

WITNESS STATEMENT

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Occupation: Executive Director, Business Services

This statement is made by me in response to RFS-TAS-115, issued on 2/08/2022 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.

Background and Context:

In assisting the Commission with its important work, I provide an outline of my time with the Department of Communities Tasmania and the nature of my role. This will inform the Commission of the lens through which I have responded to the Request for Statement.

I am the former Deputy Secretary, Corporate Services of the Department of Communities Tasmania (from September 2021 to 30 June 2022). This role was previously titled Executive Director, Capability and Resources (1 July 2018 to September 2021).

I commenced in the role when the Agency was established on 1 July 2018. Following the announcement of the Government decision on 24 February 2022 to abolish the Department of Communities Tasmania, I sought other opportunities and vacated the role on 30 June 2022.

The Deputy Secretary, Corporate Services reports directly to the Secretary of Communities Tasmania. The role provides leadership, strategic direction and oversight to the corporate areas for the Department which include Budget and Finance, People and Culture, Governance Risk and Performance, Information Systems and Strategy, Legislation & Legal Services and the Silverdome. The role leads these support areas to enable the operational and front-line areas (Children Youth & Families, Community Services, Infrastructure and Housing and Communities, Sport and Recreation) to deliver their services to the Tasmanian community.

This is done by ensuring the Department's employees get paid, The Department develops and operates within its approved budget allocation, its information systems and network are fit for purpose, its human resource policies including recruitment align with relevant employment policies and by the Corporate Services teams providing high-quality advice to the Secretary, Executives, Managers and Employees.

The purpose of the Corporate Services Division was defined through the development of our Strategic Plan:

“We partner with the Executive and Divisions, providing expertise and leadership to enable the Agency and its people to serve the Tasmanian Community.

We manage and progress the corporate services agenda, provide timely, accurate and appropriate advice to Ministers, Secretary, and the Agency Executive regarding operational and governance issues and their implications for delivering on the elected Government’s Agenda”.

I had some key absences from my role as Deputy Secretary/Executive Director:

1. Scheduled Leave – 18/9/2019 to 25/10/2019
2. Transfer to the Department of Health to lead the Emergency Coordination Centre as part of State’s COVID response from 10/3/2020 – 5/6/2020

For the period 13/7/2020 to 28/3/2021, I was undertaking the role of Emergency Commander for the State’s Hotel Quarantine Program and Executive Director, concurrently.

Due to the incumbent taking leave, I have undertaken the role of Secretary on 3 separate, brief occasions (total of 13 business days):

1. 20 January 2020 to 27 January 2020;
2. 2 July 2021 to 7 July 2021; and
3. 24 January 2022 to 28 January 2022.

I have personally attended the Ashley Youth Detention Centre on two separate occasions:

1. On 7 August 2018, as part of an Executive Team site visit when the Department was first established. This visit involved a walkthrough of the Centre.
2. On the 10 September 2021, following the announcement by the former Premier that the Centre would close. I accompanied the Deputy Secretary, Children, Youth and Families for this visit and did not leave the administration area. The purpose of this visit was to provide a senior leadership presence at a difficult time for AYDC employees.

I have considered the Commission's Request for Statement carefully and have responded either substantially or partially where I can. Where I have not been able to respond substantively, this is because of one or more of the following reasons:

- Not involved in this matter, nor do I have knowledge of the circumstances; and/or
- Operational matter of AYDC - I have no knowledge or involvement; and/or
- I am no longer with the Department of Communities and therefore not able to comment on current state; and/or
- The request pre or post-dates my employment with the Department of Communities Tasmania; and/or
- The matter directly relates to the Secretary – either regarding his/her decision making or his/her views or the question is regarding correspondence between the Secretary and another party.

Item I – Safety of Detainees

1. Whilst I cannot talk to the current state at AYDC, during my time at Communities Tasmania I had received a variety of information, ranging from formal advice to anecdotal advice that pointed to the centre being a volatile and challenging workplace.
2. Noting my own knowledge of Custodial Youth Justice is limited, I did form a view that the operating environment is very different to other workplaces in the Department of Communities Tasmania or within the State Government generally. My key reasons for forming this view included the 24X7 service model and rostering, having multiple Agencies on site (Health and Education) with different perspectives, a reported divide between professional services and operations, the ebb and flow in terms of the number of residents onsite at any time, there wasn't a unified view or clear understanding of what a therapeutic model was and how best to achieve this. This made planning for the provision of corporate services (such as designing roles, managing performance etc) challenging and there were events where centre management handled matters internally without the requisite expertise and advice being sought, or being sought when a course of action had already commenced locally. The volume of staff matters that People and Culture were required to assist with or provide advice on was disproportionate to the staffing complement of the Centre.
3. The physical location of AYDC has in my view been a contributing factor in recruiting and retaining skilled staff.
4. There were frequent Safety Reporting and Learning Systems (SRLS) notifications regarding events at the centre, which provided some insights into the day-to-day challenges at the Centre. This provided visibility of these matters to people external to the centre.
5. Management at the Centre required significant support to discharge their duties from my People and Culture Team this included workplace health and safety, employee wellbeing and managing performance.
6. Physical Environment: As far as the actual physical environment is concerned, (being the sites, buildings and infrastructure) I have no reason to believe that this was not safe. The site is secure and from the two site visits I undertook to the centre I did not note any concerns with the physical environment itself. In July 2021, the Information Systems and Strategy team had initiated an IT Infrastructure Master Plan to support increased connectivity and to cater for increased CCTV capability.

7. **Systems and processes:** The systems and processes I define as the IT systems as those provided by corporate services (or through the shared services with Department of Health) such as the Human Resource systems (Empower and Page Up), Finance System (Finance One), Electronic Document Records Management System (Content Manager), Safety Reporting and Learning System (SRLS) and their associated processes. I consider these to be adequate, but with general low levels of maturity in terms of their use by staff at the Centre with the exception of SRLS which had frequent reports made from staff at the Centre. Content Manager was rolled out (with some initial resistance). I cannot provide an informed view on the use of other site specific applications and processes within the Centre itself. I did note what was an antiquated, honesty system for staff to pay for their meals, cooked by the kitchen staff. I do not have involvement or knowledge of other site specific systems and processes which I can provide informed commentary on.
8. **Qualifications, training and experience:** AYDC was a going concern when it became part of the Department of Communities Tasmania on 1 July 2018. Any qualifications required to undertake roles at AYDC were inherited as part of the move of the service to Communities Tasmania. Since becoming part of Communities Tasmania, through the People and Culture team a range of training was initiated and delivered to staff at the Centre – this included Blue Knot Trauma training, Child Wise Training and Anti-Discrimination training. This training was over and above the induction and role specific training which was the responsibility of AYDC management. An opportunity for improvement is the record keeping of employees qualifications and any other qualifications whilst employed with the Department.
9. **Staffing levels:** Staffing levels have fluctuated over the 4 years I was with the Department for a variety of reasons. Whilst the funded positions have not changed, the number of staff on leave, workers compensation or suspension has had profound impact on the operations of the Centre. There have been occasions where the resident numbers were also low and the decreased availability of staff had minimal impact, however there have been occasions where resident numbers were high and staff levels were low. This has, as I understand it, required the centre management to instigate business continuity arrangements. The People and Culture Team did provide extensive support to Centre management through provision of advice, implementing centralised recruitment practices, including broad interstate recruitment campaigns and through working with Health and Safety. Representatives and the Unions on staffing levels and responding to Provisional Improvement Notices (PINs). Over the 4 years I had with the

Department, the Centre has had two Managers, two Directors, and three Deputy Secretaries.

10. In implementing a centralised recruitment service, it has resulted in recruitment specialists supporting Managers throughout recruitment processes. The intention behind this initiative is to attract a stronger field of applicants with more diverse experience, provide good candidate care and reduce the time to fill vacancies. Whilst this initiative was in a pilot phase and initially rolled out to Child Safety Service, it was extended to AYDC and in its early stages of maturity, the signs were promising.

Item 2:

11. I am not aware during my period with Communities Tasmania of a pattern of psychological and sexual abuse by officials in the present day (1 July 2018 to 30 June 2022). I am aware of current employees who have had allegations of an historical nature made against them which the Department has responded to.
12. In my time with the Department, there were two contemporary events (which I define as the period 1 July 2018 to 30 June 2022) of which I was made aware by the People and Culture team. The two events were from the CCTV footage shown to me, depicting officials who appeared to react to a resident with some physicality. In the footage I was shown of two events, one I recall was an instance where a staff member unknowingly stood on a towel, the resident then pulled the towel and the staff member fell heavily to the floor. The staff member then responded with physical force towards the resident. An ED5 investigation was undertaken in relation to this matter. The second matter involved a resident playing a video game and an exchange over a blanket. The resident strikes the employee to the face and the employee then appeared to retaliate physically. This matter was dealt with at the local level by the Director of Youth and Family Violence Services.
13. I have not had matters brought to my attention that relate to psychological or sexual abuse which occurred during the period 1 July 2018 to 30 June 2022.
14. I appreciate and acknowledge that AYDC has a dark past and I personally have found that very upsetting. All young people have the right to feel safe, be respected and cared for. I in no way accept or condone what has happened to children and young people in the States care. Government, Institutions, community and caregivers must do more to prevent abuse and continuously improve how we provide services and care.

15. I would also like to acknowledge those who have been brave enough to shine a light on the failings of those who were entrusted to care for you. I admire and respect your decision to do so.
16. I understand that it may take many years for those who have suffered abuse to speak out. The abolition of limitation periods for civil claims of child sex abuse in 2017, combined with the National Redress Scheme coming online from July 2018 may be reasons as to why there has been an increase in victims coming forward or it could be that they have personally reached a point in their lives where they feel safe to do so.
17. Without understanding the mechanisms that were available at the time for victims of abuse to speak out, I cannot speculate on why this didn't occur. Reasons that I have considered include there may have been a power imbalance, young people didn't feel like they would be believed, or Government didn't provide the safe avenues for people to do so.
18. I identified that Communities Tasmania was not releasing files to applicants in a timely manner. In March 2021, the Department had over 300 applications for personal files and there was nearly a two year wait time for these to be assessed and released. I developed a proposal and initiated the establishment of a dedicated team of six Information Services Officers so that these files could be released to clients or their representatives in a timelier manner. During the period March 2021-April 2022, 312 applications had been processed and released and 86 remained outstanding as of April 2022. As part of the move to the new Department of Education, Children and Young People the Secretary of Education has agreed this team will continue until November 2022 to enable this important work to continue.

Item 3 & 4 – AYDC Reform

19. My involvement in the Youth Justice Reform initiative has included the People and Culture Team preparing the Statement of Duties and classified the Executive Director, Youth Justice Reform role and developed the submission for the Premier to create this office for the Senior Executive role, appointed a Recruitment firm (Watermark International) to run the recruitment and facilitating advertising of the position, facilitating procurement approvals to appoint Noetic, commencing early discussions on a Workforce Transition Plan for AYDC, developing a budget submission to secure funding.
20. The Workforce Transition Plan and Terms of Reference for an Employee Consultative Committee for the AYDC workforce had been drafted, however the Government's announcement to abolish the Department and transfer its functions to other Agencies

did result in a significant impact for the Corporate Services staff and them needing to be diverted to work on transition activities, or people vacating their roles and pursuing other opportunities. At the time of my departure, to the best of my knowledge the plan had not been finalised for release.

21. There were discussions held to leverage the design, planning and construction expertise of the Housing Division of the Agency to assist with identification of potential sites for the two new centres. Beyond these initial discussions that I was part of, I did not have any involvement in the reform of AYDC or site selection, nor knowledge of the work that the Youth Justice Reform project team are undertaking to ensure that the impending transition to the new Department of Education, Children and Young People will not delay work on the new facilities.

Item 5 – Stand downs and disciplinary processes

22. The Commission was announced by the former Premier on the 23 November 2020. The stand down dates of Communities Tasmania both pre-date and post-date the establishment of the Commission.
23. I do not consider that the establishment of the Commission has been a factor to stand down. I do consider that prior to the Commission being established the threshold that existed for the commencement of an ED5 was higher than it is today.
24. The Department did through its Principal Legal Officer and Assistant Director, Workplace Relations seek legal advice from the Office of Solicitor General and this was provided on 15 December 2020 regarding the investigation of historical abuse complaints. This advice was provided to the Secretary from the Office of the Solicitor General.
25. Noting that the Secretary is the decision maker for determining whether an employee should be suspended, the considerations that I might have as to whether an employee is suspended from the workplace would include – the risk that may exist to children and young people, the public expectation, wellbeing of the employee and how they can be supported, the veracity and severity of the allegations and the information/records that may be available to the Department and how we can ensure procedural fairness and wellbeing supports for the employee. With the benefit of further experience and knowledge, I would now also consider the access the employee would continue to have to records, files and influence over other employees if they were to remain in the workplace.

26. The historic nature of the allegations and the willingness of a complainant to participate in any investigation were matters that advice from the Office of Solicitor General had contemplated and these same circumstances remained in 2020. Whether the Secretary considered these as matters as to whether a suspension of any employee is a matter for him to respond to.
27. Investigations were prioritised alongside other matters that People and Culture were responsible for. From a personal perspective, I prioritised the review of ED matters above other work. The investigations were assigned to independent investigators and the Department needed to often source historical records for this purpose. This took time and with the benefit of hindsight needed additional resources to do this. When I made the decision to stand up a hot team in People and Culture the Department's capability grew significantly and this resulted in a reduced period of time between ED being initiated and the investigator being provided with the relevant records.
28. I do not have current information regarding the number and status of ED5 investigations. The most recent update I had was of May 2022, where there were ten matters under investigation relating to physical and/or sexual abuse.

Item 6: Reflections

29. The Employment Framework in the State Service facilitates employees reviewing decisions. Section 50 of the *State Service Act 2000* provides for employees to be able to review decisions related to their employment (with the exception of termination). In my view this has naturally led to a very considered approach for decision making being adopted and is a contributing factor for some ED5s taking some time to commence, following the receipt of initial information. In undertaking an initial assessment, you seek to gather the relevant pieces of information for two key reasons. Firstly, to enable the decision maker (the Secretary of Communities Tasmania) to form a reasonable belief (as is required by ED5) that a breach may have occurred. Secondly, to frame up the allegations that you intend to put to the employee. If the allegations aren't descriptive enough, it is not providing the employee the opportunity to be able to consider and respond. If this eventuates you may end up with a review of decision, which could compromise the continuation of the ED5.
30. In the case of Communities Tasmania, a challenge has been the record keeping practices of its predecessor Agencies. The record keeping at AYDC has relied on manual records. This did make retrieval of relevant records very challenging, time consuming and labour intensive.

31. In August 2019, I was made aware that the records relating to detainees at AYDC were held in cardboard boxes in a training cottage and that they were at risk of deteriorating. In response to this information, I initiated an audit of AYDC records by the Information Systems and Strategy Team and received a written briefing on 30 August 2019 which noted that the records were in good condition.
32. In May 2021, I initiated a project to Remediate and Digitise Agency Records with an initial focus on AYDC records. This was in response to the increasing number of Personal File requests that were being received (refer response to Item 2) and to enable the Department to be in a better position to produce material to provide to the Commission.
33. The capacity and capability of the People and Culture Team has grown significantly over the four year period. The capability at the establishment of the Department was at best in its infancy, at the time the Department was established the human resources team were transferred from the former Department of Health and Human Services. There was no Director in place, so the Department recruited to a new role, Assistant Director, Safety, Wellbeing and Industrial Relations in August 2019. This person elected to take up another State Service role and the Department needed to recruit to this role, we also subsequently recruited to other key roles over the last four years, including a Director position. The number of ED5's at the establishment of the Agency were minimal however by mid 2021, the Department was handling multiple matters. The capability of the People and Culture team grew significantly since late 2020. The People and Culture team responded to matters as they arrived. This often led to a reprioritisation of the strategic work within the team. The team also developed a process map which outlined the steps to be undertaken.
34. The opportunities I identify for improvement would be a better coordination of incoming complaints. Up until more recent times The Department had a distributed model, which saw National Redress Applications handled by the office of the Deputy Secretary, Children Youth and Families, Civil Litigation (after being transferred from Department of Justice in August 2021) handled by Legal and Legislation Services and complaints regarding current incident involving current day employees directed to the People and Culture team. Despite everyone's best endeavours, this would have left some points of exposure and a coordinated response could have been initiated earlier. Developing the capability of Agency staff to undertake investigations, improved record keeping (including digitisation of contemporary record holdings) case conferencing with a group of practitioners across Government, a dedicated breach in the Code of

Conduct for matters involving children and young people may be further areas of improvement. I would also add having a system to record and track employee matters would be beneficial and we had looked at the system at the Department of Education were developing to see if this would be fit for purpose.

35. In relation to employees who have been stood down, the Department's practices have matured and developed significantly from 2020 to 2022. In February 2022, I initiated the establishment of a 'hot' team within People and Culture to advance the gathering and preparation of materials for investigators which did enable the Department to become more responsive to matters as they were referred. This saw the establishment of a team of four people which were drawn from other corporate areas. With the benefit of hindsight, I should have made this decision earlier.
36. The Department's systems and ways of working were not well equipped to deal with the matters that were coming in. I attribute this to being in unfamiliar territory regarding how to handle these matters which were historical in nature, with poor record keeping practices, new personnel within the Department and the distributed nature on which the matters came into the Department.
37. Once systems, processes and ways of working were established and the Department's maturity grew, the time between information being received, to the ED5 being initiated decreased.
38. Reporting was made for these historical matters to Registrar for Working with Vulnerable Persons and Tasmania Police.
39. The Department did not report historical matters to the Advice and Referral Line (ARL) given the alleged victims were now adults and the remit of the ARL was care concerns for children.
40. I do not have a detailed knowledge of the Abuse in State Care Schemes that have operated previously. However, with knowledge that we have today, whilst I have seen the legal advice from 2007, I don't consider it acceptable that action against employees was not taken at the time by the relevant Agencies (the precursors to Communities Tasmania). I do find this to be concerning.
41. There is a need I consider for all Agencies to have a robust way in which it records in a searchable way, matters that might be considered low level conduct matters at the time. This would need to consider the privacy considerations of the employee, but it does in my view require a consistent approach and definition to what is unacceptable conduct. It would require everyone in the workplaces to be confident on how this can be reported with confidence. In effect it would enable an employer to respond early to

pieces of information that might seem insignificant at the time but can inform a whole picture of behaviour of an employee at a later date.

Item 7

- ██████████
42. In relation to ██████████ I have identified the following timeline and key events:
 43. 25 March 2021: Department receives National Redress Application from a ██████████ (this named ██████████ as a witness to alleged abuse, not a perpetrator [in 2002]).
 44. On or around 20 April 2021: National Redress Application (██████████) was referred to People and Culture to prepare the Minute to the Secretary regarding the allegations against ██████████.
 45. 21 April 2021: This was reported to Tasmania Police and Registrar for Working with Vulnerable Persons.
 46. 26 April 2021: A Minute was prepared for the Secretary that identified four possible courses of action for him to consider. This included (1) Commencing an ED5 based on the information available at the point in time (2) Advise the employee of the allegations and provide an opportunity to respond (3) reassign duties to have no direct contact with residents or (4) take no further action. The Secretary agreed to a course of action to put these allegations to ██████████ and to afford him an opportunity to respond.
 47. ██████████ was on a period of extended leave, ██████████ 2021, combination of sick and recreational leave and this delayed the matters being put to ██████████.
 48. ██████████ took further leave from ██████████ – ██████████ 2021 (sick leave) and ██████████ – ██████████ 2021 (recreation leave). While on leave he returned to the workplace for a meeting on the on the ██████████ 2021. The allegations were put him and ██████████ denied all allegations.
 49. ██████████ further extended his leave from ██████████ to ██████████ 2021.
 50. In undertaking the preliminary assessment, it was identified through the Departmental record holdings an Abuse in State Care Scheme matter (2009) referenced ██████████ (applicant was ██████████). This matter was reported to Tasmania Police and The Registrar for Working with Vulnerable Persons on 4 October 2021.
 51. 21 January 2022: A National Redress Scheme application was received from a ██████████ ██████████ on which identified ██████████ as an alleged abuser.
 52. On or around 11 February 2022: This matter was also reported to Tasmania Police and The Registrar.

53. █████ 2022, The Department, through the National Redress Scheme sought to ask the complainant (█████) to consider providing a statement to the Department's appointed investigator.
54. During the preliminary assessment it was identified from the records that were held that █████ had contact with the complainants (█████ and █████) in his role at AYDC.
55. █████ 2022: The Secretary formed the view that the code may have been breached and █████ was stood down and an ED5 commenced.
56. The steps undertaken in my view does demonstrate the Department's persistence in sourcing historical records of relevance to enable the ED5 to be progressed against █████. The historical records including handwritten diary entries were identified and reviewed. During the time that this took, it is my understanding that █████ posed no risk to residents as he was either (1) on long term personal leave (as above) or (2) on bereavement leave (█████). There was a risk exposure from the Abuse in State Care Application – however this is not unique to █████ and as I outlined previously, I do not know why decision makers at the time did not pursue these matters against employees who were named in these applications.

Clyde █████

57. In relation to Clyde █████ I have identified the following timeline and key events.
58. 20 and 27 November 2020: anonymous phone calls were made to Cassy O'Connor's office. These matters were subsequently raised in Parliament by Ms O'Connor. Mr Jaensch requested that all information be provided to his office.
59. 4 December 2020: Minister Jaensch's received an email from Ms O'Connor who in turn referred it to the Secretary for consideration and advice on the steps taken. The Secretary forwarded to the Deputy Secretary, Children Youth and Families on the same day.
60. 17 December 2020: People and Culture were made aware.
61. 18 December 2020: the Secretary wrote to Ms O'Connor seeking further information.
62. 26 December 2020: anonymous report was made to Crimestoppers. Tasmania Police alerted Communities Tasmania to this on the 4 January 2021.
63. 21 March 2021: the Secretary wrote to Clyde █████ to put the anonymous allegations received through Crimestoppers Report and Ms O'Connor's office to Clyde █████.

64. 31 March 2021: meeting was scheduled with the employee which he elected not to attend.
65. 8 April 2021: Clyde [REDACTED] responded in writing through his union representative. [REDACTED] Clyde [REDACTED] denied all allegations made.
66. 31 August 2021: Information from Abuse in State Care Support Service Application where Clyde [REDACTED] was named as an alleged abuser. The applicant was [REDACTED].
67. 14 September 2021: A National Redress Application was referred to People and Culture (applicant was [REDACTED]). On or about this date, referrals were made to Tasmania and Police and Registrar for Working with Vulnerable People.
68. 20 September 2021: Referral to Tasmania Police and Registrar for Working with Vulnerable People was made for the [REDACTED] matter.
69. 27 September 2021: The Secretary wrote to Clyde [REDACTED] to advise no further action would be undertaken at that point in time and that should further complaints be received the matters may be formally investigated. This was in relation to the matters made to Crimestoppers and Ms O'Connors office.
70. 19 October 2021: People and Culture received information from the National Redress Application from [REDACTED].
71. 19 October 2021: the employee was advised to not attend work until further notice.
72. 20 October 2021: Allegations from [REDACTED] against Clyde [REDACTED] were reported to Tasmania Police and Registrar for Working with Vulnerable People.
73. 27 October 2021: The Secretary commenced an ED5 against the employee.
74. In this case I understand that Clyde [REDACTED] remained in the workplace when the initial anonymous allegations were received given the limited particulars that were available. The greater level of detail received in the National Redress Applications and having allegations that the Department might have been able to speak with, resulted in the Secretary forming the view that the employee was to be suspended. The Secretary would be able to respond to why he made this decision.
75. I personally became aware of this matter when Police notified People and Culture of the Crimestoppers report on 4 January 2021.
76. On 5 January 2021, I requested that People and Culture undertake an assessment to verify the employment status, together with any other employment matters that may be underway and sought some information from Director, Youth and Family Violence Services regarding the staff described in the report.

Item 9

77. I am aware that allegations have been made of child sexual or physical abuse against current employees at AYDC. As I have left the Department, I cannot provide names and a details of the action undertaken. The Department (through the People and Culture Branch) would be best placed to provide a timeline and steps undertaken for each **current** matter, including any very recent suspensions as I vacated my role on 30 June. It should be noted that I was absent the week prior to vacating the role due to illness.
78. I have outlined the general approach below (points 81-84)
79. I was ordinarily verbally briefed by People and Culture on any allegations made against current employees as soon as People and Culture were made aware. I would then brief the Secretary of Communities Tasmania. This briefing would include the employees name, the allegations, source from where the allegations were received from and would outline what work was being done in response.
80. The People and Culture team would then generally undertake a preliminary assessment and prepare the package (Minute, letter for employee, letter to investigator) for the Secretary's immediate consideration. This would come through me for review and clearance and I prioritised these above all other work.
81. The Department follows Employment Direction No.5 (ED5) for its investigations and when deemed necessary by the Secretary of Communities Tasmania uses Employment Direction No. 4 (ED4) to Suspend an Employee.
82. Investigations are undertaken as follows:
- (a) If the Secretary, Communities Tasmania forms a reasonable belief that code made have been breached and an investigator is appointed;
 - (b) The investigator is briefed by a representative from People and Culture and provided with their appointment letter and material relevant to the investigation (this may depending on the matter take a little time to provide, particularly where historical records need to be retrieved);
 - (c) Investigator then undertakes their investigation which may include speaking to relevant witnesses, the complainant (if they agree) and the employee [respondent];
 - (d) The Investigator writes their report and provides this to the Department's nominated representative;
 - (e) The Report is provided to the employee for a response;
 - (f) The Secretary of Communities Tasmania then receives the Report, the Employee response for him/her to make a determination and if a breach is found to have occurred

then identification of the appropriate sanction. The Secretary will meet with a representative from People and Culture to discuss his/her determination which is then written up by the People and Culture team

- (g) All steps are undertaken in accordance with the ED5 Procedure.
- 83. Employee wellbeing supports are also considered and activated. This may include support from the Employee Assistance Program (EAP) or another support service funded by the Department.
- 84. The Department does notify the Integrity Commission and Registrar for Working with Vulnerable People of the outcomes of investigation.

Item 10

- 85. I am not aware of the details of any recent stand downs or the arrangements that are in place (other than what was the normal practice outlined at points 81-84). The Department would be best placed to respond to the circumstances and arrangements that are in place to investigate.

Items 11 – 18 AYDC Culture

- 86. My understanding of the philosophy of detaining children at AYDC is a therapeutic model of care. I did find that I was not able to ascertain a clear shared understanding of what this means, however I was not involved in the day-to-day operations of the centre, having only been on site twice over the 4 year period.
- 87. I have briefly undertaken the role of Secretary of three occasions over four years for 13 days in total. I don't recall any specific reports being received expressing concerns on how children were being treated at AYDC during these brief periods and therefore no specific actions were necessary.
- 88. During my time with the Department, I did receive general remarks from those in the Corporate Services teams who had dealings with staff at the Centre. These would be best described as the centre being a closed shop and other Departmental staff from outside of the centre were viewed with some suspicion.
- 89. In my four years at the Department there were two Centre Managers, two Directors and three Deputy Secretaries of Children Youth and Families. My role did not see me work with the Centre Managers closely in my time with the Department, the most indirect contact I would have had was through the records team who were doing the records remediation project and through the People and Culture team who provided

extensive support. I also had an infrequent contact with the two Directors and more frequent contact with the Deputy Secretaries. The contact I had with these individuals did not give rise to concerns. I did form a view that they all had very challenging roles given the nature of the work, the demands of their respective roles and for the Manager and Director specifically the uncertainty with the unpredictable nature of the centre. For the Deputy Secretaries who spanned both Child Safety Service and Ashley it appeared to be unrelenting.

90. I would describe the workplace culture at AYDC as challenging, at times dysfunctional and with divergent views held on what is considered a therapeutic model of care. That said, without being on site on a regular basis it is very challenging to have an informed, firsthand view. In forming my view, I am reliant on either SRLS reports that I viewed, second or third-hand information that was relayed to me, or from information gleaned via written complaints or employment matters that were cleared by me before being considered by the Secretary of Communities Tasmania.
91. I have not previously seen the report titled "*Through the fence and into their lives*" authored by the ACF in partnership with Southern Cross University. My knowledge and understanding of Youth Justice and how it operates on a day to day basis is limited and I am not in a position to provide an informed response to this report, but make the following observations which are consistent with information relayed to me previously:
- (a) The divide between Professional Services staff and Operations;
 - (b) The absence of a united view on what therapeutic practice is and how this translates into the model of care;
 - (c) Need for greater training and dedicated days for training. The People and Culture and Budget and Finance teams did support the Director to develop a Budget Submission for recurrent funding to move to a new 12 hour roster at AYDC. This Budget Submission was not successful through the State Government Budget Development process; and
 - (d) Recruitment and selection – we had advanced a centralised recruitment model for the Department. This was trialled for Child Safety vacancies initially and whilst in its infancy was showing good promise.
92. I do not have any familiarity with the Ashley+ model or the initiatives that have been introduced at AYDC. These are operational matters that I cannot make an informed comment on.

Items 19 – 25 – AYDC Workforce

93. The Statements of Duties for the roles at AYDC have been in place for some time and the mandatory educational or experience defined at the time the roles were created by the predecessors to Communities Tasmania. The role of People and Culture would be to support relevant Managers/Directors to review a Statement of Duties, typically at a time that a role becomes vacant and prior to the role being advertised or to provide advice on any restructures or change proposals that may be being considered by centre management.
94. People succeed in roles for a variety of reasons – these include personal alignment with the organisation’s values and ongoing professional development and coaching and feedback. Previous experience and professional qualifications are also relevant factors, but not a sole contributing factor for determining success in a role.
95. It is my understanding that the role of a Youth Worker, does have a pre-requisite for completion of appropriate course of study at a recognised tertiary institution.
96. Whilst I was aware that there may have been low literacy levels for the staff at the Centre, I was not aware prior to receiving the Request for Statement that there are employees who are unable to read and write to a standard necessary to understand policies or attend to record keeping requirements. I was made aware by our People and Culture team when individuals at the Centre had requested some support to prepare their Request for Statement of some literacy challenges, however not to the extent that the Commission has outlined.
97. If literacy and numeracy levels are barriers for our existing employees, I would have ordinarily expected this have been identified through regular conversations between the employee and their supervisor and through an annual performance assessment. If this had occurred, steps could have been put in place to support an employee’s attendance at training or by referring them to a provider.
98. The Department has previously promoted 26TEN (a literacy service) through the Agency Intranet and had an Executive member on the Coalition. More could have been done if I was aware of these challenges such as working with Department of Education to deliver specific work place programs.
99. The People and Culture Team developed an “Achieving Together” Framework for the Department. This was a positive step to have developed a contemporary performance management system for Communities Tasmania and would provide an avenue for any gaps to be identified and for training to be identified.
100. In my role as Deputy Secretary, Corporate Services I was aware of periods where staffing levels at AYDC have been challenging for a number of reasons, these include:

- (a) In June 2022, prior to me leaving, I was advised by the Acting Executive Director People & Culture that a Provisional Improvement Notice (PIN) had been lodged with Worksafe Tasmania. The Unions had put forward a suggestion that the use of private security guards be considered, however this position was not supported by the Director.
 - (b) In January 2022, the People and Culture team supported the Acting Director to develop a proposal for an emergency staffing roster, so that we could develop a pool of staff from the broader Children, Youth & Families Division who could assist with staffing troughs at the Centre.
 - (c) In May-July 2019, the People and Culture team were supporting AYDC management with reported staff shortages and to respond to Provisional Improvement Notice (PIN) that was lodged with Worksafe Tasmania. At the time there was work underway to progressing filling of permanent vacancies and reported delays to filling casual vacancies for Youth Workers. The process was delayed due to a conflict of interest and needing to change the panel members to eliminate the conflict. At the time, the Department were utilising the services of private security firm, Wilsons to address a shortage in staffing. Wilsons staff were used to free up Youth Workers to work with residents.
 - (d) In November 2018, the People and Culture Team were supporting AYDC management in relation to reported staff shortages.
101. Whilst I am aware that a Provisional Improvement Notice (PIN) was recently lodged, I do not know the detail of that as I did not receive a copy prior to me leaving the Department. I understand there are multiple reasons for staffing shortages and these would include – staff illness including COVID, scheduled leave, staff on workers compensation, staff who are suspended, uncertainty following the government announcement to close the centre and more recently the decision to abolish the Department and transfer its functions to other Agencies.
102. I am not able to comment of the current action being undertaken by the Department to address the current shortages as this information is not available to me
103. Prior to Government announcing its decision to abolish Communities Tasmania a Workforce Transition Plan for AYDC was drafted by People and Culture. Post 24 February, this work was re-prioritised and staff have been redirected to the immediate task of planning and preparing for the broader Agency abolishment.
104. Staff at AYDC have a challenging job in normal circumstances. Layer this with the sudden announcement by Government to close the Centre (November 2021), a further announcement to abolish the Department (February 2022) combined with absences (either foreseen or unforeseen), criticism in the media, with no right of reply, I would

form a view that it is not surprising that staff are reporting feeling unsafe at work. My most recent knowledge was from my last week with Communities Tasmania. The People and Culture team would work with Centre Management – Manager and Director on the options available. Some, such as use of security guards weren't accepted at that time. My role and that of the People and Culture team was to provide advice and options for the operational management to consider, not to be the operational decision maker.

105. In terms of supports for staff at the Centre, the People and Culture team put in place a range of supports to complement the existing Employee Assistance Program, these included further psychological support from the Coaching Space and [REDACTED] and Associates. Some dedicated wellbeing supports led by the Safety & Wellbeing team.
106. We also created a new position of Senior Business Partner in the People and Culture Team and physically located this role at the Centre to support management and to provide an onsite presence for employees. This role has been embraced and has provided an important conduit for staff and managers into People and Culture and vice-versa.
107. Both the Unions and staff at the Centre have raised their concerns about employee safety. This is done via a variety of forums including lodging a notification in the Safety Reporting & Learning System (SRLS), lodging a Provisional Improvement Notice (PIN) with Worksafe, via conversations at the site and with management.
108. The Department has Agency wide Policies that pertain to all areas of the Department, including AYDC. For bullying and sexual harassment this is the *“Bullying, Harassment and Discrimination Resolution Procedure”*.
109. In term of how these are enforced, this is a shared responsibility. The procedure outlines the responsibilities of The Secretary, Delegates, Managers, Employees and the HR (People and Culture Team). The Policy is accessible through the Intranet. The Procedure applies to all employees of the Department. What is expected as a member of the State Service commences at recruitment. Upon commencing with the Agency, staff are expected to be inducted into the Agency and complete online learning modules which includes an Introduction to the State Service Code of Conduct. At a local level it is the responsibility of all employees to comply and to speak up either within their reporting line or to an external area, such as People and Culture.

Items 26-33 – Abuse in State Care

- I 10. I had no personal knowledge of the Abuse in State Care Scheme until on or around September 2020, so I cannot provide informed comment on the how the scheme operated at the time.
- I 11. Once I became aware of it, work was underway to research the old scheme (4 rounds) to understand what the approach was. This was summarised to me as the scheme was about compensation and not investigation. It was not established to ascertain blame or fault but to be part of a supportive, healing process for those who suffered abuse in the care of the State. As I understand it, there was no attempt to put the allegations to alleged perpetrators.
- I 12. Whilst I cannot recreate the environment and considerations taken into account by the decision makers involved in the scheme at the time, my assessment of today's standard is that it would be expected that where the State received information regarding conduct of an employee that it would be assessed and investigated and if deemed necessary action initiated against the employee. I further acknowledge that this may require some co-operation from the victim survivor, which may or not be forthcoming. I was concerned when I first became aware of the scheme and that it appears that action against employees was not initiated.
- I 13. One Ms Clarke and [REDACTED], the Department's Principal Legal Officer became aware of the Abuse in State Care Scheme they initiated I am aware that Communities Tasmania did undertake a search of the records held relating to the scheme.
- I 14. As I understand it, this review cross checked these to identify if any current AYDC staff members were named.
- I 15. The search of the Abuse in State Care for AYDC current employees was commenced on or around September and concluded on or around November 2020. It only extended to the Abuse in State Care Scheme, not the Claims of Abuse in State Care Support Service. The Department would be better placed to respond as to whether this has now occurred.
- I 16. I don't have knowledge of Walter [REDACTED] or any previous employment action taken against Walter [REDACTED] prior to the establishment of Communities Tasmania. The Secretary may be best placed to respond to this.

Item 34-65 Identifying and responding to adult perpetrators

- I 17. I cannot respond to the current state of investigations relating to Stan [REDACTED] and Ira [REDACTED] as I left the Department on 30 June 2022. At my time of departure, both investigations were still active, with the most recent update of 14 June advising that

all relevant records had been sourced and had been provided to the appointed Investigator. The current state would be best advised by the Department.

118. I am aware that Lester [REDACTED] resigned his employment in April 2021 to be effective on 1 May 2021. Lester [REDACTED] was advised that if he should seek to return to employment in the State Service that the investigation would be resumed.
119. The Secretary will be best placed to provide the Commission with instructions provided to investigators and any reports that have been received by the Department.

Stan [REDACTED] (item 35)

120. I was first made broadly aware of matters coming to the Department's attention (not the specific details of the alleged conduct) concerning Stan [REDACTED] when these were received through a civil claim on or around July 2020. File searches were undertaken at this point in time. On or around September, People and Culture were made aware of the Letter of Demand which culminated in the ED5 against Stan [REDACTED] being initiated on 8 November 2020. The information is detailed in the Minute to The Secretary to initiate the ED5.

Ira [REDACTED] (item 35)

121. I became aware of a National Redress application sometime between December 2019-January 2020 via the People and Culture team who were working with the former Strategy and Engagement team (that team was repurposed at a later date) who were handling the National Redress Applications at this time. This was one of the first matters I recall that Department had received I that named a current staff member. The Department referred this matter to Tasmania Police and the letter noted that Ira [REDACTED] was in a role where he did not have contact with young people (a nonoperational role). This referral was made in February 2020. Police subsequently advised that the complainant would not participate in any investigation and that Tasmania Police would not progress the matter. This approach was in line with how these matters had been handled previously. No further employment action was taken at this point in time.
122. I understand from re-reading the Minute to the Secretary that further allegations from different complainants were received by the Department that named Ira [REDACTED] through the National Redress Scheme.
123. I also note that Ira [REDACTED] was assisting the Department with another employment matter relating to Lester [REDACTED] and agreed to provide a Statement. This took some time to be finalised.

124. The actions taken by me were to:

- (a) To receive advice from People and Culture on the proposed approach.
- (b) Review the documentation prepared by People and Culture so that the matter could be put forward to the Secretary for a decision; and
- (c) identify any supports to be provided to the employees at AYDC, noting that they were experiencing a number of their colleagues being suspended from duty.

Walter [REDACTED] (item 35)

125. Disciplinary matters regarding **Walter [REDACTED]** predate my employment with Communities Tasmania (see 116).
126. The only awareness I had of **Walter [REDACTED]** was on 3 December 2018 and in context of his workers compensation claim. At that time when the Department was in a negotiated settlement of his claims, and I was made aware of the quantum of the agreed settlement. I cannot recall any discussion at this time of **Walter [REDACTED]**'s employment history and the quantum of the workers compensation settlement would have been approved by the Secretary based on advice from the OSG.

Lester [REDACTED] (item 35)

127. On or around 10 January 2020, I was made aware by **Claudia [REDACTED]** (former Manager Workplace Relations) of the matters **Alysha [REDACTED]** had reported to **Claudia [REDACTED]**.
128. Upon being advised, I requested that the People and Culture branch undertake a review of the **Lester [REDACTED]**'s HR file to ascertain what material was held on file and what disciplinary action may have been taken against **Lester [REDACTED]**.
129. 17 January 2020: I met with **Claudia [REDACTED]**, Pam Honan (Director, Youth and Family Violence Services) and former Assistant Director. Safety, Wellbeing and Industrial Relations to discuss the various matters that were being reported between November 2019 to January 2020. The purpose of this meeting was noted in the meeting invitation which was *"to ensure that we have all AYDC issues captured that involve People and Culture or have been raised with the Division, are clear on the processes that we undertaking in relation to each issue, identify where the issues may be related and know the current and next steps are of each captured issue"*.
130. The output of this meeting was a AYDC Register which was finalised on 31 January 2020 and a copy is appended to this Statement.
131. It was reported back to me that extensive file searches were undertaken at the time, contact was made with former HR Manager at DHHS who did not recall any matters

and there was nothing on Lester's HR file relating to the matters reported by Alysha.

132. Despite there being no file material obtained from Lester's file, the People and Culture team persisted and considered how else the matter raised by Alysha might be able to be further explored and identified that a conversation with Ira might assist.
133. People and Culture met with Ira on 2020 who recounted his recollection of events raised by Alysha and he also identified that and may have information as well.
134. People and Culture met with and on 12 October 2020 who both denied having any knowledge of the matters raised by Alysha.
135. Ira agreed at the meeting on 30 September 2020 to provide a statement and this was finalised on 5 November 2020.
136. On 8 November 2020, the Secretary formed a reason to believe that Lester may have breached the code and suspended the employee from duty.
137. Furthermore, I became aware of different allegations regarding Lester between 3-6 November 2020 – these matters arose from the review of the Abuse in State Care Scheme that was undertaken. This was notified to People and Culture on or around the same time.
138. People and Culture notified the Registrar of Working with Vulnerable People and Tasmania Police at the same time.
139. On 8 December 2020 Departmental officers met with OSG in seek advice on the legalities of using information obtained from the Abuse and State Care Scheme and National Redress Scheme for ED5 proceedings. This advice was provided on the 15 December.
140. Lester was also identified in the anonymous phone calls received by Cassy O'Connors Office.
141. 24 March 2021: Tasmania Police advised the Department on that the alleged victim, Donald did not wish to raise any other matters regarding his period of time at AYDC.
142. 1 April 2021: a National Redress Claim was received naming Lester as an alleged abuser
143. 12 April 2021: The Department This was notified to Tasmania Police and The Registrar.
144. On 14 April 2021: Lester advised of his resignation from his employment effective 1 May 2021. This was accepted on the same day.

145. Lester [REDACTED] was suspended from duty and therefore not in workplace from 8 November 2020 through until his resignation took effect.

Item 37: Seeking advice from the Solicitor General in relation to [Lester]

[Lester], Stan and Ira

146. The Department was handling matters that it had not handled previously – that being historical complaints of abuse that were against current employees.
147. I understand that the former Department of Health and Human Services also sought legal advice in 2007 regarding action that could be taken against people named as alleged abusers in the Abuse in State Care Scheme. Without approval to waive privilege I cannot provide details on the advice in this Statement.
148. I am aware that the Department did seek advice from the Office of the Solicitor General. I understand that Verbal advice was received at the meeting attended by Principal Legal Officer and Assistant Director on 23 November and written advice was sought on 8 December 2020 and written advice was received on 15 December 2020.
149. The Department wanted to ensure that any ED5 processes were undertaken lawfully, were not going to cause further trauma to victims, complied with any law relevant to National Redress Scheme or Abuse in State Care Scheme and to ensure that the ED5 stood the best possible chance of not being reviewed by the employee. If reviewed, it could compromise the investigation proceeding.
150. Regarding [Lester], there was in my view a void in information held by people responding to the information provided by [Alysha] at that time. The people working in People and Culture (myself included) did not have knowledge of the Abuse in State Care Scheme. The enquiries made with HR Manager at the former DHHS at the time as well did not reveal the scheme either. I do consider that the personnel at the time did make the best efforts possible with the tools, information and systems available to them to identify any previous employment matters related to [Lester]. I became aware of the State Care Scheme in September/October 2020. The information gathered from the Abuse in State Care Scheme would suggest prior matters which when put together with the matters that [Alysha] reported forms a more holistic picture of [Lester] and his alleged offending and if this was known earlier then the Secretary may have been able to form a view that the code had been breached and the employee suspended from the workplace earlier. I do note that there are other controls that would have existed, however [Lester] did remain in the workplace, albeit in a non-operational role as a Project Officer and therefore the risk to young people at AYDC was not fully mitigated between January 2020 and when he was suspended from duty in November 2020. This is regrettable.

151. Regarding Stan [redacted] – the first complainant (May 2019) did not attribute specific allegations regarding Stan [redacted] and therefore no action taken against the employee. The civil claim did identify Stan [redacted] as an alleged abuser (July 2020). This triggered a full review of files, and this concluded around October/November 2020. This along with the National Redress Claim (October 2020) triggered the ED5 for Stan [redacted], which led to his suspension in November 2020. Client files are dense and do take significant time to review and extract relevant information.
152. Regarding Ira [redacted] the first complainant was through the National Redress Scheme in May 2019. The assessment was that this did not attribute abuse to Ira [redacted] and no further action against the employee was taken. A second National Redress Scheme application was received in September 2019, notifications were done and file material was reviewed. Of note Ira [redacted] was assisting the Department with its enquiries regarding matters raised by Ms Alysha [redacted] in regard to Lester [redacted]. This informed the Secretary's decision to delay commencing the ED5 against Ira [redacted], noting that Ira [redacted] was not undertaking a role working with young people at the time (due to an injury) so the risk to young people at the centre was mitigated.
153. Prior knowledge of the Abuse in State Care was not known by myself or the People and Culture team. Once this became known, the Department did mobilise to develop a process and practice for how these matters would be handled, refer to process chart (copy provided). With more recent matters, the time elapsed between People and Culture having received information to an employee being suspended as reduced significantly.

Item 39 – Process for clearing National Redress Scheme forms

154. My knowledge of National Redress Scheme is limited as I did not have any involvement in processing of these other than if a current employee was named in an application. Where this occurred the Deputy Secretary notified the People and Culture team or myself. The People and Culture team then commenced the relevant action.
155. Details regarding the National Redress Scheme will be best responded to by my colleague, former Deputy Secretary, Children, Youth and Families, Ms Mandy Clarke.

Item 41 – Lester

156. I have responded to my knowledge of Lester at 127-136.
157. I have no knowledge of the Tasmania Police Reports until receiving these as Annexures to the Request for Statement. I would expect that the Department should have been made aware, however can't speak to the practices and processes that would have been in place at the Department of Health and Human Services in 2012 and 2015.
158. If such a report was received today and it concerned a current employee, I would expect the matter to be promptly referred to our People and Culture Team who would assess and initiate the appropriate employment action and referrals to any external entities, such as Registrar for Working with Vulnerable People and Integrity Commission.
159. In relation to the report made by [REDACTED] to Tasmania Police and any response by the Department at the time, I have no knowledge of this to share with the Commission. The Department may be best placed to provide a response to this matter.
160. Alysha reported a conversation held with Ira to former HR Manager, Claudia. I have outlined the response to this report and the steps undertaken at 127-136.
161. Yes I did review the Statement made by Ira and I have refreshed my knowledge of this in responding to the Commission. The statement was not finalised until 5 November 2020. I have reviewed this statement previously for two reasons (1) as part of the ED5 that was initiated against Lester and (2) as part of the preliminary assessment review of the complaint Alysha made against Ms Honan.
162. The best enquiries were made at the time with the information that was available. The people involved in that matter did not have knowledge of the Abuse in State Care Scheme. If this had been known or identified to those people involved in assessing the matters raised by Alysha, it would have been examined. The fact that it didn't happen is very regrettable and it does reflect the disparate record keeping of the Department and its predecessor Agencies. Full searches of employee file, information on HR shared drive and enquiries to the former HR Manager at DHHS were made and follow up discussions with the relevant employees occurred.
163. My view as the Reviewer of the Preliminary Assessment is that it was adequate. The response was finalised on my last day with the Department on 30 June.
164. I was made aware of Alysha's email to Claudia and Ms Honan on or around the 10 January 2020.

165. I have outlined at 127-136 the steps that were undertaken in relation to Alysha's email.
166. My re-read of the email is that there was a child naked and an employee (not described as naked in Alysha's complaint) in a room together. Ira walks into a room (no description given about there being a door closed). I didn't conclude from that statement that a serious sexual assault or rape may have occurred, but it did warrant investigation. I didn't understand why a child would be naked and, on all fours, but it was reported to have happened some 25 years ago and the practices which I would not be familiar with and may have been different then (certainly not acceptable).
167. We sought at the time Alysha emailed Claudia to try and validate what information the Department may hold in relation to Lester. Ira's Statement was key information for the Department to put the matter to the Secretary for his consideration and to suspend Lester as it was through Ira's firsthand account we were able to verify that Lester was in a room and with a naked child on hands and knees. From Ira's statement he said Lester was clothed and Lester was standing at the head of the young person. This was different to how Alysha described in her email (she advised Lester was standing behind the young person and standing over him).
168. The preliminary assessment sought to highlight the records that the Assessor (and in my case the Reviewer) analysed. It highlights the discrepancies between the initial report, what was reported via Alysha's representative at the time () and what was reported in *The Nurse* podcast. It does highlight that the Department was dealing with varied information that needed to be worked through thoroughly in an attempt to verify what Alysha had reported.
169. In reconsidering the material as part of my response, I consider that Ms Honan acted appropriately. She had involved People and Culture (via Claudia) and Claudia did notify me in my capacity as the Executive Director at the time. As a result of Ms Honan's escalation to People and Culture I then directed the file review and further enquiries which People and Culture undertook.
170. Ira's statement was the crucial piece of information that the Department relied upon to initiate the ED5 against Lester. It was a first-hand statement of what he saw as a witness to the event. It provided information that the Secretary could rely on for the ED5. The timing of getting the statement was an issue. In hindsight this took too long and as a result led to Lester remaining onsite at AYDC longer than preferable.

- This must be balanced against the need to provide the Secretary with the relevant information in order for him/her to form a view that the code may have been breached.
171. The Abuse in State Care Scheme information regarding Lester was not available until after Lester was stood down. It did not identify matters as recounted by Alysha Alysha. It did identify matters relating to Lester, however this was not until after the ED5 had been commenced and he had been stood down. Tasmania Police were notified of the Abuse in State Care matters as was the Registrar for Working with Vulnerable People. This was done when the State Based Care information was known on the 2020. The Secretary determined that the Code may have been breached and had suspended Lester immediately prior to this.
172. Noting that Lester was out of the workplace and the risk to children mitigated from 8 November 2020, there was a delay in progressing the Abuse in State Care matters to Lester. This was initially attributable to seeking advice from the Office of the Solicitor General to ascertain whether the information (including the complainants name) from the Abuse in State Care Scheme could be put to Lester. This was the first case where we were relying on information from the Abuse in State Care Scheme to put matters to an employee. I recall the discussions at the time on how this was unprecedented and legal advice needed to be sought. This advice was sought at a meeting between Department staff and the Office of the Solicitor General and was held on 23 November 2020, written advice was sought on the 8 December and the written advice was received from the OSG on the 15 December 2020.
173. Following receipt of Ira's Statement, the matters were reported to Tasmania Police and the Registration for Working with Vulnerable People on 6 November 2020. The matter was not reported to the Advice and Referral Line given it was reported to be a matter that was 25 years old and the alleged victim would now be an adult.
174. The basis for including in the preliminary assessment that no records had been sourced that specifically mention rape, was due to varying reports in Parliament and via the Nurse Podcast that a rape had occurred. The Assessor and myself as Reviewer had not identified any records that specifically mention rape. The Assessor did take steps to validate they were referring to the same incident.
175. Whilst it is a matter for the Secretary to address in terms of his decision to commence the ED5, my knowledge is that the statement from Ira was compelling. It provided a first-hand account of what he recalled from 25 years ago.
176. The Secretary will respond in relation to the suitability of my colleague Ms Clarke to have undertaken the preliminary assessment. Noting the circumstances where Alysha

had lodged a complaint against Secretary Pervan and it was identified as a conflict of interest. I note that the referral of the complaint was from the Office of the Solicitor General to Ms Clarke and given the allegations were against a Senior Executive Officer, it is my view that it was appropriate that Ms Clarke was the most suitable person to undertake the preliminary assessment. She had the requisite skills, knowledge and experience to undertake this in an objective and fair manner. I don't consider that because Ms Honan reported to Ms Clarke that it meant she could not complete the assessment.

177. The Request for Statement at item 46 (o) asserts that my responsibility was to determine whether an internal investigation needed to occur or a notification made to Tasmania Police, which I assume arises **Claudia**'s email. Whilst I may be required to make some assessments as to whether a matter needed to be investigated, this is often undertaken in consultation with the People and Culture team for complex matters, or often when matters came to me the referrals had already occurred. Where a matter meets the threshold for the Secretary to determine whether a breach of the code may have occurred, my role is to review and consider the material prior to it going to the Secretary for a decision. Likewise, my role rarely makes notifications to Tasmania Police. For employment matters, this is made by the People and Culture Team directly.
178. I have outlined my understanding of the ED5 and its timeframes for **Lester** at 127-143.
179. In relation to the timeframes for the Preliminary assessment, the purpose of the assessment was to determine if there was sufficient evidence that Ms Honan had discouraged **Alysha** from reporting the alleged incident that involved **Lester** and if Ms Honan discouraged reporting resident on resident abuse and/or attempted to shut down or frustrate investigations. **Alysha** reported the matter which allegedly involved **Lester** via email on 9 January 2020 to Ms.
180. In relation to the Preliminary assessment, I advise the following:
- (a) *The Complaint was referred from the OSG to the Deputy Secretary on 28 September 2021*
 - (b) *The Deputy Secretary sent her assessment to myself on or around 20 January 2022 and I completed my review between then and 9 February 2022.*
 - (c) *It was forwarded the Assessment to the OSG on 9 February 2022*
 - (d) *A meeting was booked for the 24 February 2022 to discuss with the OSG. This was cancelled as the decision to abolish the Department of Communities was announced on the same day*
 - (e) *I was providing immediate support to the Corporate Services teams and was redirected to Agency Transition Activities*

- (f) *I followed the matter up on 28 March 2022 and attempted to settle the response through the OSG*
- (g) *I followed up again 31 March 2022 and again on 9 June 2022. The matter was finalised on my last day with the Department on 30 June 2022. This was completed while I was on sick leave*
181. I acknowledge the timeframes are not ideal. However, the volume of work that the Deputy Secretary, CYF was undertaking at the time was significant. I consider the load on that role to be unsustainable. The nature of my own role often required work to be reprioritised, once such example which is relevant was needing to respond to the Government announcement to abolish the Department. This is one example of a Department that was very lean and still working to establish itself.
182. I did personally pursue the matter for settlement with the OSG on multiple occasions, however I recognise that they too have their own competing priorities.
183. Employment Direction 5, requires appointment of an independent investigator where the Secretary has reason to believe that a breach of the code may have occurred. Not all employment matters require the appointment of an independent investigator and ED5 is not the first step. ED5 is the mechanism for serious employment matters where the Secretary can form a view that the breach of the code may have occurred.
184. The Abuse in State Care Scheme did not identify any matters as reported by the complainant (Alysha) or a third party. There were matters from the Abuse in State Care Scheme that named Lester , but they did not relate to matter as described by Alysha . I do not agree that the statement is misleading but note that the Secretary will have his own view on this
185. To the best of my knowledge at the time the Preliminary Assessment was undertaken, there were no matters received via the National Redress Scheme or Civil Claim that relate to the matter described by the Complainant. There were National Redress Scheme Claims that did and I don't consider the references in the assessment to be misleading. With the benefit of hindsight, it might have been better worded. For avoidance of any doubt, there were matters received through National Redress that identified Lester . They were not from the complainant, nor were they from the person the complainant had identified as the alleged victim. They did not involve circumstances as outlined by Alysha .
186. Based on the fullness of information that is available now regarding Lester , I agree that the Department or its predecessors prior to 1 July 2018 did appear to have

information available to it that it may have acted on earlier. My opinion on Abuse in State Care is outlined previously in this statement.

187. As the Reviewer of the Preliminary Assessment, I don't agree that this was a significant failure. The timeframes could have been improved, and I would also like to acknowledge Alysha bringing this matter to the Departments attention.

Item 49 – 52 – Stan

188. This matter occurred in 2010 and pre-dates my time with the Department.
189. I don't know why action in 2019 was not taken. To the best of my knowledge this was not referred to People and Culture at the time. When People and Culture did become aware, following the review of the Abuse in State Care program, action was taken and the matters were included as additional allegations and added to the ED5 that had been initiated on 2020 and he was suspended from duty.
190. 12 February 2021: The additional allegations from the Abuse in State Care were added to the ED5 already initiated and this was communicated via a letter to the Employee.
191. 2 February 2022: provided clarification of his allegations against Stan and the Secretary determined to withdraw the allegation from the ED5.
192. A file review was undertaken when's common law claim was received and the extensive material was reviewed. I understand the Department was made aware in July of's claim. I do consider that there may have been an earlier opportunity here to do a referral to People and Culture and for an assessment to be undertaken of Stan's suitability to remain in the role. People and Culture were informed in September 2020 and retrieved records and then on 18 September 2020 and took steps to notify Tasmania Police and The Registrar for Working with Vulnerable People. They also sought to gather employment records to establish any claims for overtime that may have occurred. I consider the action taken by People and Culture was timely in this case in terms of notifications.
193. Establishing facts in terms of timeframes and key events (such as employee being an employee at the time of the allegation, the complainant being in the centre at the time of the allegation) are an important step prior to the matter being put to a Secretary for him/her to consider whether a breach of the code may have occurred. This stands the best chance of the ED5 not being reviewed by the employee because the facts were not validated.

194. Historical record keeping practices were poor and often hand written manual records (such as diaries) were kept. This made accessing relevant information for pre-investigation and during the investigation very time consuming and labour intensive.

Item 53 – [redacted]

195. The Abuse in State Care Scheme closed on 15 February 2013. The Abuse in State Care Support Service was a different program, which launched after the Abuse in State Care Scheme closed. I am not aware of [redacted] being named as an alleged abuser through the Abuse in State Care Scheme. I don't have knowledge of any alleged abuse in the Abuse in State Care Support Service naming [redacted].

196. It is my understanding that in May 2019 an application made through the National Redress Scheme did not attribute alleged abuse to [redacted] and that no referral was made to People and Culture at that time.

197. To the best of my knowledge, I was made aware of [redacted] on or around between December 2019 and January 2020. It is my recollection that a referral to Tasmania Police was being discussed within the Department between December 2019 and January 2020.

198. I recall it was reported to me that [redacted] had been undertaking restricted duties ([redacted] at the time) and was not working with residents at AYDC (however I have not been able to ascertain the dates of these restricted duties when responding to this Request for Statement). I cannot comment on any further steps that were taken to mitigate risk to detainees at this time.

199. [redacted] was also assisting the Department with the information regarding the matters raised by [redacted] Alysha [redacted] via email on 9 January 2020. This did take some time to finalise.

Item 55-62 – Reflections

200. I have provided my reflections generally under Item 6.

201. With the benefit of the full knowledge of the matters against these individuals, the predecessors to Communities Tasmania had information which may have led to action being taken sooner. For those with claims made through the Abuse in State Care Scheme. It is my view is that this should have been done at the time. For those who made allegations through the National Redress Scheme, these matters should have been referred to People and Culture immediately for them to assess. I balance this against whether those who initially made their applications through the Scheme wished to

participate in any employment investigation, those who assessed considered the matters were detailed enough to take action against the employee and finally how procedural fairness could be provided to the employee.

202. It does cause me concern that the failure to act earlier on these reports of alleged abuse resulted in people continuing to work at AYDC. I am somewhat comforted by advice to me that the controls in place as at June 2022 today are improved on what they were in the past and when the majority of these allegations relate to.
203. I cannot provide an assessment as of the present time as I left my role on 30 June 2022. I can say that as matters are referred to People and Culture that the response times did improve significantly to initiate investigations into these matters.

204.

205.

206. For AYDC itself, I would pose that there may be some benefit to having audio support CCTV at the Centre and a regular, independent audit of the conversations that are being had between employees and residents. I appreciate that this may be controversial but having an independent view of what is occurring could assist with positive reinforcement and coaching of staff as well as being useful if allegations are made in the future. I would also further propose that the footage is held and securely stored for a defined period of time.

207. The practice of waiting until Tasmania Police has completed any investigation before the Department commenced its own employment investigation has ceased. I understand that this had been standard practice adopted for some time across the state service where there was belief that a criminal charges may be laid.
208. More can and should be done to enhance current practices and I agree with what was outlined in Mr Bullard's statement at item 62 (page 60). I would add creating a culture and avenues for all staff to speak up, regardless of how insignificant something might be, but to take a view is something doesn't sit right or makes you feel uncomfortable, that everyone has a duty and responsibility to say something. This I consider to be particularly relevant at workplace like AYDC that runs 24 hours a day, 7 days a week where a senior management presence is not always on site.
209. ED5 in its current format could be enhanced. At a minimum a risk assessment should be undertaken when allegations are first received. If at any stage it is assessed that the employee has access to young people, then a decision could be made to redirect them to another role that doesn't. This is likely to be a contested view, but the current employment framework would allow this to happen, whereby the Secretary can vary duties at level (although I do note that the current location of AYDC could be a barrier to this happening). Establishing a panel, to case conference matters these often unique and challenging employment matters could also help.
210. The Secretary is best placed to respond to the Briefing to Minister Courtney.

Item 63 – Information gathering before commencing ED5 process

211. The advice presented to the Secretary provides him/her with options for his/her consideration. These matters go to the decision making of the Secretary and he is best to respond to this.

Item 64 – Missing files

212. There was no inventory of these files so I cannot speculate on what these files contained. I don't recall what other steps were taken by the Department to retrieve the material that the former employee handed over.
213. I don't recall what steps may have been taken by Tasmania Police in relation to this. The Department may have information that can assist here.
214. An investigator was appointed to undertake the ED5 investigation for the employee who was alleged to have removed the files. The employee resigned her employment prior to the ED5 reaching the determination stage.
215. One might speculate the files that were removed contained information that could have been used in investigations, which might lead to adverse findings against employees. This however was not able to be substantiated in anyway. The individual who removed the property and provided it to the suspended employee advised that it was only personal property.
216. In hindsight when Stan [REDACTED] was suspended he should have been supervised to remove his personal property.
217. In August 2019, I was made aware that the records relating to detainees at AYDC were held in cardboard boxes in a training cottage and that they were at risk of deteriorating. In response to this information, I initiated an audit of AYDC records which was undertaken by the Information Systems and Strategy Team. I received a written briefing on 30 August 2019. The nominated onsite AYDC contacts were [REDACTED] and Lester [REDACTED]. This work did not involve moving these records to an electronic platform.
218. More recently, in May 2021, I initiated a project to Remediate and Digitise Agency Records with an initial focus on AYDC records. This was in response to the increasing number of Personal File requests that were being received and to assist the Department in being able to respond to any future allegations that it may receive. This project commenced immediately with a focus on digitisation of AYDC records. I note by this time, Lester [REDACTED] had been suspended from the workplace since 9 November 2020 and

could not have been involved in leading this work. The work was led by the Records Team who attended on site at AYDC on several occasions to complete this task.

Items 66 -107

I have not responded to these matters as they relate to one of the following:

- (a) operational matters at the centre;
- (b) initiatives or correspondence of which I had not knowledge and/or involvement in;
- (c) concerns the Secretary's correspondence.

Item 108

219. I have not been the subject of any allegations or investigations regarding how I have carried out my duties relating to AYDC, or at any other stage of my career either within the Tasmanian State Service or prior to that in the private sector.

Item 109 Sources of Information for this statement

220. I have spoken to the following individuals as part of responding to this Request for Statement and I have accessed a range of records which I have listed and provided at Item 112.

Person	Matter	Discussion
Mandy Clarke <i>Former Deputy Secretary, Children, Youth and Families</i>	Items in RFS-TAS-115 Wellbeing support	To broadly confirm the matters that I was not responding to. To check on Mandy's wellbeing.
██████████ <i>Former Assistant Director, Safety, Wellbeing and Industrial Relations</i>	Action taken in response to Alysha ██████████ email of 9 January 2020	Verified the steps undertaken by the People and Culture team in response to Alysha's email.
██████████ <i>Former Executive Director Strategy & Engagement</i>	National Redress Scheme	Verified the role that ██████████'s team had in handling National Redress Applications and confirmed my understanding of what they did if a current staff member was named.
██████████, Manager Inquiry Support Unit	Chronology	To verify key dates relating to ED5s and suspensions. Seek copies of written advice.
Jacqui Allen <i>Acting Executive Director, People and Culture</i>	Suspensions Wellbeing support	To verify key dates relating to ED5s and suspensions. Seek copies of written advice. Check on Jacqui's wellbeing.
██████████ <i>Director, Office of the Secretary</i>	Site visit to AYDC	To confirm date of Agency Executive visit to AYDC.
██████████ <i>Manager, HR Operations</i>	Dates	To confirm the dates, I acted as Secretary and the dates of leave taken by two named employees.

Item 112 Request for Documents

Doc #	Document Details	Description	Statement Ref	RFS-TAS-115 Ref
1	Minute to Secretary: Stan	ED5 and ED4 to initiate employment action against employee, Stan Stan	120,150, 186-192	35, 49-52
2	Minute to Secretary: Ira	ED5 and ED4 to initiate employment action against employee, Ira Ira	121-124	35
3	Minute the Secretary Lester	ED5 and ED4 to initiate employment action against employee, Ira Ira	118, 127-145	41
4	Email: Workers Compensation Settlement	Walter	126	35
5	AYDC Register	Register developed in partnership with People & Culture & Director Youth & Family Violence Services to capture the issues being reported	130	35
6	Process Map	The process map for People and Culture to following when matters were referred to them	33	6
7	Establishing a Hot Team	Email that outlines the decision to establish a hot team	27	5
8	Issues Briefing - AYDC Records	Briefing regarding the state of records at AYDC	31	6
9	Workforce Transition Plan	Draft workforce transition plan that was prepared by People and Culture team	20	2
10	Terms of Reference	Proposed Terms of Reference for Employee Consultative Committee	20	2
	Legal advice – from Office of Solicitor General dated 1 May 2007**	Advice to the Secretary of DHHS regarding the options available to the Department regarding prosecution, disciplinary action, other action to ensure proper protection for children	40	6
	Legal advice – from Office of Solicitor General dated 22 August 2007**	Further advice to the Secretary of DHHS regarding action available	40	6
	Legal advice – from Office of Solicitor General dated 15 December 2020**	Advice to Secretary, Communities Tasmania on the investigation of historical abuse complaints	40	6

**not provided to Commission as Legal Privilege not waived at time of lodging my statement. A request has been made.

I have made this statement in the context of my role, to the best of my knowledge and based on access to information that I have available to me.



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Kathy Baker

August 2022