



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

WITNESS STATEMENT OF JONATHAN CRAIG HIGGINS

I, Jonathan Craig Higgins, Police Officer, do solemnly and sincerely declare that:

1. This statement made by me, is in response to the Notice to Prepare and Produce a Document or Statement, RFS-POL-005, requested by the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the Commission of Inquiry). Commissioner Hine has authorised me to provide this evidence on behalf of Tasmania Police. The information in this statement is true and correct to the best of my knowledge and belief.

Acronyms

CFS	Child and Family Services (When referencing CFS, this consists of the Child Safety Service, Out of Home Care and the Strong Families Safe Kids Advice and Referral Line)
CMU	Crime Management Unit
CSAJRT	Child Sexual Abuse Joint Review Team
DPFEM	Department of Police, Fire and Emergency Management
DPP	Director of Public Prosecutions
ESCAD	Emergency Services Computer Aided Dispatch
JRT	Joint Review Team
MoU	Memorandum of Understanding
OLC	Online Charging
ORS	Offence Reporting System
PBR	Person believed responsible
RDS	Radio Dispatch Services
RWVP	Registration to Work with Vulnerable People
SFCU	Safe Families Coordination Unit
SOCIT	Sexual Offence and Child Abuse Investigation Team
TPM	Tasmania Police Manual



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

Allegations of child sexual abuse against Ashley Youth Detention Centre Officials

Question 1

In relation to the Ashley Youth Detention Centre Officials listed in Annexure D, please:

(a) identify any reports or communications provided to police about these people including:

- i. the source of the information, including who made the report and whether the information came from the Claims of Abuse in State Care Program, the National Redress Scheme, civil action against the state or otherwise;***
- ii. when it was provided; and***
- iii. the contents of the report,***

(b) outline any steps taken (or not taken) in response to any such reports or communications, including:

- iv. any reports made to child safety services, the Working with Vulnerable People Registrar, the Department of Communities or Ashley Youth Detention Centre;***
- v. any investigations; and***

(c) any sharing of information or collaborative action with other agencies,

2. Please refer to JCH-001, which details within a spreadsheet, reports made against those listed in Annexure D RFS-POL-005, including:

- a. Victim-survivor if named**
- b. Listed perpetrator/s**
- c. Relevant agency**
- d. Specific date of the incident or allegation**
- e. Nature of the incident or allegation**
- f. Institution or body investigating the incident or allegation**
- g. Whom reported by**



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

- h. Date the incident or allegation was referred to Tasmania Police
 - i. Any action or outcome as a result of those investigations
 - j. Additional information including references.
3. In relation to referrals to other agencies, please note that this occurs through an automated process in:
- i. Atlas- a Tasmania Police intelligence system
 - ii. Offence Reporting System (ORS)- a Tasmania Police system for the recording of crimes and/or offences
 - iii. Online Charging (OLC)- a Tasmania Police system for the recording of those taken into custody, or to produce court files, both arrest and summons
- to support the protocol and the exchange of information.
4. Triggers within each system cause information to be shared to the Department of Justice, who manage the Working with Vulnerable People Registration via an interface. Specific offences within ORS and OLC constitute a risk to vulnerable people. These offences and charges are then given a flag in the background that when they are listed on an OLC or ORS precipitate that system to create a notification to Department of Justice.
5. Atlas has the option for police to select - 'Presents a risk to vulnerable people,' via a check box when they enter a person onto an occurrence. The selection of this check box generates a notification that is sent to the Department of Justice.
6. In Atlas - Child Safety Occurrences are shared automatically through electronic process with Children and Family Services.
7. Reference material listed in the additional information tab of JCH-001, have been separated into each of the individuals. The types of reference material include, National Redress Scheme notification, Royal Commission notifications, Offence Reports, Atlas submissions and email correspondence. Please refer to:

JCH-002- Stan

JCH-003- Ira

JCH-004- Edwin



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

JCH-005- Maude

JCH-006- Arnold

JCH-007- Clyde

JCH-008-

JCH-009- Colin

JCH-010-

JCH-011- Lester

JCH-012- Walter

JCH-013-

JCH-014-

JCH-015- Nadia

JCH-016-

JCH-017- Hugh

JCH-018-

JCH-019-

Question 2

Has there ever been a policy, procedure or practice in place for Tasmania Police to receive and respond to allegations made under the Claims of Abuse in State Care Program? If yes, please provide details of when and how it operates.

8. Yes, there has been policy, procedure and practice in place. In 2003, the Ombudsman's office, Department of Health and Human Services and Tasmania Police identified through joint correspondence (**JCH-020**) that any criminal referrals relating to Claims of Abuse in State Care were to be sent to the Office of the Assistant Commissioner Operations. When received by Tasmania Police, the report would be assessed and if any offences were identified, the matter was recorded as an offence report and investigated.
9. In 2007, then Deputy Commissioner of Police Jack Johnston wrote to then Ombudsman Simon Allston, outlining that during the Review of Claims of Abuse



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

from Adults in State Care as Children, Tasmania Police received 69 notifications throughout the state. These notifications were triaged, with 49 able to be investigated and the remaining 20 were filed for intelligence purposes, this was due to either, the victim not wanting police to investigate, the matter had previously been investigated, or the abuse was a summary matter and the Statute of Limitations had expired. Four people were charged by police with one offender convicted in Court.

Question 3

Has there ever been a policy, procedure or practice in place for Tasmania Police to receive and respond to allegations made under the National Redress Scheme? If yes, please provide details of when and how it operates.

10. Yes, there is policy, procedure and practice in place. Tasmania Police receive 'Child Safe Reports' as referrals from the National Redress Scheme through a Department of Social Services secure email inbox, accessed only by the Staff Officer to the Assistant Commissioner Operations. These reports form the basis for assistance / compensation by alleged victims to the Scheme, however they are only provided to Tasmania Police if they meet a certain criterion, such as children being at current risk of abuse or the alleged abuser is still working with children or may have children of their own.
11. The Child Safe Report includes information that has been obtained for the purpose of the National Redress Scheme and is protected information under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act). It is a criminal offence to access, record, use or disclose protected information except as authorised by the Act. Child Safe Reports can be Identifying or De-Identified. Identifying means that the applicant provided consent for their personal details to be disclosed, or de-identified which means the applicant has not provided consent. The fact that reports are identifying does not necessarily mean the victim wishes for the matter to be formally investigated by police and in some cases the matters have already been investigated. All applicants are asked at the time of making an application if they consent to police contacting them, if consent is provided, it will be clearly identified within the report. Additionally, the victim is not required to provide a name or identifying details of the alleged abuser if they do not know, or do not wish to provide this information. Typically, the reports will detail the institution, including foster care, where the alleged abuse occurred and



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

a summary of the alleged abuse. They do not necessarily detail if the matters have been previously reported to Police.

12. The procedure in table form can be viewed in **JCH-021**.

Question 4

Has there ever been a policy, procedure or practice in place for Tasmania Police to receive and respond to allegations about child sexual abuse under civil claims made against the State of Tasmania? If yes, please provide details of when and how it operates.

13. Yes, in December 2020 Tasmania Police changed the reporting process for the receipt of sexual abuse complaints from government agencies. The Assistant Commissioner Operations wrote to Heads of Agency requesting that all notifications of sexual abuse be made through his office. A mechanism for ensuring receipt of the notification was embedded in the correspondence. Follow up correspondence (**JCH-022**) requested the use of an established template by agencies to improve the information quality and consistency being provided in the referral process (**JCH-023**).

14. All civil claims made against the State of Tasmania are referred through this process to the Assistant Commissioner's office on the required template by the Office of the Solicitor General. The Staff Officer to the Assistant Commissioner Operations then emails the legal representative of the victim-survivor to enquire if they wish to make a statement to police to initiate a criminal investigation. The content of this email is consistent:

- *Dear [Lawyers name],*

All matters of reported institutional child sexual abuse within Tasmania are reported to Tasmania Police through the Assistant Commissioner of Operations. The matter relating to [insert victim-survivor name] has been brought to the attention of Tasmania Police. Tasmania Police understands that some victims do not want police involvement and we respect the wishes of those victims. However, I wanted to reach out to you to ascertain if [insert victim-survivor name] wanted to provide a statement to police.



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

Tasmania Police understands that with some victims, a direct approach by police in person can cause additional harm and we do not want this to occur. Can I request that you seek out [insert victim-survivor name] wishes and notify me of the outcome. If [insert victim-survivor name] wants to provide a statement, I will ensure contact is made. If you could assist by providing the best form of contact it would be greatly appreciated.

Any questions can be directed to me at [REDACTED]

15. All matters are reviewed by the Staff Officer to Assistant Commissioner Operations, entered onto either the police intelligence system Atlas or onto the police Offence Reporting System and appropriately referred.

Question 5

Has there ever been a policy, procedure or practice in place for Tasmania Police to receive and respond to allegations about child sexual abuse made to the National Royal Commission? If yes, please provide details of when and how it operates.

16. Yes, there is policy, procedure and practice in place. In 2013, a Protocol between The Royal Commission into Institutional Responses to Child Sexual Abuse and Tasmania Police was agreed (**JCH-024**). These protocols were the understanding reached between Tasmania Police and the Royal Commission concerning incident referral, information sharing, and investigative process, in the context of the work of the Royal Commission.

17. Primarily, if criminal allegations were identified by the Royal Commission, they would, in all instances, refer the victim-survivor to the Commonwealth Victims Support Service.

Following a full explanation of the options available, where the consent of a victim-survivor is provided, all matters involving criminal allegations or relevant information about criminal activity within the State, would be referred by the Office of the Royal Commission to the Police Liaison Officer, which in Tasmania was the Office of the Assistant Commissioner Operations.

18. Tasmania Police would undertake an assessment and provide the victim-survivor with details of options available, which included any of the following:

- a. Police investigation



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

- b. Intelligence collection
- c. Deferral of reporting and investigation; or
- d. No further police action

19. In all instances, Tasmania Police would report to the Royal Commission on the outcome of any referral.

20. Within the protocol, it also outlined that where an alleged offender is:

- a. A medical practitioner
- b. Teacher
- c. An employee of the statutory child welfare agency
- d. A registered sex offender; or
- e. An employee of a State Government agency

Tasmania Police would comply with any statutory obligation to notify a third party of its investigation into a referral.

Question 6

Has there ever been a policy, procedure or practice in place for Tasmania Police to respond to allegations about child sexual abuse involving Ashley Youth Detention Centre Officials? Training was a focus of the JRT to ensure the lessons learnt and enhancements made, were shared.

21. Yes, there has been policy, procedure and practice in place. In 2006, work was undertaken between the then Department of Police and Public Safety and the Department of Health and Human Services (Ashley Youth Detention site), to develop a Memorandum of Understanding (MoU) (Annexure E of RFS-POL-005, with Commission number TDCT.0003.0001.0006). Northern Police District and specifically the then Deloraine Police Division worked closely with management at Ashley Youth Detention Centre on response protocols for a range of matters including but not limited to complaints involving staff, complaints involving detainees, escapees, and incidents within the complex.

22. The intention of the MoU was to clarify the roles and responsibilities of both organisations in the event of any specified incidents, within the MoU arising.



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

23. The MoU contained specific information and instructions as to the roles and responsibilities for the investigation of offences alleged to have been committed by Ashley Youth Detention Centre staff.
24. On 3 August 2021, a new MoU between the Department of Communities (Children and Family Services (CFS)) and the Department of Police, Fire and Emergency Management (Tasmania Police) was endorsed. The 'Keeping Children Safe Memorandum of Understanding,' (Annexure F of RFS-POL-005, with Commission number TDCT.0002.0004.0014), outlines the overarching framework to support collaboration between CFS and Tasmania Police to facilitate responsiveness to victims, hold perpetrators to account and prevent or reduce harm, abuse and neglect to children. The MoU identifies that *The Children, Young Persons and Their Families Act 1997* sets out the legal framework in relation to the care and protection of children. CFS is responsible for the care and protection of children and under the *Police Service Act 2003*, Tasmania Police is responsible for the provision of police services in relation to the State of Tasmania, including the investigation of offences and law enforcement.
25. Whilst both agencies operate under separate, but inter-related legislative frameworks they work together in an open and collaborative manner at the state-wide, regional and local level to ensure the paramount concern is a child's safety and wellbeing.
26. The 'Keeping Children Safe Handbook,' which Tasmania Police has previously submitted to the Commission (TPOL.0002.0030.0002), was jointly developed by Tasmania Police and Communities Tasmania to operationalise and support the 'Keeping Children Safe Memorandum of Understanding' through the provision of detailed guidance including mandatory reporting, information sharing and joint investigative response. The Handbook highlights the roles & responsibilities of both agencies. Tasmania Police has the responsibility for responding to a notification or an allegation of suspected child abuse. Generally, unless a conflict of interest is present, the response occurs from within the geographical districts where the offending is alleged to have occurred. This may involve members from Radio Dispatch Services, stations, patrols, criminal investigation branches, family violence sections and crime scene examiners.



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

27. Although the MoU is not specific to Ashley Youth Detention Centre, the overarching framework applies to all Department of Communities facilities and programs.

Question 7

How many incidents occurring at Ashley Youth Detention Centre have been reported to police each year during the Relevant Period?

28. Tasmania Police has significant information and intelligence assets, critical to effective policing activities and for sharing with agencies who support vulnerable community members.

29. Primarily, incidents at Ashley Youth Detention Centre are recorded in two formats:

- a. Offence Reporting System (ORS)- a Tasmania Police system for the recording of crimes and/or offences; and
- b. Atlas- a Tasmania Police intelligence system that allows police to link specific information to a person's entity.

30. An examination of police holdings in relation to incidents at Ashley Youth Detention Centre has found 65 Offence Reports and 916 Atlas submissions between 1 January 2000 and 29 July 2022.

- **JCH-025-** Offence Report matching to Ashley Youth Detention Centre 1 January 2000 to 30 June 2021
- **JCH-026-** Offence Report matching to Ashley Youth Detention Centre 1 July 2021 to 29 July 2022
- **JCH-027-** Atlas matching to Ashley Youth Detention Centre 1 January 2000 to 30 June 2021
- **JCH-028-** Atlas matching to Ashley Youth Detention Centre 1 July 2021 to 29 July 2022

31. The below table (Table A) outlines incidents that have been submitted into the Tasmania Police ORS which have reference to Ashley Youth Detention Centre. It is important to note that these reports relate to an array of criminal matters and are not confined to allegations of child sexual abuse.



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

**Table A- Police holdings in relation to incidents at Ashley Youth Detention
Centre- Offence Reporting System**

Offence Reporting System	
Between 1 January 2000- 29 July 2022	
2000	0
2001	5
2002	3
2003	5
2004	1
2005	4
2006	4
2007	2
2008	2
2009	3
2010	2
2011	4
2012	4
2013	2
2014	4
2015	4
2016	7
2017	5
2018	1
2019	1
2020	0
2021	2
2022	0
Total	65

32. The below table (Table B) outlines reports that have been submitted into the Tasmania Police Atlas system which have reference to Ashley Youth Detention Centre. It is important to note that the reports do not all relate to allegations of child sexual abuse but include intelligence relating to Ashley Youth Detention Centre residents and some staff. Reports also include a weekly detainee list provided to Tasmania Police throughout the relevant reporting period. Due to the extensive list and searching capabilities within the system, it is not plausible to interrogate each individual report in the time frame provided by the Commission to highlight child sexual abuse specific matters. Questions 1, 13 and 14 within this statement assist in identifying child sexual abuse specific information.



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

**Table B- Police holdings in relation to incidents at Ashley Youth Detention
Centre- Atlas**

Atlas	
Between 1 January 2000- 29 July 2022	
2000*	0
2001*	0
2002	5
2003	7
2004	26
2005	38
2006	107
2007	45
2008	30
2009	32
2010	27
2011	59
2012	57
2013	66
2014	34
2015	35
2016	52
2017	54
2018	66
2019	27
2020	19
2021	78
2022	52
Total	916

*Note: Reporting within the IDM (later Atlas) intelligence system commenced in 2002.

Question 8

Since 1 January 2019, please:

- a) identify any reports regarding incidents occurring at Ashley Youth Detention Centre that have been made to police;***
- b) identify in detail the response to such reports; and***
- c) state whether you now consider that response by Tasmania Police was appropriate in each instance. If yes, why? If not, why not?***



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

33. As indicated in question 4, in December 2020 Tasmania Police changed the reporting process for the receipt of sexual abuse complaints from government agencies. Since this change, there have been 243 referrals reported to Tasmania Police through this improved referral process and each of those matters were reviewed by the Staff Officer to the Assistant Commissioner Operations, entered onto either the police intelligence system Atlas or onto the police Offence Reporting System and appropriately referred. Records of matters relating to Ashley Youth Detention Centre through this referral process, and details of the investigation can be found at **JCH-029**. Note, line numbers 1-9 were submitted prior to this change, however they have been included in the same spreadsheet to provide the reports.
34. In response to part c, it is not possible to interrogate each individual report and respond to the appropriateness of the investigation in the time provided to complete this statement. I do however provide general comments relating to the investigation of child sexual abuse reports from Ashley Youth Detention Centre and am content to supply verbal evidence on any such matters the Commission may require.
35. In summary, for any criminal proceeding to be progressed, a prima facie case is required before Tasmania Police can put a person before the court. As such, if a victim-survivor does not wish to cooperate in a criminal investigation, this does present significant challenges to the investigation without corroborating evidence. This is particularly evident in Redress applications, as these reports form the basis for assistance / compensation by victim-survivors to the Scheme, they are only provided to Tasmania Police if they meet a certain criterion. As can be observed in JCH-029, most of the reporting relating to Ashley Youth Detention Centre is via the National Redress Scheme and civil claims, with a significant proportion de-identified. Tasmania Police understands that some victims do not want police involvement and we respect the wishes of those victims. We do however reach out to victim-survivors through, noting this is not an exhaustive list, their lawyers, victim support groups and the Commission of Inquiry, as Tasmania Police understands that with some victim-survivors, a direct approach by police in person can cause additional harm and we do not want this to occur.
36. Tasmania Police does not respond differently to reports of child sexual abuse in an institutional context compared to other contexts. All investigations involving



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

child sexual abuse are guided by the Tasmania Police Manual at 4.4.10 (previously supplied to Commission, TPOL.0001.0111.0056) under Sex Crimes, which outlines a response that is trauma informed and victim centric. This focus has evolved over the years from a more offender focussed approach by police. If a victim-survivor does consent to an investigation, the matter is referred to the relevant district Criminal Investigation Branch for investigation, which has occurred in relation to reports identified in JCH-029, an appropriate response.

Question 9

In relation to each of the incidents set out in response to question 8, do you consider that Ashley Youth Detention Centre Officials responded in accordance with any relevant Memorandum of Understanding or other agreement between the police and Department of Communities and/or Ashley Youth Detention Centre? If not, what action did the police take in response?

37. I am not aware through enquiries with Northern District of any matters since 2019 where Ashley Youth Detention Centre officials have failed to adhere with the MoU.
38. As outlined in question 8, with a change in the reporting process in December 2020, referrals from Department of Communities in relation to Ashley Youth Detention Centre have been more efficient because of a single point of contact through my office.
39. Coordination and governance is further enhanced through the Tasmania Police Manual, the Tasmania Police Initial Investigation and Notification of Child Sexual Abuse Guidelines (previously supplied to Commission, TPOL.0002.0030.0013) and MoUs, including the Keeping Children Safe MoU between the Department of Communities Tasmania (Child and Family Services) and Department of Police, Fire and Emergency Management (Tasmania Police), the Registration to Work with Vulnerable People Information Sharing Protocol (TPOL.0002.0030.0008) and the recent MoU between Tasmania Police and the Department of Education (JCH-030).

Question 10

In relation to incidents of harmful sexual behaviour between detainees at Ashley Youth Detention Centre is information shared in a way that would



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

assist police to investigate (when appropriate)? Are there challenges in the way in which police can respond to such incidents?

40. Regarding challenges in responding to incidents of harmful sexual behaviours police work within the provisions of the *Youth Justice Act*. Dependent on the behaviour alleged may determine the type of response police can undertake but investigation and disruption take primacy to ensure the safety of children.
41. Where there are concerns for the safety or welfare of a person, or to report a crime, Ashley Youth Detention Centre staff or detainees can report these to Tasmania Police by either:
 - a. Contacting RDS on 131444 or 000 (if the matter is urgent).
 - b. Via a CFS referral (via staff).
 - c. Via the Advice and Referral Line.
 - d. Direct contact with a police station or police officer.
42. It is appreciated that detainees reporting harmful sexual behaviours to Tasmania Police would be confronting. Tasmania Police do not yet have an online reporting capacity, noting that this is a recommendation by the Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) to expand the number of options available for people to report alleged offences.
43. As previously detailed in my statement to the Commission of Inquiry (TPOL.0002.0001.0001), Tasmania Police have improved training to support officers in the investigation and disruption of child sexual abuse matters; to enhance the identification of offenders and maximise successful investigations and prosecutions, with the primacy of the safety of children and harm minimisation as the guiding principle.
44. Online reporting provides an opportunity for victims to tell their story, anonymously if they wish, have it recorded and be provided with information regarding support services. At the very least, online reporting records a victim's account at the earliest opportunity they are ready to disclose more widely.
45. The Government has provided significant funding (\$46 million) towards continuing the Department of Police, Fire and Emergency Management Project Unify which will include online reporting as a component of the project. This will address the



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

recommendation however more importantly would provide an enhanced service for victim-survivors who wish to remain anonymous.

Question 11

In relation to any incident at Ashley Youth Detention Centre, did Tasmania Police have any engagement with the Serious Event Review Team (SERT)? If yes, please explain the nature and extent of that engagement.

46. I am not aware though enquiries with Northern District of Tasmania Police having any engagement with the SERT relating to Ashley Youth Detention Centre.

Question 12

Have Tasmania Police ever been prevented from, or inhibited by, an Ashley Youth Detention Centre Official from responding to an incident that has occurred at Ashley Youth Detention Centre during the relevant period?

47. I am not aware through enquiries with Northern District of any incident where Tasmania Police has been prevented from, or inhibited by, an Ashley Youth Detention Centre official from responding to any child sexual abuse incident at the site.

Police Review Team and Child Sexual Abuse Joint Review Team

Question 13

Noting your answers in paragraphs 25 to 44 of your witness statement dated 6 June 2022 (TPOL.1000.0001.0003) and paragraphs 69 to 72 and 75 to 85 of your witness statement dated 14 June 2022 (TPOL.1000.0001.0002), did the work of the Child Sexual Abuse Joint Review Team:

- a) include the review of information about Officials from Ashley Youth Detention Centre, including those who held a Registration to Work with Vulnerable People;***
- b) identify any Ashley Youth Detention Centre Officials who had been the subject of police reports or information, child safety reports or information, or any other relevant reports or information that had not been previously identified; or***



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

c) involve any improvements to information sharing with Department of Communities in relation to Ashley Youth Detention Centre Officials. If yes, please provide details.

48. In relation to Commissioners Hine's statements provided as indicated in question 13, I can indicate that in response to (a), the Child Sexual Abuse Joint Review Team did not use a list of Officials from Ashley Youth Detention Centre as a base data set in the data matching work that was undertaken. Base data sets included Police Atlas reports, the Registration to Work with Vulnerable People data set and Communities Tasmania CPIS and CARDI data sets.

49. Data was compared and where two or three point matches were identified, the information was reviewed. Reviews may have included individuals who were Officials from Ashley Youth Detention Centre however search parameters did not specifically target those individuals.

50. Additional to the remit of the Joint Review Team, work was undertaken in response to a previous Commission of Inquiry Notice to Produce relating to Ashley Youth Detention Centre. That work involved identifying police reports relating to Ashley Youth Detention Centre.

51. In response to (b), please refer to question 14.

52. In response to (c), the Child Sexual Abuse Joint Review Team work did not relate to information sharing specifically with Ashley Youth Detention Centre.

Question 14

In addition to your response to paragraph 13(b), please name any Ashley Youth Detention Officials who were so identified and any action that was taken in regards to them.

53. Children and Family Services databases (CARDI and CPIS) do not have a specific field to record the organisation or location associated with a harm report. These names contained in **JCH-031** are collated from the working records of the Joint Review Team and contain all names to the best of our ability.

Coordination with Ashley Youth Detention Centre



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

Question 15

Have there been or are there any policies, procedures or Memoranda of Understanding that govern the way in which Tasmania Police and the Ashley Youth Detention Centre share information or work together when responding to or investigating allegations of child sexual abuse? If these have changed during the Relevant Period please provide details.

54. Yes, there has been and are policies, procedures and practices in place. As outlined in paragraphs 21 – 27 there have been MoUs since 2006 covering roles and responsibilities of Tasmania Police and the Ashely Youth Detention site.
55. Coordination and information sharing arrangements have not always been effective in protecting children or responding to Child Sexual Abuse in Institutional Contexts.
56. Recent changes are outlined in paragraphs 36 – 43.
57. There are many and varied pieces of complex legislation surrounding information sharing which can be interpreted to impede sharing of information between agencies, and there has been reluctance in some instances for agencies to share information due to legal concerns around Personal Information Protection. The MoU agreed to in August 2021 provides clarity on roles and responsibilities in information sharing between Department of Communities (Child and Family Services) and Tasmania Police.
58. Tasmanian Legislation contains three separate mandatory reporting requirements in relation to child sexual abuse.
 - a. Section 53A of the *Registration to Work with Vulnerable People Act 2013*, requires reporting bodies to report behaviour that poses a risk of harm to vulnerable persons to the Registrar of Registration to Work with Vulnerable People at the Department of Justice.
 - b. Section 14 of the *Children Young Persons and Their Families Act 1997* requires relevant persons to report CSA (among other matters) to the Secretary of the Department of Communities.
 - c. Section 105A of the *Criminal Code* provides that an adult who fails, without reasonable excuse, to report an abuse offence to a police officer is guilty of a crime.



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

59. While these three pieces of legislation provide targeted requirements, it could be considered confusing. A single reporting point would streamline information sharing and provide clarity for reporters. This single point could then assign information to the relevant authorities.
60. Tasmania Police has sought to improve information sharing by creating the Tasmania Police Initial Investigation and Notification of Child Sexual Abuse Guidelines and various Memoranda of Understanding, including the Keeping Children Safe MoU between the Department of Communities Tasmania (Child and Family Services) and Department of Police, Fire and Emergency Management, the Registration to Work with Vulnerable People Information Sharing Protocol and the recent MoU between Tasmania Police and the Department of Education. The documents are designed to ensure prompt and efficient sharing of information. Since the completion of the Tasmania Police Submission to the Commission of Inquiry in July 2021 the structural reform concept has continued to evolve and develop, particularly considering evidence given before the Commission of Inquiry from expert witnesses.
61. *The Children, Young Person and Their Families Act 1997* (The Act) sets out the legal framework in relation to the care and protection of children. The Act allows for the full exchange of information between CFS and Tasmania Police (including the identity of a notifier, where necessary or appropriate to do so for the proper administration of the Act) including responding to suspected abuse or neglect; or where the information relates to the safety, welfare or wellbeing of a person known to CFS.
62. The safety of a child is not to be compromised. Information will be exchanged freely and as requested between CFS and Tasmania Police in relation to the protection of children. This approach is consistent with ensuring the paramount consideration is the child's safety and wellbeing.
63. As highlighted in question 6 of this statement, in 2006, an MoU was entered into between the then Department of Police and Public Safety and the Department of Health and Human Services (Ashley Youth Detention site).
64. The intention of this document was to clarify the roles and responsibilities of both organisations in the event of any specified incidents but was not clear at the time on specific information sharing arrangements.



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

Question 16

Annexure E: TDCT.0003.0001.0006 is a Memorandum of Understanding between the Department of Police and Public Safety and Department of Health and Human Services (Ashley Youth Detention Site) (undated) and identifies that Ashley Youth Detention Centre is the lead agency in events involving detainees, staff and management within the confines of Ashley Youth Detention Centre and that Ashley Youth Detention Centre will report to police where appropriate. In relation to this Memorandum of Understanding state:

- (a) Is this current policy? If yes, when did it come into effect? If not, when was this policy in operation?***
- (b) Does this mean Ashley Youth Detention Centre effectively leads any response to allegations of child sexual abuse, including allegations of child sexual abuse allegedly perpetrated by Ashley Youth Detention Centre Officials and allegations of harmful sexual behaviour allegedly perpetrated by detainees? Is this appropriate in your view?***
- (c) Does this policy comply with reporting obligations under the Youth Justice Act (Tas)?***

65. Regarding (a), enquiries have revealed that some content within this MoU, drafted in 2006, is still practised within Northern District today, as it specifically relates to Ashley Youth Detention Centre.

66. Tasmania Police has sought to improve information sharing by creating the Tasmania Police Initial Investigation and Notification of Child Sexual Abuse Guidelines and various Memoranda of Understanding, including the Keeping Children Safe MoU between the Department of Communities Tasmania (Child and Family Services) and Department of Police, Fire and Emergency Management, the Registration to Work with Vulnerable People Information Sharing Protocol and the recent MoU between Tasmania Police and the Department of Education. The documents are designed to ensure prompt and efficient sharing of information. Since the completion of the Tasmania Police Submission to the Commission of Inquiry in July 2021 the structural reform concept has continued to evolve and develop, particularly considering evidence given before the Commission of Inquiry from expert witnesses.



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

67. Regarding (b), the 'Keeping Children Safe Memorandum of Understanding,' identifies that *The Children, Young Persons and Their Families Act 1997* sets out the legal framework in relation to the care and protection of children. CFS is responsible for the care and protection of children and under the *Police Service Act 2003*, Tasmania Police is responsible for the provision of police services in relation to the State of Tasmania, including the investigation of offences and law enforcement. As such, Tasmania Police is the lead agency in investigating allegations of harmful sexual behaviours. Whilst both agencies operate under separate, but inter-related legislative frameworks they work together in an open and collaborative manner at the state-wide, regional and local level to ensure the paramount concern is a child's safety and wellbeing.

68. Regarding (c), the Keeping Children Safe Memorandum of Understanding ensures reporting obligations under the Youth Justices Act are adhered to.

Question 17

Does the 'Keeping Children Safe' Memorandum of Understanding between Department of Communities (Children and Family Services) and the Department of Police, Fire and Emergency Management (Tasmania Police) (Annexure F: TDCT.0002.0004.0014) impact the way in which Tasmania Police share information or work with Ashley Youth Detention Centre in relation to allegations about child sexual abuse of detainees? If yes, how?

69. The MoU significantly improves the way in which Tasmania Police and CFS share information. Through the work of the Child Sexual Abuse Joint Review Team (CSAJRT), who conducted separate and joint consultation, training and information sessions with police and CFS in workplaces. There were clear reporting mechanism from the Joint Review Team to Communities Tasmania to allow identified strategic and operational issues to be raised for addressing by Communities Tasmania, although not specific to Ashley Youth Detention Centre. This provided opportunities to highlight good practice and clarify responsibilities and concerns or misunderstandings around policy, practice or procedures across both agencies. Collectively, these sessions have contributed to strengthened regional relationships, joint service delivery and heightened awareness around identification of possible offences and referral channels.



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

70. Information sharing is enhanced through the relationships built and supported by the MoU between DPFEM (Tasmania Police) and the Department of Communities. The Keeping Children Safe Handbook is in support of the MoU. The Handbook guides joint response planning with feedback from both police and child safety indicating these guidelines are being used to support operational responses. The Handbook also provides templates to facilitate the exchange of information to ensure consistency in practice. One of these templates is the Referral Form, which is forwarded by the Department of Communities to District Crime Management Units (CMUs), who input the information onto Atlas. The CSAJRT engaged in extensive consultation to ensure the form captured all relevant information. The referral form will now be automatically populated from the Department of Communities systems, enhancing the consistency of information being provisioned to police. Tasmania Police Crime Management Units indicate that the referral form is well embedded as part of practice and confirm the template has improved the consistency of the information being provided.

Question 18

An 'Issues Management Resolution' document approved on 11 December 2020 by Mandy Clarke and Jonathan Higgins (Annexure G: TPOL.0002.0003.0262) sets out the process to be followed regarding information sharing in relation to current Department of Communities employees who are subject to allegations of abuse. Please explain whether and how this process is or was followed by Department of Communities and Tasmania Police. Why was this document developed?

71. This 'Issues Management Resolution' document and associated emails paved the way for the development of the current template used by CFS and other agencies to refer matters to Tasmania Police through the Office of the Assistant Commissioner Operations. As highlighted in question 4, Tasmania Police changed the reporting process for the receipt of sexual abuse complaints from government agencies in December 2020 as there was inconsistency with reporting across government. Part of this change was the implementation of a standard template in February 2021, *Institutional Child Abuse Notification Form* (JCH-023), which all agencies now use to report child sexual abuse committed by government employees.



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

Question 19

In practice, how do Tasmania Police and the Ashley Youth Detention Centre share information or work together when responding to or investigating allegations of child sexual abuse?

72. As highlighted in question 6 of this statement, the 'Keeping Children Safe Memorandum of Understanding,' outlines the overarching framework to support collaboration between CFS and Tasmania Police to facilitate responsiveness to victims, hold perpetrators to account and prevent or reduce harm, abuse and neglect to children. The Memorandum identifies that *The Children, Young Persons and Their Families Act 1997* sets out the legal framework in relation to the care and protection of children. CFS is responsible for the care and protection of children and under the *Police Service Act 2003*, Tasmania Police is responsible for the provision of police services in relation to the State of Tasmania, including the investigation of offences and law enforcement.

73. The 'Keeping Children Safe Handbook,' operationalises and support the 'Keeping Children Safe Memorandum of Understanding' through the provision of detailed guidance including mandatory reporting, information sharing and joint investigative response. The Handbook highlights the roles & responsibilities of both agencies. Tasmania Police has the responsibility for responding to a notification or an allegation of suspected child abuse. Generally, unless a conflict of interest is present, the response occurs from within the geographical districts where the offending is alleged to have occurred.

Question 20

Do you ever request that Department of Communities wait to conduct an internal investigation and/or take action to suspend an employee pending the outcome of the police investigation process or pending any other steps being taken by the police? If yes, please provide details of any such request. How are current risks to detainees minimised in those circumstances? Please also confirm if any such action was taken in relation to any of the Ashley Youth Detention Centre Officials listed in Annexure D.

74. As outlined in this and previous statements through review of our investigation practices and information sharing, the MoU and handbook provide instruction and guidance on roles and responsibilities to keep children safe. Any decision to



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

request Department of Communities to wait to conduct an internal investigation and/or take action to suspend an employee would need to assess the immediate risk posed to the safety of children.

75. Regardless of whether a matter is historical or contemporary the principles of investigation remain the same. Initial priorities include;

- a. Assessing whether any immediate risk exists and prioritising decisions around intervention and notification to prevent harm. This includes risk to the victim- survivor and others.
- b. Ensuring appropriate supports are available to the victim-survivor and facilitating contact with those supports where requested.
- c. Securing evidence including capturing a victim-survivors initial complaint, identifying witnesses and gathering physical evidence.

76. When police are undertaking a criminal investigation, agencies who may be undertaking a Code of Conduct Investigation will await the results of the police investigation prior to them progressing their investigation beyond the decision to suspend an employee. Police may request this course of action so that criminal investigations are not prejudiced but must take into account the safety of children and assess the need to disrupt as opposed to traditional investigation practices in gathering all evidence before interdicting. This does not preclude agencies from standing down employees and child safety should always be the primary objective.

77. Since 2020 to the best of my knowledge, I am not aware of any incident where Tasmania Police has requested CFS wait to commence a Code of Conduct investigation (suspension and/or any other steps to protect children) relating to an Ashley Youth Detention Centre employee.

78. It is not plausible in the time provided to prepare this statement to review every investigation that has occurred in the relevant period since 2000.

Question 21

Do you think the information sharing and coordination between Tasmania Police and Ashley Youth Detention Centre could be improved? If yes, how?



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

79. There is always room for improvement. Tasmania Police is a learning organisation and through the CSAJRT we have demonstrated a willingness to reflect, review, identify, and reform. We will continue to hold that view.
80. One such reform is the State Government commitment to the creation of Multi-disciplinary Centres (MDC) to provide victim-survivors with immediate and integrated support in a safe place. The Tasmanian Government is investing \$15.1 million over two years to establish the MDCs which will commence in 2023.
81. These Centres will offer support and investigative services to victim-survivors. They will integrate specialist police investigators, child safety service professionals and support services for both sexual and family violence. The provision of co-located victim-centric and holistic response supports improved victim-survivor experiences and criminal justice outcomes.
82. The Centres will recognise the intersection between sexual and family violence and be supported by the proposed expansion of the remit of the Safe Families Coordination Unit to include sexual violence more broadly.
83. The Safe Families Coordination Unit (SFCU) is a collaborative unit, established to bring together Government agencies to coordinate support services for victims of family violence and to hold perpetrators to account. The agencies involved include Justice, Education, Health, Communities Tasmania, and Police, Fire and Emergency Management. If the remit of the SFCU was expanded to include sexual violence offences and state service analysts embedded, the Unit could coordinate information to deliver the Government's vision of a collaborative, multi-agency response to sexual violence. The existing collocation of Government agencies within the SFCU means that unit is likely to receive information about potential predators within our community and be best placed to undertake a comprehensive analysis, enabling timely interventions and responses.
84. The benefits associated with expanding the remit of the SFCU include:
- a. Enabling a "complete picture" of relevant information holdings across all relevant departments to inform high-quality interventions, disruption strategies and investigative responses.
 - b. There are many links between sexual and family violence, and both crime types require many of the same investigative approaches, services and supports.



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

- c. Reducing the likelihood of parallel investigations being conducted into the same events by different agencies.
 - d. A multi-agency response is aligned with current State and Federal Government policy.
 - e. Enhancing relationships between agencies supporting collaborative organisational culture and increased information sharing.
 - f. Provides for consistent policy and practice in relation to information sharing across agencies.
 - g. Having additional links and oversight of intelligence relating to the management of offenders on the sex offender register.
85. Structural reform provides the basis for improved victim-survivor experiences, enhanced information sharing and supports social and criminal justice outcomes.
86. The proposed model identifies key outcomes likely to result from the proposed structural reform to include:
- a. a reduction in "system inflicted" trauma to victim-survivors, children and families
 - b. improved outcomes for victims-survivors, with the timely provision of trauma-informed care and direct referral by support services to the most appropriate care provider to meet individual needs
 - c. enhanced relationships between agencies, supporting collaborative organisational culture and increased information sharing
 - d. analysis in real time of information holdings across all relevant agencies to inform high-quality interventions and investigative responses
 - e. timely specialist investigative response capacity and best practice response to sexual violence (multi-disciplinary and specialist); and
 - f. more efficient, effective and collaborative use of limited Government resources.

Question 22

Is there further information you would like to provide to the Commission regarding Ashley Youth Detention Centre? If yes, provide it here.



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

87. No

Question 23

***Produce a copy of any document referred to in response to any paragraph
in this Notice.***

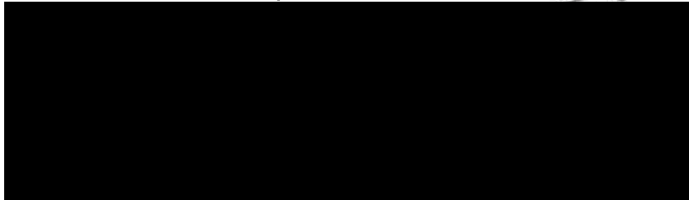
88. See index of attachments.

Conclusion

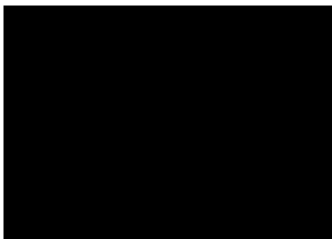
89. I am available to assist the Commission of Inquiry as required.

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

Declared at 47 Liverpool Street, Hobart on 8 August 2022



Jonathan Craig Higgins
Assistant Commissioner
Before me



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Commissioner of Oaths