes. It is also more likely that they will raise issues of concern.
71. Building on this work, we will continue to communicate the importance of, and best practice examples in relation to, empowering children and young people.

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Support for children and young people

72. Our current focus on building the capacity of Student Support staff (school social workers and psychologists) in relation to responding to children and young people who are the victims/survivors of harmful sexual behaviours and/or child sexual abuse has been a significant benefit to the Department, from prevention and early intervention through to response and education.
73. The establishment of a Harmful Sexual Behaviours Working Group that has drawn on staff expertise, as well as research, provides a strong evidence base to better equip support staff to identify the signs of harmful sexual behaviours and or child sexual abuse and understand how to respond in way that is trauma informed. Building on this work, we have agreed to appoint additional staff to oversee the co-ordination, case management and follow up of the support provided to children and young people impacted.
74. Moving forward we will ensure that all staff have the appropriate levels of awareness to identify, respond to or refer children with harmful sexual behaviours as required by ensuring all schools consistently offer relevant, contextual, and effective support and education to students, staff and parents/carers to build their collective awareness of and ability to effectively prevent and deal with instances of harmful sexual behaviours and child sexual abuse. This will include a review of available programs to ensure those programs being offered by schools are appropriate at a system level, while still suiting the context for each individual school.

(c) What is not working well and needs to be changed**Access to information for victim survivors**

75. Victims/survivors seeking information are often unable to access complete information about the circumstances surrounding their abuse, due to the provision of the *Right to Information Act 2009* and/or the *Personal Information Protection Act 2004*. This is particularly pertinent where a victim/survivor may be seeking access to an alleged or convicted perpetrator's file to better understand the Department's historical management of abuse.
76. I am aware that implementation of legislative requirements by statutory decision makers may be interpreted by victims/survivors as the Department blocking the release of information to protect its own interests, leading to further distress to that person.
77. Likewise, legislative protections of personal employee information regarding the investigation of, and sanction imposed as a result of, an ED5 investigation, has resulted in victims/survivors not being kept informed of the investigation or its outcome.
78. I am aware of circumstances in which this has resulted in the victim/survivor forming a view that the Department has taken no action in relation to the complaint, leading to a loss of trust and lack of closure for them.
79. I accept that balancing the interests of victims/survivors and other complainants with those of the current or past employee is complex and not easily reconciled.

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Employment

80. The way in which the *State Service Code of Conduct* is currently drafted, does not readily accommodate allegations of child sexual abuse by employees, noting in particular that there is no explicit reference to acceptable behaviour of employees regarding children, young people and other vulnerable employees. As mentioned elsewhere, the link to State Service employment may also be a barrier to taking disciplinary action where that conduct occurs outside the workplace.

Information sharing

81. As I have outlined in response to Question 29, the lack of formal information sharing between schools in relation to allegations or incidents of child sexual abuse has the potential for relevant and important information to 'fall through the cracks' and be missed in terms of both providing appropriate support to the child/young person and their family and carers or identifying individuals who might pose a risk to children and young people in the future. This is particularly relevant where an employee is employed on a casual basis and moves between schools over time.
82. While this is a potentially complex issue, the Office will be working to put in place guidelines and procedures to address this as part of its overall program of work. This particular issue was identified in the system review in relation to Devonport High School conducted by the Office in December 2021. One of the recommendations from the review is that the process of managing, coordinating, and communicating all instances and allegations of child sexual abuse be reviewed, including assessing the communication channels and oversight roles required to ensure support and related activities are well coordinated and communicated across various parts of the Department. A copy of all recommendations from the system review is provided at Annexure 32.
83. As noted in my response to Question 36, the Department has a need for more robust systems, and a more coordinated approach to information-sharing. To address this, the Department is currently building a new Case Management Platform (CMP), which when completed, will provide a more effective means of recording, storing, and sharing information related to incidents, disclosures and suspicions of child sexual abuse, focusing on the needs and interests of the child or young person. Once completed, the CMP is expected to help support not only the prevention of child sexual abuse, but also the Department's response to such matters.
84. The Department is also working on building a more collaborative and coordinated approach to information sharing across government agencies, through a newly established Interagency Data and Systems Working Group. Further information on the Working Group is provided in response to Question 36.

Policy Environment

85. The Department has a range of policies, procedures and processes that establish expectations about how children and young people will be kept safe from harm and that guide our response when this has not occurred.
86. As identified in the *Independent Inquiry into Tasmanian Department of Education Responses to Child Sexual Abuse*, the policy environment has been described as confused, crowded, and difficult to navigate.

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87. Work is currently underway to review and make policies, procedures and processes, simpler, more cohesive and easier to access and navigate.

Training

88. Ongoing education and training of staff and volunteers to ensure that they are equipped to keep children and young people safe from harm is an area of current focus of the Department.
89. While the Department's Mandatory Reporting Procedure provides guidance for all employees in meeting their legislative obligation under the *Children, Young Persons and Their Families Act 1997*, there is a need for a greater focus on staff training and induction to ensure all staff understand where mandatory reporting sits within the broader spectrum of child sexual abuse and what their individual responsibilities are.
90. The Office is currently updating Mandatory Reporting training for all staff, with the aim of rolling this out annually through the Department's online training platform, Canvas, commencing no later than the start of Term 1, 2023.
91. The Department has recently updated its RWVP processes and is in the final stages of rolling out technology kiosks to schools to support the procedures required to record and check visitors' RWVP status. While this has been an improvement to previous processes, there is a need to ensure all staff understand their responsibilities in relation to recording and checking the RWVP status for each visitor to their site every time. Processes alone will not change behaviour, so appropriate training and information to build staff awareness and their sense of responsibility is essential if we are to change our culture across all worksites. The Office is currently working on training and messaging to keep this as a focus for all staff – particularly those who have responsibility for checking visitors in to sites.
92. The Office is also working with UTAS to ensure graduates from relevant UTAS courses are aware of their professional responsibilities in relation to understanding, preventing and responding to child sexual abuse in schools. This includes developing a set of relevant principles, protocols and practices that can be included in UTAS's teacher education courses in relation to child sexual abuse, and creating, piloting and embedding suitable content into future UTAS courses and professional development activities. This work is ongoing. Copies of correspondence between the Executive Director, Safeguarding Children and Young People and Professor Victoria Carrington, Dean and Head of the School of Education at UTAS are provided at Annexures 38 and 84.
8. **Are there any barriers to achieving the changes you identify in response to paragraph 7 (for example, budgetary constraints, recruitment, State/Commonwealth responsibilities, legal obstacles or cultural resistance)?**

Legislation

93. To make improvements to a number of areas outlined above requires legislative change, which is the remit of Parliament and not of the bureaucracy.

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Size and nature of the workforce

94. The Department has over 10,000 employees in over 200 sites across the State. Our services are delivered from King Island to Dover, and Queenstown to St Helens. Scale, geographic spread and diversity of the skills, knowledge and capabilities of the workforce could be a potential barrier to ensuring that all staff and volunteers have the knowledge, skills and awareness to keep children and young people safe from harm.
95. The barrier is not insurmountable, but will require strong leadership, a differentiated approach to training and delivery, and multiple opportunities for staff to engage.

Matters outside the Department's direct control

96. It is worth noting that where the Department is reliant on the efforts of other agencies and/or jurisdictions—such as in the case of the Royal Commission recommendations 8.9, 8.10, 8.11, 8.12, 8.16 and 13.8, which are the responsibility of the Australian Education Senior Officials Committee, and where success is dependent on the collaboration and commitment of all states and territories—the Department does not have overall control.
97. Some recommendations may also be dependent on the completion of other work. For example, Royal Commission recommendation 13.1 (that all schools implement the Child Safe Standards) may require legislative change and/or specific policy development work to be completed before the Child Safe Standards can be fully implemented. While not a barrier, this has the potential to impact delivery.
98. See Annexure 37 for information on the Department's response to the Royal Commission recommendations.

Time and resourcing

99. Sufficient time for the Department to undertake improvements, as well as access to appropriately skilled staff to undertake the work, are possible barriers to their implementation. These risks are currently being mitigated through the work of the Office.

9. How, or will, the policies and procedures of the Department of Communities related to the safeguarding of children (in particular, those related to responses to allegations or incidents of child sexual abuse, including record keeping, investigation and review) be integrated into the Department of Education policies and procedures?

100. As the Department is still working through the operational details and implications of the proposed machinery of government changes with the Department of Communities and other agencies, it is too early to identify how the respective policies and procedures of the Departments of Communities and Education will most effectively be integrated. This work will be undertaken once higher-level issues have been addressed.

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10. What is the Department's budget and resourcing allocation (including staffing levels) for preventing, identifying, reporting and responding to child sexual abuse within Institutional Contexts? How has this been acquitted?

101. The Department has committed funding of \$3.4 million (including \$823 000 in 2021-22, \$1.4 million in 2022-23, \$1.1 million in 2023-24 and \$493 000 in 2024-25) for funding of nine full-time equivalent staff in the Office. This does not include additional budget for staff in other areas of the Department who provide direct support to the Office, including 1.5 FTE within the Department's Strategic Policy and Planning business unit and 1.0 FTE within Strategic System Development.
102. The 2020-21 State Budget allocated \$3.15 million over four years for Student Systems Renewal. This relates to development of a Case Management Platform – a new technology platform to support the effective recording, management, and sharing of information about students, staff and other stakeholders, including capturing information on historic and current child sexual abuse allegations and harmful sexual behaviour. The 2021-22 allocation for this work was \$900 000.
103. In addition, through the standard 2022-23 State Budget process, resourcing decisions will be made to support the additional actions below:
- appointing a Student Safeguarding Officer in every government school, with appropriate induction and training being overseen by the Office
 - working with each Safeguarding Officer to help them establish an individual and specific risk management plan and safeguarding risk assessment for their school
 - developing and rolling out targeted information on understanding, preventing, identifying and responding to child sexual abuse in inductions and annual training for all principals, teachers and teacher assistants.
104. The funding is monitored as part of regular Departmental budget management processes and reporting. In addition, there will be ongoing project reporting over the course of the project.

Departmental Culture

11. What are the Department's previous three Tasmanian State Survey results in relation to questions on the following topics:

(a) "13 – Managers/supervisors:

- **I would be confident in approaching my manager to discuss concerns and grievances**

2016	2018	2020
79%	76%	77%

- **my manager expects a high standard of ethical behaviour"**

2016	2018	2020
88%	88%	88%

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(b) “14 – Senior managers

- **Senior managers model my agency’s values”**

2016	2018	2020
67%	65%	67%

(c) “15 - Agency

- **In my agency, earning and sustaining a high level of public trust is seen as important**

2016	2018	2020
93%	88%	88%

- **My agency has policies in place to report improper conduct and behaviour**

2016	2018	2020
71%	75%	74%

- **In my agency there are clear procedures and processes for resolving grievances**

2016	2018	2020
71%	65%	65%

- **I am confident that I would be protected from reprisal for reporting improper conduct’?**

2016	2018	2020
57%	55%	54%

12. What are your reflections on these results in terms of the Institutional or organisational culture of the Department?

105. The staff survey results have been, and continue to be, critical in providing departmental direction on the areas the Department is tracking well in and those where improvements can be made.
106. I am disappointed that since 2016 there has been little improvement, and indeed in some cases a decline, in staff perceptions and experiences across these specific TSS Survey questions.
107. I recognise the need for improvement in:

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- Levels of staff confidence in being protected from reprisal for reporting improper conduct (from 57 per cent in 2016 to 54 per cent in 2020);
 - Staff reporting that senior managers model the agency's values (no change from 67 per cent in 2016 and 67 per cent in 2020);
 - Staff reporting that there are clear procedures and processes for resolving grievances (drop from 71 per cent in 2018 to 65 per cent in 2018 and 2022 respectively);
 - Staff reporting that the agency has policies in place to report improper conduct and behaviour (up from 71 per cent in 2016 to 75 per cent in 2018 and 74 per cent in 2020).
108. These are areas the Department is working to address. I am committed to ensuring that staff are supported in speaking up and have trust in fair, transparent and confidential pathways for reporting concerns and improper conduct. Effective mechanisms for staff voice and feedback keeps the Department accountable.
109. Given a new Departmental Strategic Plan in place since 2018 (refreshed in 2021), a focus on living the Department's Values and the release of a new Staff Wellbeing Framework in 2021 that identifies specific actions to address fear of reprisal, I expect to see improvements in future survey results over time on these questions.

13. What steps has the Department undertaken to address or improve these results as they relate to the Institutional or organisational culture of the Department and to communicate these actions to staff?

110. The Department has implemented (and is currently implementing) the following initiatives to help address these results, as part of its commitment to building an organisational culture that promotes safety, wellbeing and inclusion across all workplaces:
- I. Embedding a values-based organisational culture to drive improvement
111. The critical role of safety and wellbeing in Tasmanian Government schools, libraries, and Department workplaces was recognised in the 2019–2021 Department of Education Strategic Plan and is further strengthened in the latest 2022-2024 Strategic Plan System Goal: Wellbeing for Learning, which states that *'Learners and staff feel safe, feel supported and are able to flourish so they can engage in learning.'* Furthermore, in the 2022-24 strategic plan, the Rights of the Child is highlighted as one of three system improvement drivers that underpin all our work.
112. Over the last few years, the Department has focused on our values of *Aspiration, Respect, Growth and Courage*, which is helping to shape the culture as well as set out the expectations about behaviour and conduct of employees. The Values have been promoted and applied broadly across all staff cohorts, schools and worksites and across all aspects of work; from recruitment, induction, and in developing 'working together' protocols in teams. I believe that continuing to embed the values of Courage and Respect into our ways of working will assist in setting the example of positive behaviour and giving rise to a culture of 'calling out' unacceptable behaviour that simply is not tolerated in any of our workplaces.

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II. Fear of reprisal

113. The Department developed a comprehensive Grievance Resolution Policy and Procedures in 2017 to *‘ensure that grievances are dealt with fairly, consistently and in a timely manner, to ensure that a harmonious and professional working environment occurs in workplaces across DoE as well as to provide employees with a structured process through which to resolve conflict’*.
114. In 2021, the Department’s Staff Wellbeing Framework was published to improve staff wellbeing and inclusion across the Department over the next three years. Out of the Framework, a Staff Wellbeing and Inclusion Plan 2022 will deliver actions, coordinated by Human Resources, with a deliverable to *‘provide a clear, confidential and responsive pathway for staff to report concerns about harassment, safety, grievances, discrimination and alleged misconduct.’*
115. As part of the Department’s Staff Wellbeing Framework (Staff Wellbeing and Inclusion Plan 2022), a comprehensive review of the Grievance Policy and Procedures is currently underway and a working group has been formed with subject matter experts to test and trial a more responsive reporting pathway for staff that builds trust and transparency in the process.
116. The purpose of the working group is to:
- ensure the policy and procedures are clearer for all staff, including revising the reporting procedure and clarifying the escalation pathways to ensure efficient and speedy resolution of issues
 - complement the current work on amendments to the Department’s online Incident Report Power App to make reporting pathways for psychological incidents, such as staff-to-staff violence, aggression, and harassment clearer, along with amendment to intranet landing pages, supported by better information on how to report concerns
 - reduce the fear of reprisal for reporting misconduct by making it easier to understand and access reporting processes, assisting responders to understand their rights and responsibilities, and improving procedures more generally. This includes providing clear information and developing simple, easy-to-follow processes.
117. It is a concern to me that through the last three Tasmanian State Survey results, only 54 to 57 per cent of staff state they are confident that they would be protected from reprisal for reporting improper conduct. Notwithstanding the Department addresses fear of reprisal in its Public Interest Disclosure Procedures – which has been welcomed by the Ombudsman (see Annexures 8 and 20) – the working group will be addressing this matter as part of their work.

Prevention

- 14. What role does the Department have in preventing child sexual abuse in Institutional Contexts? In your answer, you should address:**

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118. The role of the Office in preventing child sexual abuse in Institutional Contexts is to provide leadership and strategic advice and direction on the Department's culture, systems, policies, practices and professional learning as they relate to safeguarding children and young people from the harm of abuse in all Department settings.
119. This work complements the work being undertaken in other Department business units that focus on child wellbeing and safety, and supports the operational responses to safeguarding children and young people, led by Workplace Relations, Legal Services, Learning Services and Student Support.

(a) the screening of Officials

120. In addition to Registration to Work with Vulnerable People (RWVP) requirements and the Teachers' Registration Board's existing processes for teaching staff, the Department's screening process currently involves all job applicants being required to make a declaration in response to six screening questions, which are provided at Annexure 5.

(b) Registration to Work with Vulnerable People

121. The Department requires all employees, volunteers, contractors and external providers, or persons otherwise engaged in or associated with a child regulated activity, to maintain current Tasmanian Registration to Work with Vulnerable People (RWVP). An individual cannot be employed within the Department without meeting this essential requirement. If their registration is suspended or revoked, they are suspended from duty and investigated in line with relevant employment directions.

(c) child safe practices

122. The Department is committed to safeguarding the rights of all children and young people to have an education, to be heard and to be kept safe from harm. Ensuring that this statement is more than words on a page requires the Department to commit to becoming an exemplary child-safe organisation and to manifest this commitment through development, review and continuous improvement of our policies, practices, systems and professional learning. Most importantly, it requires ongoing and long-term commitment to changing the Department's culture to ensure that children and young people are placed at the centre of all decision-making processes that impact on them.
123. Specific child-safe practices are discussed elsewhere in this statement, including in the response to Items 16 and 17. In the context of prevention, these include the development of a comprehensive Safeguarding Policy, review and amendment of existing policies, professional development for staff that is focussed on raising awareness of practices that contribute to the prevention of child sexual abuse, embedding the Department's approach to student voice and agency, and reform of record keeping and information sharing practices.

(d) protective behaviours curriculum and other educational programs

124. Pursuant to national funding arrangements, Tasmania has agreed to implement the Australian Curriculum in Tasmanian government schools, as developed by the Australian Curriculum, Assessment and Reporting Authority (ACARA).

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125. The Australian Curriculum includes the learning area of Health and Physical Education (HPE). The HPE learning area has two strands: Personal, social and community health, and Movement and physical activity. Curriculum content addressing the giving and gaining of consent is a component of the Personal, social and community health strand, through the focus areas of Safety and Relationships and sexuality.
126. Educating students on consent is delivered through the Australian Curriculum, starting with learners in Prep through to Year 10. This involves building awareness, knowledge and understanding of the impact that behaviours have in relation to ourselves and others.
127. In the early years, students learn about body ownership, protective behaviours for themselves, and respectful relationships.
128. In Years 3 to Year 10, students learn about matters such as:
- standing up for themselves
 - establishing and managing changing relationships (offline and online)
 - strategies for dealing with relationships when there is an imbalance of power (including seeking help or leaving the relationship)
 - celebrating and respecting difference and diversity in individuals and communities.
129. Evidence-based resources assist teachers and school staff in delivering the curriculum and are available on the Department's Teaching and Learning Centre and Learning Management System (Canvas), which are accessible to all staff. The Department's Respectful Relationships Education resources (updated in 2021) include online and publicly available materials, incorporating teaching and learning sequences, strategies, processes and skills to guide schools and communities in the explicit teaching of respectful relationships education. This resource is designed to support school communities to model positive environments and appropriate behaviours in which individuals know, understand and engage in equitable and respectful relationships.
130. School leaders, in consultation with their community, have the autonomy to make decisions regarding additional respectful relationships education programs best suited to their context.
131. The Department supports a range of evidence-based and age-appropriate programs, to address respectful relationships, consent, sexuality, body ownership and protective behaviours.
132. In the early years, schools can engage with the Bravehearts Foundation to deliver the Ditto's Keep Safe Adventure Program. Funding for this program is supported by the Department of Education and the Tasmanian Government.
133. Schools can also engage with a range of support services, such as the Sexual Assault Support Service (SASS). SASS is currently working with a number of schools across the state to deliver its Sexual Assault and Prevention Program, as well as delivering 'Consent is a Conversation' workshops.

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134. In addition, the Department promotes a range of other educational resources and/or programs delivered by external providers, which are detailed in the response to NTP-TAS-004, item 71 (see Annexure 7).
135. The Department will continue to provide professional learning and resources to support teachers to implement the Australian Curriculum, including respectful relationships and consent education across the years of schooling. Building on the work to date, the Department will develop sequences of learning across Prep to Year 10 in age-appropriate ways, to align with the strengthened content and explicit teaching of consent education outlined within the updated Australian Curriculum. During the second half of 2022, the respectful relationship education resource will be reviewed and updated to support implementation of the revised curriculum in 2023.
136. Version 9 of the Australian Curriculum was endorsed by Education Ministers in April 2022 and will be implemented in Tasmanian Government Schools from 2023.

(e) training

137. Processes alone will not change behaviour, so appropriate training and information to build staff awareness and their sense of responsibility is essential if we are to change our culture across all worksites.
138. As stated at paragraphs 30-32, the Department is aware that we need to place greater focus on staff professional development and induction across all areas, in an effort to ensure prevention of child sexual abuse. As a result, significant work is occurring through multiple business units to introduce new compulsory training modules – initially for principals, followed by similar training for all staff.
139. In consideration of the immediate needs of all staff, Mandatory Reporting training is an immediate major focus for the Office. This training is currently being updated, with new content expected to be tested with school principals and staff before the end of 2022. The new, compulsory training material will be rolled out annually through the Department's online training platform, Canvas, commencing no later than the start of Term 1, 2023.
140. The Office is also developing content for professional development modules for existing, new and aspiring school principals, covering topics related to understanding, preventing, identifying and responding to child sexual abuse. This training will then be rolled out to all staff across the Department and will become a compulsory part of annual training.
141. Current training and professional development, in addition to proposed new training topics, is outlined in response to question 21, including an annexed table (refer Annexure 12).

(f) raising awareness of child sexual abuse, particularly in Institutional Contexts, and

142. Raising awareness of child sexual abuse in institutional contexts is an ongoing role for the Department.

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To date, this has included strategic communication and engagement through internal and external channels, such as the Department's website and Intranet, emails from me to all staff and separately to principals, online discussions and presentations with the Department's Divisional Leaders Group and at Principal Briefings, and presentations by/discussions between the Executive Director, Safeguarding Children and Young People and a range of external bodies—including the Tasmanian Principals' Association, the Tasmanian Association of State School Organisations, Tasmanian School Administrators Association, the Department's LGBTIQ+ Working Group, Catholic Education Tasmania and Independent Schools Tasmania.

143. In addition to establishing a presence on the Department's website and our internal website, the Office is currently working on the development of a new Safeguarding Children and Young People website that will be focused primarily on children and young people, and their families/carers, providing them with easy-to-understand information on what child sexual abuse is, what to do if they're worried about themselves or someone else, what children's rights are and where they can go for help or other information. It will also provide information for victims/survivors.
144. On 26 April this year, the Office ran a Wear Teal Tuesday morning tea, which was celebrated across the agency, as the main 'day of action' for internationally recognised Sexual Assault Awareness Month. It is the intention of the Office to run regular awareness raising events for Department staff as part of its broad communications and engagement activity.
145. A new visual identity for all Safeguarding material has recently been developed. The aim of this is to ensure all Department staff, students, families and members of the public can easily identify any safeguarding-related material produced by the Office for the information of internal and external stakeholders. As new or amended policies and procedures are developed, they will be published using the new identity, helping to raise awareness and a connection with the visual aspect of the material. The visual identity will also be used on the new Safeguarding website when this is published.
146. The visual identity was created with the idea that children and young people need a platform to come forward and be heard with clarity and confidence, using their voice to tell their story or to speak for others. The overlapping speech bubbles in the graphic remind us that we must all speak up, and that child safety is the responsibility of everyone. The three speech bubbles also represent the rights of the child – the right to an education, to be kept safe, and to be heard. The expressive hand-written font acts as a prompt to share stories with true feeling and confidence.
147. The visual identity was finalised following direct engagement with children and young people, who unanimously endorsed the design, confirming that it reflected safety and trust and would help encourage them to talk and to speak out for others.

(g) any other relevant matters

148. Driving cultural and organisational change is a key purpose of the Office and a priority for the Department's Executive. Work towards achieving this goal to date includes championing child safeguarding issues with the Department's Executive Group, other senior officers, principals and Department staff more broadly.

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As part of this, the Executive Director, Safeguarding Children and Young People meets weekly with the Department's Executive to provide regular updates on challenges the Office may be facing, or the progress of current initiatives. Staff within the Office also regularly liaise and collaborate with other business units and divisions to ensure the Department's approach is a holistic one.

149. Cultural change is a long-term activity that will require ongoing focus and effort. It will be supported by the development of relevant policies, processes, procedures and training, but these documents alone will not change behaviour. The Office is working on a range of induction and mandatory training packages that will cover a range of staff responsibilities. It is expected the majority of this training will be rolled out annually from 2023 through the Department's online training platform, Canvas.

15. How is success measured and evaluated (including what data is relied on) in relation to preventing child sexual abuse in Institutional Contexts?

150. High-level performance measures established to date are provided as part of Annexures 36 and 37.
151. The specific data that will be relied on to measure success will be established in consultation with the Department's Education Performance and Review team and with reference to external stakeholders with expertise in this area.
152. Overall success for the Department will be when every member of staff believes the safeguarding of children and young people in our care is everyone's responsibility and each person can articulate how and why they contribute to that.

16. How does the Department identify risks to child safety? How does it address these risks?

153. The safety and wellbeing of all children and young people in our care underpins all aspects of the Department's work. This is reflected in the Strategic Plan 2022-24 and the system goal of Wellbeing for Learning, that 'learners and staff are safe, feel supported and are able to flourish, so they can engage in learning'. The Department's Child and Student Wellbeing Strategy aligns with the Tasmanian Child and Youth Wellbeing Framework, which recognises feeling 'Loved' and 'Safe' as core elements of wellbeing.
154. The annual Student Wellbeing and Engagement Survey (SWES) provides school and system level data on student wellbeing in the voice of students. The SWES includes responses to questions related to feeling safe at school. Schools use the SWES data (in addition to other data sets) to identify areas for improvement. The SWES is in its fourth year of implementation and the data is increasingly being used to inform effort at a system level.
155. The Department recognises that children and young people's safety at school, in libraries and in Child and Family Learning Centres (CFLCs) is a critical outcome in itself. In addition to identifying issues related to students feeling safe at a school and system level, the Department has a number of key policies that address the identification and management of risk for individual students within learning environments.

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These include but are not limited to the Duty of Care for Students on DoE sites Procedure; Conduct and Behaviour Standards; Professional Standards for Staff Policy and Guidelines; Online Sexual Abuse Material: Response Flowchart for DoE Staff; and the Safe Homes Safe Family Policy and Procedure.

156. The Department recognises that identifying and addressing risks to child safety extends beyond the school environment. The Department is committed to coordinating efforts across agencies to ensure that Tasmania's children and young people are safe, well and actively engaged in learning. The Department works closely with other agencies to support vulnerable students. Representatives from across agencies meet regularly to review, monitor and determine actions to strengthen the safety and wellbeing of vulnerable students and families. Information sharing is critical to assessing risk and ensuring the necessary supports are in place for the safety and wellbeing of the children and young people identified. Strengthening the mechanisms and systems for information sharing continues to be a priority for the Department and is being addressed through a number of key cross-agency initiatives (e.g. Strong Families Safe Kids: Next Steps and the Tasmanian Child and Youth Wellbeing Strategy: It Takes a Tasmanian Village).

Vulnerable Students List

157. The Vulnerable Students List was developed between the Department of Education and the Department of Communities Tasmania in 2020. Vulnerable students are identified using the Tasmanian Child and Family Wellbeing Assessment Tool, which considers a range of factors, including stability and safety at home, access to material basics such as food and housing, physical and mental health, and participation in education.
158. The Department of Education and the Department of Communities Tasmania continue to cross reference and update the vulnerable student list. Schools work with Learning Services through School Support and Wellbeing Teams to monitor attendance and participation data of vulnerable students who may require additional effort or support. Staff from across agencies meet through a range of forums to discuss the support needs of vulnerable students, including those impacted by family violence, abuse, neglect, homelessness, complex mental health issues, and young people involved in youth justice.

Student Wellbeing Team

159. The Department of Education's Student Wellbeing Team supports children who are impacted by abuse, neglect and/or family violence. Team members liaise closely with the Strong Families Safe Kids Advice and Referral Line and Child Safety Services colleagues.
160. A key role of the Student Wellbeing Social Workers is facilitating a cross-agency care team approach to collaboratively identify and address the safety and wellbeing needs of children and families.

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Safe Homes Safe Families Support Team

161. The Department of Education's Safe Homes Safe Families Support Team works with the Safe Families Coordination Unit, which provides up-to-date data on family violence incidents involving children. The Support Team works with schools and CFLCs to provide a range of supports, including undertaking needs and safety assessments, assisting with short-term interventions such as protective behaviours and safety planning, and facilitating professional learning to build capacity in schools and CFLCs to support students impacted by family violence.

17. Which areas of the Department pose the greatest risks to children's safety? How have these been responded to?

162. The areas of the Department that pose the greatest risks to child safety are largely addressed in other parts of this statement and were highlighted in the Final Report of the *Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse* (DoE Inquiry).
163. These areas would include a culture that does not always prioritise the interests of children above those of adults; a confusing and crowded policy environment; a lack of training for staff on understanding, preventing and responding to child sexual abuse; and inconsistent practices on information sharing and record keeping.
164. These areas have been and are being responded to as follows:

Culture

165. Driving cultural and organisational change is a priority for the Office. Progress towards achieving this goal to date includes championing child safeguarding issues with the Department's Executive Group, other senior officers, school principals and Departmental staff more broadly. Changing the organisational culture of the Department in relation to child safety is a critical factor for successful implementation of recommendations from the DoE Inquiry, the Royal Commission and those that emerge from the Commission of Inquiry. As such, the Office will play a lead role in effecting and encouraging this change.
166. An important part of the Office's work in effecting positive cultural change is strategic engagement and communication with students, staff and internal and external stakeholders through a variety of channels, strategies and materials. To this end, a Senior Communications and Engagement Consultant has been employed full-time to support the work of the Office. The Office's communications plan includes the publication of relevant information on the Department's external-facing website and internal-facing intranet, as well as developing strategies for engagement with key stakeholders. The Office is also developing a plan to appropriately and effectively engage with children and young people so that their voices and views inform future.

Policy environment

167. The Office is developing a Safeguarding Children and Young People Policy, to be released during 2023. The Policy will embed prevention principles as a key consideration and provide information on how to respond to any concerns or allegations of child sexual abuse.

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168. The Office, with the assistance of the Department's Strategic Policy and Projects team, has begun 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. The first tranche of this ongoing work is expected to be completed in 2023.
169. The Office has also developed and released advice to staff for Responding to Incidents, Disclosures and Suspicions of Child Sexual Abuse, as well as accompanying flowcharts for principals. These can be found at Annexures 21 & 30.

Training

170. The Department is progressing implementation of the DoE Inquiry recommendation that '*information about understanding, preventing, identifying and responding to sexual abuse be included in inductions, and in annual training, for all principals, teachers and teacher aides.*' This recommendation highlights a gap for the Department in the provision of professional development for staff on the importance of and need for consistent and appropriate practices that safeguard children and young people in all Department settings.
171. The Office is currently developing content for professional development modules for new and aspiring school principals that deals with understanding, preventing, identifying and responding to child sexual abuse. Mandatory Reporting training for all staff is also being updated, noting that this training is currently provided to principals at the start of each school year. New content is expected to be tested with school principals and staff before the end of 2022, with the aim of rolling out new training material annually through the Department's online training platform – Canvas – commencing no later than the start of Term 1, 2023.

Information sharing

172. The Report of the *Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse* raised concerns regarding the lack of information sharing within the Department and also across government agencies. There are a range of reasons for these practices, including legislative barriers (real and perceived), professional obligations related to confidentiality, workplace culture, and a lack of understanding of how and what information to share to ensure the needs of the child or young person are paramount in any decision-making processes.
173. Effecting change to these practices will require sustained change management. It first requires clarity about what information is held by agencies, including what information can and should be shared, the purposes for which it can be shared and with whom. It then requires a concerted effort to understand and address the underlying beliefs and assumptions about what information should or should not be shared. Finally, it requires an understanding of the legal and other barriers to change, and willingness to make legislative amendments as required.
174. As noted in my response to Question 36, the Department has a need for more robust systems, and a more coordinated approach to support a culture of information sharing.

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To address this, the Department is currently building a new Case Management Platform (CMP), which when completed, will provide a more effective means of recording, storing, and sharing information related to incidents, disclosures and suspicions of child sexual abuse, focusing on the needs and interests of the child or young person. Once completed, the CMP is expected to help support not only the prevention of child sexual abuse, but also the Department's response to such matters.

175. The Department is also working on building a more collaborative and coordinated approach to information sharing across government agencies, through a newly established Interagency Data and Systems Working Group. Further information on the Working Group is provided in response to Question 36 and at Annexure 27.

Record keeping

176. It was noted in the DoE Inquiry that the Department's record keeping has been inconsistent and dispersed and has not always enabled timely investigation of current and historical matters of child sexual abuse. In particular, the Department is aware of the limitations of the Student Support System (SSS), which will be replaced by the CMP as a means of supporting the effective recording, management, and sharing of information about students, staff and other stakeholders, including capturing and managing information on historic and current child sexual abuse allegations and harmful sexual behaviour.
177. SSD is currently working with Student Support, Legal Services and Workplace Relations to support them in piloting an initial version. This work includes entering cases, reviewing functionality against safeguarding objectives and capturing feedback from users to inform the next steps in the project. This work will continue to the end of 2022, along with further consultation across the Department to ensure all business unit needs are met, safeguarding objectives are considered and best interests of the child/young person remains a priority.
178. The Office is working with SSD and other business units to ensure the final product aligns with the Department's overarching safeguarding objectives and addresses or is consistent with relevant recommendations of the Royal Commission, DoE Inquiry and Commission of Inquiry.
179. The Office has also noted the need to ensure that when information on child sexual abuse cases is recorded, the rights of the child are considered. This includes ensuring all facts are correct, narratives are respectful, the view of the child is captured, and the information is presented in a trauma informed way. This will require training for all staff involved in the capturing and recording of information and will be included in the Office's overall program of work.
180. In response to the Royal Commission recommendations in relation to record keeping as it relates to child sexual abuse, the State Archivist has provided all government agencies with definitive advice in relation to retention and disposal schedules and is working with national colleagues through the Council of Australasian Archives and Records Authorities (CAARA) on developing further guidance in relation to access and amendment or annotation of records.

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18. How does the Department ensure any activities described in response to paragraphs 14 to 17 meet the diverse needs of children and young people, particularly those who are Aboriginal and/or Torres Strait Islanders, come from culturally and linguistically diverse backgrounds, identify as LGBTQI+, have disability, experience socio-economic disadvantage or lack protective parental figures?

181. The Department provides additional supports for our diverse learners on a case-by-case basis, based on an assessment of individual needs. This includes, but is not limited to:

- Translator services for students and families for EAL (English as an additional language) students paid for by the Department.
- Two FTE social workers within the EAL team to support families and students as needed, which can include services relating to child safety issues.
- Aboriginal Education Workers and Aboriginal Education Support Officers to support Aboriginal and Torres Strait Islander students in schools and through liaison with families.
- Life Without Barriers support, through a contract with the Department to offer liaison services between families of children with disability and schools.
- Support from Working it Out, through a Grant Deed with the Department to deliver the 'Valuing Diversity' Framework, which provides schools, principals and staff with practical support, professional learning, factual information, and resources to foster LGBTQI+ inclusive school communities.

182. In relation to child sexual abuse, the Office has identified an expanded group of vulnerable students and their families/carers as a particular focus in terms of training for staff and school principals, and a need to consider the specific needs of this particular cohort, which includes (but is not limited to) children/young people who identify as LGBTQI+, those who have been abused in the past, those in Out of Home Care, Aboriginal and Torres Strait Islander children and those who are Culturally and Linguistically Diverse.

Child sexual abuse prevention curriculum and programs

19. Which Tasmanian state schools engaged in the following programs since 1 January 2020:

(a) Respectful Relationships

Respectful Relationship education is covered in government schools for kindergarten to year 12 through the curriculum. The response to NTP-TAS-004, item 71 provides further information.

(b) Consent

Consent education is covered in government schools through a range of providers including the Sexual Assault Support Service (SASS) in the south, Laurel House in the north and north-west, and Tasmania Police. The response to NTP-TAS-004, item 71 provides further information.

(c) Bravehearts

See the response to NTP-TAS-004, item 71.

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(d) The PAST program provided by the Sexual Assault Support Service (SASS)

The Prevention, Assessment, Support and Treatment program is delivered by SASS. It focuses on children and young people (17 and under) exhibiting harmful sexual behaviours. There are two streams to the program. The first is therapeutic intervention, assessment and case management for children and young people. Schools, family members, young people or other agencies may refer students to this program. The second stream is training for school staff who teach across years 3 to 12, which is delivered on a fee-for-service basis by SASS. It is not possible to indicate which schools may have participated in the first stream, as students are referred to the program on an individual basis. Schools contact SASS directly to participate in the second stream training for school staff. Records of participation are held at school level, with no central reporting or collation of this information being undertaken.

(e) A 'Sex-Based Harassment' officer, and

It is unclear what is meant by this term, but it does not appear to be a program that is offered in government schools.

(f) Any other relevant curriculum or program

Information regarding the curriculum and programs offered in government schools is provided in the response to NTP-TAS-004, item 71.

(g) The information set out in the response to NTP-TAS-004, item 71 contains all the data it has been possible to collect regarding which schools have delivered which programs. That information has been collated through searches of the Department's record keeping system, HP Content Manager, and from the Student Support System (SSS). Due to the limitations of the Department's records, and the way in which data is entered into SSS, it is not possible to provide comprehensive information regarding numbers of schools or students participating in such programs. Data is recorded in SSS across broad themes, such as *good health and wellbeing* or *mental health/resilience and body image*, rather than in terms of specific programs. Where data on number of attendees and number of schools has been supplied by contracted providers, this is included in the response to NTP-TAS-004, item 71.**20. Is prevention education mandatory in schools? Should it be? Who decides if a school runs prevention education?**

183. I note that 'prevention education' is not a term that is used in schools or through the programs that are delivered. All Tasmanian government schools implement the Australian Curriculum. For students in Tasmanian government schools, the Health and Physical Education learning area of the Australian Curriculum covers the 'relationships and sexuality' and 'safety' focus areas. This includes content about negotiating consent, managing relationships online and offline, and dealing with relationships where there is an imbalance of power. .
184. Extensive resources to assist teachers and school staff in delivering the curriculum are available on the Department's Teaching and Learning centre, which is accessible via the staff intranet.

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The Department's Respectful Relationships Education resources (updated in 2021) include online and publicly available materials, incorporating teaching and learning sequences, strategies, processes and skills to guide schools and communities in the explicit teaching of respectful relationships education. The Resource is designed to support school communities to model positive environments and appropriate behaviours in which individuals know, understand and engage in equitable and respectful relationships.

185. In addition to the Curriculum, the Department supports a range of evidence-based and age-appropriate programs, addressing areas including respectful relationships, consent, sexuality, body ownership and protective behaviours, which align with and complement content covered through the Australian Curriculum. These programs are outlined in the response to NTP-TAS-004, item 71.
186. The Department does not mandate delivery of any of these programs within schools, but allows schools to make decisions as to which programs are best suited to respectful relationships education within their context. These decisions are made by principals and the school leadership team, in consultation with student support staff.
187. A decision about whether more specific 'prevention education' should be mandatory in schools would need to take into account a range of factors, including:
- alignment with the Curriculum
 - a parent or carer's right to request that their child or young person not participate in a particular program
 - who delivers the program (e.g. teachers, social workers, external providers) and the level of resourcing required to enable effective delivery
 - how the program could be incorporated into school timetables
 - how to ensure that any mandated program is not seen as a substitute for other services and processes that protect children
 - acknowledging that no one program can be the 'solution' for the prevention of child sexual abuse, but must be placed in the context of a systemic safeguarding approach and a culture that supports prevention, detection and early intervention in response to child sexual abuse
 - recognising that prevention education/protective behaviours training is a problem-solving model that extends beyond prevention of sexual abuse and helps young people to identify warning signs for themselves, including when they are feeling unsafe and/or distressed
 - development of measures to understand and evaluate the impact of any program/s delivered, and to inform future programs.

Training and professional development

21. What training and professional development is available to Department Officials (including teachers and principals) in relation to:

(a) professional conduct in relation to child sexual abuse

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- (b) identifying and responding to child sexual abuse (including grooming behaviours, boundary breaches and harmful sexual behaviours)**
- (c) reporting requirements, and**
- (d) making public interest disclosures, including in relation to the handling of complaints?**

Is this training mandatory or optional and is it undertaken on a regular basis (for example, annually)?

- 188. A number of current programs are available to Department Officials, but particularly teachers and principals, including non-mandatory programs for graduate teachers with Teach Tasmania and an Online Induction Program through the Department. Additionally, the Department runs an annual mandatory Principals Induction Program for new principals.
- 189. In addition to the above, the Department is continuing work across various business units to implement mandated new professional development as part of the School Leadership and Management pre-requisites. Topics include Core Legal Responsibilities, Safeguarding Children and Young People, Parental and Community Engagement, Issues and Complaints, Ethical Conduct Framework and Industrial Relations.
- 190. A table of each program, its overview and description of content is provided at Annexure 12.

Responding to child sexual abuse within the Department

- 22. What steps does the Department take when there is a complaint or concern about:**
 - a) child sexual abuse by an Official of your Department, or an institution associated with the Department, and**
 - b) harmful sexual behaviours of children involved with the department or an institution associated with the Department?**

In answering this question, you should address:

- (c) the complaints process**
- (d) how any ongoing risk or safety concerns are identified and managed**
- (e) how any notifications are made to relevant Government institutions**
- (f) how the Department communicates with and provides support for any complainants, parents, Officials and other children**
- (g) how the matter is investigated and by whom**
- (h) record keeping**
- (i) monitoring and reviewing of the response**
- (j) whether any systemic factors contributing to the alleged matters are identified and addressed, and**

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(k) any other relevant matters.

191. The following steps are taken when the Department receives a complaint or concern about child sexual abuse allegations against a current employee.
- (a) The complaint is advised by telephone to Workplace Relations, either the Assistant Director Industrial Relations or the Manager Workplace Relations. A complaint can be made by anyone. Most often, notification of a complaint is made by the school principal direct to Workplace Relations.
 - (b) The person referring the complaint to Workplace Relations is provided with preliminary advice as to information that may need to be gathered, for example recounts from students. At the same time, the person is asked to ensure that a mandatory report is made to Strong Families, Safe Kids if this has not already been actioned.
 - (c) Upon receipt of a complaint, the following actions are undertaken by either the Assistant Director, Industrial Relations or the Manager, Workplace Relations:
 - i. if the employee is permanent or fixed-term, preliminary correspondence is immediately prepared and provided to the employee at the earliest opportunity, same day or within 24 hours. The correspondence advises the employee of the basis of the complaint or allegation and the employee is asked to remain away from the workplace whilst the matter is given further consideration including being investigated.
 - ii. If the employee is a relief employee, instruction is provided to Recruitment and Employment within Human Resources to mark that employee as unsuitable on the fixed term and relief employment register so that they are unable to be engaged for relief at any school.
 - (d) Upon receipt of a complaint regarding child sexual abuse, the following notifications are made by either the Assistant Director, Industrial Relations or the Manager, Workplace Relations (on the same day or the next business day):
 - i. Internally to me, as Secretary, and the relevant Deputy Secretary, Director of Workplace Relations and Legal Services (Director Human Resources);
 - ii. Tasmania Police via a template notification to the Assistant Commissioner Operations;
 - iii. The Department of Justice (Registration to Work with Vulnerable People) via email to a generic email address;
 - iv. The Teachers Registration Board if the employee is a teacher via email to a generic email address;
 - v. The Integrity Commission via email to a generic email address;
 - vi. The Head of the State Service via email; and
 - vii. The Minister's Office (de-identifying the employee) via email.
192. Support for complainants, parents and other children is co-ordinated at the school level and may involve contact with onsite professional support staff or more broadly via contact with the Professional Support unit within Learning Services.

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193. Ongoing liaison with complainants, parents, officials and other children is undertaken by senior staff, including the principal, Social Workers and Senior School Psychologists.
194. The matter is investigated as follows:
- a. If the employee is a fixed term or permanent employee the matter is referred to me, as Secretary, for consideration of an Employment Direction No.5 (ED5) investigation for an alleged breach of the *State Service Act 2000* Code of Conduct.
 - i. If I, as Secretary, form a reasonable belief that the complaint/allegation suggests the Code may have been breached, the matter must be investigated and an investigator appointed.
 - ii. I appoint an external investigator to prepare a report into the alleged breach(es).
 - iii. The investigator will speak to relevant witness, the complainant and the respondent and prepare a written investigation report.
 - iv. The report is provided to the respondent for a response.
 - v. The matter is then referred to me, as Secretary, for a determination as to whether the Code has been breached and if a breach is found, which of the sanctions under ED5 are appropriate.
 - vi. All processes are carried out in accordance with the provisions of ED5.
 - b. If the employee is a relief employee, the matter is referred to the Secretary for consideration.
 - i. If I, as Secretary, form a reasonable belief that the complaint/allegations suggests a relief employee may have breached a Departmental policy (for example the Conduct and Behaviour Standards or the Professional Guidelines for Staff Policy) I will write to the relief employee seeking their response to the allegations.
 - ii. Depending on the employee's response, further inquiries or additional information may be sought in relation to the complaint/allegations. This is co-ordinated via Workplace Relations in consultation with the principal.
 - iii. Once the employee's response is received, I will make a determination as to whether the complaint/allegation is substantiated and whether or not the employee poses an unacceptable risk to students, or whether there are conditions precedent that the employee must undertake before being eligible for future employment.
 - iv. The relief employee is advised of the outcome.
195. Records on all matters are kept on the Department's Content Manager database using the employee's name as the record reference.
196. Workplace Relations also maintains paper-based files for all matters where an investigation is undertaken.

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197. All information an employee provides in response to a complaint/allegation is considered by Workplace Relations and is included in the referral of the matter to the Secretary for a determination.
198. Employees also retain review rights through the Tasmanian Industrial Commission in relation to disputing a determination or sanction (under the *State Service Act 2000*) or in relation to unfair dismissal/termination of employment (under the *Industrial Relations Act 1984*).
199. All complaint matters are considered and investigated on an individual basis. However, if systemic factors were identified these would be addressed via additional professional development, resources and/or training targeted at identified groups of employees.
200. Workplace Relations has presented sessions on the conduct framework to principals across the Department in response to an identified need around reporting obligations, notifying Workplace Relations of potential complaints/allegations of child sexual abuse, and the method for doing so.
201. The delivery of additional, targeted professional development around system issues will form part of the work to be managed through the Office.
202. The distinction between fixed term/permanent and relief employees above is because under the provisions of ED5 there is no ability to impose one of the possible sanctions in relation to a person who is not an employee. Accordingly, as relief employees are not specifically defined for the purpose of the *State Service Act 2000*, an ED5 process is not commenced. However, if a relief employee has been marked as unsuitable for employment, they are removed from the relief and fixed term employment register thereby rendering the individual ineligible for further employment.
203. At the conclusion of an investigation, the Department of Justice (RWVP) and the Integrity Commission are advised, and if the employee is a teacher, the Teachers Registration Board is notified of the outcome.
204. Upon receipt of a complaint regarding child sexual abuse, the following notifications are made by either the Assistant Director, Industrial Relations or the Manager, Workplace Relations (on the same day or the next business day):
- internally to the Secretary and relevant Deputy Secretary, Director of Workplace Relations and Legal Services
 - Tasmania Police via a template notification to the Assistant Commissioner Operations
 - the Department of Justice (Registration to Work with Vulnerable People) via email to a generic email address
 - the Teachers' Registration Board if the employee is a teacher via email to a generic email address
 - the Integrity Commission via email to a generic email address
 - the Head of the State Service via email
 - the Minister's Office (de-identifying the employee) via email.

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- 205. Support for complainants, parents and other children is co-ordinated at the school level and may involve contact with onsite professional support staff or more broadly via contact with the Professional Support unit within Learning Services.
- 206. Ongoing liaison with complainants, parents, Officials and other children is undertaken by senior staff including the principal, Social Workers and Senior School Psychologists.

The matter is investigated as follows:

- 207. If the employee is a fixed-term or permanent employee, the matter is referred to me, as Secretary, for consideration of an ED5) investigation for an alleged breach of the *State Service Act 2000* Code of Conduct.
- 208. If I form a reasonable belief that the complaint/allegation suggests the Code may have been breached, the matter must be investigated and an investigator appointed.
- 209. As Secretary, I appoint an external investigator to prepare a report into the alleged breach(es). The investigator will speak to relevant witness, the complainant and the respondent and prepare a written investigation report.
- 210. The report is provided to the respondent for a response.
- 211. The matter is then referred to me, as Secretary, for a determination as to whether the Code has been breached and if a breach is found, which of the available sanctions under ED5 is applied.
- 212. All processes are carried out in accordance with the provisions of ED5.
- 213. If the employee is a relief employee the matter is referred to me, as Secretary, for consideration.
- 214. If I form a reasonable belief that the complaint/allegation suggests the employee may have breached a Departmental policy (for example the Conduct and Behaviour Standards or the Professional Guidelines for Staff Policy), I as Secretary will write to the relief employee seeking their response to the allegations.
- 215. Depending on the employee's response, further inquiries or additional information may be sought in relation to the complaint/allegations. This is co-ordinated via Workplace Relations in consultation with the principal.
- 216. Once the employee's response is received, I make a determination as to whether the complaint/allegation is substantiated and whether or not the employee poses an unacceptable risk to students, or whether there are conditions precedent that the employee must undertake before being eligible for future employment.
- 217. I wish to reiterate that once a relief employee has been marked as unsuitable for employment on the fixed term and relief register, they are no longer available for employment, nor does the Department have any obligation to offer further employment. However, this process and the resulting decisions have been adopted through a duty of care lens, which is outside the existing employment framework, particularly code of conduct provisions, but is the paramount consideration.

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218. The respondent is advised of the outcome.
219. Records on all matters are kept on the Department's Content Manager database using the employee's name as the record reference.
220. Workplace Relations also maintains paper-based files for all matters where an investigation is undertaken.
221. All information an employee provides in response to a complaint/allegation is considered by Workplace Relations and is included in referral of the matter to the Secretary for a determination.
222. Employees also retain review rights through the Tasmanian Industrial Commission in relation to disputing a determination or sanction (under the *State Service Act 2000*) or in relation to unfair dismissal/termination of employment (under the *Industrial Relations Act 1984*).
223. All complaint matters are considered and investigated on an individual basis. However, if systemic factors were identified, these would be addressed via additional professional development, resources and/or training targeted at identified groups of employees.
224. Workplace Relations has presented sessions on the conduct framework to principals across the Department in response to an identified need around reporting obligations, notifying Workplace Relations of potential complaints/allegations of child sexual abuse and the method for doing so.
225. The delivery of additional, targeted professional development around system issues will form part of the work to be administered by the Office.
226. The Office has recently developed advice for staff on responding to suspicions, complaints, and allegations of child sexual abuse – including harmful sexual behaviours – and specific flowcharts that outline the processes to be followed. These can be found on the Safeguarding Children and Young People Intranet page (see Annexure 15).
227. The Department's Workplace Relations 'Child Sexual Abuse' Intranet page (Annexure 13) also houses a guidance document titled 'Department of Education process where an allegation(s) of child sexual abuse is made against a current employee'. The document is provided at Annexure 19.
- 23. How many full-time equivalent social workers or counsellors are engaged by the Department to provide services in schools? How are those positions distributed geographically?**
228. As at 31 March 2022, the full-time equivalent number of social workers or counsellors (School Psychologists) employed within the Department and by region was as follows:
- Social Workers 84.46 FTE of which 41.70 are in the Northern Region and 42.76 are in the Southern Region

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- School Psychologists 73.44 FTE of which 35.56 in the Northern Region and 38.29 in the Southern region.

24. Describe any support or guidance which is offered to Department Officials to enable them to make assessments about whether conduct between children and young people constitutes harmful sexual behaviour. Is there any scrutiny of such assessments by Department Officials?

229. Contemporary practice within the Department includes reference to Hackett's Continuum 2010 (Continuum), which is based on a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant (see Annexure 3). This includes Department Officials who are familiar with the model upskilling other staff in this area to enable them to make assessments about whether conduct between children and young people constitutes harmful sexual behaviour, or whether it is developmentally appropriate.
230. In terms of scrutiny, or oversight, Student Support Leaders often take the lead in any follow-up discussion with school leaders and staff using the Continuum. Staff are asked to describe the behaviour that has been reported or seen and map this against the Continuum. The context of the behaviour is then considered as part of the overall assessment (that is; do any of the students have a disability, what is the frequency of the behaviours, is there coercion, a difference of ages etc?).
231. This discussion requires experience and patience, which is why Student Support Leaders or professional support staff are involved, as they have the training and capacity to ensure responses are reasonable and commensurate with the identified behaviour. The Department is committed to building the capacity of school leaders in this area, planning and providing professional learning and resources for all relevant staff.
232. Student Support Leaders are senior staff within the organisation and are responsible for leading and managing the school support and student wellbeing function within the specified Learning Service. They also lead the work of senior professional support staff and other support team members to ensure effective and efficient professional support services are provided in line with the Department's strategic plan. They do this in collaboration with Principals and Learning Services staff.
233. Senior professional support staff include Senior School Psychologists and Senior Social Workers. Both roles are responsible for the provision of professional advice and services to support students and families/carers by improving students' wellbeing, achievement, access and participation.
234. Both Child Safety and Tasmania Police have their own checks in relation to potential incidents of harmful sexual behaviour.

25. Describe what steps are recommended by the Department to schools to ensure the safety of any victim-survivors or other children (particularly in regional areas) in response to allegations or incidents of harmful sexual behaviour.

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235. The recommended steps are outlined on the flowchart titled "*Responding to incidents, disclosures or suspicions of Harmful Sexual Behaviour – Flowchart for Principals/Site Leaders/Delegates*", provided at Annexure 30. The steps outlined on the flowchart cover the following areas:

- Safety
- Gathering immediate facts
- Determining and defining behaviour
- Responding to whether behaviour is harmful or developmentally appropriate.

26. What consultation has the Department undertaken in relation to developing the Department's policies and procedures in respect of harmful sexual behaviour?

236. The recently produced documents designed to support Department leaders and employees in responding to harmful sexual behaviours (HSB) are based on the work of the HSB Working Group, which has been working in this area since 2020 with support from the Department's Executive.

237. The HSB Working Group has consulted with the following groups:

- Learning Services – Professional support staff (Statewide representative working group)
- Sexual Assault Support Services (SASS) (██████████ – Chief Executive Officer, ██████████ - Psychologist, senior SASS clinician)
- Legal Services – ██████████ (Senior Advisor Legal Projects)
- ██████████, The AIM Project UK (AIM Project Manager)
- National Society for Prevention of Child Cruelty (NSPCC) UK (Professor ██████████, Professor of Child Abuse and Neglect, Durham University UK; ██████████, Associate Head of Implementation NSPSS and ██████████, Assistant Director NSPCC)
- Professors Smallbone and McCormack (Independent Inquiry into the Tasmanian Department of Education's responses to Child Sexual Abuse)
- Tasmanian Interagency staff representatives in the cross-agency Advisory Panel to review *Developing a program to prevent children and young People's harmful sexual behaviours* (2020)
- Staff in the Department's Strategic System Development team – ██████████, ██████████ regarding data collection, case file note storage and tracking of students affected by, or who own, the harmful sexual behaviour
- ██████████ (in the Department's Child and Student Wellbeing team) to ensure relevant policies and flowcharts are accessible and appropriate
- Staff in the Office of Safeguarding Children and Young People – Executive Director, Liz Jack, and Principal Policy Analyst, ██████████.

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238. In developing the Department's new *Advice for staff on responding to incidents, disclosures and suspicions of child sexual abuse* (including a specific Flowchart for responses to harmful sexual behaviours) Safeguarding Children and Young People staff consulted with a range of business units within the Department, including Learning Services (Operations and Student Support), Workplace Relations, Legal Services, and Security and Emergency Management.
239. Principals and staff were purposely not consulted due to their significant focus on COVID-19 matters at the end of 2021 and during Term 1, 2022. Feedback from principals and their staff has now been sought and will be provided to the Safeguarding Children and Young People team during the remainder of 2022, with any necessary changes then being made ready for the commencement of Term 1 in 2023.

27. To what extent is each school principal responsible for implementing the Department's policies and procedures in relation to harmful sexual behaviour and ensuring that their Officials know about it?

240. All school principals have a mandated responsibility to follow all departmental policies and procedures, including those related to harmful sexual behaviours, and for ensuring staff in their school are aware of and follow all relevant policies and procedures.
241. The key policies and procedures that relate to principals' legal duty of care and other key accountabilities are highlighted in the Accountabilities Toolkit 2022 ([Annexure 80](#)). This includes information and advice in relation to the processes that must be followed in the event of incidents, disclosures and suspicions of child sexual abuse, including harmful sexual behaviours.

28. Are any records or information kept by the Department in relation to the steps undertaken by each school principal in relation to the implementation of the Department's policies and procedures regarding harmful sexual behaviour?

242. As noted above, all school principals are required to follow the departmental advice in relation to the processes that must be followed in the event of incidents, disclosures and suspicions of child sexual abuse, including harmful sexual behaviours. In addition to general advice regarding child sexual abuse, principals have been provided with a flowchart specific to the steps that must be taken in response to harmful sexual behaviours.

29. Describe any reporting lines in relation to allegations or incidents of child sexual abuse (including harmful sexual behaviour) within the Department's schools during the Relevant Period, including:

a) a description of the reporting lines both within schools and between schools and the Department of Education, and

243. The process of reporting between schools and the Department in relation to allegations or incidents of child sexual abuse requires that all matters (other than harmful sexual behaviours) are notified to Workplace Relations. Notification of harmful sexual behaviours is made to a Student Support Leader, senior professional support staff or a school social worker or psychologist.

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This and all other steps are now made clear for staff in the *Advice for staff on responding to incidents, disclosures and suspicions of child sexual abuse* and associated Flowcharts. These documents are attached at Annexures 21 and 30.

244. There are no formal reporting lines between schools if an allegation or incident of child sexual abuse occurs. However, if an employee worked across multiple schools, Workplace Relations would make inquiries of those other schools to ascertain whether there were any related matters regarding an employee's conduct.
245. It is noted that agencies in Tasmania are limited in what information can be shared under the *Personal Information Protection Act 2004*.
246. The Department is aware that a lack of formal reporting between schools is a potential issue in terms of preventing future instances or allegations of child sexual abuse and, while it is a complex issue to resolve, the Office will be working to put in place guidance for schools on their responsibility to consider the need for information-sharing related to cases of child sexual abuse whenever other children and young people may be impacted or at risk. For example, if a victim's/survivor's sibling attended a different school, the principal of that school may be unaware of the need to provide additional supports if no information had been shared.

b) Any changes to those reporting lines during the Relevant Period.

247. During the Relevant Period, a change in the reporting lines has occurred. It is now required that all matters regarding allegations or incidents of child sexual abuse are to be notified directly to Workplace Relations by schools, with the exception of harmful sexual behaviours (as noted in response to Question 29a). Previously, matters were first reported to Learning Services by schools.
248. The reason for the change has been to ensure there is only one point of contact for preliminary assessment of the incident or allegations, and also so that the relevant notifications, as provided in response to Question 22, can be undertaken from a centralised point of contact within the Department.

30. What has changed or is changing in the Department during the Relevant Period in respect of responding to child sexual abuse within the Department? In your answer you should address:

(a) whether and how the management of allegations or incidents of child sexual abuse in Institutional Contexts has changed

249. A number of elements in the way the Department responds to child sexual abuse have changed in recent years, including the following:
 - In relation to allegations of child sexual abuse involving current employees as the perpetrator, the process has been amended to ensure that all matters are immediately referred to Workplace Relations to commence suspension/removal from the workplace and to make further inquiries. Previously, matters viewed as lower-level offending were dealt with locally; however, this is no longer the case.

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All matters are referred to me as Secretary

- In matters that involve former employees, immediate notifications are now made to the TRB (for teachers) and RWVP to ensure that that person is not working with children in any other capacity or organisation.
- The Department also provides support for students and their families through Professional Support Staff within schools. This includes providing access to Social Workers or School Psychologists.

250. Furthermore, in recent times, we have commenced the following activities, which underpin and guide our responses to child sexual abuse. We have:

- revised and simplified our advice to 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 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 our 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 Teaching programs can in future years include specific and substantive content and assessment on understanding, preventing and responding to child sexual abuse in schools; and

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- updated the Department's mandatory reporting procedure 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.

251. However, as I have previously acknowledged, there is a lot more work to be done. The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the failings of institutions in safeguarding the children and young people in their care. Its work has been critical in providing the Department with a nationally consistent and evidence-based approach to improving our practices in a range of areas, including how we respond to child sexual abuse. The Department accepted all 23 education-related recommendations of the Royal Commission and has been working since 2018 to address them.

252. In addition, the recommendations of the *Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse* has provided the Department with further guidance on how to better respond to incidents of child sexual abuse. The work to implement these recommendations complements the ongoing implementation of the Royal Commission recommendations.

(b) whether and how policies, procedures or guidelines in relation to child sexual abuse (including harmful sexual behaviour) have changed, and

253. The Department's policies, procedures and guidelines in relation to child sexual abuse, including harmful sexual behaviours have been revised and updated a number of times over the Relevant Period. A summary of the intent and coverage of the most relevant policies, procedures and guidelines, together with an outline of recent changes is at Annexure 81.

(c) any proposed changes in the future and how these are proposed to be implemented (including timelines)

254. A number of changes are currently underway and planned across the Department, many of which are in direct response to the recommendations of the DoE Inquiry and the Royal Commission. This includes work to refine and clarify the policy environment; improve mandatory training for all staff on understanding, preventing and responding to child sexual abuse; and establishing effective practices for information sharing and record keeping—all of which are aimed at helping to build a culture that prioritises the interests of children and young people.

255. Further information on all actions – completed, current and planned – is provided at Annexures 36 and 37.

31. What are your reflections on how effectively the Department is responding to child sexual abuse, including:

a) what is working well and needs to be continued or built upon, and

256. As previously noted, the work of the Office to update, amend or create new policies, procedures and advice has already commenced and is beginning to provide clarity for principals and staff on their responsibilities and roles in identifying, preventing, and responding to suspicions, allegations and instances of child sexual abuse.

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Further detailed information is provided at Question 7.

257. Because this work involves several different business units and divisions across the Department, it is also helping to build a more collaborative approach, with information being more effectively shared and used across the agency for the benefit of the children and young people in our care. As the Office continues to build relationships across the Department, and with other Tasmanian Government agencies and non-government entities, I expect the level of collaboration and information-sharing will continue to improve, thereby delivering a more cohesive and child-centred approach across the State Government.
258. As noted above, the Department's focus on building the capacity of Student Support staff in relation to harmful sexual behaviours has been successful across the prevention, early intervention, response and education spectrum. It is important this work continues so that all staff have the appropriate levels of awareness to identify, respond to or refer children with harmful sexual behaviours.

b) what is not working well and needs to change?

259. I have discussed in detail in RFS-TAS-001 to RFS-TAS-005 areas for improvement, in addition to my response in Question 7. These areas include the following:
- building confidence in our learners to speak up
 - training staff to understand the importance of preventing, detecting and responding to child sexual abuse, which includes reporting any instances of unacceptable or inappropriate behaviour
 - recognising that delay contributes to further trauma for those involved in incidents and does not align with community expectations
 - increasing supports to students and their families on a continued basis
 - developing and improving our record keeping practices and the systems that support those practices
 - having an overarching Safeguarding Policy that reflects the National Child Safe principles and keeps the child and young person at the centre of all decisions and actions that affect them.
260. Areas for improvement also include the need to build a culture that prioritises the interests of children above those of adults; refining and clarifying the policy environment; and establishing effective practices for information sharing and record keeping. Further detail in relation to these areas can be found in my response to Question 17.
261. An existing limitation to dealing with allegations of child sexual abuse or other types of serious misconduct involves the requirement to only consider conduct that is "in the course of State Service employment" together with the absence of serious misconduct provisions. In other words, the capacity to consider 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 or be able to be considered as serious misconduct.

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262. An independent review of the Tasmanian State Service has recommended that Employment Directions, including No5, be re-written and for the State Service Regulations to include dismissal of an employee for reasons of serious misconduct as specified in the Fair Work regulations.
263. While some staff within the Department have undertaken training in relation to trauma informed practice, the Office has also identified the need for guidance and training to help staff appropriately engage with victims/survivors in a trauma informed way. This will be included in the Office's overall program of work.
- 32. Are there any barriers to achieving the changes you identify in your response to paragraph 31 (for example, budgetary constraints, recruitment, State/Commonwealth responsibilities, legal obstacles, cultural resistance and any other relevant barriers)?**
264. Please see my response to Question 8 above.
- 33. How does the Department ensure any activities described in response to paragraphs 22 to 32 meet the diverse needs of children and young people, particularly those who are Aboriginal and/or Torres Strait Islanders, come from culturally and linguistically diverse backgrounds, identify as LGBTQI+, have disability, experience socio-economic disadvantage or lack protective parental figures?**
265. In relation to the responses for items 22 to 32, the same policies, frameworks and practices apply to all students with diverse needs. In addition, where required, some additional /targeted services are also provided, which include:
- Translator services for students and families for EAL (English as an additional language), with students being paid for by the Department.
 - Two FTE social workers within the EAL team to support families and students as needed, which can include services relating to child safety issues.
 - Aboriginal Education Workers and Aboriginal Education Support Officers to support Aboriginal and Torres Strait Islander students in schools and through liaison with families.
 - Life Without Barriers, who are contracted by the Department, offer liaison services between families of children with disability and schools.
 - All learners, including those with diverse needs, have access to the same range of professional support staff (school psychologists, social workers and School Health Nurses).
 - Support from Working it Out, through a Grant Deed with the Department to deliver the 'Valuing Diversity' Framework, which provides schools, principals and staff with practical support, professional learning, factual information, and resources to foster LGBTIQ+ inclusive school communities.

Interagency coordination and information sharing

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34. How does the Department comply with reporting obligations in relation to child sexual abuse in Institutional contexts (for example, mandatory reporting to Child Safety Services and Tasmania Police, and reports to the Registrar under the Registration to Work with Vulnerable People Act 2013 (Tas) and professional bodies)?

266. See response at Question 22 above. All incidents or allegations of child sexual abuse are routinely reported to Tasmania Police, the Registrar under the *Registration to Work with Vulnerable People Act 2013*, the Integrity Commission and if applicable the Teachers Registration Board.
267. In addition, the Teachers Registration Board (TRB) is notified when the Department considers that the behaviour of the teaching employee is unacceptable (does not satisfy the standard generally expected of a teacher; is disgraceful or improper; or shows that person is unfit to be a teacher) and because of that behaviour dismisses the person or takes disciplinary action under the *Teachers Registration Act 2000*. This results in the TRB being notified of the outcome of ED5 investigations and also when a teaching employee is provided with a lawful and reasonable direction from me, as Secretary, regarding their conduct.
268. Furthermore, the Department's Mandatory Reporting Procedure provides guidance for all employees in meeting their legislative obligation under the *Children, Young Persons and Their Families Act 1997*.

35. How does the Department coordinate its response with other responders, including sharing information and reporting concerns about child sexual abuse to appropriate organisations (for example, please consider any relevant information sharing arrangements, Memoranda of Understanding and inter-agency committees or governance arrangements)?

269. The Department is guided by its "Processes to be followed where an allegation of child sexual abuse is made against a current employee" (see Annexure 19). This ensures that one person, either the Assistant Director Industrial Relations or the Manager, Workplace Relations coordinates the notification of allegations of child sexual abuse to relevant authorities.
270. In terms of information sharing, the following arrangements apply:
- a) Tasmania Police – information is provided on a template and includes details of the employee, the student(s) involved, contact details for parents/guardians of student(s), details of the allegations, the location of the incident and any documentary evidence that has been provided with the complaint/allegation; for example, statements/written recounts from any witnesses.
 - b) In 2022, the Department and Tasmania Police entered into a Memorandum of Understanding with the purpose of:
 - ensuring both parties are focussed on understanding, preventing and responding to child sexual abuse in Government schools
 - fostering a collaborative approach in responding to incidents of child sexual abuse in Government schools

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- clarifying the roles and responsibilities of both parties when responding to such incidents
- providing a framework for ongoing improvement in responding to such incidents.

- c) A copy of the MoU is provided at Annexure 79.
- d) Department of Justice (RWVP) – information is provided via email to a generic email address and includes details of the employee, details of the allegations and any documentary evidence that has been provided to support the complaint/allegation, for example statements/written recounts from any witnesses.
- e) Teachers Registration Board (TRB) (if applicable) – information is provided by email to a generic email address and includes details of the employee and the allegation/s. At the conclusion of an ED5 investigation or disciplinary action (see answer at 34 above), the TRB is also provided with details of the outcome, including a copy of my determination, as Secretary; a copy of the investigation report if the employee consents to its release, and copies of any statements if those witness(es) consent(s) to their release.
- f) Integrity Commission – details of incidents/allegations are notified/provided using an online notification form. At the conclusion of an ED5 investigation, the Integrity Commission is notified of the outcome and provided with a copy of my determination, as Secretary.

36. With respect to any information sharing arrangements, Memoranda of Understanding or any inter-agency committees or governance arrangements entered into by the Department in relation to allegations or incidents of child sexual abuse in Institutional Contexts, explain:

a) how these arrangements are operationalised, and

271. The responsibility for notifying initial receipt of incidents/allegations of child sexual abuse is operationalised by Workplace Relations by either the Assistant Director, Industrial Relations or the Manager, Workplace Relations (please see response at Question 22 above).
272. The sharing of additional information for example commencement of an ED5 investigation, internal investigation (including notification of outcomes) and provision of additional information is case managed by Senior Workplace Relations Consultants (who report to the Assistant Director, Industrial Relations or the Manager, Workplace Relations) and are guided by an internal Workplace Relations 'Investigation Checklist'. 'Investigation Checklist' (see Annexure 72).

b) what systems are used to support the information sharing (for example, information technology systems or training)

273. Information sharing across the Department and between agencies is currently supported with the exchange of emails and use of the Department's information technology records management system, Content Manager.

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In recognition of the need for more robust information-sharing systems, and a more coordinated approach, the Department is currently building a new Case Management Platform, which when completed, will provide a more effective means of recording, storing, and sharing information related to incidents, disclosures and suspicions of child sexual abuse that focuses on the needs and interests of the child or young person.

274. To address the need for greater collaboration and a more coordinated approach to information sharing across government agencies in late December 2021, the Department led the establishment of an Interagency Data and Systems Working Group (Working Group) with the purpose of:
- developing a shared understanding of both the competing and complimentary agency priorities and projects that are underway across government
 - investigating opportunities to better collaborate to achieve shared goals and understand the specific information/data needs of each agency
 - sharing learnings and, where appropriate, aiming to share resources to ensure better access to data and information across government
 - identifying cultural, policy and/or legislative impediments, with the view to developing whole-of-government solutions and
 - developing a shared vision to guide the work.
275. The Working Group is focused on developing longer-term, holistic solutions, with an important objective being to find opportunities to jointly leverage technology solutions to more effectively share data and information for the protection of children and young people. A copy of the correspondence to Heads of Agency regarding the establishment of the Working Group is provided at Annexure 27.

Stand downs

37. **What process and criteria was used to guide the reopening of complaints about child sexual abuse made against 21 then-current Department Officials in 2020/2021, which resulted in a number of stand downs of Officials? Who was involved in decisions determining which matters should be reopened?**

Process

276. A Microsoft Excel spreadsheet authored by [REDACTED], then Senior Advisor Legal Projects, Legal Services in the Department, contained details of 'matters of concern' obtained from a variety of sources including civil claims, redress applications, RTI requests, internal records and verbal information. The spreadsheet was created so that the Department could proactively identify records and information pertaining to possible redress and civil claims.
277. As the Department was concerned that the spreadsheet may contain the names of current employees, it was agreed that Workplace Relations should undertake a desktop analysis to identify any current employees who were named, and propose a course of action in relation to any identified employees. The spreadsheet was provided to [REDACTED], Senior Workplace Relations Consultant within Human Resources on 24 December 2020 to undertake the analysis.

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278. From this desktop analysis, an initial 21 current employees were identified as having matters of concern on their files, that could involve child sexual abuse.
279. In early 2021, Workplace Relations commenced a closer examination of the initially identified 21 current employees who were identified with matters of concern. Some matters were identified as potentially being much more serious than others.
280. All 21 identified matters were discussed directly with Tasmania Police.
281. Five matters were considered the most serious, based on an assessment of the allegations that were outlined by Workplace Relations, and these matters were given initial priority.
282. All of these 21 matters were reviewed and analysed in detail in terms of previous management action. I then reviewed each matter separately, considering whether further investigation or management action was legally possible and/or required (noting that matters previously properly investigated pursuant to employment legislation at the time could not be reinvestigated).
283. I was the final decision maker regarding each matter, with input from senior corporate services staff, the Office of the Solicitor-General and also following liaison with Tasmania Police.
284. The details of the outcome of the review of each matter have been provided in NTP-TAS-004 Items 58, 59 and 66.

Criteria

285. An analysis of each allegation was undertaken through Workplace Relations.
286. The seriousness of those allegations, based on established serious misconduct provisions and an objective assessment, followed.
287. A review of all known information, including an examination of personnel and any previous conduct files occurred.
288. The Office of the Solicitor-General was consulted on both individual matters and more broadly in regard to any prior investigations and whether it was open to me, as Secretary, to commence a new ED5 investigation.
289. Workplace Relations referred each matter separately to me via a Minute for determination as to whether I had reasonable grounds to believe that a breach of the Code of Conduct may have occurred and an ED 5 investigation was to be initiated.

Officers/Units involved in decision making

290. [REDACTED], Senior Workplace Relations Consultant
291. [REDACTED], Manager, Workplace Relations
292. [REDACTED], Assistant Director Industrial Relations
293. [REDACTED], Director, Legal and Workplace Relations (Director Human Resources)

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294. Kane Salter, Deputy Secretary, Corporate and Business Services

295. The Office of the Solicitor-General.

38. How many Department Officials have been stood down since January 2020 in relation to child sexual abuse?

296. Twenty-one employees have been suspended pursuant to Employment Direction No. 4 since January 2020 in relation to child sexual abuse. A further six relief employees have been marked as unsuitable for employment on the fixed term and relief employment register since January 2020.

297. Of the twenty-one employees referred to above, five employees have been suspended as a result of a re-examination of previous management actions in relation to allegations and 16 have been suspended pursuant to contemporary allegations of child sexual abuse.

39. How many preliminary investigations into allegations or incidents of child sexual abuse by Department Officials have been undertaken by the Department since January 2020?

298. There have been 57 preliminary investigations into allegations or incidents of child sexual abuse since January 2020; comprising of 32 historical review matters (five of which resulted in ED5 investigations); 16 Employment Direction No.5 investigations, the six relief employee matters referred to in 38 above and three additional matters regarding permanent or fixed term employees that were referred to me, as Secretary, for consideration of an ED5 but did not proceed on the basis that the matters involved allegations that may have transgressed professional boundaries but did not involve any evidence of child sexual abuse, and lawful and reasonable directions were issued.

40. What associated actions have been taken by the Department since January 2020 in respect of the matters discussed in paragraphs 37 to 39?

299. All allegations involving current employees have been reviewed and analysed in detail, including an assessment of previous management action. A separate Minute for each matter has been provided to me for consideration and decision as to whether further investigation or management action was required.

300. As a result of those determinations, a number of formal ED 5 investigations were commenced, employees were suspended from duty, and formal directions were issued regarding future conduct.

301. I also determined that some matters did not require any further action or, due to previous formal investigations and determinations, could not be further considered.

302. All matters were referred (or re-referred) to Registration to Work with Vulnerable People in the Department of Justice, Tasmania Police and, for teaching staff, the Teachers Registration Board.

303. The outcome of my determination in each of the 21 matters has been provided in NTP-TAS-004 at Item 66.

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41. How many of the stand-downs and associated actions referred to in your response to paragraph 40 are complete and what were the outcomes (for example, termination, suspension or demotion)?

304. Following the review and analysis of all allegations, a total of 50 current employees (at the time) were identified.
305. Out of the 50, a total of 32 employees who were subject to historical child sexual abuse allegations were re-examined to determine whether earlier management action was appropriate.
306. Of the 32 employees re-examined, five progressed to ED5 investigations. Of those five investigations, three have been completed and 2 are ongoing. Of the three completed investigations, two employees have returned to duty, and one is completing a sanction of counselling.
307. The following summary is provided in respect to actions associated with the 32 employees.
308. Those subject to ED5 = five employees:
- a) Suspension – 5
 - b) Termination of employment as a result of an ED5 investigation – 0
 - c) Other sanction, eg counselling and a lawful and reasonable direction – 2
 - d) Resignation/retirement from employment – 1 (but investigation is ongoing)
 - e) No breach of the Code – 1
 - f) Investigation ongoing - 1
309. Those not subject to an ED5 = 27 employees:
- g) Issued with a lawful and reasonable direction – 2
 - h) Relief employees advised they are not eligible for relief employment and should they wish to seek future employment will be subject to a formal investigation – 4
 - i) No further action due to allegations determined as not child sexual abuse or unable to form a reasonable belief the code may have been breached or matter subject to previous formal investigation – 20
 - j) Matters subject to ongoing review – 1
310. The outcome of my determination in each of the 21 matters has been provided in NTP 4 Item 66.

42. How confident are you that any risks to children from current Department Officials have been appropriately addressed?

311. I am confident that based on the assessment undertaken through Workplace Relations and all known information that has been provided to me, that appropriate actions have been taken involving all current employees, with a matter of concern on their file, and those who were engaged as relief employees to reduce or eliminate risks to children as far as is legally and reasonably practicable.

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43. Describe whether victim-survivors or other witnesses were contacted as part of the reopening of the complaints referred to in paragraph 37.

- 312. Any matter that is subject to an ED5 investigation usually involves seeking witness evidence, which can include the victim/survivor.
- 313. A victim/survivor is not routinely contacted upon the reopening of historical allegations, however, due to the risk of retraumatising the victim/survivor. On occasion we have worked with Police to contact a victim/survivor of historic child sexual abuse to ascertain whether they wish to make a further statement.
- 314. I am satisfied that where a new investigation is conducted that each investigation is completed thoroughly and that all witness information is obtained.

44. Identify how the Department defines a 'historical' complaint of child sexual abuse and the basis for this definition.

- 315. A historical complaint is any set of allegations that is made against a current or former employee, including a relief employee, that involves any conduct that could be considered to be child sexual abuse.
- 316. The defining factor of a historical complaint is that the victim/survivor is a former student and that the accused is a current or former employee. To be considered 'historical' would mean that the allegations involve or span a period in the past that is not contemporaneous. Regardless of when the child/young person attended the school in question, if allegations of child sexual abuse are made, it must still be reported and considered. If the accused is not still employed within the Department a referral is to be made to the police or RWVP, and the TRB if the individual was a former teacher regardless of how long ago the abuse occurred.

Investigations and professional conduct**45. Identify how the Department determines whether there is a sufficient nexus between allegations or incidents of child sexual abuse or misconduct and an Officials' employment, for example where the conduct occurs after school hours or away from school premises, to enable the Department to undertake disciplinary action or otherwise manage risks to children.**

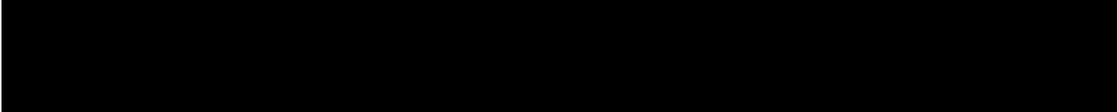
- 317. Each allegation is considered based on a potential breach of the Code of Conduct and the procedures outlined in ED5.
- 318. The majority of the elements of the Code of Conduct require the alleged conduct to have occurred "in the course of employment" to enable a specific element to apply. However, a number of current policies or guidelines enable conduct that has occurred out of hours or outside the workplace to be considered relevant to an employee's employment, for example the Conduct and Behaviour Standards – 2018, the Professional Standards for Staff Policy – 2015, and the Professional Standards for Staff Guidelines – 2015.

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319. Accordingly, if an allegation relates to alleged conduct out of hours or outside of the workplace, an initial assessment is made by Workplace Relations and recommendations and referrals are made to the me for consideration as to whether or not I have a reasonable belief that a breach of the Code of Conduct may occurred. My approach is to commence an ED5 investigation, where there is any possibility that there may be a nexus with employment, and to examine the existence, or otherwise, of that nexus as part of the investigation.
320. In addition, Workplace Relations notifies the Department of Justice (Registration to Work with Vulnerable People [RWVP]) and Teachers Registration Board (TRB) with teaching staff, and liaises closely with Tasmania Police.
321. Each of the above bodies has additional scope and powers to consider taking action, in particular where any conduct occurs outside the course of employment.

46. Identify any legal or other advice which guides the approach referred to in response to paragraph 45.

322. There is a provision within the Code of Conduct that deals with behaviour 'at all times' that is not limited to in the course of an employee's employment. This involves behaviour that does not adversely affect the integrity and good reputation of the State Service (see s.9(14) of the *State Service Act 2000*).
323. To invoke this element of the Code of Conduct would require allegations that involve behaviour that has the propensity to adversely affect the integrity and good reputation of the State Service. Such behaviour would require both a nexus between the employee's employment and the accountability of Government to the private behaviour, morality or fitness of character of a particular employee.
324. Nevertheless, the particular circumstances of the behaviour, viewed through an objective assessment, and with a connection to the employee's employment, would be examined against existing standards, policies and guidelines referred to in response to Question 45 above.
325. 

47. Identify which employment directions are generally used when responding to allegations or incidents of child sexual abuse. Are some directions more appropriate to managing or responding to allegations or incidents of child sexual abuse than others? Explain your answer.

326. There are two Employment Directions that are relevant to allegations involving child sexual abuse, namely:
- a) Employment Direction No 4 (suspension from duty); and
 - b) Employment Direction No 5 (investigations for alleged breaches of the Code of Conduct).

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327. There are no other Employment Directions that would be directly relevant to responding to allegations of child sexual abuse. A further Employment Direction No. 6, Procedures for the Investigation and Determination of whether an Employee is able to Efficiently and Effectively perform his/her Duties, is primarily limited to an assessment of whether an employee has an alleged inability, but this can be invoked to include registration being suspended or cancelled, such as RWVP or Teachers Registration.

328. As noted in the response to question 45, an ED5 is drafted to facilitate the commencement and management of an investigation into a potential breach of the Code of Conduct, which requires that behaviour occurred “in the course of State Service employment”. As a result, allegations of 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), may not naturally invoke the ED5 process, as it would not amount to “in the course of State Service employment”. As previously described, however, it is my practice to commence an ED5 investigation where there is a possible nexus and have the nexus examined as part of the investigation.

48. Describe the limitations of the ED5 investigation process as it applies to allegations or incidents of child sexual abuse in relation to Department Officials.

329. The ED 5 investigation process itself does not have any limitations. However, the procedures outlined in ED5 can result in lengthy investigations.

330. The major limitation regarding investigating allegations of child sexual abuse or other types of serious misconduct are related to the State Service Code of Conduct and the constraints imposed by “in the course of employment”. Additionally, the absence of serious misconduct provisions in the State Service employment framework is another restriction..

331. Similarly, there is no alternative mechanism to a formal investigation pursuant to ED5 where:

- c) an employee admits to the conduct; or
- d) the evidence is indisputable; or
- e) the alleged conduct is at the lower end of seriousness and could be dealt with in a more efficient manner.

332. An independent review of the Tasmanian State Service has made a number of recommendations which includes re-writing all employment directions and targeted reform of the *State Service Act 2000* following a strong message in the review that existing employment legislation, rules and processes are a barrier to delivering a modern, agile service.

333. Implementation of the recommendations of the review will be led from the most senior levels of the State Service through the creation of a Secretaries Board, chaired by the Secretary of the Department of Premier and Cabinet.

49. Describe the role school principals play in responding to allegations of child sexual abuse in Institutional Contexts. In your answer, you should address:

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(a) the level of discretion a principal has in identifying which complaints, allegations or incidents of child sexual abuse should be referred for an investigation, and

334. A principal does not have delegation or authority to 'select' whether a complaint or allegation of child sexual abuse is to be referred for investigation.
335. If a principal receives a complaint or allegation of child sexual abuse, he/she must make a referral, as a mandatory reporter under section 14 of the *Children Young Persons and their Families Act 1997*.
336. If Learning Services receives such a complaint, staff follow the document titled *Process to be followed where there are allegations of child sexual abuse in relation to a current employee* (see Annexure 19). They are also guided by the recently developed *Advice for staff responding to incidents, disclosures and suspicions of child sexual abuse & the accompanying flowcharts* (see Annexures 21 and 30).
337. Additionally, all school-based principals are to refer any allegation of child sexual abuse made against a current employee directly to Workplace Relations for consideration to enable any action to be taken, for example requiring an employee to be asked to leave the workplace immediately and in turn for referral to me for consideration of suspension from duty and the commencement of a formal investigation under ED5.

(b) what data is kept about any complaints, allegations or incidents of child sexual abuse which a principal elects not to refer for investigation.

338. There is no data held centrally as to whether a principal elected not to refer any allegation or complaint of child sexual abuse, as principals are required to report all allegations.

50. Describe how investigators are appointed to carry out ED5 investigations into Department Officials in relation to allegations or incidents of child sexual abuse.

339. All ED5 investigations are undertaken through established processes. Should I determine that I have a reasonable belief that the Code may have been breached I must appoint an investigator.
340. Accordingly, at the time I determine that the Code may have been breached an investigator is appointed. This occurs through formal correspondence confirming the appointment, the nature of the allegations that are to be investigated and the potential provisions of the Code that may have been breached.

51. Describe whether ED5 investigators engaged in matters involving the Department in relation to allegations or incidents of child sexual abuse receive any training or direction in best practice in the investigation of matters involving children or trauma-informed investigations.

341. The Department does not provide specific training to an independent investigator. However, any investigator who is appointed through the Department is assessed in terms of relevant experience and background to ensure, as far as it reasonably practicable, that the investigator is suitable to undertake the task.

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342. The vast majority of recent investigations for allegations of child sexual abuse, both current and historical, have been conducted by [REDACTED]. Relevant details outlining [REDACTED] experience and training is attached (see Annexure 31).

52. Describe whether ED5 investigators are independent from the Department and the Tasmanian Government.

343. The Department uses established investigators to conduct an investigation into allegations of a breach of the Code of Conduct. All current investigators are independent from the department and to the best of my knowledge the Government.
344. As is the case with any investigation, it is at the discretion of the Investigator to conduct the investigation independently and to furnish me with an investigation report for consideration at the conclusion of the investigation.
345. I am aware that Investigators are assisted by departmental staff, particularly Workplace Relations, in making contact with schools and sourcing relevant documents, however this occurs through the provision of support and assistance to the Investigator, and staff have no involvement or input into an investigation.
346. I also have no influence over or participation in the conduct or the outcome of an investigation.

53. Describe whether the Department carries out, or causes to be carried out, investigations into allegations or incidents of child sexual abuse outside the ED5 process, including any preliminary investigations.

347. Any allegation of child sexual abuse is taken seriously and is referred to me to consider whether or not I have formed a reasonable belief that a breach of the Code of Conduct may have occurred.
348. In circumstances where a matter is unclear as to whether child sexual abuse may have occurred, an action can include preliminary examination of the circumstances through which further and better particulars can be obtained. This may involve discussions with staff or students and obtaining statements or similar material.
349. Upon receipt of any additional material, and if there is any evidence of child sexual abuse, the employee is asked to remain away from the workplace and the matter is referred to me for consideration of formal suspension from duty and the commencement of an ED 5 investigation.

54. Describe what protocols or guidelines exist in relation to standing down Department Officials who are subject to an investigation (including an ED5 investigation) involving allegations of child sexual abuse.

350. In all ED5 investigations that involve allegations of child sexual abuse an employee is suspended from duty pursuant to Employment Direction No 4 (ED4).
351. The provisions of ED4 describe the process to be followed for consideration of suspension of an employee from duty, including reviewing that suspension.

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352. On every occasion when I am considering suspending an employee from duty, the provisions of ED4 are followed.

353. Should the employee be considered to pose any risk to children and young people they are asked to leave the workplace and await further advice, whilst formal paperwork is prepared.

55. Describe what happens if the individual the subject of a complaint in relation to child sexual abuse is not an ongoing Tasmanian State Service Official or if that Official resigns or dies. Is an investigation and report still undertaken into any complaints, allegations or incidents regarding child sexual abuse?

354. All investigations pursuant to ED5 are conducted in respect to whether an employee may have breached the Code of Conduct. Thus, an ED5 investigation is not applicable to a former employee.

355. In circumstances where an investigation has commenced and the employee separates from employment, the investigation will be completed and a determination made. Should I determine that, had the individual remained in employment a breach of the Code would have been determined, I then write to the former employee to confirm the outcome and advice regarding the sanction which would have been imposed had the employee remained in employment. The former employee is also advised that they are ineligible for future employment in the Department and at the same time, they are strongly encouraged to disclose any past conduct as part of any future recruitment process elsewhere in the State Service.

356. At the end of the investigation, relevant information regarding the outcome is provided to external bodies such as the Integrity Commission and the TRB for teaching staff.

357. If an employee resigns before an investigation is commenced, I write to the employee confirming knowledge of the allegations, advise that the former employee has been marked as unsuitable for eligibility on the fixed term and relief employment register, and advise that a condition precedent of future employment will be for an investigation to be undertaken and a resolution attained prior to commencing employment. Furthermore, recruitment screening mechanisms also apply should an application for employment be made.

56. Identify who is responsible for making the decision to stand down a Department Official while an ED5 investigation is being conducted.

358. The power to suspend an employee from duty with pay pursuant to ED4 is provided to me as Head of Agency.

57. Describe what factors determine whether an ED4 occurs with or without pay.

359. All suspensions from duty pursuant to ED4 that are imposed by a Head of Agency are with pay.

360. The Head of the State Service may, after considering submissions made by a Head of Agency, suspend an employee without pay.

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58. Describe the timeframe within which an investigation involving allegations of child sexual abuse should be carried out.

- 361. There is no timeframe applicable to an investigation.
- 362. It is important that investigations and undertaken with procedural fairness and in a timely manner, that is within a reasonable time and free from unreasonable delay.
- 363. Each investigation has its own timeframe, depending on a range of factors such as the complexity or seriousness of the allegation/s, number of witnesses and so on.
- 364. Other factors include whether or not the Police are investigating and may lay criminal charges against an employee. The department works closely with Tasmania Police and on occasion the Police will request that the department does not commence an ED 5 investigation pending Police investigations and the possibility of criminal charge being laid.

59. Describe the communications and/or supports which are provided to complainants, parents, Officials, children the subject of complaints and other children in relation to allegations or incidents of child sexual abuse in Institutional Contexts.

- 365. As set out above, providing information and communicating with the various parties involved is difficult given confidentiality provisions and procedural fairness requirements particularly in relation to unsubstantiated allegations and with disciplinary actions imposed on an employee.
- 366. An investigation undertaken pursuant to ED5 involves the following communication and support arrangements:
 - a) Formal correspondence to an employee outlining the allegations and investigation details;
 - b) The correspondence outlines the name of a contact officer in Workplace Relations for queries regarding process;
 - c) Details around support from the employee's principal/manager and additional supports, including the Department's Employee Assistance Program, Lifeline, Beyond Blue.
- 367. Support for victims/survivors, parents and other children is, in the majority of cases, co-ordinated at the school level and usually involves contact with onsite professional support staff and leadership staff at the school. This is often supported by Learning Services through Student Support Leaders and Senior Professional Support Staff. Ongoing liaison with victims/survivors, parents, officials and other children is undertaken by senior staff, including the principal, Student Support Leaders, Social Workers and/or School Psychologists. .
- 368. The Department has recognised that dedicated resource is required to 'case manage' ongoing support to children and their families, and specialist positions are being established to fulfil this role.

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60. Describe whether the Department undertakes any systemic reviews or reflections after or alongside the investigation of complaints of child sexual abuse to identify any opportunities for improvement. If not, why not, and if so, how are these reviews conducted?

369. There have been no formal internal reviews of an ED5 investigation including for child sexual abuse allegations. However, Workplace Relations examines all investigations as part of general due diligence and quality assurance processes in finalising minutes and related matters, which can include providing feedback to the investigator.

370. All matters of child sexual abuse are also notified to the Integrity Commission which has a role in identifying systemic issues of misconduct within the State Service more broadly. The Integrity Commission do on occasion seek additional information on ED5 investigation outcomes or seek to audit Departmental files and provide feedback as to whether an outcome is appropriate or identify areas for improvement for future investigations.

371. In December 2021, the Department conducted a system review related to a report of child sexual abuse at [REDACTED]. This was in response to Recommendation 21 of the DoE Inquiry, which recommends that *system reviews be conducted at the earliest appropriate opportunity following all significant sexual abuse incidents or episodes. The aim should be to identify strengths and weaknesses in abuse prevention and response systems at school level and at department level and, where appropriate, to revise and improve these systems.*

372. The review focussed on the safeguarding systems in place at the time and the way these systems supported or hindered the school, the staff involved and, critically, the student.

373. The purpose of the system review was to build a shared understanding of current systems and practices, and identify opportunities to improve the current Department response to incidences of child sexual abuse.

374. Rather than focussing on any one individual's actions or decisions, the review focussed on the systems, processes and policies that were used by staff involved in the incident. It did not involve a formal audit and was not intended to identify individuals who may have been at fault; nor was it designed to precede punitive action. The review was intended to contribute to the design of future guidance and supports for schools and staff in relation to incidents of child sexual abuse.

375. Similar reviews will now be conducted following any significant incident of child sexual assault at a Department site.

376. A copy of the system review recommendations can be found at Annexure 32.

61. Describe how effective the current employment directions issued by the Minister administering the State Service Act 2000 (Tas) are in addressing complaints, allegations or incidents in relation to child sexual abuse.

377. The current ED5 was issued in February 2013. As previously indicated, ED5 sets out the process for investigating an alleged breach of the Code of Conduct and is not in itself a barrier to investigating child sexual abuse. The constraints or limitations imposed by "in the course of employment" are contained in the Code itself.

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378. The absence of serious misconduct provisions in the *State Service Act* may also be seen as a barrier to quickly addressing allegations or incidents of child sexual abuse or misconduct generally. For example, the Fair Work Regulations provide that serious misconduct involves “*wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment*”; and “*conduct that causes serious and imminent risk to the health or safety of a person*”. Whilst such conduct would include theft, fraud and assault, any form of sexual abuse also poses a serious and imminent risk to the health or safety of a person. This would result in termination of employment on the grounds of serious misconduct, resulting in summary dismissal, with immediate effect.

62. What are your reflections on how effectively the Department is investigating allegations of child sexual abuse, including:

- (a) what is working well and needs to be continued or built upon, and**
- (b) what is not working well and needs to be changed?**

379. I am confident that the current arrangements that are in place within the Department are effective in investigating all known allegations of child sexual abuse. However, more needs to be done including:

- a) providing professional development modules for all staff as part of embedding a child safe culture across the Department, where every employee in the Department has the knowledge and capabilities to support those who report abuse, and appropriately manage and are confident to report suspected instances of child sexual abuse once they become aware of them,
- b) revising and updating all safeguarding-related policies and procedures to ensure they are focused on preventing child sexual abuse from occurring, rather than responding to it,
- c) ensuring children and young people’s safety is at the centre of our deliberations, values and actions, including both the way investigations are conducted and providing appropriate support to all parties,
- d) developing risk management and assessment templates, guidelines and resources for use by schools.

380. There are limitations or constraints which include the following:

- e) Information sharing within the Department, across agencies and with bodies such as the Teachers’ Registration Board (TRB), and with victims/survivors needs to be improved, within the bounds of what is legally permissible, to enable relevant information to be shared in a consistent and timely way.
- f) The existing Code of Conduct provisions should include additional, specific provisions that cover the field with respect to misconduct as well as reviewing the “in the course of employment” requirement.

63. Are there any barriers to achieving the changes you identify in response to paragraph 62 (for example, budgetary constraints, recruitment, State/Commonwealth responsibilities, legal obstacles or cultural resistance)?

381. See my response to Question 8, above.

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Civil litigation, redress and access to information

64. How does the Department manage and respond to requests made under the:

Right to Information Act 2009 (Tas), or

Personal Information Protection Act 2004 (Tas)

for information relating to allegations of child sexual abuse?

382. The Department has previously provided a broad response to the management and response to Right to information and Personal Information requests in the narrative provided for Item 2 of NTP4.
383. The additional narrative below is provided in the context of requests made for information relating to child sexual abuse. This context should also be considered when reviewing the data provided at 65.

Right to Information Requests

384. The Department waives the fee for Applicants who identify that they seek records in relation to historical sexual abuse. This fee is waived on the basis of public interest.
385. The timeframes for Right to Information applications are contained in Section 15 of the *Right to Information Act 2009 (TAS)*. The Act states that a public authority or Minister must take all reasonable steps to enable an applicant to be notified of a decision on an application for an assessed disclosure of information as soon as practicable but in any case, not later than 20 working days after the acceptance of the application [Section 15(1)].
386. However, there are also provisions that impact timeframes, including;
- negotiation with the applicant about the scope of the application [Section 15(2)]
 - extension of timeframes by agreement with the applicant or authorised by the Ombudsman [Section 15(4)]
 - where a public authority or Minister has decided to consult a third party under section 36 (personal information) or 37 (information relating to the business affairs of a third party) of the Act about the release of information [section 15 (5)].
387. In recent years, the numbers of Right to Information requests have increased significantly. A large number of the requests received that relate to historical sexual abuse are complex and lengthy and require detailed consideration. This has impacted the substantive response timeframes and the Department's ability to consistently meet the statutory timeframe of 20 business days.
388. The Department is open and transparent in its communication with all applicants about expected timeframes for a decision to be provided, including any anticipated delays. The Department actively negotiates extensions pursuant to section 15(4) with applicants and keeps them updated on the progress of their application where possible.

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Personal Information Requests

389. The Department does not charge a fee for processing personal information requests.
390. The timeframes for Personal Information applications are contained in section 17E of the *Personal Information Act 2004 (TAS)*. The Act states that a personal information custodian must take all reasonable steps to enable a person to be notified of a decision on a request as soon as practicable, but in any case, not later than 20 working days after the request was received by or on behalf of the personal information custodian.
391. It has been noted that a large number of personal information requests within the required category were sent directly to the schools the applicant attended, rather than to Legal Services. This caused some delay in the response time as schools do not always forward the requests immediately for processing by the Legal Unit. It is also noted that in some cases there was also a delay because the request did not provide sufficient school details about former or other schools the applicant attended, which needed to follow up with the Law Firms. In some instances, responses were not received back from legal firms for quite some time. Responses to legal firms routinely provide advice about directly future applications to Legal Services and not to individual school sites.

Information requests relating to allegations of child sexual abuse

392. The Department respects the privacy rights of all applicants. As such, the Department does not routinely require applicants to state the purpose for which they seek to obtain information under Right to Information or Personal Information. The *Right to Information Act 2009* and the *Personal Information Act 2004* do not contain provisions that require disclosure of this level of information on applications.
393. It is therefore not possible to provide exact data or definitive narrative for the numbers of requests received that seek information relating to child sexual abuse. However, there are certain circumstances whereby an applicant may choose to provide additional contextual information that may lead the Department to consider that a request fits within the category of child sexual abuse. Examples are as follows:
- Where an applicant specifically identifies that they seek the information for the purposes of a claim related to child sexual abuse.
 - Where an applicant seeks a public interest waiver of an RTI fee on the basis of historical sexual abuse.
 - Where the applicant's personal records contain evidence of child sexual abuse.
 - Where the scope and detail of an applicant's request contains evidence of child sexual abuse (for example: if an application requests personnel records or complaints history relating to a known perpetrator of historical sexual abuse).
394. Accordingly, the Department's data provided at item 65 below has been generated based on these criteria.

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395. The Department has an open and willing approach to working with applicants, including relevant legal firms representing victims/survivors, to assist them to receive the information they need as quickly as possible, noting the ongoing Departmental resourcing constraints. Some examples of this are as follows.
396. On 11 October 2018, Department representatives met with legal and administrative staff from [REDACTED] to discuss the Right to Information and Personal Information process and explore ways to improve timeframes for the processing of Applications relating to historical child sexual abuse. Discussion included fee waivers, providing a clear scope on requests and other associated matters. It is understood this was a meeting initiated by the Department to ensure applications relating to child sexual abuse were streamlined and managed with sensitivity.
397. On 7 December 2020, Department representative telephoned [REDACTED] to advise that they were working through a large volume of requests and would likely be seeking further extensions of time on some applications. Further, to thank staff for their cooperation and assistance in this regard both in the past and ongoing. It was noted that if [REDACTED] had a matter that was particularly pressing or required prioritisation that the Department would prioritise as best it could to ensure that particular matter was progressed quickly.
398. On 1 April 2022, the Right to Information Officer wrote to [REDACTED] about the processing of Right to Information and Personal Information requests. The purpose of the email was to proactively approach the legal firm with a view to providing guidance on ways some applications could be expediated by making refining the process of making requests to direct them either to Personal Information or Right to Information, depending on the type of information being sought. It was noted that Personal Information requests were often more straightforward and could be processed much quicker than Right to Information Requests.

Annexures

Annexure 47 - File note [REDACTED] re Meeting with [REDACTED] (DOC/18/162019)

Annexure 49 - File note [REDACTED] One Note – Meeting with [REDACTED] (DOC/22/56227)

Annexure 52 - File note [REDACTED] One Note – Phone call to [REDACTED] re timeframe (DOC/22/56229)

Annexure 48 - Notes on Process – Telephone discussion with [REDACTED] (DOC/18/159676)

Annexure 51 - Email to [REDACTED] – PIP & RTI Applications (DOC/22/56414).

65. Identify:

- (a) in respect of each calendar year from 1 January 2017 to 31 December 2021, the number of applications made to the Department under the *Right to Information Act 2009 (Tas)* or the *Personal Information Protection Act 2004 (Tas)* by:
- (i) individuals seeking access to documents in relation to their allegations of child sexual abuse in Institutional Contexts, or

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399. See narrative provided at item 64. Additional contextual information is also provided in tables to assist the Commission to understand the data, refer Annexures 33 and 34.

(ii) individuals seeking access to documents in relation to a criminal prosecution arising from their allegations of child sexual abuse in Institutional Contexts, and

400. The Department is aware of one applicant who fits within this category. The Application was made pursuant to the *Right to Information Act 2009* in 2017.

(b) in relation to the applications referred to in response to paragraph 65(a) identify:

(i) the average time between the filing of the application and the applicant receiving a substantive written response to that application, and

401. See narrative provided at item 64. Additional contextual information is also provided in tables to assist the Commission to understand the data, refer Annexures 33 and 34.

(ii) the number of applications that remain outstanding at the date of this Notice, categorised by the year of the application.

402. See narrative provided at item 64. Additional contextual information is also provided in tables to assist the Commission to understand the data, refer Annexures 33 and 34.

66. Describe the standard of record-keeping by the Department as it relates to complaints about child sexual abuse, including the types of information that would be expected to be recorded and in which system(s). How has this changed from the 1980s to the date of this Notice?

403. There was no central system to collect student information until 2014, when SSS was introduced. Before 2014, schools used a mixture of practices, with some using a paper-based method of recording files and notes, and some using a system built by a teacher within the respective school.

Information Management Support Service

404. Any guidance for archiving and disposal management for school and colleges by Information Management Support Services (IMSS) did not occur until the mid to late 1990s. Before this time, schools or colleges may have liaised directly with the Archives Office of Tasmania (now known as Archives Tasmania).

405. The Department's Records Management System – CONCORD (mid 1980s – 2005) was only used by non-school business units and no registration of alleged child sexual abuse was recorded in this system.

406. The Department's Records Management System – Hummingbird (2005 to 2012) was only used by non-school business units, and no registration of alleged child abuse was recorded in this system. Grievances/complaints may have been recorded, though the details (metadata) would not have identified the grievance as alleged child sexual abuse by a non-school business unit.

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407. The Department's Records Management System – Content Manager (2012 to current) is only used by non-school business units and the following would be expected to be recorded by the receiving officer or relevant business units on receipt of the claim:
- supporting documentation of a complaint or grievance (names of the alleged perpetrator and victim, and dates)
 - reports to senior management
 - interview notes
 - outcome report by non-school business unit.
408. Over this period, some business units may have saved documents on network drives in the regions they worked in and not in Content Manager.

State Archivist responsibility

409. The State Archivist is responsible for issuing whole of government guidelines and standards for recordkeeping under Section 10A of the *Archives Act 1983* (Tas). The purpose of these standards is to set minimum requirements for Tasmanian government organisations to keep and manage records as evidence of business activity and information assets. The standard describes the recordkeeping principles and operating environment in which information and records must be created, captured and managed. The standards are format agnostic, applying to all business information. State Records Guideline No 1 (Making Proper Records) was issued in July 2005. Version 2 was issued in July 2014. This was replaced in October 2020 by the Information and Records Management Standard. The main change during this period has been the shift from paper-based to electronic recordkeeping practices, and the adoption of a risk management approach. In practice, this means that resource and effort should be directed to high-value, high-risk records, and that includes personal or sensitive information.
410. The State Archivist is also responsible for authorising the disposal of records under Section 20 (2) (b) of the *Archives Act 1983* (Tas). Retention and Disposal Schedules (RDS/DS) ensure that records of continuing value to the public and the government are accessible for appropriate lengths of time. Approved RDS are one way of managing routine disposal of short-term or temporary value records, without the need to repeatedly seek authorisation from the State Archivist. Schedules may be developed specifically to meet the unique requirements of an agency (functional), to meet the needs of a particular industry (sector), or 'general' in their application (approved for use by all agencies). Introduced in the 1990s, the first General Disposal Schedule No 1 (DS1) was rescinded in 2003. In 2003, Disposal Schedules for Common Administrative Functions (DA2157), Short Term Value Records (DA2158) and Source Records (DA2159) were issued. There are also multiple functional Disposal Schedules covering information and records relating to complaints about child sexual abuse specific to the Department of Education. In addition to these record preservation and access requirements, the Disposal Schedule for Records Relating to Child Abuse (DA2520), was issued in December 2019 in response to the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse. The retention periods in this schedule are based on the Royal Commission recommendations and on community expectations.

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Annexures:

- Annexure 10 - State Records Guideline No 1 (Making Proper Records)
- Annexure 11 - State Records Guideline No 1 (Version 2)
- Annexure 14 - Information and Records Management Standard
- Annexure 16 - General Disposal Schedule No 1 (DS1)
- Annexure 73 - Common Administrative Functions (DA2157)
- Annexure 74 - Short Term Value Records (DA2159)
- Annexure 75 - Source Records (DA2159)
- Annexure 76 - Functional Records of Government Schools and Colleges (DA2280)
- Annexure 77 - Department of Education (DA2281)
- Annexure 78 - Vocational Education and Training records - TAFE (DA2183)
- Annexure 17 - Disposal Schedule for Records Relating to Child Abuse (DA2520)

67. What unit in the Department is responsible for managing information requests in relation to institutional child sexual abuse? Please describe its staffing profile, including each Official's public service level.

411. The Legal Services Unit within the Department is responsible for managing information requests in relation to institutional child sexual abuse. Institutional child sexual abuse information requests can arise through various process, including but not limited to the following:
- Applications under the *Right to Information Act 2009*;
 - Applications under the *Personal Information Protection Act 2004*;
 - Applications under the National Redress Scheme;
 - Requests pursuant to s52(A) of the *Registration to Work with Vulnerable People Act 2013*;
 - Requests by Tasmania Police generally, and also pursuant to the Memorandum of Understanding 2022;
 - Requests made by the Teachers Registration Board;
 - Notices issued by the Commission of Inquiry; and
 - Civil discovery facilitated by the Office of the Solicitor-General.
412. In processing the above, the Legal Services Unit will request records through Information Management Support Services (IMSS), direct through schools or through the State Library and Archive Service. The Legal Services Unit will then collate all information received, review and redact (if appropriate) and then provide those records to the requesting party/agency.
413. The roles and classification levels within the Legal Services Unit is comprised of one the Manager (Band 8), a Principal Legal Advisor (Band 8), five Senior Legal Officers (Band 7 and with more than five years post-admission experience) and two Administration Clerks (Band 4 and 3). The unit staffing is distributed as follows:

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- Within the general Legal Services space there are four legally trained Legal Officers supported by one administration clerk. One additional Legal Officer from the redress/civil claim/Commission of Inquiry team assists where necessary.
- In respect to the Redress/civil claim/Commission of Inquiry space, up until 28 June 2021, a single Legal Officer within the Department handled matters of Redress and Civil Claims, with some administrative assistance. From 28 June 2021, a new team of three legally trained staff (2.8FTE) have been employed to respond to matters of Redress, Civil Claims and Commission of Inquiry matters. On 20 December 2021, further resources through an administrative role joined that team and that administrative support is responsible for coordinating all Redress matters received in the Department from CARCRU.
- Within the RTI/PIP space there is one dedicated RTI officer and the abovementioned two administration clerks. Each of the legally trained staff, including the Director, are also RTI delegates.

68. What are the public service levels of the Officials responsible for record preservation and access to information within the Department?

414. As Secretary, I am responsible for record preservation and access to information within the Department; however, that responsibility is delegated to the Records Manager of Information Management Support Services (IMSS).
415. The relevant documents in respect of Authorities and Delegations are as follows:
- a) Information management Authorities (Annexure 4)
 - b) Information Management Delegations (Annexure 6)
 - c) Information management Delegations Explanatory Notes (Annexure 9)
416. IMSS consists of 6 FTE, with two additional contracted positions until 30 June 2022. The contracted positions exist to assist with clearing a backlog of student records. Additionally, the unit has one employee on a wage supported agreement with NDIS involvement (0.6FTE).
417. The public service levels of each permanent full time employee within IMSS is as follows:
- a) 1x Manager Information Management Support Services (Band 8) 1x Coordinator (Band 6) – the Coordinator role includes building close relationships with Schools, Colleges and Child and Family Centres (CFC's) and in developing policies and procedures for their records. Additionally, the Coordinator is responsible for managing, maintaining and coordinating responses on the Teams site between IMSS and Schools/Colleges/CFLCs. The teams site titled "Information Management Records Keeping Updates and Advice for Schools and Colleges" communicates updates, changes and information through a "chat" process, to assist those at independent sites. Those that choose not to use the Teams site, will call the help desk as/when required.
 - b) 1x Team Leader (Band 4) – responsible for the overall guidance of the Senior Records Officer and 2x Records Officers and managing the help desk.

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The Team Leader is also responsible for leave requests of those staff.

- c) 1x Senior Records Officer (Band 3)
- d) 2x Records Officer (Band 2).

69. What training do the Officials responsible for record preservation and access to information within the Department receive in relation to information requests relevant to child sexual abuse?

- 418. All staff employed within IMSS have lengthy experience within the area (minimum 10 years), largely gained through initial on-the-job training and length of service in the business unit. Some, however, do have background experience in records management. As an example, the Manager of IMSS holds an Advanced Diploma in Records Management.
- 419. All staff have received training in the past from the Archives Office, Information and Technology Services and from the IMSS Manager. As part of professional development planning, all staff have to undertake some form of training, but given their lengthy experience in the area, training is often of an extra-curricular nature, but relevant to their daily tasks (most recently, staff attended training in relation to how to disengage with traumatic subject matter).
- 420. Regular training is provided by Information and Technology Services in relation to any system based updates. Additionally, other staff attend training as/when required. This is then disseminated among staff within the area (e.g. the Assistant Director ITS, in conjunction with TasTAFE, designed a course on Knowledge Transfer for all ITS staff to undertake).
- 421. To help staff to understand record preservation and access to information, IMSS publishes a number of documents and provides access to modules for training, as listed below:

Whole of Agency

- Annexure 18 - Identified Records – Response to Child Sexual Abuse – Recordkeeping Recommendation 8.1
- Detailed Disposal Reference Codes – Response to Child Sexual Abuse – Recordkeeping Recommendation 8.1
- Annexure 22 - Message from the Secretary RCIRCSA – Record Keeping

School, Colleges and Child and Family Learning Centres

- Annexure 23 - Draft – Information Management Procedures – Child and Family Learning Centres (CFLC)
- Annexure 24 - FAQs School and Student Recordkeeping
- Annexure 25 - Guideline – Managing VET student training enrolment forms from the Tasmanian Secondary Colleges RTO
- Annexure 26 - Information Management Procedures for School and Colleges
- Annexure 29 - Managing records for school closures and amalgamations
- Annexure 35 - Processes and Control – Working Instruction – Transfer and receipt of student administrative and support records

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- Annexure 39 - Processing Hard Copy Student Records (Born after 1999) - Guideline
- Annexure 40 - Processing Hard Copy Student Records (Born prior 2000) – Guideline
- Annexure 41 - Quick Reference – Archiving and Disposal Flow Chart
- Annexure 42 - Quick Reference – Disposal Retention – All Categories – School and College Records
- Annexure 43 - Quick Reference – Disposal Schedule – All Categories – A to Z
- Annexure 44 - Quick Reference – Student File Retention Schedules
- Annexure 45 - Quick Reference – Student Filing – Students born after 1999
- Annexure 46 - Quick Reference – Student Filing – Students born prior 2000
- Annexure 50 - Retention and Disposal – Working Instruction – How do we archive and dispose of hardcopy school and college administrative records
- Annexure 53 - Retention and Disposal – Working Instruction – Management of staff files held in schools and Colleges
- Annexure 54 - Under Review – Management of Early Childhood Intervention Services Records
- Annexure 55 - Working Instruction – Archiving and Disposal of hardcopy student Support Records
- Annexure 56 - Working Instruction – Management of Student Support Records
- Annexure 57 - Working Instruction – Processes and Control – Requests for Information from Past Students
- Annexure 58 - Draft – Quick Reference – Disposal Recommendation and Actions – Child and Family Learning Centre Records
- Annexure 59 - Draft – Information Management Guidelines – Child and Family Learning Centres
- Annexure 60 - State-wide Information Sessions – RCIRCSA and Student Recordkeeping
- Annexure 61 - Notification – State-wide Information Sessions RCIRCSA
- CANVAS Course – Information Management - Archiving and Disposal Management in School and Colleges
 - Module 1 – Introduction to Information Management in Schools and Colleges
 - Module 2 – How to Complete the required forms
 - Module 3 – Processing and storage of temporary records not due for destruction
 - Module 4 – Disposal of records due for destruction
 - Module 5 – Archiving and transfer of student administrative files

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- Module 6 – Archiving of permanent administrative records
- Module 7 – Archiving of unscheduled records
- Module 8 – Transferring of student records to another school or college
- Module 9 – Which Disposal Schedule school I use
- Module 10 – Backlog of records - Where do I start
- Module 11 – Frequently Asked Questions

Business Units

- Annexure 62 – Records Management Policy
- Annexure 63 – Document and Records Management Procedures
- Annexure 64 – Retention and Disposal – Working Instruction – Archiving and Disposal of hardcopy records – Business Units
- Content Manager Training for non-school business units is provided annually
- Content Manager individual lessons (not listed as IMSS has over a 100 of them)
- CANVAS Course – Content Manager Training
 - Module 1 – My document and records responsibilities
 - Module 2 – Navigation my way around Content Manager
 - Module 3 – Using Content Manager to find information
 - Module 4 – Using Content Manager to capture and manage documents
 - Module 5 – Using Content Manager to capture and manage emails
 - Module 6 – How to update and action information in Content Manager
 - Module 7 – Using Content Manager to create and manage folders
 - Module 8 – How to undertake archiving and disposal activities using Content Manager
 - Module 9 – How to undertake common administrative and maintenance tasks using Content Manager

State Archivist responsibility

422. The Office of the State Archivist provides training through extensive online resources on the website (see Annexure 83).
423. *Keep the Knowledge – Make a Record* is available to assist trainers to teach state and local government employees about their recordkeeping responsibilities. It explains what records are, what kinds of records employees should make and keep, and when they can access and dispose of records (see Annexure 65).
424. *The Royal Commission Toolkit* supports the recordkeeping recommendations from the Royal Commission to help Tasmanian organisations make sure they are safe for children. This toolkit can be used by government and non-government organisations.

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425. Face-to-face training is offered by the Office of the State Archivist through the Tasmanian Training Consortium. The *Information Management Foundations* course is an introduction to information management and recordkeeping. It covers principles, responsibilities and processes, and introduces some current trends and thinking. It also references the recordkeeping recommendations from the Royal Commission. It is available for state and local government employees as well as other organisations that are subject to the *Archives Act 1983* (Tas) - this includes the University of Tasmania, Government Business Enterprises, State Owned Companies, and other statutory bodies. Anyone who is responsible for managing records within a business unit may attend (see Annexure 66).

70. Describe the Department's approach to civil litigation in relation to allegations or incidents of child sexual abuse in Institutional Contexts.

426. The Office of the Solicitor General (OSG) undertakes the conduct of all civil actions against the State of Tasmania, including actions that allege child sexual abuse in an institutional context.
427. The Department of Education ("the Department") has various roles, coordinated between the OSG and Legal Services, in relation to such claims that concern the Department.
428. The roles of the Department include:
- a) Referring the allegations to appropriate agencies upon notification of the civil claim (such as Tasmania Police, Registration to Work with Vulnerable Persons and the Teacher's Registration Board)
 - b) Undertaking discovery
 - c) Conducting factual investigations in coordination with OSG
 - d) Providing instructions including on draft Defences
 - e) Obtaining advice on liability and quantum of damages
 - f) Authorising settlement
 - g) Attending Mediation Conferences
 - h) Providing an apology to the plaintiff.
429. While Legal Services currently shares the role of factual investigator with the OSG, the role is soon to be outsourced to external investigators.
430. The following describes the approach taken generally by the Department in relation to civil matters, as in item 70 of RFS-008.

Notifying agencies of the allegation

431. If the OSG receives a notice of a civil claim against the State of Tasmania (for example, a Letter of Demand, or is served with a Writ and Statement of Claim filed in the Supreme Court), and the claim relates to the Department, the OSG will forward the initiating documents to Legal Services within my Department.

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432. Examples of civil claims that relate to the Department include where it is alleged the plaintiff was abused by an employee of the Department (whether on school grounds or not) or that a Department official allegedly had knowledge of sexual abuse of a child.
433. Upon receipt of the outline of the claim, the official within Legal Services will make a mandatory report to Tasmania Police if the allegation discloses the abuse of the child under section 14 of the *Children Young Persons and their Families Act 1997* and section 105A of the *Criminal Code 1924*.
434. In addition to the definitions of abuse or neglect in the above statutory provisions, the Department is also guided by the expansive definition used by the Royal.
435. Legal Services then:
- a) refers the matter to Human Resources to determine the employment status of any alleged perpetrator within the Department. (If an alleged perpetrator is a current employee or on the Relief and Fixed Term Employment Register, this will set off a Workplace Relations response already provided to the Commission – see response to RFS-004.)
 - b) refers the matter to Registration to Work with Vulnerable Persons (RWVP);
 - c) refers the matter to the Teacher's Registration Board (TRB) if the allegation relates to a teacher.
436. Internally, Legal Services provide the allegation to the Deputy Secretary of both Corporate and Business Services and Learning Services.
437. The OSG may also make a request for documents from the Department in relation to a civil claim that does not concern the Department. (The OSG has advised Legal Services that the trauma-informed practice is to not share the initiating documents such as the letter of demand with the Department. As such, the Department may not learn the substance of the allegation.)
438. The practice of Legal Services, however, is to make a mandatory report and any other appropriate referrals if they are notified of an allegation that comprises abuse.

Discovery

439. Following notification of a civil claim, OSG directs Legal Services to conduct a search for records held by the Department responsive to the allegation in the statement of claim, and advises Legal Services on the timeframe for discovery. Legal Services will make a request for records responsive to the allegation.
440. These records often include:
- a) Policies and procedures in place at the time of the alleged conduct
 - b) All records in relation to the plaintiff held by the Department
 - c) All records in relation to the alleged perpetrator, including personnel files and any conduct and investigation files

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- d) Relevant records of any potential witnesses (e.g. other students, teachers, staff, headmaster)
 - e) School yearbooks, school site plans.
441. Much of these records are located at archives and are retrieved from Information Management and Support Services (“IMSS”), however some records may be held at the school level.
442. Once all records have been located, Legal Services makes proposed redactions based on:
- a) Relevance
 - b) Legal professional privilege
 - c) Public interest immunity
 - d) Personal information of notifiers.
443. Legal Services prepares a List of Documents with Schedule 1 detailing all records produced. Schedule 2 of the List of Documents provides the basis for any proposed redactions. Part 2 of the List of Documents contains the details of records that were not found or are no longer in the Department’s possession and provides a reason for non-existence (such as being destroyed pursuant to a disposal schedule).

Factual investigation report

444. Once all records have been located, the OSG and Legal Services share the coordination of factual investigations.
445. These investigations were previously conducted by the Child Abuse Royal Commission Response Unit (CARCRU). Since early July 2021 the handling of civil litigation was divested to Agencies to respond to the OSG.
446. Legal Services will generally only consider records in investigating the claim and any Independent Medical Assessments (IMA). If there are witnesses to speak to, this is generally conducted by the OSG. However, it has been practice for Legal Services to contact witnesses and advise them of the claim and organise for the OSG to speak to the witness.
447. It is practice also to commence the investigation after the State has received the IMA of the Plaintiff. (The OSG may order their own IMA but this is informed by a policy to avoid re-traumatisation of the plaintiff, and will only be ordered if the OSG believes this is strictly necessary.)
448. The factual investigation report completed by Legal Services may be structured by questions from the OSG such as:
- a) *When was the staff member employed from and to and where and in what positions?*
 - b) *Where are the abusive events said to have occurred?*
 - c) *When was the claimant at the school?*
 - d) *Is the staff member alive and if so where do they presently reside?*

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- e) *What records does the State have which confirm and / or contradict what is contended to be the abusive events?*
- f) *Is the State prejudiced in any, and if so in what way, in its investigation of these things on account of the passage of time, loss of documents, death of witnesses etc?*
- g) *Were any of those events (if they occurred) beyond reasonable and normal practice(s) [eg if what is complained of is corporal punishment at a school, was the nature and extent of such beyond the norm(s) at the time]?*
- h) *Ought the agency to have known of them having occurred?*
- i) *Was there something that ought to have aroused action/investigation (eg a child displaying concerning behaviour/s)? Should that have alerted the agency to something going on in the child's life that required some action, including referral to a health professional, such as a psychologist?*
- j) *Was there any (and if so what) failure of the agency to properly discharge its function(s)/duty(ies) and, if so, then why was there such a failure?*
- k) *Are (were) any of the contended perpetrators of abuse employees of the State and, if not, then what was the relationship between the State and such person (eg a foster)?*
- l) *If an employee of the State, was there any circumstance of the employment by which it could be said that the State assigned to the employee a special role in connection with the claimant (eg that the employee was permitted to take children on overnight excursions)?*
- m) *What do the materials reveal about other matters in the claimant's life which have caused distress or difficulty?*
- n) *What do the documents reveal about the claimant's work history and education and how these have been impacted by the abuse?*
- o) *Are there any factual inconsistencies in the reports made by the claimant (including to the claimant's medical assessor and in their statement) when compared to the records available, including medical records from the claimant?*

449. The OSG may request that Legal Services prepare a footnoted response to every assertion in the plaintiff's Statement of Claim, with each assertion either stated as 'admitted' or 'not admitted' based on whether the Department's records accord with the assertion.
450. Legal Services is limited in some ways in their capacity to investigate claims. Limitations include a lack of memorandum of understanding and information sharing between agencies and a lack of resources to fully investigate claims in the way an external claims investigator. For this reason, the OSG fulfils various roles including enquiries with Office of the Registry of Births Deaths and Marriages and engaging skip trace firms and speaking with potential witnesses.
451. The Department also recognises a potential conflict between conducting factual investigations (including providing instructions to the OSG on the quantum of liability) and its role in apologising to survivors and, more broadly, being informed by the findings and recommendations of the Royal Commission.
452. It is noted that the role of factual investigations will soon be outsourced to external investigators.

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OSG advice on liability and quantum

453. Once the factual investigation is complete, the OSG will provide advice as to the State's liability and the quantum of damages. If the OSG is of the view that there is a risk that the State will be found liable, the OSG may recommend that the State authorise an amount to settle the matter up to an amount according to a schedule of damages.
454. Legal Services will review the advice and provide a brief to me, as Secretary, on the advice, including on the schedule of damages and any amount to settle recommended by the OSG.
455. Authorisation for settlement amount was previously given to the OSG by the Secretary of the Department of Justice via CARCRU. Since early July 2021, this role was handed to the agencies.

Draft defence

456. If the OSG intends to file a defence, the draft defence will be shared with Legal Services. Legal Services will advise the OSG if anything in the draft defence is contrary to their instructions factually.
457. Legal Services may also provide comments on defences raised. Ultimately, however, the Department is bound by the instructions of the OSG.

Mediation conference

458. If the matter proceeds to a mediation conference with the plaintiff's lawyers, a member of Legal Services will attend as a representative of the Department. Prior to the date of the mediation conference, I have provided authority to settle up to a given amount, under the guidance of liability and quantum of advice provided by the OSG and reviewed by my staff within the Civil Claims area of Legal Services.
459. The format of the mediation conference varies, but often involves the parties discussing the risks to each side's case, before an offer for settlement is made by the OSG. If the mediation conference is formal (i.e. court ordered), the parties will be assisted by a mediator.
460. The role of Legal Services at the mediation conference is limited, as the OSG's submissions will reflect the Department's available records, taking into account any medical reports/independent medical assessments related to the plaintiff and the OSG's initial advice as to liability and quantum. However, there is a role for Legal Services to correct any submissions that do not reflect the Department's instructions factually or are not in line with the OSG's advice regarding liability and quantum.

Settlement

461. If the plaintiff and the State agree to settle then the OSG drafts a settlement deed that must be signed by the plaintiff and me, as Secretary.
462. The settlement deed releases the State from liability. It does not require any non-disclosure agreements or conditions that the matter not be spoken about publicly.

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Apology

463. Apologies will only be given by the Department within a civil claim once the matter proceeds to settlement and if requested by the plaintiff-survivor. The plaintiff can propose who from the Department will provide the apology and how the apology will be provided.

71. What are the key policies, systems and guiding materials that shape the Department's role in responding to civil litigation claims in relation to child sexual abuse in the Department? Please describe how they operate and intersect.

464. The policies that guide and shape the Department's role in responding to civil litigation claims of child sexual abuse are those published by the Office of the Solicitor-General (Model Litigant Guidelines and Guidelines for the conduct of Civil Claims). The Principal Legal Advisor in the Civil Claims/Redress Team is also in the process of developing a Procedures Manual to assist in guiding the process for staff working within the Civil Claims/Redress Unit, in relation to civil claims relating to child sexual abuse. Additionally, where matters arise that involve allegations about a person identified as a current employees, the matters are referred to Workplace Relations for immediate action.

72. Identify any training that has been provided to Department Officials:

(a) in the application of the:

- (i) Model Litigant Guidelines dated 14 May 2019 (TDOJ.0002.0008.0002), and**
- (ii) Guidelines for the Conduct of Civil Claims (TDOJ.0002.0008.0001);**
or

465. The Civil Claims and Redress Team within Legal Services are the responsible unit for Civil Litigation and Redress responses. The Team has been in existence since early July 2021 and whilst from time to time there have been discussions with the Office of the Solicitor-General and within the Team itself in respect of Model Litigant Guidelines and Guidelines for the Conduct of Civil Claims, there has not been any formalised training in respect of either of the guidelines at 72(a)(i) and (ii).

(b) That is directed to the support of the timely and trauma-informed management of civil claims concerning child sexual abuse in Institutional contexts.

466. Further to the response at (a) above, whilst the Civil Claims and Redress Team is a relatively new team within the Department, each staff member who responds to Civil and Redress matters are qualified lawyers, with 33 years combined experience in victim related matters. It is accepted that training in the past has been lacking and as a result, training across all areas of the Department is a future focus. However, I am confident that each staff member within the Civil Claims and Redress team is consciously aware of timely and trauma-informed management of civil claims concerning child sexual abuse in Institutional contexts.

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73. Identify who has responsibility for making decision (including decisions relation to settlement) in relation to the conduct of civil litigation involving the Department and allegations or incidents of child sexual abuse in an Institutional Context.

In your answer, you should address the role of:

- (a) the Department**
- (b) the Office of the Solicitor-General**
- (c) the Child Abuse Royal Commission Response Unit**
- (d) any other relevant Tasmanian Government Department or Statutory Authority, and**
- (e) any insurance body.**

The Department

467. The Department endeavours to conduct itself in a trauma-informed and sensitive manner in all matters concerning child sexual abuse in an institutional context, including in civil litigation. This includes efforts by the Department to settle claims expeditiously, and without re-traumatising claimants.
468. It is a function of my role as Secretary to authorise the expenditure of settlement funds, on the advice of the OSG, in matters concerning allegations or incidents of child sexual abuse in an institutional context. The responsibility to make decisions as to the conduct of such matters (including provision of advice as to liability and quantum) rests with the Office of the Solicitor-General (OSG).

The OSG

469. Pursuant to the Treasurers Instruction FC-17 the Crown must obtain its legal advice from the Law Officers of the Crown.
470. On 3 November 2015, the Solicitor General was directed under s 7(b) of the Solicitor-General Act 1983 to have control and be responsible for the State's functions in respect to civil proceedings.¹ Further directions have been given from time to time, extending that initial direction.² Prior to that the Director of Public Prosecutions had been responsible for civil litigation. It follows then that all claims of child sexual abuse received by the Department are immediately referred to the OSG (and before that, to the DPP) for advice and representation. The Department's Legal Services Unit (specifically the Civil Litigation team) is responsible for the referral and management of these matters and acts as a conduit between the OSG and me as Secretary.
471. Pursuant to paragraph 8 of the *Guidelines for seeking Advice from the Solicitor-General's Office* advice from the OSG is binding on the Department. It follows then that my decisions relating to conduct generally, including but not limited to, discovery, negotiation, conciliation, liability, settlement quantum etc must be within the parameters of the advice and direction provided by the OSG.

¹ Solicitor-General Annual Report 2016/2017 pg 2

² Solicitor-General Annual Report 2020/2021 pg 2

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The Child Abuse Royal Commission Response Unit (CARCRU)

472. CARCRU, as a unit within the Department of Justice, previously liaised with the OSG on behalf of Agencies regarding civil litigation. The function of CARCRU, amongst other things, was to provide factual investigation and “instructions” to the OSG. Since early July 2021 the handling of civil litigation was divested to Agencies to respond to the OSG. The OSG retained decision making capacity during that time, including decisions as to settlement. Authorisation as to settlement amounts was previously provided to the OSG by the Secretary, Department of Justice, via CARCRU. As is the case now, the relevant Head of Agency retained responsibility for authorising settlement funds.

Any other relevant Tasmanian Government Department or Statutory Authority

473. There are no other Government Department’s that have affected the Department’s decision-making capacity in respect to civil litigation.
474. The Department has a relationship of information sharing with the Teachers Registration Board (TRB), the Department of Police, Fire and Emergency Management, the Department of Communities, and the Integrity Commission however this does not have any effect on the Department’s decision making.

Any Insurance Body

475. JLT Insurance provides assessments and recommendations to the Department generally, however I am not aware of JLT Insurance being involved in any instances involving institutional child sexual abuse matters. In any event, the assessments and recommendations from JLT Insurance would not have an impact in respect to the Department’s decision-making capacity.

74. Describe any training or guidance provided to the individuals responsible for making decisions (including decisions in relation to settlement) in relation to the conduct of civil litigation involving allegations or incidents of child sexual abuse in which the Department is a defendant.

476. In late June/early July 2021, the current Civil Litigation team within the Legal Services Unit received on-job training from the Senior Legal Officer who was previously responsible for the handling of civil claims. Further, on 15 July 2021, the Civil Litigation team, the Director Legal Services and Workplace Relations, the Deputy Secretary Corporate and Business Services and the Deputy Secretary Learning all attended Trauma Awareness in Institutional Settings, a training session conducted by the Blue Knot Foundation, which focused on building trauma awareness and responding to victims/survivors in a trauma-informed way.
477. I will be attending Blue Knot’s *Foundations for Building Trauma Awareness* training on Monday, 27 June 2022, along with members of the Office and staff from other business units, including Strategic Marketing Communications and Media; Workplace Relations; Legal Services and Learning Services.
478. As discussed in item 70, the Office of the Solicitor-General (OSG) is responsible for the conduct of Civil Litigation on behalf of State Agencies.

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The Civil Litigation team within the Department's Legal Services Unit met with the OSG Litigation team to discuss the Model Litigant Guidelines and the way civil litigation matters should be conducted generally. In addition to that initial meeting, regular discussions take place in respect of the conduct of matters generally, in light of trauma informed practice. I am confident that all personnel involved are well aware of trauma informed approach and do their very best to uphold the standard required.

75. Describe the Department's approach to redress for civil claims arising from child sexual abuse in an Institutional Context. In your answer, you should address:

- (a) **the approach of the Department to communication with victim-survivors of child sexual abuse**
- (b) **the approach of the Department to apologies to victim-survivors of child sexual abuse**
- (c) **whether any conditions are routinely imposed on victim-survivors as part of settlement terms (such as non-disclosure agreements or other requests that the matter not be spoken about publicly, including for legal reasons), and**
- (d) **whether the Department provides apologies to victim-survivors of child sexual abuse where it forms the view that the Department has not acted appropriately.**

479. Please read the below response in conjunction with the response to Item 70 which provided an outline of the Department's approach to civil litigation arising from child sexual abuse in an Institutional Context.

480. In response to item 75(a), the Department does not communicate with victims/survivors if there is a civil claim on foot. As explained in item 70, the Department will provide an apology to victim survivors if the civil claim is settled, and if this is requested by the victim survivor.

481. In response to item 75(b), please see response to item 70.

482. In response to item 75(c), no conditions are imposed on victim survivors as part of settlement terms, apart from releasing the State and its officers from liability.

483. In response to item 75(d), the Department will provide an apology to victim survivors in the context of civil claims once the matter has settled, and if requested by the victim survivor. Apologies will not be provided by the Department if the civil matter is still on foot.

National Redress Scheme

76. How does the Department respond to National Redress Scheme claims? What are the policies, processes, roles and responsibilities to support this response?

484. The Tasmanian manager of the National Redress Scheme Response sits within CARCRU.

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485. The Department, coordinated by Legal Services, responds to National Redress Scheme claims by:

- Responding to a request for information made by CARCRU
- Notifying agencies of the allegations in the National Redress application
- Proving an apology to claimants if requested by CARCRU.

Responding to records requests by CARCRU

486. If an applicant of the redress scheme has a claim that relates to the Department, CARCRU sends a copy of the application form to the Department and a Request for Additional Information from the Records Custodian (CARCRU Request).

487. The CARCRU Request includes:

- a) Applicant details
- b) Institution named by the Applicant
- c) Period of involvement with the Institution
- d) The name of the alleged abuser
- e) Witnesses
- f) Summary of the abusive events
- g) Whether the Commonwealth made a child safe report.

488. The information requested includes whether records relating to the applicant are held regarding the following:

- a) any involvement with the named institution. If so, details including the period of involvement with the institution
- b) any allegations of abuse. If so, any details
- c) whether a non-government institution was in any way responsible for the applicant during the period of involvement with the institution. If so, any details
- d) records relating to the alleged abuser that detail:
 - involvement with the named institution. If available, details including the period of involvement with the institution and the position(s) held
 - the alleged or any other abuse or misbehaviour. If available, any details
- e) any records held that demonstrate the alleged abuser is still an employee of the State Government and/or working in a child related activity, the civil claims and redress team refer the matter to Workplace Relations for immediate action. Notifications are also made to RWVP and TRB (if applicable).).
- f) any other records held, or details of any records held by other records custodians that may be relevant to the request (*eg. current unresolved civil claim, police complaint records, records held by an NGO etc*).

489. The Department's response includes providing records held by the Department that are relevant to the claim to CARCRU.

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490. Because of the confidentiality provisions with the Redress Scheme structure, the Department is not informed of the outcome of the applications.

Notifying other agencies of the allegations in a claim

491. Upon receipt of the National Redress application, the official within Legal Services will make a mandatory report to Tasmania Police if the allegation discloses the abuse of the child under section 14 of the *Children Young Persons and their Families Act 1997* and section 105A of the *Criminal Code 1924*.
492. In addition to the definitions of abuse or neglect in the above statutory provisions, the Department is also guided by the expansive definition used by the Royal Commission.
493. Legal Services then:
- a) refers the matter to Human Resources to determine the employment status of any alleged perpetrator within our Department. (If an alleged perpetrator is a current employee or on the Relief and Fixed Term Employment Register, this will set off a Workplace Relations response already provided to the Commission – see response to RFS-004.)
 - b) refers the matter to RWVP
 - c) refers the matter to TRB if the allegation relates to a teacher.
494. Internally, Legal Services provides the allegation to the Deputy Secretary of both Corporate and Business Services and Learning Services.

Apology

495. The Department will provide an apology to the claimant if requested by CARCRU. CARCRU advises the Department how the claimant wishes to receive the apology. This may include who provides the apology, where the apology is given and how the apology is made (Department apologies have included planting a tree on a schoolgrounds with a plaque honouring survivors).

77. What, if any, action is taken to assess current or future risk based on information received through civil litigation claims and the National Redress Scheme?

496. Current and future risk is a consideration for every Civil Claim or Redress matter referred to the Department. The Departmental Civil Claims/Redress Team records matters and makes referrals as a matter of course. The process upon receiving a claim or redress application is as follows:
- In assessing current risk, the Civil/Redress Team enquires with Human Resources as to the status of an alleged offender to determine whether the person is a current employee. If the person is a current employee, the matter is referred to Workplace Relations and the employee is stood down pending further investigation.

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- As an additional measure, to assess current and future risk, notifications are made to Tasmania Police, RWVP and the TRB (if not already made by others, such as the plaintiff's legal representative, the OSG or the Department of Justice Redress Team). This ensures where the person is no longer an employee, but may be working in other areas with access to children, the various protective organisations can ensure knowledge and assessment of suitability to continue.

Governance and monitoring

78. How are issues related to breaches of the Tasmanian State Service Code of Conduct in relation to child sexual abuse monitored, audited and overseen in the Department? Are there any governance groups or committees that consider these issues? If so, what are their roles and functions, membership, processes and frequency?

497. There is no specific process for auditing, although I did engage the Internal Audit Office in 2021 to perform a particular task in relation to historic allegations. Investigations for alleged breaches are monitored through the register maintained by Workplace Relations. These matters are overseen by senior Corporate Services and Learning Division staff and me.

79. What systems are used to monitor, measure, track, report or evaluate any complaints, allegations or incidents relating to child sexual abuse in the Department? How robust is your data?

498. Workplace Relations maintains a central register of all Code of Conduct investigations. This register is constantly updated and provided to the Head of the State Service.

Stakeholder engagement

80. Who do you consider to be your internal and external stakeholders in relation to in preventing, identifying, reporting or responding to child sexual abuse in Institutional Contexts and how do you engage those stakeholders?

499. The Department's internal and external stakeholders in relation to child sexual abuse in institutional contexts are many and varied and the level and method of engagement with these stakeholders reflects this diversity. Our primary external stakeholders are Tasmanian children, young people, their families and carers. I am also aware of our need to sensitively engage with and respond to requests for information from victims/survivors in a trauma-informed way.

500. Internal stakeholders include all Department staff, including teaching and non-teaching staff in State Government schools, libraries, Child and Family Learning Centres and corporate areas. Safeguarding children and young people in all our environments is everyone's responsibility, regardless of their role or position.

501. Our secondary stakeholders include staff in non-government schools, community support services, other Government Agencies, all members of Parliament and members of the Tasmanian community.

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502. The Office has been working to engage all stakeholders through a combination of direct engagement and communication and engagement strategies that will begin to promote the message that we are sorry for our failings of the past, that we are determined to do better and that we are working to build a culture where children and young people are at the centre of our decision-making. We will continue to build on this in the coming years.
503. The Executive Director, Safeguarding Children and Young People has directly engaged with a range of stakeholders through face-to-face and online meetings to provide advice and information on the role of the Office and its future plans, to seek their views on specific needs, to share information and ideas more generally, and to find opportunities for greater collaboration and engagement to achieve shared goals. These meetings began soon after the Office was established in August 2021 and are ongoing.
504. Other senior staff in the Office are also involved in meetings with internal and secondary stakeholders to begin to build a collaborative approach to the creation of effective safeguarding process, policies and supports that keep the child at the centre and to provide all Department staff with clear and useful guidance and advice to help them fulfil their safeguarding responsibilities.
505. Engagement has included the Commissioner for Children, the Tasmanian Principals' Association, the Tasmanian Association of State School Organisations, the Tasmanian School Administrators Association, the Australian Education Union, the Department's LGBTIQ+ Working Group, Working it Out, the Sexual Assault Support Service, Laurel House, the University of Tasmania, the Tasmanian Registration Board, the Office of the Education Registrar, Catholic Education Tasmania, Independent Schools Tasmania and other State Government Department.

The Independent Education Report

81. **Describe the Department of Education's response to the report entitled *Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse by Professor Smallbone and Professor McCormack* dated 7 June 2021, including:**

- (a) Any planned implementation or operationalisation of that report (including any relevant time frames), and**
- (b) Any implementation or operationalisation already undertaken or underway.**

506. The Office is responsible for overseeing the implementation of all recommendations from the DoE Inquiry, the remaining recommendations from the Royal Commission for which the Department is responsible and will have responsibility for any recommendations that may arise from the Commission of Inquiry.
507. This includes strategic policy and project management advice and planning; budget considerations and submissions; and collaboration with, and coordination across, other business units, government agencies and non-government entities.

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508. The Department has accepted all recommendations from the DoE Inquiry and has begun to address these as a priority. Please refer to Annexure 36 for a full list of planned and completed actions related to the Department's operationalisation of recommendations from the DoE Inquiry.

Royal Commission and further reforms

82. Provide a list of the Royal Commission's recommendations which the Department is responsible for implementing.

509. Please refer to Annexure 37 for a full list of recommendations for which the Department has responsibility.

83. Identify the senior Department Officials with responsibility for the implementation of the Royal Commission's recommendations.

510. Please refer to Annexure 37 for the titles of the senior Department Officials with responsibility for each relevant Royal Commission recommendation.

84. Describe in detail any barriers to the implementation of the Royal Commission's recommendations that are within the responsibility of the Department.

511. The Department is not directly responsible for those recommendations related to the Australian Education Senior Officials Committee; however, it is worth noting that these may be more difficult to implement, as they will require a coordinated, national approach from all jurisdictions, where states/territories may well be at different stages of development and/or have different levels of commitment.

512. In relation to Department-specific recommendations, provided we have sufficient time and resources, I do not believe there are any significant barriers to implementing these; however, it is worth noting that, at times, the availability of appropriately skilled staff can be challenging and may impact on the timing of projects.

85. Describe whether there are any barriers unique to Tasmania to the implementation of the Royal Commission's recommendations.

513. Provided the Department has sufficient time and resources to deliver on the Royal Commission recommendations for which it has responsibility, I do not believe there are any barriers unique to Tasmania that will impact on their implementation.

514. Some recommendations may also be dependent on the completion of other work. For example, Royal Commission recommendation 13.1 (that all schools implement the Child Safe Standards) may require legislative change and/or specific policy development work to be completed before the Child Safe Standards can be fully implemented. While not a barrier, it may impact on the timing of completion.

86. In which, if any, areas do you think Tasmania should depart from the Royal Commission's recommendations (for example, due to its size, circumstances, culture or other factors)?

WITNESS STATEMENT – TIMOTHY BULLARD

TRFS.0008.0001.0001-0085

515. Given the size of the Department in comparison to other jurisdictions, the scope of Tasmania's responses to the Royal Commission recommendations may be at a different scale from those in some of the larger states; however, it is my expectation they will be fit-for-purpose and effective, taking into consideration our specific Tasmanian needs and context. Conversely, Tasmania's relatively smaller size gives us the opportunity to easily connect and collaborate with other stakeholders in the pursuit of our efforts.

87. Are there gaps in what the Royal Commission considered or recommended that relate to the Department that are relevant to Tasmania?

516. I am unaware of any consideration of, or policies related to, engagement with/support for victims/survivors in the Royal Commission reports. This is something the Office has already identified as an area for improvement, which will include the development of guidelines to help staff appropriately engage with victims/survivors in a trauma informed way.

88. What do you think is required for Tasmania to successfully implement reforms to the prevention, identification, reporting and response to child sexual abuse in Institutional Contexts (for example, budgetary constraints, governance and oversight)?

517. Successful implementation of the necessary reforms will require strong and consistent leadership and governance from the State Government, including messaging that this is a priority; a genuine collaborative approach across government, non-government and private entities in a range of sectors, including – but not limited to – health, education, child care, law enforcement, the arts, sport, religion and community development; and finally, it will require legislative flexibility and, at times, legislative change, to ensure the rights and safety of the child or young person are always the primary focus.

89. What do you hope will occur as a result of the Commission?

518. It is my hope that the Commission of Inquiry will raise awareness of the rights of the child and the need for greater transparency in the way we support and safeguard all children and young people, both within and beyond institutions throughout the Tasmanian community.

519. I look forward to hearing any advice the Commissioners can offer on ways we can improve our approach to safeguarding, both within the Department and across all government agencies, and would hope that this opportunity will deliver us the strong and consistent leadership, genuine collaboration and legislative flexibility and change to which I have already referred.

520. I am committed to making all necessary changes to our own policies, processes, procedures and programs to support the required cultural change within the Department, as part of broader change across the Tasmanian Government. I will continue to champion this as a priority for all of us working in an institutional context in support of the children and young people for whom we have a responsibility.

WITNESS STATEMENT – TIMOTHY BULLARD

TRFS.0008.0001.0001-0086

Culture and reprisals**90. Describe any guidance given to Department Officials to make clear that they are able to come forward to this Commission.**

521. The Department, through its regular communication channels, has provided advice to all staff about the Commission of Inquiry and how staff could participate and provide a submission. Details of the specific communications follow.
522. On 4 December 2020, forwarding a message from the Head of the State Service to all Department of Education employees (Annexure 67). This communication directed staff to the Commission of Inquiry web portal and advised that submissions were able to be made by staff.
523. On 29 July 2021, the Department published a staff news article on the Department's Intranet about the Commission of Inquiry (Annexure 68). The article included advice of upcoming stakeholder consultations. The article also advised that staff were able to provide a submission to the Commission, either in person or via a written submission. Staff were also directed to further information about making a submission and the protections provided to public sector employees when doing so (see Annexure 69).
524. As part of the article, it was also specifically noted that "It is a personal choice as to whether to attend a consultation session or to make a written submission to the Commission, and confidentiality will be respected both in regard to participation and individual experiences, insights and views that may be expressed."
525. At the same time, as part of the Department's Learning News, which is emailed directly to all staff in our Learning Division and made available on our Intranet all Departmental staff to view, the following information was included from the Department's Deputy Secretary Learning:

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

I want to make sure all staff are aware of an opportunity to contribute to the Commission of Inquiry, which will soon be conducting consultations with stakeholders across Tasmania.

Discussions will focus on current systems, including what is working well, what the current problems, gaps and challenges are, and what changes need to be made to prevent child sexual abuse from occurring and to improve responses to, and the reporting of, abuse.

There are a number of ways to participate. Please read the [Department's intranet site] for further information on how to contribute.

526. On 2 August 2021, similar information (Annexure 70) was also provided directly to all Tasmanian Government school principals via Principal Matters (newsletter to principals).
527. Again, on 3 August 2021, using the Department's Infostream Service (online newsletter), which directly goes to all Department staff, similar information was provided (Annexure 71).

91. Describe any information provided to Department Officials in relation to the protections that are available to Officials if they choose to come forward to this Commission.

WITNESS STATEMENT – TIMOTHY BULLARD

TRFS.0008.0001.0001-0087

528. As per above

92. **Describe any information or guidance given to management within the Department to ensure that no Official suffers reprisals for providing information to this Commission.**

529. As per above

93. **Describe any allegations or reports you are aware of that individuals in the Department have discouraged Officials from engaging with the Commission. Outline the steps taken by the Department in response to such allegations or reports.**

530. I am not aware of any allegations or reports. However, if they were raised, I would take such reports very seriously.

WITNESS STATEMENT – TIMOTHY BULLARD

TRFS.0008.0001.0001-0088

B REQUEST FOR DOCUMENTS

94. Produce a copy of any document referred to in response to any paragraph in this Notice.
95. Produce a copy of any materials (including training materials) created or distributed in connection with the matters in questions 21, 51, 69, 72 and 74.
96. Produce a copy of any role description since 1 January 2010 provided to any ED5 investigators appointed by the Department to investigate allegations of child sexual abuse made against Tasmanian State Service Officials.
97. Produce a copy of any legal advice received by the Department in relation to:
 - (a) the scope of the ED5 investigation process, including:
 - (i) advice in relation to when a person acts in the scope of their employment
 - (ii) the elements required to carry out an effective ED5 investigation
 - (iii) the steps to be taken in relation to an existing ED5 investigation in circumstances where a criminal process is on foot in relation to the subject of the allegation, and
 - (iv) the steps to be taken in relation to an existing ED5 investigation in circumstances where:
 - (A) the accused is acquitted of the charge(s) made against them, or
 - (B) the criminal process comes to an end prior to trial.
 - (b) the circumstances in which information concerning a perceived or potential risk to a child can be shared with other Government Institutions, including any advice:
 - (i) which has concluded that a disclosure should not be made despite the existence of a level of risk to children (whether those children can be identified or not), or
 - (ii) in relation to whether it is necessary to perceive a risk to a particular child in order to be in a position to disclose.