

DRAFT SECOND READING SPEECH

HON ELISE ARCHER MP

State Litigator (Consequential Amendments) Bill 2023

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Mr Speaker, I move that the Bill now be read a second time.

This Bill makes minor consequential amendments to several Acts to support the establishment of the State Litigation Office.

The Rockliff Liberal Government is committed to ensuring that victim-survivors have access to justice, with trauma-informed practices embedded throughout our legal system.

That is why, as I announced in March this year, we are establishing a new separate State Litigation Office to take over the management of the State's civil litigation, to contemporise the management of civil litigation and ensure an understanding of the impact of trauma and harm is embedded in all areas of the State's legal system.

That Office will be a new office within Crown Law, with the sole responsibility for the management of civil litigation for the State of Tasmania. The new Office will also provide the Attorney-General with advice regarding specific guidelines and directions on the handling of civil claims, including any changes to ensure that processes are more victim-centric and trauma-informed.

The Office will be led by the State Litigator, a position established as a prescribed office under the *State Service Regulations 2021*, similarly to other key offices such as the Crown Solicitor and Chief Parliamentary Counsel.

With the transfer of relevant functions from the Solicitor-General to the State Litigator, it is necessary to update a number of pieces of legislation to reflect the role of the State Litigator.

Mr Speaker, I will briefly outline the key clauses in the Bill.

Clause 5 of the Bill amends Schedule 1 of the *Annulled Convictions Act 2003* by adding the State Litigator to the list of non-exempt applications for the purposes of that Act.

Part 1 of Schedule 1 currently provides for judicial and legal applications which are not exempt from that Act, including the Solicitor-General.

The amendment will ensure that, where a person applies for the position of State Litigator, they must disclose any annulled conviction. Similarly, it will not be an offence for a Justice Agency to release information about annulled convictions to a person or body seeking that information for the purpose of determining an application for such a position.

This reflects the importance of ensuring that a prospective applicant's full criminal record can be considered when they are applying for a significant legal role in service of the State.

Clauses 7, 8 and 9 of the Bill amend the *Crown Proceedings Act 1993*. Clauses 7 and 8 substitute existing references to the Solicitor-General with references to the State Litigator, reflecting that the State Litigator will assume certain functions that are currently associated with the Solicitor-General.

Clause 9 inserts new savings and transitional provisions. These will enable the State Litigator to assume responsibilities and functions formerly attributed to the Solicitor-General, in circumstances where a matter has commenced before a court, tribunal or other authority, but has not yet been determined, prior to the amendments in this Bill commencing.

The Bill also makes amendments to legislative provisions in several other Acts that list legal officers who act on behalf of the Crown in comparable capacities, such as the Solicitor-General and the Director of Public Prosecutions.

Clause 11 of the Bill amends section 4(2) of the *Ombudsman Act 1978* to add the State Litigator to the list of persons and bodies that are not public authorities for the purposes of that Act.

The clauses in Part 5 of the Bill amend the Personal Information Protection Act 2004 to:

- add the State Litigator to the definition of 'law enforcement agency' in section 3; and
- add the State Litigator, and any person employed in relation to the functions or duties of the State Litigator, to the list of bodies and persons in section 7 that are exempt from the provisions of the Act, and the list in section 12A of those to whom a personal information custodian may disclose personal information that is relevant, for the purpose of obtaining legal advice.

Clause 17 of the Bill amends section 6(1) of the Right to Information Act 2009 to add the State Litigator to the list of persons and bodies whose held information is excluded from that Act's application.

Finally, clause 17 of the Bill amends section 194G of the *Supreme Court Civil Procedure Act 1932* to add the State Litigator as a person who may make an application for the Supreme Court to declare a person to be a vexatious litigant.

Mr Speaker, I am pleased to progress these amendments to ensure the State Litigation Office can shortly commence its functions on behalf of the Crown.

Our Government is absolutely committed to doing all we can to improve access to justice for all Tasmanians and especially victim-survivors.

This important change will ensure that all matters involving allegations of child sexual abuse are dealt with sensitively and with the utmost respect and consideration for victim-survivors.

Mr Speaker, I commend the Bill to the House.