

Independent Review

Independent Review into the actions taken in response to the information and concerns raised by the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings

Background

The Tasmanian Government is committed to ensuring that strong action has been taken and will continue to be taken to ensure that Tasmanian children and young people are safe and well, in its care.

An Independent Review (Review) will consider the actions, and effectiveness of those actions, by government agencies and other relevant state authorities, including Tasmania Police, taken in response to the information and concerns raised in the final report of the Tasmanian Commission of Inquiry into Child Sexual Abuse in Institutional Settings (hereafter referred to as the COI) about Tasmanian State Service employees and officers.

The Independent Review will be conducted in a trauma-informed way, with a clear focus on ensuring that respect for child sexual victim-survivors remains at the centre.

Terms of Reference

The Terms of Reference for this Review include:

1. The examination and analysis of the policy and legislative framework relevant to matters of misconduct in the Tasmanian State Service. This will include providing a clear overview of the reporting requirements of government agencies and other relevant authorities as it relates to information and concerns raised by the COI.
2. The chronology and response to the concerns and information raised by the COI about Tasmanian State Service employees and officers including but not limited to:
 - i. The efficacy of decisions and actions, with respect to the assessment of seriousness of harm and non-compliance with policy, employment frameworks or legislation as they relate to the information and concerns raised by the COI regarding Tasmanian State Service employees and officers;
 - ii. The timeliness in which concerns, and information were considered and acted upon by government agencies or other relevant state authorities;
 - iii. The timeliness and accuracy of any referrals made by relevant state authorities to relevant regulatory, integrity or law enforcement bodies during the Commission of Inquiry Hearings and upon the publication of the Final Report.;

3. Recommending actions where the Independent Reviewer identifies non-compliance with policy, employment frameworks or legislation, as part of its review and in respect to items 2 i, 2ii, and 2iii above.
4. Making any recommendations, in addition to and not contrary to those made by the COI about policy, legislative and operational changes to improve the system for responding to information or concerns about the conduct of Tasmanian State Service employees and officers of the type raised by the COI.
5. Advice on any other matter relating to the actions of government agencies or other relevant authorities about concerns and information raised by the COI about Tasmanian State Service employees and officers that the Independent Auditor determines relevant.

Matters of process

The Independent Auditor will:

1. Provide an opportunity to persons to make submissions, or to be heard personally, as the Independent Reviewer considers it necessary, in relation the matters under Review;
2. Engage with one or more former Commissioners to ensure that all matters referred to in the COI's final report as matters where findings were unable to be made (Volume 1, Chapter 5.1 *Challenges we faced*), are fully considered by the Independent Reviewer;
3. Ensure that the Review process is trauma-informed and respectful of the experiences of victim-survivors;
4. Ensure that where necessary appropriate confidentiality arrangements are made for persons assisting the Review; and
5. Provide a detailed report of the findings to the Premier as soon as is reasonably practicable, with status reports provided at three monthly intervals.

Out of Scope

The Audit will not include matters which are subject to separate independent review, including:

- The application of ED16 policy in granting legal assistance to Public Officers;
- The assessment of administrative matters of concern and adverse commentary in relation to Heads of Agency.
- The review of the *Commissions of Inquiry Act 1995* in relation particularly to sections 18 and 19, and Section 194K of the *Evidence Act 2001*.

Appointment of Auditor and Reporting Requirements

An independent person of eminent standing and experience will conduct the Review. The Review will commence in mid-January 2024, with its final report made available to the Parliament.

Three-monthly status reports will be provided throughout the review period.

The final report should include findings in accordance with the scope and the outcomes of the review and audit, and the recommendations will be made public.

ENDS