

Attorney-General  
Minister for Justice  
Minister for Health, Mental Health and Wellbeing  
Minister for Veterans' Affairs

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The Hon Ruth Forrest MLC  
Chair  
Joint Sessional Committee  
Commission of Inquiry Recommendations Scrutiny Committee  
[Jenny.Mannering@parliament.tas.gov.au](mailto:Jenny.Mannering@parliament.tas.gov.au)

Dear Ms Forrest

**Joint Sessional Committee – Commission of Inquiry Recommendations  
Scrutiny Committee**

Thank you for your letter of 20 August 2024 seeking written responses to the following matters taken on notice at the hearing. I am pleased to provide the following responses.

**1. How many public servants provided with legal assistance by the State, is the State aware also received section 18 notices?**

The State received 2 draft versions of section 18 notices in respect of 2 individuals who received a grant of legal assistance.

The State also received 3 letters that foreshadowed the possible issuance of a notice for 3 further individuals.

The information above has been taken from the applications for independent legal assistance.

It is important to note that the State had no visibility of misconduct notices or correspondence about misconduct that may have issued after the decision to grant an individual independent legal assistance.

**2. Can the Minister for Justice please provide the number of restraint orders that have been taken out by children against an adult in Tasmania. Can this data be provided for each financial year for the past five years?**

The number of matters for restraint orders to protect a minor from an adult where the application has been lodged by the minor themselves over the past 5 years is:

Financial Year	2019-20	2020-21	2021-22	2022-23	2023-24
Applicant is a child	9	10	12	4	22

The number of matters for restraint orders to protect a minor from an adult, where the application has been lodged by a third party over the past 5 years is:

Financial Year	2019-20	2020-21	2021-22	2022-23	2023-24
Applicant is a third party	155	197	150	165	202

It is noted that 'Applicant is a child' refers to cases where the child applied for the order themselves against an adult. However, there may be instances where a child applicant is accompanied by an adult applicant. All other cases (where the applicant is not the child to be protected) are categorised under 'third party'.

There was one instance where the applicant was an organisation rather than an individual; this case has been excluded from the data.

**3. If the Minister is able to, please outline what the threshold is for a child to take out a restraint order on an adult and what the process is they follow to do so.**

The Magistrates Court only accepts restraint order applications from children in exceptional circumstances. These circumstances include children who are living independently if the situation is urgent and there is no adult available or suitable to make the application on their behalf. In this situation, it will be listed on an urgent basis.

If a child seeks to lodge a restraint order application, the Magistrates Court always asks if there is a parent or guardian to assist them with their application. If there is not, the Court would never refuse to take the application but would accept and list the matter in court.

It is unusual for anyone younger than 16 to seek to lodge an application for restraint order on their own. Urgent applications are always listed ex-parte and are heard the same day or the next day. Non-urgent applications are given a date approximately a week away. Parties can serve the respondent with the application themselves or indicate they would like to ask Tasmania Police to serve the application.

Parties also have the option to indicate to the Court that they would not like their postal address disclosed to the respondent.

An information sheet is provided to all persons applying for a restraint order. This information can also be found publicly on the Magistrates Court website.

**4. In addition to the Commission of Inquiry itself and the Weiss Review, will the Independent Monitor be responsible for monitoring and reporting on progress of recommendations from other Government commissioned reviews/investigations subsequent to the Commission of Inquiry, for example, the Blake Review, the Tatarka Review, the Woolcott Review.**

On 19 June 2019, the *Child Safety Reform Implementation Monitor Act 2024* was debated in the Legislative Counsel.

During the debate, the Honourable Cassy O'Connor, Member for Hobart, moved an amendment to insert a new function for the Independent Monitor to monitor and evaluate reforms implemented by the Tasmanian Government if the Implementation Monitor believes that the reforms were in response to evidence received by, or on behalf of the Commission of Inquiry into Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings and reforms taken in relation to child safety and wellbeing in institutions operated by, or on behalf of, the State.

While this amendment was subsequently opposed, the Hon Leonie Hiscutt, Leader of the Legislative Council, committed on behalf of the Attorney-General, that the Government will develop and consult on an amendment to allow for relevant actions taken by Government in response to the Commission of Inquiry but not captured by the Commission's recommendations to form part of the scope of the monitor's duties. Alternatively, if there is agreement on a list of matters to refer to the Independent Monitor, that could also be referred by the Attorney-General without requiring an amendment.

On 5 July 2024, the *Child Safety Reform Implementation Monitor Act 2024* received Royal Assent. At this time, the Department of Premier and Cabinet began the recruitment process and conducted interviews in early September 2024 to appoint the Independent Monitor. The proclamation of the *Child Safety Reform Implementation Monitor Act 2024* is scheduled to coincide with the appointment of the Independent Monitor early November 2024.

I will shortly consider the options for fulfilling the commitment made to the Member for Hobart, in order to progress this to a practical completion.

The Government will consider whether the Blake Review, Tatarka Review and Woolcott Review should fall within the Independent Monitor's responsibility. It is expected that this consideration would be influenced by the recommendations of each, and the extent to which they relate to child safety and wellbeing in institutions operated by, or on behalf of, the State.

## **5. Please provide an annual breakdown of the numbers of previously resolved appeals (Recommendation 18.13).**

Since the commencement of the Registration to Work with Vulnerable People Scheme, there have been 15 appeals relevant to reviewable decisions under the *Registration to Work with Vulnerable People Act 2013* resolved in the Administrative Appeals Division of the Magistrates Court.

The breakdown of administrative appeals relevant to Registration to Work with Vulnerable People by year is as follows:

Year	Number of administrative appeals resolved
2014	0
2015	1
2016	0
2017	2
2018	1
2019	2
2020	1
2021	2
2022	2
2023	1
2024	3
<b>Total</b>	<b>15</b>

During the hearing on the 19 August 2024, the Committee was advised by the Acting Registrar that there had been 16 appeals resolved since the beginning of the Scheme in 2014. The correct number is 15, as per the table above.

**6. Can the Minister please provide to the Committee data on the number of victims of crime broken down by the type of crime as well as by region for the time periods given to the committee by the Acting Secretary (Recommendation 21.5)?**

Data collection capabilities are currently limited for the Victims of Crime Service. The Victims of Crime Service has records kept on its databases but does not have the resources to create overall systems reports by offence type.

The VoC systems do record client contacts by region, as follows:

Year	Client contacts North	Client contacts North-West	Client contacts South	Total
1 July 2020-30 June 2021	610	340	1,005	1,955
1 July 2021-30 June 2022	459	355	946	1,760
1 July 2022-30 June 2023	717	512	939	2,168
1 July 2023-30 June 2024	1,338	733	777	2,848

I trust this information is of assistance.

Yours sincerely



Hon Guy Barnett MP  
**Attorney-General**  
**Minister for Justice**