PUBLIC

THE HOUSE OF ASSEMBLY STANDING COMMITTEE ON GOVERNMENT ADMINISTRATION B INQUIRY MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE HOBART ON TUESDAY 20 OCTOBER 2026

POLICE INQUIRY

The Committee met at 1.36 p.m.

CHAIR (Ms Haddad) - Thank you very much and welcome everybody to this afternoon's hearing of the Government Administration Committee B's Inquiry into Tasmania Police responses to allegations of officer misconduct. Thank you for attending today and for your participation in this Inquiry's work. Also, thank you for your very comprehensive written submission, which all members have received and read in detail. We are grateful to receive that level of information in your written submission.

We've previously notified the public through our website and also wrote to yourself, Commissioner, yesterday, to reiterate that for this hearing, the Committee has agreed to confine our questions to Terms of Reference 1 and 2, anticipating that we would probably have a future hearing to deal with the remaining Terms of Reference. I'll just remind those listening of our Terms of Reference and those that we'll confine our questions to today, which is Terms of Reference 1 and 2. Number 1 is the adequacy of systems, processes and oversight arrangements for responding to allegations of serious misconduct within Tasmania Police, including sexual misconduct and family violence; and 2, the culture of Tasmania Police in relation to matters or allegations of misconduct.

Could I please ask each of you in turn to state your name and the capacity in which you are appearing before the Committee today?

Comm ADAMS - Donna Adams, the Commissioner of Police for Tasmania Police.

Dep Comm HIGGINS - Jonathan Higgins, the Deputy Commissioner of Police.

Asst Comm OOSTERLOO - Doug Oosterloo, Assistant Commissioner.

CHAIR - Great, thank you very much. Could I confirm that you've received and read the guide sent to you by the Committee Secretary?

Witnesses - Yes.

CHAIR - I'll just remind you of the pertinent parts of that guide, which is that the hearing is covered by parliamentary privilege, which allows you to speak with freedom and without fear of being sued or questioned in any court or place outside of parliament. As you know, this protection is not accorded to you if statements that you make may be defamatory and are repeated or referred to by you outside of these parliamentary proceedings. This is a public hearing. There are members of the public in the room today. There may be others who attend during this afternoon's hearing or be observing online. If there is a point at which you would like your evidence to be heard in camera, please make that request to the Committee and we can consider that at that time.

Commissioner DONNA ADAMS PSM APM, **Deputy Commissioner JONATHAN HIGGINS APM**, AND **Assistant Commissioner DOUGLAS OOSTERLOO APM**, TASMANIA POLICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - As a committee, we also are committed to a trauma-informed approach to this Inquiry, and we do recognise that the subject matter we are dealing with as a committee is and will be, and can be very impactful on Tasmanian people. We recognise that we'll be most likely discussing matters that have deeply impacted Tasmanian people which might be distressing for those listening to or participating in these proceedings or accessing the transcripts online afterwards. We reiterate that anybody who needs support can contact services, including Lifeline on 13 11 14, or by text on 0477 131 114. We also have a list of other additional contacts and services available on the committee's website and in hard copy in the room today.

Before going to an opening statement, I'll formally introduce the Committee. Almost all of us are here today: Jen Butler, Member for Lyons; Peter George, Member for Franklin; Helen Burnet, Member for Clark; I'm Ella Haddad, Member for Clark; Rosalie Woodruff, Member for Franklin; and Jane Howlett, Member for Lyons. We've got an apology from Mr Fairs, Member for Bass. We're also assisted at the table today by our secretariat colleagues, Michael and Georgia, and Gaye, who's assisting us on Hansard. With all of those formalities dealt with, can I invite you to make an opening statement?

Comm ADAMS - Thank you, Chair, and thanks for the opportunity to appear before you today and to contribute to this important Inquiry. I'm pleased to be here representing Tasmania Police. At the outset, I wish to acknowledge those individuals whose experiences have led to or have informed this inquiry. The matters being examined have the potential to impact victim-survivors, their families, and the broader community, and I recognise and appreciate those people who have chosen to come forward and share their experiences. As Commissioner, I acknowledge that public confidence in policing depends not only on the professionalism and the integrity demonstrated by police officers every day, but also on how effectively we respond when the standard is also not met. The community rightly expects, as I do, that all allegations of misconduct will be taken seriously, investigated thoroughly and addressed in a transparent and fair way. It's important to acknowledge that there have been failings in the past, and I'm certainly not here to defend or justify them, but really to examine them in an open manner and to learn from them.

As Commissioner of Police, I've initiated significant reform to strengthen professional standards, improve complaint management processes, support victim-survivors, enhance organisational learning, and increase our accountability and transparency. These reforms include: conducting Tasmania Police's first community survey; introducing the annual public release of Professional Standards outcomes; implementing the online reporting for compliments and complaints; and expanding trauma-informed training and practices across the organisation. Our submission to this Inquiry outlines these initiatives in greater detail along with other measures that we've taken, and we will continue to take, to ensure that Tasmania Police officers uphold the highest standards of conduct while serving the community.

It's also important to recognise that the overwhelming majority of Tasmania Police officers serve the community with professionalism, integrity and dedication, and they work tirelessly to keep Tasmanians safe, and I'm proud of the service they provide each day. We're committed to independent oversight and an approach to responding to allegations of

misconduct to ensure that we meet the community's expectations. The investigations undertaken by our Professional Standards Command are conducted to the highest standard and they're subject to external scrutiny by bodies such as the Integrity Commission and the Director of Public Prosecutions. If members of our community have experiences with Tasmania Police that do not meet their expectations, we're here to listen and learn, and I want to be clear that neither I, nor any member of my leadership team, have any tolerance for misconduct.

CHAIR - Thank you very much, Commissioner, and your colleagues for being here today. I'd like to start questions going to some of what you alluded to in your opening statement. You spoke about the importance of organisational learning and of recent reforms that have been undertaken in terms of the significant change to processes and oversight of complaints involving serving police officers, in terms of how both workplace complaints as well as allegations of a criminal nature are dealt with. Would you like to give a little more detail about some of those recent changes, perhaps in the last five or so years, in terms of those improvements to those internal processes that have taken place?

Comm ADAMS - I will probably hand to the Deputy Commissioner. I'll just give a bit of context as well. The Deputy Police Commissioner, he is responsible for the disciplinary process that Tasmania Police obviously works within. Assistant Commissioner Oosterloo is here because he was once the Inspector in charge of Professional Standards, so he has significant information around the detail of how we manage complaints, categorise complaints, the systems that we use in relation to complaints. I thought it would be important for him to give you a level of detail and confidence in how we actually manage the complaints.

Our submission obviously talks a lot about the reforms that have occurred, and Abacus, I guess, is probably the first part to discuss, which is our complaint management framework which we worked with the Integrity Commission to develop. That was a partnership to really set a guide that was very clear for our police officers, for anyone managing the complaints, for the public. Abacus is actually online, it is accessible for members of the community. And also so that the Integrity Commission had a level of confidence in the way that we were to manage complaints. Essentially, that's a significantly large document, which I'm sure you've probably had an opportunity to have a look at online, and really provides guidance from the moment that someone's thinking of making a complaint all the way through to, I guess, how a complaint's resolved and the communication that we may have with the victim-survivor or a complainant. So, that's the bible, I guess.

Then there are things that sit around that. The first is making sure we get the right people into our Professional Standards Command. They're directly selected. They're the cream of the crop in terms of investigators. And the Deputy Commissioner, he has to vet those that go to Professional Standards because we want people that won't take a backward step when it comes to investigating misconduct by police officers. And so, we choose the right people to go into Professional Standards.

The other thing that we've done is we have regular meetings with the Integrity Commission, providing them with an opportunity to give us feedback in regards to complaints that they've reviewed or assessed or audited. We're always looking to continuously improve, and the Integrity Commission certainly has the expertise to be able to give us their insights into how we're actually managing our complaints.

In terms of trying to build that public trust, we took the decision to develop the public reporting around the Professional Standards complaints. It was a challenge in developing that reporting protocol. We needed to ensure that we were trauma-informed, that we were also responding to privacy considerations, and we took some legal advice in relation to how we constructed those outcomes reports. But, from our perspective, we certainly wanted to demonstrate that we wanted to be open and transparent with our community, and it was something that we also got feedback from the community in our community survey. I think, when you're looking at trying to build on good culture, you do need to listen, whether that's within your own organisation, experts that sit outside your organisation or, most importantly, the people we serve, our community. We're certainly looking for avenues to get their feedback and then to make tangible change based on that feedback. And the report that we now annually provide to the public has been informed, I guess, from that feedback from our community survey.

One of the things, as Commissioner, is about accepting and standing up and acknowledging when we've got things wrong. It's no point trying to defend or justify. We are going to make mistakes and it's important that I, as the Commissioner, the leader of the organisation, acknowledge those mistakes, but also then provide a level of reassurance to the community about what we're going to do to ensure that doesn't happen again. I don't shy away from that responsibility, and I do that on behalf of everyone who's a police officer within Tasmania Police. Our job's not done. I would expect, as part of this process, there will be things for us to learn. As I said, we talked about feedback. You've had the opportunity and the privilege of listening to victim-survivors who have identified where we haven't got things right. We're more than happy to listen to that feedback and make changes that are hopefully going to build the trust in our community as we move forward.

CHAIR - Thank you. Did anybody else want to add to that?

Dep Comm HIGGINS - I certainly can add to that. I'm sort of going to take five years and be more liberal, and go back a touch. I think Abacus, our framework, came in in 2018, and there was about three or so years' worth of work that went into that before that started, which then had our internally raised matters and externally raised matters. So, externally, complaints coming from, I guess, the members of the public and internally raised matters that will be from within our organisation, with all level 3 serious matters also being reported to the Integrity Commission during that, and the level 3 ones being held by Professional Standards to investigate. Anything to do with a commissioned officer, so inspector and above, with level 2 or level 3, and either an internally raised or an externally raised complaint, is also advised to the Integrity Commission as a process.

CHAIR - And is seen by Professional Standards, everything at level 2 and 3?

Dep Comm HIGGINS - Everything, yes.

CHAIR - And level 1 as well?

Dep Comm HIGGINS - They see most of - all level 1s as well, yes. Level 1s will go normally to the districts to actually work through. If something is classified as a level 1, it's normally because it has no sort of identifiable obvious code of conduct, but it might be a customer service complaint or something that can be more conciliated, I guess, in that respect.

The importance of that and that framework set us to a point where we were able to better triage and work through and ensure an investigation. So, I don't get told about every level 1, but I certainly do with all level 3s. I'm briefed every week on those via the Commander of Professional Standards.

The changes then going forward to 2022, with the Commission of Inquiry as that was coming to fruition, and the recommendations later on in 2023. In 2022, we set up our Family Violence Review Committee, which then after the Commission of Inquiry extended as a recommendation from the Commission of Inquiry Commissioners to include sexual violence as well. That was set up at the time by Commissioner Hine, and that was to provide a greater level of scrutiny of matters that have come through, particularly in family violence in the first instance and then family and sexual violence later on. It wasn't the decision-making body, but it was where the matters were scrutinised, worked through with an independent Chair, Deb Bailey being our first one and then Ginna Webster after that.

The importance of that group is they're there to challenge the Commissioner and I. They're there to make us feel very uncomfortable sometimes in questioning. This is, the Chair, the Committee on the whole, but the Chair in particular, is the conduit to me that will talk through matters. We may not go into a full investigation and so forth, but clarifying things, looking at pathways, it could be anything, it could be wraparounds with victims, whatever it might be. That's been a particularly important part in our evolution over the last few years, and it's challenging as well, and it has challenged us. It's challenged the Commissioner and I. We've had some really uncomfortable conversations along the way since 2022, where we worked through matters and then provided advice back. With all the matters coming to me, as for that responsibility, I will then make recommendations to the Commissioner. For some of the high-level matters, it's for the Commissioner to actually make a decision; it's not for me. Anything that's termination, demotion, it's for the Commissioner. Or standdown.

I'll touch on standdown and what that actually means. Under the *Police Service Act*, we can stand a person down for seven days before determining whether it might be a suspension with pay or without pay, or changing back and staying in the workplace. It is something that I am probably more likely to do in circumstances, especially in the more serious cases, while the investigators are actually able to work through the matters. Because you can't resolve things on the first day. Some of it takes time, some of it takes far longer than seven days. But at least it gives an understanding about where we might be going after that point. That's not necessarily popular with our staff and the Police Association, but that's the reality; that sometimes people shouldn't be in the workplace for a period of time while we work through investigations.

The evolution over the last five years is around the complaint handling. Complaint handling is not just a complaint. Complaint handling could be a criminal complaint. Now, a criminal complaint will take primacy as far as investigation goes. The code of conduct will commence. There will be an action that might be a standdown, it might be a suspension that results from that. But the criminal investigation will occur, it will be our Professional Standards investigators do that at the right level, depending on the rank of the subject officer. And through that complaint handling and that criminal investigation, the Director of Public Prosecutions (DPP) - and I understand the DPP appeared before you already, they will be the final oversight for a criminal matter, determining whether there be charges or there won't be.

I can tell you that a file for even the simplest of serious offences, it could be assault or something like that, excessive force, is in many lever-arch folders, whereas a member of the

public might experience something that's in those tall - the small blue one there. So, the level of scrutiny that goes into an investigation of Professional Standards, it literally looks at every possible angle, not necessarily because the DPP need all that, but we need that and need to be satisfied.

CHAIR - Can I just ask a question going back to when something's first received and that assessment is being done as to the categorisation of a complaint being level 1, 2 or 3. Does everything eventually make its way to Professional Standards or is it just level 2 and level 3 complaints that end up?

Asst Comm OOSTERLOO - I can probably give a bit more context, if you like, around how those complaints are received and categorised. And a lot of this is contained in Abacus in our submission. If there are sort of follow-up things, that is contained in there. When a complaint comes in, it can come in through a variety of sources. It can come in through our online compliments/complaints portal. We receive them by email to the Tasmania Police website. People can walk into a station and make a complaint. When a police officer is interacting with the person, they can make a complaint. They're referred from the Integrity Commission, they're referred from the Ombudsman, they're referred from third parties, or they can be reported directly to Professional Standards. However they come in, there is a requirement under the Tasmania Police Manual or an order that requires any member of Tasmania Police who receives a complaint or becomes aware of an allegation of misconduct against another police officer they must report it, and it must be reported through our IAPro records management system. The number one thing is that they must report, and a police officer commits a breach of the conduct if they fail to report that misconduct, so we have a really proactive reporting culture in that respect.

As Mr Higgins said, if it's an external complaint, we call those complaints. If the member has detected misconduct on the part of another member, we call those internally raised matters, and you'll see that terminology in our submission. That's how they're reported through the IAPro system. Under Abacus, which is - a bit more context there. Abacus is the short title. The full title is that it's the Commissioner's directions for the handling of management conduct - complaints and conduct and compliance review. I've muddled that title up, but it's -

CHAIR - That's okay.

Asst Comm OOSTERLOO - The key thing is Commissioner's directions -

CHAIR -It's good to have the shorter name, I guess.

Asst Comm OOSTERLOO - Abacus is easier, but the relevance of the Commissioner's directions is that under the *Police Service Act*, it sets out that the Commissioner must issue directions about the way complaints are handled. Abacus is a very pivotal document in all this, in that it sets out the Commissioner's expectations about how complaints are managed. Under Abacus, inspectors and above are delegated the authority of categorising complaints. So a constable might take the complaint or receive it or become aware of the misconduct; a sergeant might -

CHAIR - Only inspectors and above are triaging it into those three levels of category?

Asst Comm OOSTERLOO - That's right. So, if a complaint's received out in the districts - and I'd say the majority aren't really in districts. Level 1s are likely to come through a district, but more serious complaints tend to come directly to Professional Standards or through a third party, or through a more formal mechanism that doesn't involve going to a police station. If someone wants to report serious misconduct against police, they don't usually go into the local police station to report that. But certainly level 1s and those lower-level dissatisfaction-type complaints will come in through the local level.

Wherever they're reported, they go through the chain of command, so they will go to an Inspector. If they're reported in a district, the District Inspector or the Divisional Inspector is delegated the authority to categorise them. And the District Inspector, Divisional Inspectors, we've given them all training, and they live and breathe this sort of thing around determining what meets a level 1, 2 or 3.

If it's a level 3, so usually level 3s are criminal allegations. If someone comes in and is making a complaint, or a complaint is received, and it amounts to a criminal allegation, there's immediate contact with Professional Standards and immediate steps are taken to make sure evidence is preserved and the investigation starts on the right foot.

If it's level 2, that means it usually amounts to a potential breach of the code of conduct. It'll be categorised at level 2. And then, look, there can sometimes be some debate about whether something is level 1 or level 2 - does it quite amount to a breach of the code of conduct or not? But the Inspector has delegated authority to categorise. Once that category is selected in the system, it is then they press a button and it is immediately referred to Professional Standards. All matters that come in that way, no matter how they're categorised - 1, 2 or 3, the Inspector categorises them under the delegation and they are immediately routed directly to Professional Standards. Professional Standards' administration team and the Commander in charge of Professional Standards oversees this personally.

There's Quality Assurance (QA) around the categorisation to determine and to be confident that that has been categorised correctly. Quite often Professional Standards will change the categorisation at that time, and that's under delegation authority from the Commissioner that they may recategorise the matter: 'On review and having read all the statements or evidence attached, we think this is a level 3, we think this amounts to a criminal allegation', or 'It's a level 2'. That then determines how the matter is then allocated out for inquiry.

As Mr Higgins and the Commissioner said, level 1 matters are usually dissatisfaction, service-related, performance-related, but don't amount to a code of conduct. Often, they're allocated out to the districts to deal with. Level 2 matters that amount to a breach of the code of conduct, some are kept within Professional Standards but, depending on the level, normally allocated out to a district, again, depending on the seriousness of the allegation.

All criminal matters, level 3 matters that involve criminal allegation, are retained and directly overseen by Professional Standards, so allocated to an investigator at that time.

The other thing I'll say about the categorisation is, at any time while the investigation is underway, they can be recategorised if we get other evidence. If we're dealing with something as a level 2 code of conduct breach and we get a new piece of evidence that suggests a criminal

element, it'll be immediately recategorised at level 3 and dealt with under Abacus as to how level 3 matters are dealt with. Hope that helps.

Ms HOWLETT - Assistant Commissioner, in relation to Abacus and when it was implemented in 2018, are other jurisdictions similar?

Dep Comm HIGGINS - Have similar frameworks, they may not actually call it Abacus though. Well, they don't.

Ms HOWLETT - And was there consultation with other jurisdictions before implementing Abacus?

Asst Comm OOSTERLOO - I can add, if that's all right, Deputy? I can add some to that. The other thing that's worth noting is that Abacus - I wasn't involved in developing Abacus, but certainly aware of its history - was co-written, co-authored by the Integrity Commission. There was a really close collaboration and consultation between Tasmania Police and the Integrity Commission in writing it. And in doing so, I am aware that they researched models in other jurisdictions. I am aware, and it's in our submission, I believe, that the Integrity Commission, when they reviewed Abacus and how it was performing three years after implementation, made a comment then that it was the most advanced complaint management system they'd seen in Australia at that time. Now, I'm certainly not trying to suggest that it remains that way, and it is simply a policy and a system. But at that time, the Integrity Commission certainly made that observation.

Dr WOODRUFF - Thank you for the extensive submission. It's very long and it's very helpful. And throughout your submission, and in many other submissions that we've had, your submission makes the point that you consider allegations of family and sexual violence by police officers warrant a particularly independent response. That's a welcome statement and important.

And you made a number of other statements about a strengthened Integrity Commission, in particular. You said you support:

> a strengthened and appropriately resourced Integrity Commission with the legislative authority and specialist capabilities to independently investigate complex family and sexual violence matters involving police officers, while continuing to monitor and audit other serious police misconduct matters.

In your view, what is preventing this happening right now? I don't think this is a new statement. It's very welcome to hear it so clearly articulated in your submission. What's preventing that happening now?

Comm ADAMS - So, I guess just take one step back. I did meet with the Integrity Commission, it would be close to 18 months, two years ago, to actually ask what capacity they had to be more involved in investigations of serious misconduct involving family violence and sexual misconduct, and there were a number of reasons why they were not in a position to be able to do that. Obviously, I'm sure you've heard, resourcing is one of those, and the Integrity Commission, certainly the current CEO, is of the view that the Integrity Commission is being constructed around misconduct, not a law enforcement body to investigate criminal matters.

So, whilst the CEO and I have had some excellent conversations about what we think we can do to move things forward if there was to be legislative change - and again, more than welcome for you just to clarify that with the CEO, but I think their focus and their construct is around serious misconduct and misconduct, and not doing criminal investigations. That's the challenge that we have because serious misconduct of a sexual violence and family violence is in the criminal realm. And that, I think, is one of the issues that we have. There can be legislative change. Ms Weiss did recommend that as part of recommendation, I think it was 5, that the Integrity Commission was recognised as a law enforcement body. They're not at the moment. And because they're not, that does inhibit a couple of things that can affect, obviously, the role that they play in the matters that we deal with. Just to make that clear, their remit and what they see their lane is misconduct and they see our lane as the criminal investigations. So, that's how they see it.

Dr WOODRUFF - Thank you. You're right. We've also heard from the Integrity Commission and, in their words, it would be possible to establish a dedicated police oversight team, which would have a dedicated unit, which would have one more senior and two junior investigators at a minimum, in their estimate, something in the ballpark of $500,000. Do you think this would be an important and welcome step if our Integrity Commission was resourced and legislated to be able to undertake that work?

Comm ADAMS - Well, yes. You're not going to get any opposition from us to enhanced oversight of our investigations and of allegations of police misconduct. We want to be transparent. We want those investigations to be thorough. I've certainly had conversations with the CEO in relation to what she may need to be able to do that. I think the practicalities would be, that we would still be investigating the criminal allegations with enhanced oversight from the Integrity Commission, but it wouldn't at any time stop the Integrity Commission from doing a serious misconduct investigation using their coercive powers that they already have, and a legislative change to make them a law enforcement body would broaden some of the investigative avenues that they don't have at the moment.

Dr WOODRUFF - In your submission, you look at other jurisdictions and the integrity bodies and police oversight bodies, and you've created a table that has Tasmania and has, in relation to legislated mandatory notifications to oversight agencies, the powers to intercept and access telecommunications, the capacity to have coercive powers to question witnesses, and protection from liability for evidence that's considered - Tasmania's Integrity Commission has none of those powers and almost every other jurisdiction in Australia, I think without exception, has all of those powers. Is it your view that this is a critical step to bring us in line with other states and to give the Integrity Commission the capacity to have the independent oversight?

Comm ADAMS - Again, it - I support the oversight, let's make that very clear. We have no issue with enhanced oversight. I think the biggest issue that needs to be addressed is to recognise the Integrity Commission as a law enforcement body that then will allow, as you say, the telephone intercepts. It will certainly allow a sharing of information that we are challenged to share with them at the moment. And I know we've had a number of conversations around their access to IAPro. We're more than happy for them to access that, but we can't at the moment because it's got covert material on there and because they're not a law enforcement body, they effectively don't have a legislative mandate to do that. The Integrity Commission will tell you they can do covert hearings and they do have some of the powers that you've talked about, but they're not a law enforcement body. Again, we don't have any concerns about that.

Dr WOODRUFF - Okay, thanks. Given that that's not the situation that we have, can you talk about the impact it has on your capacity to undertake a truly independent investigation and the perceptions of Tasmania Police about the fact that there isn't that arm's length difference of the Integrity Commission undertaking that? Do you believe that that's a problem, that it's creating concerns?

Comm ADAMS - I would say it's more a perception by some. The reality is the Professional Standards are investigations of the highest quality. They are subject to rigour and oversight and review. The Deputy has already indicated he's weekly briefed on those matters. If they are of a criminal nature, the DPP will review those. Depending upon the nature of the allegation, we may involve the Integrity Commission earlier in there and brief them, and take their advice on how we might manage that investigation. And we've done that recently. And I think, again, the CEO might have cited that particular investigation using an operation name. So, I think it's more a perception.

Dr WOODRUFF - But I think you acknowledged before that perception's very important as well.

Comm ADAMS - Perception is important.

Dr WOODRUFF - So, that is the main and critical reason for the -

Comm ADAMS - I'm not sure whether the perception - this will address the perception. Some people will still have a view that police should not have any role in relation to investigating allegations of misconduct about police officers. I don't think that - what we're trying to do is to incrementally move the current environment to one that responds to some of the things that we've been challenged by over the last few years to hopefully restore some of that confidence. And there's some things that, obviously, we can do as well as, some things that could come as a result of this Inquiry. But we are more than happy to support things that will enhance that public perception around serious sexual misconduct and family violence because it's very difficult. Victim-survivors, all - we all have different expectations, and we want them to have the confidence to be able to come forward and report.

Ms BURNET - Again, thank you for your detailed submission. I go to page 21 which is the complaints mechanism. Just before I start on all of my questions, it just goes to something that the Deputy said when he was talking about various levels of complaints, and some of the complaints might be this thick in a file, or it might be this thick. Are these not all digitised? They're not?

Comm ADAMS - They are when they are filed in the end, aren't they?

Dep Comm HIGGINS - On IAPro, they are.

Comm ADAMS - Yes.

Asst Comm OOSTERLOO - We maintain both. So, we have an electronic file, which is the complete file, and we maintain a hard copy file as well. At the moment, it's easier for the investigator to work with and the DPP require a paper file to be submitted, so the main reason we maintain a paper file. But I can say from working there, some investigations are completely online, so are digitised. Everything just goes into the system if it's a fairly straightforward one

but if anything is going to the DPP, it's produced on paper. But the electronic records are comprehensive, and since we started IAPro - sorry, I'm just trying to remember when we - early 2000s, I believe it was that we introduced IAPro. It's continued to grow and expand, but our records on IAPro, every complaint that's been received and managed is there in our IAPro system.

Ms BURNET - Okay, so it's a bit of a check and balance, depending on what the DPP or what you might require?

Asst Comm OOSTERLOO - Yes. And as the Commissioner says, if there's a difference, if there's a paper file that's being managed, there's a reconciliation process at the end of every investigation to make sure that anything that is in paper is also then transferred online.

Ms BURNET - Okay, thanks for clearing that up. Just in this flow chart, under Outcomes and Actions, there's counselling, there's a fine, demotion, reprimand, transfer or termination. I'm just wondering whether there is much comfort - or when you might do a transfer in relation to a particular case?

Dep Comm HIGGINS - I do have an example that might be a better *in camera* one, perhaps, though. Then I can give probably greater detail around it, if that's possible. It won't take long to actually go through it. It's just not one that -

CHAIR - We just need to have a formal resolution as a deliberative committee.

Dep Comm HIGGINS - Oh, sorry.

CHAIR - No, that's okay. I'm just wondering whether maybe we park it, in case there are other items that come up during today's hearings that you would like to have heard *in camera*. We could do them together at the end, if that's acceptable to the Committee and others.

Ms BURNET - It would be good to have a general example. A specific example, yes, *in camera*. But I think for the record, it would be useful to understand why somebody could be transferred.

Dep Comm HIGGINS - So it might be - I will generally speak about it, so it's not identifying someone because it is something that I do use, this delegation is with me, that it might be that it's between districts. So, it might not be that I will be moving someone from, say, Hobart Station to Glenorchy Station. It might be that it's moving someone from the south of the state to the north of the state. So, it's completely moving a person away from a victim in a workplace, perhaps, within our sworn ranks. So that would be a mechanism that might be used.

Ms BURNET - Thank you. So, the Professional Standards overseen by a Commander of Police, which is referred to the Deputy Commissioner. So, there are two divisions of that: there's the internal investigations, am I right? And then the management of cases?

Dep Comm HIGGINS - Management Review's not managing the cases. Management Review will be doing oversight. It might be that it's use of force, perhaps it might be reviewing something - evades, so vehicle - not pursuits, but they may look at those as well - but looking

at organisational learnings and outcomes there or reviewing how an incident was managed. So that's the mantra for the Management Review team.

Ms BURNET - And that would lead to changes in procedures?

Dep Comm HIGGINS - Yes. Could do, yes.

Ms BURNET - My final question at this point: the Law Society of Tasmania submission has a number of suggestions as to doing, like, a checklist, and I'm not sure if this is actually how your investigations are undertaken. I'll just read from their submission:

> The more serious, sensitive or systematic the allegation, the greater the degree of external independence is required to maintain community confidence that Tasmania Police does not control the assessment, investigation, disciplinary process, and outcome.
>
> Legislation should establish mandatory referral categories for serious police misconduct. These include, at minimum:
>
> - allegations of sexual offending or serious sexual misconduct;
> - serious violence or excessive use of force;
> - corruption;
> - serious dishonesty or deliberate falsification of police records;
> - interference with an investigation;
> - failure to act or appropriately intervene where there is a known or reasonably foreseeable risk of serious harm arising from continuing coercive control or family violence;
> - misuse of police databases or confidential information;
> - serious abuse of police powers;
> - victimisation or retaliation against complainants or whistleblowers;
> - serious misconduct involving senior or commissioned officers; and
> - allegations suggesting systemic or repeated misconduct.

I just wonder if there are those checklists in place, particularly around such concerns.

Dep Comm HIGGINS - I think I understand your question. I'm going to try and tackle it. So, 95 per cent of the things you've just read out then would be notified to the Integrity Commission and they would have oversight of it. They wouldn't investigate it - it's not a law enforcement body - but they have oversight of it. Tasmania Police is the only law enforcement body that can actually investigate the majority of those things that you raise there in the criminal space, although there were some misconduct ones, I know, as well. But the oversight and the reporting would be through the Integrity Commission and their oversight of it. They can review, they can be part of the investigation and briefings right from the start, or they can review it at the end. And it's a mechanism that's actually right there now.

Comm ADAMS - And because it's a criminal investigation, the DPP have to review the file, and they determine whether there's going to be charges or not. So, there is a level of oversight, and we do have, as the Deputy said, mandatory reporting to the Integrity Commission. They would be all deemed as level 3 complaints that you've just read out then. So, there is that level of oversight.

Mr GEORGE - Thank you. I notice that, obviously, the Integrity Commission must be front of mind in this submission. You mentioned it 125 times.

Comm ADAMS - Already, have I? In here?

Mr GEORGE - In there, in the submission. And I recognise, I think, what you've been saying about how an independent body - under other circumstances - like the Integrity Commission, might be able to handle complaints which involve police officers, particularly when it comes to sexual misconduct and so on. It seems to me the biggest problem we have at the moment is actually for victim-survivors to get through the front door. They are essentially directed through the police portal, which requires you, if you're not going to submit anonymously, to give your name, contact numbers and so on, or go to a police station or police headquarters.

Do you think it would be a far better process if, at least, given the current legislation that rules the Integrity Commission at the moment, that at least the front door for victim-survivors to go through is the Integrity Commission, that then refer onto you, which means that the police, or at least at the front door, are not standing there sentinel.

Comm ADAMS - So, that option is available now to any victim-survivor - should be provided with an opportunity to have choices around how they may want to engage when they want to make a complaint about police. So, the Integrity Commission is one option, the Ombudsman is another. You've highlighted the online reporting, which is the portal. We also have our Arch centres, so a victim-survivor can go into Arch first and be provided support through one of our counselling services so that they can understand the process of what it means to make a criminal complaint and they can be supported through that process so that they then, again, have choices as to whether they want to make a formal complaint or not.

We've also recently rolled out a new online reporting mechanism called Safe2Say, where a victim-survivor can actually report a matter, anonymously in the first instance, and may engage in some dialogue with an investigator where that confidence-building, reassurance, information is provided, hopefully, to the point where a victim-survivor feels comfortable enough to actually make a complaint.

So, I think that when it comes to providing victim-survivors opportunities to make a complaint, there needs to be many, many options. They need to have the choice left for the victim-survivor to make that choice. They need to be safe choices for them, and they need to have a confidence in the system. And I think, again, one of Ms Weiss's recommendations was around having a victim management capability outside Professional Standards for victim-survivors to come forward, and we see our Arch centres as providing that victim management support, where not only are there investigators, there is also the expertise from the counselling services that are in the Arch centres as well.

Mr GEORGE - I'm sort of wondering whether, when approached by a complainant, whether it might not actually be a system where the police would refer it on to another organisation, be it the Integrity Commission or another independent body, so that there is a cut-out.

Asst Comm OOSTERLOO - What you're saying makes perfect sense, and the Commissioner has obviously touched on that - that avenue is already available and we do get many, many referrals through the Integrity Commission already. They will go directly to the Integrity Commission and report matters along with all those other ways. But one of the things that, whilst in theory that might work, the other thing we've got to take into account is that might work for a matter that is historical or where there isn't any scene, crime scene, there isn't any forensic evidence, there isn't a requirement, there isn't a safety issue, an immediate safety issue for the victim. And so, you know, whilst we would encourage people to report, if they're not comfortable coming to Professional Standards or police or through any of those pathways, to report to the Integrity Commission. And let's say they were to set up a unit that allowed that to occur and provided resourcing around it, there absolutely has to be a police response to something where there's a safety risk or safety issue or a crime scene or evidence that needs to be preserved and secured.

I've personally responded to serious allegations against police officers that have required an immediate response and scene and evidence preservation. And it's like any major crime or any serious allegation, your first priority is the person who's safe or not safe, and how do we make sure they're safe. Second priority is what evidence is there that if we don't get it now, it will be lost tomorrow or in an hour or whatever. So, we will always be the front door for those sorts of matters but, obviously, strengthening those other pathways has a lot of logic to it as well. As the Commissioner said, we're very much open to people if they're not comfortable reporting through us to any one of those other service providers.

Ms BUTLER - I have one follow-up question in relation to the Integrity Commission and then I've got some questions around culture. Thank you so much for coming in today and for your very comprehensive and well detailed submission. It's very much appreciated. Commissioner, on page 49 of the submission, it states that as part of the current review of the Family and Sexual Violence Involving Police Policy and Review Committee:

> This will include requesting that the Integrity Commission has a representative on the FSV Review Committee

Tasmania Police has described the Committee as an important mechanism for reviewing the adequacy of police responses to family violence, sexual violence and child sexual abuse matters involving police officers. What benefits do you believe would arise from having the Integrity Commission represented on the Family and Sexual Violence Involving Police Review Committee - both in terms of practical oversight and strengthening public confidence in how these matters are managed?

Comm ADAMS - Thank you for the question. I think, practically speaking, the Committee works effectively and provides an assurance to me as Commissioner that we're challenging a police investigation, we're making sure that we're following up on every aspect of an investigation and we're also considering the needs of a victim-survivor and how we might best support a victim-survivor.

I think we talked a little bit before around perception and things that we can do to enhance the perception around the effectiveness of that Committee, I think, will only be enhanced by having someone from the Integrity Commission on the Committee. I meet regularly with the CEO, as does the Deputy, who gives us feedback and things for us to consider in terms of our investigation. I think if we've got a representative on the Committee, that will only strengthen

the role of the Committee. The Committee, as I said, plays an important role, not only oversighting and challenging what Professional Standards might do in relation to family violence or a sexual violence matter, there is also important discussions around risk, around conflicts of interest. The Deputy used the analogy before - we encourage our Chair to make us feel uncomfortable in their assessment and the feedback that they provide in relation to matters that they may consider.

Ms BUTLER - Do you see that involvement as a way of providing, I suppose, greater independence, increasing that transparency you were talking about, improving that accountability, all of those outcomes?

Comm ADAMS - I definitely think it's an enhancement to accountability, and it is providing an independent assurance to me that we are prioritising the victim-survivors' needs and we're putting them at the centre of what we're doing. You know, we're a law enforcement body, so our natural tendency is to gather the evidence, investigate the matter and hopefully get to a point of charging someone and off we go before the courts.

The Committee's played a valuable role in ensuring that we are thinking and making decisions that are considering the impact on the victim-survivor and ensuring we've got the right support mechanisms in place. I think that's been an important value-add to the way in which we prioritise these matters.

Ms BUTLER - This fits into my next line of questioning, which is around culture and accountability. You speak to that quite frequently within your submission. Page 86 of the submission states:

> Complaint handling is one of the clearest practical indicators of organisational culture.

How does the Tasmania Police Service assess whether complaint handling practices today reflect the culture the organisation is seeking to build?

Comm ADAMS - I think the first thing you look at is the number of internally raised matters and the fact that there's been an increase of those reports, which are effectively police officers calling out and reporting the behaviour of other police officers. I am very reassured that we have police officers that feel safe and supported, that they can call out that behaviour, and it's important that every individual in the organisation is part of the value-setting that obviously defines our culture. Organisational culture is dynamic and it certainly can evolve and change, but a fundamental component of having a positive culture is being able to align behaviour to your values, whether that's positive behaviour and extraordinary actions by police officers in alignment with our values, and conversely, if it's behaviour that's not aligned with our values, we expect people to call that out, have pride in the responsibility that they have in protecting the community. And then it's important for us to, at times, story-tell and role-model what are the benefits for all of us in calling out that behaviour.

Ms BUTLER - Do you have evidence as such to - what evidence do you see that officers, staff, members of the public feel more confident reporting misconduct than they may have in the past because of these cultural changes that you've been able to implement, or are implementing?

Comm ADAMS - I think there is. I mean, as I said the internally raised matters, those figures have increased, and they strongly feature in the number of complaints that we assess and manage each year. I think, the other thing that I had a great deal of pride in, was that when we looked to reset our values, the values had been in the organisation for over 25 years. We've got a different organisation and workforce. We had 70 per cent of our staff participate in those workshops to redefine our values. And it's not just about, you know - one of the values, accountability, it's what does that mean? As a corporate management group, we've sat down and said, 'Well, what does it mean for us to behave in alignment with being accountable?' For me, one of the behaviours is that I will stand up and talk to the community about when we've got it wrong, because I'm accountable for everyone and every decision that's made every day, and when we've got it wrong, I'm accountable for that.

So, it's - as I said, a lot of pride in having 70 per cent of our organisation involved in that. I speak to every sergeant's course and every inspector's course, and we have discussions about that and about where we're tracking in terms of the acceptance and the importance of the values and, and how we are, as I said, reinforcing those values through our recognition frameworks.

But also, every determination notice that is completed from a Professional Standards investigation will refer back to our values and will say, 'Your behaviour on this occasion did not meet our values of integrity and for these reasons.' Then it is part of our storytelling, it is about informing and sharing those stories with the organisation so people understand what it means to comply with those values.

It's a challenge and it's dynamic, but it's something that if you don't commit to your values, you're not going to have an organisation that the community will trust and support.

Ms BUTLER - I might come back to the culture questions after and let everyone else ask questions.

Dr WOODRUFF - Thank you. I want to return to complaint reporting. The Weiss review, the independent review into Paul Reynolds, made a number of recommendations, and recommendation 4 was that Tasmania Police established a dedicated victim management team, funded, and resourced to operate separately of the Professional Standards Command to support victims in reporting. I suppose we've heard from a number, quite a few people in submissions, serving and former police officers, members of the public who have made complaints about police serious misconduct. I go to Laurel House's submission, which summarises them. And they're concerned, on behalf of victim-survivors, that the spirit of the Weiss recommendation 4 hasn't been implemented, although the Arch centres do operate separately, and that is true, people can come into a place that is not a police station, that's absolutely the case. However, as I understand it, unless something's changed, ultimately a complaint that's made there will go to Professional Standards if there's a matter to be investigated.

I just want to ask your view about the fact that experts don't think it's been implemented satisfactorily because it doesn't solve the issue of the reporting pathway information vacuum, and that information vacuum is about who at the end will be investigating the matter that they've made a complaint about, particularly acute for police officers but also for any member of the community. They don't know who it will be, who's in Professional Standards, and what the relationship that person may have with them, the person against whom they're making the complaint, the community in which they live, their workplace, and all the other matters. If the goal of implementing the Weiss recommendations is to speak to victim-survivors and to give

confidence, we're hearing from the family and sexual violence sector that they don't have confidence in that.

What do you say to them, and are you open to looking at this problem of the information vacuum?

Comm ADAMS - Definitely happy to, you know, to take on the feedback. I think the first thing is that this arrangement's only been in place for a short time, and I think for us to truly assess whether it's effective or not, I think we need to get the feedback probably over a 12-month period.

My understanding of the Weiss recommendation was around the ongoing support for victims and a place for victims to come forward and get that initial support from a specialist in counselling services.

Dr WOODRUFF - I think we have all heard as the big tick in that respect.

Comm ADAMS - Yes. It sounds to me that there are probably some things that we can do to tighten up the relationship between the investigators and obviously how the information around the progress of an investigation is provided through the Arch centres so that the victims have kept up to date -

Dr WOODRUFF - Well, the clear message which is coming through, and I'll just read from one person who says -

> Before a person provides details, evidence, they should receive a written explanation of the available pathways. Who will receive the information? How conflicts will be managed. The limits of confidentiality.

At the moment, the system requires trust from the person who's making the complaint in a system that they may reasonably fear and mistrust, particularly against, you know, we're talking about serving police officers with a lot of personal or other power.

Comm ADAMS - I'm seeing, and it may be wrong, please correct me if I'm wrong, this is a reassurance piece, but also with the right information so that a person understands how a complaint's going to be managed -

Dr WOODRUFF - It's a knowledge piece. Can you just run through a scenario? What would happen if a serving police officer wanted to make a complaint against another serving police officer and they know that the person against whom they're making the complaint works or is associated with someone else who works in Professional Standards?

Comm ADAMS - Someone who works in Professional Standards?

Dr WOODRUFF - Yes, it could be. That situation has been submitted to us from one person. How would they have confidence - who is going to be at the end picking up their complaint? What is the process that they can be aware of so that they feel trustful enough to make the complaint and confident that they know that they can have a sort of a cross-check or somebody else can have a cross-check to make sure that there isn't any conflicts of interest that

would impact on the investigation or have other retribution impacts for them possibly in their career?

Comm ADAMS - Yes. I'll hand over to Doug in a moment and just make a couple of opening comments. When a file comes in and it is at that point of being allocated, we're talking a criminal sexual misconduct matter, so, it's going stay at Professional Standards.

Dr WOODRUFF - It could be family violence.

Comm ADAMS - Yes, or family violence. There is a conflict of interest process that the Commander of Professional Standards, he, oversees. So, if I'm going to potentially allocate you with a file, you have to declare a conflict if you know the individual and declare what your relationship may well be with this particular officer, whether you've worked with them before, whether you have a conflict which would prevent you from investigating the matter in a transparent and fair manner. If you do have a conflict, obviously the file won't be given to you for investigation. And at the end of the process, when an investigation is complete and the determination notice is also completed, any conflicts of interest are also documented in that determination notice.

The practicalities I'll give to Doug, because Doug's managed these on a daily basis.

Asst Comm OOSTERLOO - Yes, and I guess, if I try and answer what the Commissioner described about how conflict of interest is managed is absolutely spot on. Professional Standards is a small team, and so there's an internal discussion around whether there's any conflicts before a matter is allocated to investigator.

Touching on your point, I think you said, 'What if the complaint is about a member of Professional Standards?' Is that specifically what you're looking for?

Dr WOODRUFF - Well, that's one example, so another example would be a very senior officer, somebody more senior than the person in Professional Standards.

Asst Comm OOSTERLOO - Yes absolutely and to be perfectly frank, that presents some challenges for us in terms of dealing with that conflict, but there are absolutely pathways that we follow where a complaint is made about someone, for instance, the Commander of Professional Standards, or an Assistant Commissioner, or the Commissioner, for example.

What we do is encourage that report to go immediately to - if it was about the Commander of Professional Standards, it would go to either the Deputy Commissioner or to the Commissioner. So, we would direct that person to make the complaint directly to the most senior officer so that it could be properly managed.

Now, some of these complaints, I guess I'm talking more broadly about all complaints because they can be a lower level minor type of complaint, it doesn't matter what the level of the complaint is; if it's a complaint about the Commander of Professional Standards, it's going to either the Deputy or the Commissioner, whether it's minor or very serious. In those cases - they don't happen very often, I must say - but we would then engage with either another jurisdiction through the Integrity Commission to ensure that an investigation can be carried out independently.

Where we're talking about something serious involving someone of a high rank, generally speaking, complaints - so, we'll get level 2-level complaints about Commanders, we might get them about Assistant Commissioners from time to time. Bear in mind that the complaint doesn't mean the conduct has happened; it's simply an allegation in the early stages. To manage that, Abacus requires that the investigator or the authoriser of the complaints is of a higher rank than the person who's the subject officer. So, if it's in a complaint about me, for example, the Deputy Commissioner must oversee as the next highest rank. If it's a complaint about the Deputy Commissioner, the Commissioner must oversee it. In terms of the rank structure that we have in place, those matters must be overseen by someone of a higher rank.

The complexity, as I said earlier, arises when we're talking about a particularly serious allegation against a particularly senior member; in those cases, as I said before, we would go, we would engage directly with the Integrity Commission and make sure there's an independent investigation that's able to be carried out noting, you know, the conflict of interest that would need to be managed there. I hope that -

Dr WOODRUFF - Thanks, that's helpful. You've said that the Professional Standards unit, I mean you've just said it's small.

Asst Comm OOSTERLOO - Yes.

Dr WOODRUFF - So, I mean, from the people who have made submissions to us, that's their concern: everyone knows each other. I suppose, if the purpose and the intention, which I believe is the case of Tasmania Police, is to improve the perceptions of independence and seriousness about investigating family sexual violence matters against police officers or serious misconduct, then would you be open to working with the family violence and sexual violence sector really to drill down into the specific things that are - that victim-survivors need in order to feel safe, to get to the first place of making a complaint by whatever means that you have available? Because they are very clearly saying that people aren't doing it, and it is a perception, and it might be a genuine issue, particularly when people know someone who might be a police officer.

What I'm hearing is what you've just described, acting commissioner Oosterloo, is not necessarily something that victim-survivors know. So, how would they know that you're going to maybe go to the Integrity Commission, go to another jurisdiction, if it's not all really clearly articulated, made really clear to the people who could be advocating for them, the family and sexual violence sector organisations; if that's not really clear, then it effectively doesn't exist to people. Would you be open to -

Comm ADAMS - I'm more than happy. I think I'd go back to the point I said at the beginning, not anyone in our leadership group wants a police officer that commits that type of serious misconduct wearing our uniform. So, that's the first point that I would make. And I'm more than happy to work with any of the victim-survivor advocacy groups to ensure that we've got that information, that it is clear, and they can inform and support victim-survivors in that space.

Dr WOODRUFF - They would like to be involved in the family and sexual violence advisory committee. As I understand it, as they've said, there's been no invitation to be involved in that. I know you just said you're strengthening it by including the Integrity Commission.

Would you also strengthen it by including the Family and Sexual Violence Alliance and engaging them, I suppose, in conversations about these sorts of issues?

Comm ADAMS - At the moment the Committee is working effectively and it's providing the assurance that I need. The Committee is always subject to review. Again, more than happy to take that consideration as part of a review. The Chair has not raised any concerns with me around the fact that there's a gap or a deficiency in the Committee. It's not a decision-making committee. It's a committee that's there to, as I said, to challenge me. If we think that it can be strengthened through that process, we'll consider it.

Dr WOODRUFF - Well, with respect, I think that's what the sector's saying. I'm not saying it; that's what the sector said. All the different organisations that the Committee spoke to didn't know what the terms of reference were, didn't know that the advisory committee worked. And I think, I mean, they're the ones who are managing the perception issue of people in the community. They're the ones who are managing the real people who, for genuine and perceived reasons, are not making complaints in the first instance, which means allegations are left uninvestigated, and they might still be continuing. So, it seems like there'd be lots of reasons.

Comm ADAMS - The Chair has requested and brought in different people to the Committee. So, it's not, there is a set structure that supports the Committee. But the Chair has the ultimate decision as to whether she wants any additional advice or expertise around the table when she considers a matter.

Dr WOODRUFF - Who decides what the remit of the Chair is to do.

Comm ADAMS - That is the Chair. If the Chair wants somebody -

Dr WOODRUFF - Is it independent of you, of the Tasmanian Police -

Comm ADAMS - The Chair? Yes.

Dr WOODRUFF - The advisory committee.

Comm ADAMS - No, the Chair is independent of us. We have some of our staff on the Committee because we're the ones who've done the investigation. When they want information about the course of an investigation, we need to have people that have been involved in the investigation that are present during that conversation, so they get the information.

Ms HOWLETT - Sorry, Commissioner, would it be fair to say that there could be some confidentiality issues -

Comm ADAMS - There are.

Ms HOWLETT - Around that by having another group join that committee?

Comm ADAMS - That is something we have to consider.

Dr WOODRUFF - That could be read in for confidentiality, potentially.

Ms BUTLER - Thank you. I'll go back to my questions around culture, if that's okay, Chair?

Commissioner, on page 87 of your submission, it refers to the Weiss review's observation of:

> Positive recent shift in Tasmania police culture, particularly in officers understanding of organisational values.

At the same time the Weiss independent review into Paul Reynolds' final report emphasised that cultural reform must be supported by systems that encourage reporting, accountability, transparency and the confidence to speak up about wrongdoings.

What indicators give you confidence that the cultural changes identified by Ms Weiss, are now embedded across the organisation and are sustainable over the long term?

Comm ADAMS - Well, the first thing is, I'd say, that we're still on the journey. There're some positive signs in relation to the progress that we're making. Again, I referred before around the internally raised matters, that would be one example. We will certainly monitor the number of people who feel confident to use the Safe2Say online portal to make a report. We will also, I guess, monitor online reporting through the Professional Standards portal. How many people feel confident to go to Arch? How many people go to the Integrity Commission? Ultimately, though, our culture is measured by the community, and we initiated our own survey and we will have another community survey next year, because we find that the engagement with the community is vitally important when we set our strategy and what's important for our priorities moving forward. But as part of that survey, we get direct feedback on our values and how we're performing and how professional we are, but we also have the Report on Government Services that is also a community-based survey that provides, I guess, an indicator of how comfortable the community is around the levels of trust and reassurance around policing. So, effectively the community are the ones that measure, yes, what our culture is and how we're serving them.

Ms BUTLER - In particular, what evidence do you see that the officers today - due to these cultural changes that, as you've just stated, are slowly being implemented - what evidence do you see that officers today feel confident reporting concerns about fellow colleagues or supervisors and that those concerns will be acted upon appropriately? And without providing any revealing information, can you give us an example of an indicator that there is more confidence coming through within?

Comm ADAMS - Again, I'll go to the Deputy Commissioner. I'll just make one point, that our public disclosure on our Professional Standards outcomes, there will be some examples in there of matters that have been internally raised by colleagues, and there'll be examples where there have been breaches that have been proved against their colleagues. So, I guess that's a fairly clear example, but I'll hand over to the Deputy.

Dep Comm HIGGINS - Look, perhaps if evidence - and it is in our submission there - if we look at family violence, there's been a significant increase in reporting of family violence either against members, against a sworn member, or a sworn member reporting against someone - it may be a partner, who may not be a police officer. I would say that's giving

confidence in our system that's in place, that people can report within and something will be done.

This sort of touches on Dr Woodruff's question a moment ago as well: I was troubled by the comment that people don't know what we're actually doing. I just refreshed myself on our web page and it's got the full family violence support services, the contact. If you don't want to contact police, the family violence counselling service. The policy is there, the terms of reference are there. And it's on our site, so it's not hidden somewhere else.

So that's that part there, but the evidence would be in that confidence in reporting. It doesn't necessarily mean there is more family violence in Tasmania Police. It could do, but you could also look at there's been an increase in the community in reporting as well. So, what we're seeing in Tasmania Police is consistent in what we're seeing in the community with a greater comfort to actually report, to have something done, and that's what we're seeing. Interestingly, what I do see with determination notices or provisional notices that will go out to members for them to comment on a sanction that may be about to occur, they get the right to reply, I guess. And more often than not, people are commenting on - they're putting themselves against our values and how their behaviour aligns or doesn't align with the values, depending on the level of reflection in the replies.

So, that's been a big change. I do also think that the Commission of Inquiry was a pivotal point in that 2022-23 point, where there was more awareness about reporting and avenues to report - and this goes to Dr Woodruff's question, I guess, that it probably wasn't well known. And some of the sectors we're talking about may not be the mainstream ones that we are engaging with. It may be that we are more with the family violence, sexual violence counselling service perhaps, but certainly Laurel House and SASS, because they are our partners; they're in our Arch centres with us.

So, there will always be gaps, but I think we are getting better, and we can only improve, and that's probably the important part.

Ms BUTLER - If I may, it works into the EIPro. In page 94 of the submission, it talks about the EIPro as an early intervention capability that integrates IAPro and Blue Team to provide risk-based insights. It also states that it can highlight officers who may be at risk of breaching the code of conduct or not fully complying with their values. I found that quite interesting. It also states within the submission that the system is intended to provide an opportunity for early supportive and corrective intervention - it's sounding very *Minority Report* - and forms part of a broader focus on prevention, early intervention and learning, rather than relying solely on investigations after misconduct has occurred. Could you explain how EIPro works in practice?

Asst Comm OOSTERLOO - Yes, I can probably take that one. As it's outlined in the submission, EIPro is, I guess, an interface, an extra functionality that sits adjacent to our IAPro system and allows for a statistical analysis of officer performance and conduct that may identify patterns that can be mitigated and addressed at an early stage. It is in the early stage of adoption. We do have a dedicated EIPro resource coordinator that is continuing to develop that capability. It sits outside Professional Standards and it is not necessarily there as a conduct management, conduct response, conduct performance disciplinary process; more so a 'What can we do to intervene and mitigate when we see an officer's conduct' -

Ms BUTLER - Red flag?

Asst Comm OOSTERLOO - Red flagging, effectively. The reason I say it's in the early stages, and not at a point where we would be comfortable to say that it's in operation, is that it does rely on the data. And what we've found is we've got a range of data sources that might give us an indication of some of those red flags, and I guess we look at it through a multiple different range of lenses. It's very easy if an officer's getting numerous complaints. That's simple. We have managed that reasonably well for many years; where we'll see an officer start to accumulate complaints, there's an intervention that occurs. But some of the nuances in where we'd like to be are around what other factors or indicators are there that might give an indication that an officer might be about to have a major problem. It's very hard to predict the future, but things like if there's use of force.

That same IAPro system records all our use of force, all our vehicle crashes, all our - if there's a firearm discharge or a firearm drawn. We have conflict of interest, secondary employment, a range of reports that are in there that all give a bit of a picture, compliments and complimentary reports versus complaints. Everything paints a picture of an officer's conduct. At the moment we don't have a system that like *Minority Report*, we do not have a system that we use to predict an officer's potential for misconduct. We use it amongst a range of other indicators, and we proactively encourage our managers and supervisors to keep a really close eye on those range of data sources as well as our own observations, their own supervisory observations to determine whether an early intervention is required.

We do have examples of where managers, supervisors have identified someone that requires an early intervention. Normally when that happens, it isn't from a professional standards disciplinary point of view; it's from a wellbeing point of view. There will be a referral. A manager or supervisor will say, 'We've noticed a bit of a trend, we've had this officer has had a few use-of-force scenarios where they were require to use force at an arrest', whereas we obviously prefer minimal force, negotiation and communication skills. Force is an absolute last resort. Minor levels of use of force, some other behavioural factors or indications that the person might be having some trouble at home or out of work, those sorts of things. Then there will be a wellbeing referral and some supports and intervention from a wellbeing perspective. I guess that's how it works now.

Ms BUTLER - I suppose the difficult aspect would be ensuring that that program is seen as an early intervention support or a risk management program instead of the surveillance or punishment of sorts for officers, I suppose, and that would be probably difficult culturally. But those kind of programs, when you think of the heaviness or the compressed trauma that can occur for many serving officers because of the sheer magnitude or sometimes the difficulty of incidents that they encounter sometimes on a daily basis, would that help officers as well, having that program working as part of that wellbeing?

Asst Comm OOSTERLOO - Yes, absolutely. It is an issue we grapple with. The effect of cumulative exposure to trauma and those sorts of incidents is something we do try to monitor and intervene in. One of the things we do is we have a tenure policy. We do try to rotate staff around, encourage movement of staff so they don't stay in one area too long, managed against the need to retain skilled and qualified staff in specialist areas, which is something we try to manage as best we can.

And on that point, I'm keen to address the previous point about Professional Standards being a small team. One of the ways we manage that, and their exposure to the sort of things we deal with in Professional Standards, is there is a significant rotation of staff. Once every two to three years we move staff out. So, they're a small team but they are rotated quite frequently. That's effectively how we try and manage where we see someone is experiencing those effects of long-term exposure to trauma.

Ms BUTLER - Just one more on the IAPro and then I'll move on.

Dep Comm HIGGINS - Perhaps just as a clarification there, some of the things you raised then about the exposure and so forth won't be something Professional Standards see. That would be the Wellbeing Services, a different space so there's confidence that the disciplinary area is not looking at that type of information. It's the Wellbeing Services that might be doing check-ins and interventions.

Ms BUTLER - Okay. How will the Tasmania Police Service assess whether the EIPro is actually successful, both in reducing misconduct and in supporting officers before problems escalate into conduct issues, disciplinary matters or harm to members of the community? Do you have KPIs in place?

Asst Comm OOSTERLOO - No. As I said, that's in the early stages of development. So, it is a functionality that is available at the moment but we're not using it routinely. It's used on an ad hoc basis. It's something we'll continue to explore and look at but, as I've said, there are problems with introducing it when it is only one little slice of the pie in terms of understanding what's going on with a particular officer.

Ms BURNET - I want to follow up on Dr Woodruff's lines of questioning when there is that significant conflict of interest in the investigating team and when that might be referred out to the Integrity Commission. Can you just explain what happens once it goes to the Integrity Commission and what powers they have in that situation?

Comm ADAMS - Yes, and I'll look to my colleagues to give me some support with this. I think the examples that I'm familiar with, the Integrity Commission plays more of an active oversight role, so they don't actually take the lead on the investigation. They satisfy themselves we've got management strategies in place, and in the particular one I'm thinking of, we would have a weekly meeting with them, and in relation to the course of the investigation they'd provide advice, you know, get feedback on the progress of what was happening.

If the Integrity Commission were concerned around our ability to do it and it was a misconduct matter, that matter would be provided and handed straight over to the Integrity Commission and we would cease what we were doing. We provide them all the evidence statements and the like, and they take the lead from thereon. They may ask us to do certain things, they may not, but they would take full responsibility, if it was a misconduct matter.

Ms BURNET - And that's in the situation where members of the Professional Standards have a conflict of interest?

Comm ADAMS - That could be a reason for that to occur, yes.

Ms BURNET - Do they have to provide information back to you or back to Tasmania Police? How does that finalise?

Comm ADAMS - They don't have to during the course of the investigation, but if there's going to be a disciplinary outcome as a result, and that disciplinary outcome is going to be pursuant to the *Police Service Act*, the only person that can obviously make any decisions or enact any sanction is the commissioner.

Ms BURNET - And in the situation, Commissioner, that the complaint were against you, what would happen then?

Comm ADAMS - So, for me, I have a process where I delegate my powers to the deputy commissioner. So that's been legally, I guess, approved with even the support of the Solicitor-General, that the delegation would go to the deputy. The Deputy would fulfil all the powers as if he was the Commissioner and I would also report that conflict to the Chief Executive Officer of the Integrity Commission, and basically that would be it in terms of my involvement.

Ms BURNET - And do you see any limitations in that model?

Comm ADAMS - No, I don't.

Ms BURNET - There was a report earlier this year in relation to a Tasmanian police officer in a personal relationship with a criminal and I think the report suggested that that was further investigated by Tasmania Police even after that person had resigned. Is it the situation that when somebody resigns and the Tasmanian police service that the investigation concludes with their tenure?

Comm ADAMS - No. So, again, I think the Deputy talked about some of the learnings from the Commission of Inquiry, and we acknowledge it's important for a victim-survivor. It's also important for our own colleagues and the trust, I guess, with the community to continue an investigation once somebody resigns. I can think of the number that have concluded over the last few months where the person resigns, investigation continues, they are advised that there will be a sustained complaint for these breaches and that is recorded in our systems. We provide advice to complainants or victim-survivors in relation to the nature of the investigation and the outcome, and that determination will stand in our system.

Ms BURNET - And is there any compunction on that particular person to come before a panel or?

Comm ADAMS - No. And if I may just talk a little bit about this. When I started as Commissioner - and, in fact, I actually had this advice earlier on from our Principal Legal Officer about not being concerned about a person resigning who was subject to a misconduct complaint. A criminal matter is going to continue. That is going to continue regardless of whether they wear the uniform or they don't. The DPP will ultimately determine what happens there and the courts may play a role in that. But for someone to resign, the most important thing for us is to not have that police officer continuing to hold their powers, continuing to be a member of the organisation. We now continue with the investigation. We can finalise the investigation; we can get an outcome, but we don't have that person in the organisation.

If I don't accept the resignation and I continue to do the investigation, I have the potential that that police officer may go off on ill health and we may not get to finalise the investigation. It will take considerably longer and I will be continuing to pay that particular officer. And that does not sit well with those that may have been involved in providing evidence against that officer. It does also open up a whole range of legal challenges for that individual to challenge the decision and that process. And we've got one underway at the moment, it's gone on for over two years. In my view, if I have a resignation, I'm taking that every day because we now have very clear instructions about the investigation continues, we make a decision, it stays on the record, but that person is not a police officer. And that's the most important thing for me.

CHAIR - That sounds like a logical spot to stop for a short break.

The Committee suspended from 3.12 p.m. to 3.26 p.m.

CHAIR - Welcome back everybody. I wanted to ask a question that goes to some of what's in your written submission where you've talked about when there are overlapping oversight processes. It was clear from your written submission and from some of what you've said today that when there are overlapping processes of investigation that there are safeguards or ways put in place to make sure there isn't too much duplication, or that duplication between overlapping oversight responsibilities can be dealt with. I think one of the things that we learnt through the Commission of Inquiry is while that's important, there's also a possibility that when there are overlapping oversight bodies, that things can also fall through the cracks. Certainly, the Commission of Inquiry demonstrated that there were overlapping jurisdictions between statutory officers, for example, sometimes that's where criminal behaviour slipped through the cracks in the things that they were looking at.

Is there's any information you can share with the Committee around what processes are in place to make sure at this point, and with the improvements that you've made in recent years, that when there are overlapping levels of responsibility of oversight and investigation, that things don't fall through the cracks?

Dep Comm HIGGINS - I might take this one. An instance of a sexual assault allegation against perhaps a child, there would be - I'm not downplaying this, a checklist. So, there would be a notification to the Integrity Commission, a notification to Working with Vulnerable People, a notification as being reportable conduct to the Office of the Independent Regulator as well. And all those would happen at the same time. If we're talking about overlaps, that would be an overlap. The Integrity Commission, probably more oversight as far as watching and providing guidance along the way perhaps. The Working with Vulnerable People and folks in Justice would be wanting as much information as they possibly could to make a decision on whether a person should be able to hold that authority. I can't think of it without the word, sorry. I'll continue in that space. And the Independent Regulator - sorry, because that's not Mr Benjamin.

Comm ADAMS - The Independent Monitor.

CHAIR - The monitor. They are confusingly similar titles.

Comm ADAMS - Yes, they are.

Dep Comm HIGGINS - The Office of the Independent Regulator would be wanting to collate the information to look at patterns and behaviours, and so forth. So, there'd be a thirst for knowledge for probably all three, but particularly two out of the three there as well.

To throw a fourth one in, there would be a criminal investigation as well and a code of conduct investigation undertaken in Tasmania Police. The criminal investigation would take primacy. If there is an overlap in the early stages, that would be a meeting, a conversation with those bodies about what needs to be done immediately to protect the victim-survivor, and what may need to be done to actually protect the chain of evidence towards prosecution, if that's what the victim-survivor wants. But bearing in mind that that still should be and is collected in case as an avenue for later on, as well.

That's a practical example of how complicated it can be. But that's well managed through Professional Standards with those notifications, which is I think, going back to the Commission of Inquiry, is that real pivotal point where this was cemented on actually doing it.

Mr GEORGE - Commissioner, in an effort to avoid verballing you, I wrote down what I think, having looked at your 125 mentions of the Integrity Commission, reflects your view, which is that the next major reform should be a much stronger Integrity Commission with greater powers and resources to independently investigate allegations of family violence, sexual violence and child sexual abuse involving police officers. Would that be a reasonably accurate reflection of your view?

Comm ADAMS - Correct.

Mr GEORGE - Great. Given that under the current circumstances under legislation, it may be that you have come up with the best form that you can devise within the current system, are there other jurisdictions, either in Australia or globally, which you think have got something that reflects more closely what you would like to see?

Comm ADAMS - Hard question as I don't have the intimate detail of every other jurisdiction. Certainly globally, I wouldn't have a lot of informed knowledge about what happens globally. I think, when you look at what change that you need, you need to look at what's fit for purpose for Tasmania, for our size, for, I guess, we have some nuances with our community. There's a strong relationship between law enforcement and the community, and what the community expects, so we want something that's going to build on that piece of trust.

We've put in the submission, and it's my view that I think the changes the Integrity Commission need, they're not significant, but they can be effective and they can have some far-ranging enhancement of their powers just to give the community more confidence about the oversight. And really that's what this is about. I want a victim-survivor, a complainant of a crime, or a member of the community that I meet to have confidence in the fact that, (1) we investigate police officers' misconduct as much as we can. We'll chase a rabbit down a burrow if that's needed. And there is a confidence in the investigation and the outcome. And there is the oversight to test what we're doing. That's effectively what we want.

Mr GEORGE - Right. Is this something that you have raised yet with the new Commissioner, Robert Hay? And if so, what responses have you had from him?

Comm ADAMS - As in the Commissioner of the Integrity Commission?

Mr GEORGE - Yes.

Comm ADAMS - No, I've spoken to the CEO. That's who I regularly meet with, and we've had a number of conversations.

Mr GEORGE - Ms McKenzie?

Comm ADAMS - Yes, Ms McKenzie, Ellen, about the challenges that she has. She's a very experienced CEO with a significant background, and so I appreciate her advice and candour. I think that we both have a very similar view on what needs to be done. As I said, it's not significant, but it can have a real impact on the confidence that the community would have in the oversight that they can provide.

Mr GEORGE - Okay. Given the current set of circumstances that you are operating within, and you have touched on this already, I was wondering if you could outline a little more how you might be able to change your systems? I think Dr Woodruff raised the point in how you might be able to keep victim-survivors or complainants up to date with the progress, so that that black hole of frustration doesn't emerge, because I think that's a real issue.

Comm ADAMS - Yes, I agree, and I've reflected on the question. I think it's a good question. What it's identified to me is that we have a knowledge gap between our partners at the very beginning about how Professional Standards operates. We need to give them that information so that they can speak confidently and engage with victim-survivors. There's a contact point, someone who is also trauma-informed, who can answer questions that a victim-survivor may have. And they may want to use SASS or Laurel House as a conduit for that conversation. I think that's something that - yeah, we can address that and it's something we'll take on board from today. I think that's very reasonable.

Mr GEORGE - Thank you.

Dr WOODRUFF - It was on the complaint management process pathway. Acting Commissioner Oosterloo, you said that in Professional Standards, conflicts of interest are looked at. What happens if someone doesn't declare a conflict of interest? It sounds as though it's sort of a voluntary process. Is there a mechanism for a third party, another officer, or somebody else to point to a conflict of interest?

Asst Comm OOSTERLOO - Yes, absolutely. Ultimately, though, the Commander of Professional Standards is in charge of that team, reporting to the Deputy Commissioner. The Commander is required to be confident and comfortable that conflicts of interest are being managed appropriately. They don't tend to be raised with the Deputy Commissioner unless there's an issue. But absolutely, it's encouraged for people to identify conflicts of interest and make sure they're dealt with, whether that be a third party pointing it out.

Look, absolutely, you can't know everything about the person you're working with, so if there is a conflict that no-one knows about it requires the individual to disclose. But the protections we do have in place are that the police service code of conduct requires that a member must disclose and take all reasonable steps to avoid a conflict of interest in the course of their duties. It's a breach of the code of conduct where we establish that someone hasn't disclosed and taken reasonable steps to avoid a conflict of interest. We regularly deal with

allegations around that disclosure and avoidance of the conflict of interest. The important thing is disclosing it. Not all conflicts can be avoided, and we try as much as we can to avoid them, which means giving them to another person who's completely independent, has no either actual conflicts, potential conflicts or perceived conflicts, as we recognise that there are different types of conflicts that are managed in different ways. Where there are actual conflicts that cannot be avoided, or potential or perceived conflicts, which are also challenging to deal with. There's a section of our Tasmania Police Manual that also addresses conflict of interest more broadly.

There's processes within Professional Standards to identify and deal with the conflicts of interest that occur when Professional Standards are investigating police officers. But more broadly across our organisation, we have clear policies around how we must disclose and manage and avoid, where possible, those different types of conflict of interest, including that there's a formal report within our IAPro system for declaring conflicts of interest. So, where a member - and this is any member across the organisation, has a conflict of interest, whether their manager says, 'You have a conflict of interest and you need to report it', or the member themselves voluntarily discloses that conflict, it's recorded in our system. It's then referred through the chain of command and assessed, and a management plan is put in place where there's a conflict that requires management.

Comm ADAMS - Chair, do you mind if I just make one just one comment to this. The people that are chosen to go to Professional Standards, they're the best investigators that we have. They're quality, they're hand-picked, they want to do the right thing. They want to investigate with a level of transparency and fairness, and they're representing everyone that wears the uniform. They get briefed in regards to how they need to manage their conflicts of interest, there is oversight and there is a framework around that. I think it's just important to highlight the nature of the investigators that go into that area.

Dr WOODRUFF - Thank you. From my memory of reading all the submissions, there hasn't been any concern about the standards of people in Professional Standards or the quality of people there, so I'm coming back to the victim-survivors or people making complaints. There are a number of police officers talking about family violence, but for everyone who's made the complaints, their maximum point of danger is the point at which they make the complaint and just thereafter. I know you understand this. In order for them to get to the point of being able to do that, can you suggest improving the capacity for them to point out conflicts of interest, or to have some mechanism of identifying conflicts of interest that they might see are obvious. You know, if they’re making it against a partner who's a serving police officer about family violence, there’s obviously a whole list of people that I would imagine that person could rule out of having any engagement at all.

I'm just trying to point out the gap that exists that's been identified by complainants, by people making submissions, and the family violence and sexual violence sector that this is a problem and that it needs to be fixed. It's not about the integrity of the people working there. It's about the conflict or perceived conflict, and being able to identify, through some third-party process. I'm not expecting you to have an answer, but perhaps a willingness to do the work.

Comm ADAMS - The Review Committee has it within their remit that they are to challenge and to satisfy themselves that there isn't a conflict of interest in those that are involved in handling the matter. And if they've got concerns, they are to challenge and, as the Deputy has said, to raise those matters with the Deputy if they're not getting the change, or the advice

that they might give is not being adhered to. I haven't seen an example where we haven't implemented an action that the chair has recommended.

There are some mechanisms that are in place in relation to conflicts. Is it that there is a gap in the victim-survivor knowing how we're managing that? So, you're comfortable that there is a process in place to manage it; it's the communication conduit -

Dr WOODRUFF - I'm not going to speak on behalf of everyone who's made submissions and the family and sexual violence sector about whether they're comfortable with the process. I think there are still concerns about that. I'm signalling that the way forward people have suggested is to have an engagement and to design a system that would give victims-survivors confidence about what was happening. That would include the information that they were going to get back when they make a complaint. Many people have reported the gap, the lack of information coming back about the process and progress of the investigation: whether an investigation is happening, whether anything's been submitted to the DPP, what is going on in the feedback process. There's clearly not enough information coming back to people.

Comm ADAMS - Yes, and I'm concerned about that because Abacus is pretty clear in terms of the need to ensure that a complainant or a victim-survivor gets detail around the outcome of their complaint. We have run into challenges when a file is reviewed by the DPP, and the DPP may make comments in relation to the evidence of the victim-survivor. We're certainly not going to share that with a victim-survivor in a letter.

Dr WOODRUFF - Can they get a copy of their own statement? People make statements but they don't - I'm reading from a submission. He says:

> I've not been provided with a copy of the report or statement to which I contributed, a clear report number, a written outcome or a sufficient explanation of how my information was used.

Comm ADAMS - Okay, so firstly, the report number. I guess someone is having a view that it's like an offence report if you've reported a crime. That's a little bit different in our IAPro system. But in terms of giving somebody their statement, I mean it's their statement. We don't have any issues with that. Again, I'll look to Assistant Commissioner (AC) Oosterloo, who I'm sure has provided -

Asst Comm OOSTERLOO - Thanks, Commissioner. That submission seems to be referring to a report that they contributed to, which may well be, if they're asking for a family violence report, an offence report, an investigative report, that might be a much more confidential document that might have detail about all the matters that we contain in one of those reports. Their own statement, absolutely, it's standard practice that if they ask for a copy, it's not necessarily they are automatically given a copy, but if they ask for a copy, we always provide a copy of their statement.

Comm ADAMS - The other thing that over time - and I credit the DPP, Mr Coates, for this, at our request, when he and his team review a file and they make a decision that there's not going to be criminal proceedings, the DPP will offer a verbal brief to the victim-survivor around his decision-making in that regard. That's come about, again, through collaboration and wanting to support victim-survivors in understanding the challenges of being able to get a matter to court.

Dr WOODRUFF - Does every person who walks into a police station and make a report of serious misconduct against a police officer have that recorded, regardless of whether any action is taken? Because numbers of people have made submissions and said that they've gone back later to get a record of something, and even though they've gone to a police station, it hadn't been recorded. Is that possible? Do police just dismiss it and go, 'Oh no, that's just' -

Asst Comm OOSTERLOO - I'm happy to answer that. If that were to happen, as I say, the police officer is breaching the code of conduct because they're required to take that complaint and record it in IAPro. That's an allegation of a breach of the code of conduct that we would investigate. What happens, and there's some other elements to that in the last probably three years that are pretty important to note, and that is when someone comes in to make a complaint against the police officer now, the police officer at the police station does this: presses the button on their body-worn camera and starts recording. I would say most complaints that we see nowadays taken from a person is recorded on a body-worn camera, where it happens in those situations. To protect the police officer, it's a requirement that when they're dealing with a matter like that, that they will record that on body-worn camera. Often we're getting the complaints on body-worn camera. They are required to take a statement and they're required to put it in IAPro.

It's very difficult to respond to matters where we don't - anonymous or we don't have the detail around the submission to be able to look at that particular matter and determine whether there's been a breach or to determine whether there's been stepping out of line in terms of the process. I can say that it is a requirement of all our members to take a statement of complaint or to record the complaint, and to report that in the IAPro system.

Comm ADAMS - If the matter is a family violence or a sexual misconduct allegation, there will be a police officer that will be allocated as a contact point for the victim-survivor and will provide ongoing updates in the status of the investigation. Again, we've taken a lot of learnings from the Commission of Inquiry, and we've really tried to ensure that we're trauma-informed and we're supporting victims through that process. It is important that they understand what is occurring and they're getting regular updates. So, whether that's the Professional Standards Family Violence Investigator that we have in Professional Standards or it may well be from our Family and Sexual Violence Command as well, which is a Command that we set up as a result of the Commission of Inquiry.

Ms HOWLETT - If that victim-survivor has their statement recorded by the body-worn camera, is that enough? Or do they then have to go and sit down and have another formal interview that is recorded?

Asst Comm OOSTERLOO - We would prefer, like, the best form of evidence in terms of taking a statement is a recorded, a video- and audio-recorded statement in general terms. If the statement is detailed enough and provides all the relevant information, then that is sufficient. There's no necessity to convert it to a statement. We'll transcribe those recordings.

In my experience in Professional Standards, when someone comes to make a complaint about a serious matter, we'll invariably audio-record or video-record those statements. It's the best form of evidence. It shows clearly what the person's saying and what the allegation is, and that can be used later down the track, so it is absolutely our preference. No requirement to

convert that to a statement. But there may be a need, and there often is a need for further interviews of a victim-survivor to get more detail.

While I have the microphone, I wouldn't mind just making another comment about notifications to complainants. Abacus also requires ongoing notification to complainants, updates to complainants. There's a requirement in Abacus that the complainant must be advised, acknowledge receipt of the complaint, and then provided updates on a monthly basis, and then at the end of the investigation, a formal letter of notification that outlines the outcome of that complaint.

Where that doesn't happen - and there are some exceptions to the monthly reporting, because sometimes if a matter's been referred to the DPP, for instance, we would say to the person, 'It's been referred to the DPP, there might be some months before you get the next update'. But Abacus requires that. Where it doesn't happen, we'll take a complaint from someone and deal with that around, you know, failure to keep them updated and notify them and take appropriate action around that.

Ms HOWLETT - If that victim-survivor has a significant amount of evidence on their mobile device, whether it be text messages, photographs or voice messages, do you have the ability to take that phone and take all that evidence off?

Asst Comm OOSTERLOO - Yes, we do, and by consent in that case. Usually by consent, so the victim-survivor will normally, if they want to provide that, will provide that evidence by consent.

Ms HOWLETT - I'm just thinking so they're not re-traumatised.

Ms BUTLER - I'm going to go back to ask some questions about the Integrity Commission just in relation to backing up Mr George's questions. It's to the Commissioner. Could you outline specifically what powers, resources and specialist capabilities Tasmania Police, or what you would believe the Integrity Commission would require, in order to independently investigate family and sexual violence matters involving police officers, effectively? A big question.

Comm ADAMS - Yes, it is. Again, it's probably one for the CEO and, I guess, the Integrity Commission board to give you a more comprehensive answer in relation to that. I mean, they need to be legislatively mandated as a law enforcement body, and that's the first thing. I think that the Integrity Commission would have a preference to remain with an investigative remit for misconduct, serious misconduct. They won't seek to be a law enforcement body where they're actually doing criminal investigations. They would want some of the powers, but they won't want to be doing criminal investigations. And again, I don't want to sort of verbal the CEO, but she has a view that that's the remit of police, to do criminal investigations.

Dr WOODRUFF - She said as much.

Comm ADAMS - She did? Okay. But she will certainly need the resources to be able to have a more active role in the oversight of matters. I'll give an example. I think it is in her annual report, a matter that we collaborated on recently where we had an arrangement that the Integrity Commission would be briefed weekly on a serious misconduct investigation that did

have criminal elements to it, and the Integrity Commission could direct certain things. They were given full access to any documents, should they require it, and we provided briefings because, again, we wanted to ensure that the investigation was of the highest quality, was going to obviously meet any community concerns or perceptions that we were not investigating it with the seriousness that it needed. I think the Integrity Commission found that to be a very effective way to look at that type of serious misconduct. But whether the Integrity Commission could do that with 10 ongoing matters is where the issue would start to occur for them.

Ms BUTLER - Which goes to my next question. In your submission, we noted that the Integrity Commission has identified limitations in its ability to thoroughly review all police investigation files because of its current resourcing. If parliament were to strengthen the Integrity Commission's role in police oversight, what would be your highest priorities for investment to ensure that expanded responsibilities could be carried out effectively and independently?

Comm ADAMS - It is as simple as having the capability to oversight more matters. If they could do that, it's a reassurance to the community, we are supported in the work that we're doing, we're getting their expertise on certain matters. It really comes down to the oversight. It's being able to have that active oversight, as opposed to a one-off here or there based on something that we would like to have their input into.

CHAIR - So, they would need that legislative remit as well as the financial resources required?

Comm ADAMS - Yes.

Dep Comm HIGGINS - With the CEO, you mentioned, I think, Dr Woodruff, about that she said a senior member and two junior ones.

Dr WOODRUFF - That's right.

Dep Comm HIGGINS - That’s what she’s after to be able to do that greater oversight. So, it's not to do the criminal investigations, but it's to be able to do that greater oversight. It’s not like our Professional Standards Command where there are dozen people, but it’s a -

Dr WOODRUFF - Don’t go and secure the scene and collect the evidence, no. It's not about doing the investigation.

CHAIR - It’s not about recreating a second police service.

Dep Comm HIGGINS - No. We’re very realistic and pragmatic about how it can be achieved.

CHAIR - I have some questions about family violence specifically, and they might be a little operational. But I just wanted to ask what happens in a practical sense. I know that when a member of the public has a family violence order placed on them, ordinarily their firearms licence, if they have one, is suspended and they relinquish their firearms. What happens when that person is a serving police officer? What protections are in place to limit their access, or remove their access to firearms at work?

Dep Comm HIGGINS - It is more significant for a serving member. That member will be made non-operational. They won't be able to. If they had an external firearms licence, that would be suspended. Inside, though, they can't be operational. Their access to the armoury is taken away. They're not able to operationally serve, so respond or anything like that. Alternate duties would need to be found. If there's a family violence order in place, that could be for a period of a minimum of 12 months, depending on what's happening. If there are criminal allegations within the family violence allegations as well, it could be significantly longer. And that will always happen. If there's a family violence order, it's not optional. It's that way.

CHAIR - That's good to hear. I know that there's an assessment tool, you talk about it on page 35 of the written submission. No, page 49. I've jumped forward. You referred to it as the 'assessment tool' developed by the Family and Sexual Violence Review Committee. That includes the 'primary aggressor versus person needing protection' table and a framework for reviewing Committee assessment. Is that tool applied in a way and what ongoing kind of research and training is applied in the application of that tool around misidentification of the offender when it comes to family violence matters and placing family violence orders? I know that's a broader question, not specific to allegations of family violence by serving police officers, but generally in the community as well.

Asst Comm OOSTERLOO - That tool has really just been developed by the Chair of the Committee for this Committee.

CHAIR - When the allegations are against a serving police officer?

Asst Comm OOSTERLOO - Against police. And used by that Committee as a guide, because one of the things the Committee tries to do and is within its remit is to examine when - for instance, a police officer might report family violence against a civilian partner. A table or a tool or an assessment process to allow the Committee to properly explore whether that is valid, whether there's a counterclaim, whether there's misidentification occurred. So either way, whether it's a police officer alleged to be the perpetrator or as a victim, the Committee uses that tool as a guide really to just assess all the elements of the relationship, all the history, any claims, counterclaims and evidence that's available to try to explore whether misidentification occurred. And if the Committee determines that further inquiries should be carried out to progress that assessment, then those recommendations are made by the Committee. Professional Standards will carry out further inquiries, interviewing of witnesses and ultimately, in some cases, the orders can be withdrawn or revoked, applications to the court to withdraw or revoke or vary, or additional orders taken out.

How that applies across the organisation more broadly, we've done a lot of work in that space over recent years, particularly and including a significant amount of training that we've put out to the organisation to help our police officers understand how to recognise things like coercive control that are quite challenging and not always evident on first attendance by police at a family violence scene; the dangers of misidentification; and the importance of trying to get a more complete picture in a family violence scenario. We've rolled training out to the whole organisation. We continue to do that, continue to try and educate our members and bring in external people to help develop our understanding in this space.

It's a challenge across the world, I would say, but particularly in Australia, the challenge with this at the moment, including the legislative space as well as the response. One of the dilemmas in it is that at 2.00 in the morning police are called to an incident and we expect them

to take some action to protect the safety of a person who appears to be the person that's in threat or the person that's the victim. We can't just leave or we can't stay there for three days trying to work out what happened. Often you've just got to make a decision. The police are empowered to make a decision to protect the person who appears to be the victim and, obviously, take a person into custody under the family violence legislation and protect the safety of those people involved. We don't always get that right. What we're doing in terms of the education of our staff across the organisation - and it applies to our Professional Standards staff as well as the broader organisation, is to be better at recognising signs and signals, and conducting those further inquiries where we can -

CHAIR - Recognising the red flags?

Asst Comm OOSTERLOO - Recognising the red flags to try and, you know, be better at identifying the primary aggressor.

CHAIR - That's on all of us as well. You talked about the ongoing training and I know it's something that you're aware of that I've talked about a lot in the parliament and in the media about the need for ongoing family violence training for first responders across the board. But also, as our understanding of family violence as a community continues to grow and evolve, our legislation needs to keep pace as well as the response, as you said.

Asst Comm OOSTERLOO - Yes.

CHAIR - I know that there's been an increase in police family violence training, and I've welcomed that publicly. I just wondered if you could talk me through how often that occurs. I know it used to be at the academy and then on promotions or on request. But the training that you refer to in your written submission on page 97, there's some family violence training reference there as well as child safety training and other forms of training about child sexual abuse and so on. How often are those extra units provided to serving officers? And is it compulsory, that ongoing training?

Asst Comm OOSTERLOO - You're talking more broadly across the organisation, not just within PS?

CHAIR - Yes.

Asst Comm OOSTERLOO - Well, there is at least one of those modules that's mandatory training with an annual refresher. The family violence and misidentification training was a mandatory module. I don't have figures around how much of our organisation has completed, but it is a high number.

CHAIR - That's a mandatory one, did you say?

Asst Comm OOSTERLOO - It's mandatory training, so it would be everyone. But there's people on leave and things like that, so it's never 100 per cent.

CHAIR - And is that annually that it's refreshed, or is that something that's delivered in the academy?

Asst Comm OOSTERLOO - There's a specific module around family violence and misidentification. I can't off the top of my head - and I can get back to you on whether it's annual training, but we certainly have family violence operational refresher training and other training that is annual, and misidentification, I guess, is incorporated in all our training now.

Comm ADAMS - There's a couple of ways now that we prioritise the training. There will be the face-to-face at the academy and then there is mandatory online packages that we expect our members to do. It may not be the same training program on an annual basis, but you might then do misidentification, you might then do child-safe organisations. It's within a package that we expect our officers to be subject to regular and updated.

Ms BUTLER - So, it's like a continuous learning journey.

Dr WOODRUFF - I just want to briefly return to a comment you made earlier, Assistant Commissioner, about body-worn cameras and evidence. You mentioned that they get turned on when a person walks into the police station or in any interaction with a member of the public.

Asst Comm OOSTERLOO - I guess my point I was making was where someone is making a complaint that relates to something, a serious allegation of misconduct, invariably our police will record that on body-worn camera.

Dr WOODRUFF - Okay.

Asst Comm OOSTERLOO - They're required under our policy to record where the police officer is exercising a statutory authority, but they're also encouraged to record matters where it might be appropriate to do so. And what we're finding with our police officers is that the recording of statements using body-worn camera is really the go-to option nowadays. It's much easier for them and there's no dispute about what happened.

Dr WOODRUFF - In relation to that, the Law Society have made, in their submission, a recommendation that body-worn camera requirements are enhanced to make audio and visual recording mandatory and to not permit switching off those cameras for the duration of any interaction where police powers are being used. What is your view on that?

Dep Comm HIGGINS - It already is mandatory.

Dr WOODRUFF - They have recorded the fact that, in their view, this happens, that that body-worn cameras are being observed to be turned off on a regular basis at various points of interactions. That is their report. This is from their Criminal Committee.

Asst Comm OOSTERLOO - Yes, like I think I've said, and the Deputy might have further context, but it is already a requirement that police officers must turn their body-worn cameras on when they're exercising a power or an authority where we have members that either - certainly in the early days when body-worn cameras were first implemented, we had officers forgetting to turn their body-worn camera on. Nowadays, there really isn't much of an excuse. There'll be the very rare occasion where we might find that an officer hasn't turned a camera on, but it's an order. And it's a matter that we would investigate, and it's a breach of the code of conduct.

Dr WOODRUFF - So it should be followed up as a breach -

Asst Comm OOSTERLOO - It already is.

Dr WOODRUFF - if it's being observed?

Asst Comm OOSTERLOO - That's right.

Comm ADAMS - And the main thing is there, that every determination notice for a Professional Standards investigation has a level of continuing professional development. That is a requirement in every matter that is determined, whether there's a sanction or whether a complaint wasn't sustained. That's an important part of our ongoing learning, is to identify those particular issues.

Dr WOODRUFF - Okay. You also talked before about every person who walks into a police station and makes a complaint about, in this instance, officer serious misconduct or misconduct, that that would always be recorded. That didn't happen in the case of Olga Baraquio Neubert, who did go to a police station, did try and get a family violence order, and was subsequently murdered by her husband. The coroner found that the police inaction failed to protect her. That wasn't the cause, but that contributed, and that wasn't recorded. There was no record of that. Has there been a specific change that's happened, a direction that's happened since then? Have you done a review? Is there any capacity to check that this is happening every time, because we've had submissions where people have alleged that's not happening?

Comm ADAMS - If there's a specific issue, we're more than happy to look at that and to review it. And if we've got an issue, whether that's an isolated matter or something that's more systemic, of course we will address it. That particular issue that you raised, my recollection of that, there was a record that she attended the station, but there was no report.

Dr WOODRUFF - I'll have to go back and check.

Comm ADAMS - Yes, I do too. But again, I guess that's a moot point. If there's information, the only way we can continually improve is to get the times where we don't get it right. That's the way that I operate, that's the way that the leadership group operate. We are there to learn. If we don't meet somebody's expectation, we either explain why we didn't and we review what we did, and if we need to enhance that, tighten up instructions or requirements of our staff. Yeah, we will do that. More than happy if any of that information can be shared in any way because that does not meet our expectations.

Dr WOODRUFF - Okay. Page 69 of Abacus now says - and this is the August Abacus. It's only just been updated. I think the last one is April 2024, but I might be wrong. It says:

> Tasmania Police must notify the Office of the Independent Regulator [OIR] of any matter relating to child safety in accordance with the Reportable Conduct Scheme.

That was a requirement from the Commission of Inquiry. Can you confirm that this means any report, or is it just formal complaints that must be referred to the OIR?

Comm ADAMS - No, it's not just formal.

Dep Comm HIGGINS - Just reportable conduct. It's only under the framework of reportable conduct.

Dr WOODRUFF - Okay. But any matter?

Comm ADAMS - It can be information. It can be intelligence. It doesn't have to be a direct -

Dr WOODRUFF - It doesn't have to be substantiated?

Comm ADAMS - No. If we got an anonymous piece of information that came in the portal, it would be referred.

Dr WOODRUFF - I've got one other question about police officers and the external complaint handling for sexual assault. A person who made a submission made a formal complaint of sexual assault to police officers at a station that she says was typed, promised to have contact, but nothing came after months and then it was said that no record of that existed. You're saying that that would be a breach of the code of conduct, and so it's a requirement that that happens. So, that would need to be followed up as a particular individual breach?

Comm ADAMS - The first thing I say to that victim-survivor is sorry if that is what has occurred, and I don't doubt the veracity of what that individual is saying. Yes, I would like to have information about that because that does not meet our standards.

Dr WOODRUFF - Even if they don't believe her?

Comm ADAMS - It's irrelevant. This is a person who's come forward and it needs to be subject to an investigation, and it's not for the person who takes the complaint to verify what someone's version of events is. It's their job to take the report.

Ms BURNET - I want to ask some questions around the code of conduct contained in section 42 of the *Police Services Act*. I might say that the code of conduct looks like it's a pretty comprehensive code of conduct with serious penalties associated with it. I'm looking at the breaches of the code of conduct and punishment. In the Professional Standards, Complaints and Outcomes Summary Statement for 2024, just as a snapshot, there were 59 breaches listed and some of those were handling of information, plagiarism. It's very hard to see anything that's like a sexual assault or anything listed in that. You might explain why that wouldn't be listed in this summary statement. There seems to be a lot which were resolved through counselling. Does this capture all significant breaches of the code of conduct or serious misconduct? And what is the highest level of reprimand with serious breaches that is incurred and undertaken under that code of conduct?

Comm ADAMS - I'll start and then perhaps pass to the Deputy. In section 42 of the *Police Service Act* it obviously describes the behaviour that I guess is code of conduct behaviour, and if you breach that, obviously you've breached section 42. Then section 43 is the range of sanctions that we can apply to a breach.

Ms BURNET - It's comprehensive.

Comm ADAMS - Comprehensive. The highest, obviously, sanction for a breach is termination. Then it scales back in the level of seriousness of the sanction. There is a range of sanctions available, and there are delegated ranks who can actually impose those sanctions. So, I guess the highest sanction is dismissal, and it could be a criminal behaviour that a person has breached. It could be also a sanction out of the code of conduct. It's very hard without actually knowing a specific example.

Ms BURNET - Well, you have this powerful instrument. How many people have been dismissed from the force in relation to codes of conduct?

Comm ADAMS - In relation to the code of conduct?

Ms BURNET - Using the code of conduct.

Comm ADAMS - We'd have to probably take that on notice.

Ms BURNET - I'd appreciate that, because I think it's -

Comm ADAMS - Because, again, remembering we've got some people who have resigned before that takes place.

Ms BURNET - Then you cannot follow them?

Comm ADAMS - We can't sanction them. We can breach them. We can't sanction them. As I said earlier, before the break, my focus is ensuring that they do not have the authority powers and are not a police officer moving forward.

CHAIR - But the investigation can continue if it needs to.

Comm ADAMS - The investigation will continue and it will go to conclusion. There'll be a breach. We'll write to them with their breach, and it'll stay on our record. You will find some people will seek to join law enforcement agencies interstate, and that information can be shared. We'll have a look and see if we can get that.

Ms BURNET - I'd like it if you could take that on notice.

CHAIR - Do you want to set a timeframe around that request?

Ms BURNET - Probably over the last five years. Thank you.

CHAIR - We will write to you with that question on notice.

Ms BUTLER - I have one final question, because we've got a few minutes until we go *in camera*. Thanks again for your submission. We really appreciate it. It does speak a lot about accountability, transparency, victim-survivor engagement and continuous improvement. If we were conducting this Inquiry again in five years' time, what would success look like for Tasmania Police? And what evidence would you hope the Committee would see that demonstrates these reforms have delivered lasting change?

Comm ADAMS - I think the first thing is that the community continue to provide strong support for us in the community survey results. I'd like to think that the victim-survivor groups are advocating on behalf of victim-survivors around the tangible change that we've made to continue to bridge that gap where we may not be meeting their expectations in terms of the support that they need. I think that it's important that the community have a level of trust in the fact that there's an appropriate oversight mechanism and there's confidence in our ability to investigate serious misconduct, and where we can prove that that's occurred, we will take effective action in relation to those breaches.

CHAIR - Has everybody wrapped up?

Dr WOODRUFF - I've got lots more questions but I think we've decided to go into committee, is that right?

CHAIR - Yes, we agreed earlier as a committee to move into an *in camera* session from around about now. First of all, before we do that, I'd like to thank you again for your attendance at today's hearing and remind you that what you've provided to us today is covered by parliamentary privilege. If you repeat matters outside of these parliamentary proceedings that parliamentary privilege may not attach to matters considered defamatory. Thank you again for your attendance today.

The Committee suspended at 4.17 p.m.