

PUBLIC

THE PARLIAMENTARY JOINT SESSIONAL COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON MONDAY 19 AUGUST 2024

RECOMMENDATIONS OF FINAL REPORT OF THE COMMISSION OF INQUIRY

The Committee met at 9.00 a.m.

CHAIR - Thank you, minister and your team, for appearing before this joint House inquiry looking at the commission of inquiry recommendations and implementations of those recommendations.

As you'd be aware, this is a public and open hearing. It is being broadcast. It is being transcribed. We are using voice-to-text on the recording. If you could make sure you use your microphones, that'd be great.

This hearing is covered by parliamentary privilege. Everything you say is covered during this hearing. That may not extend outside the Committee proceedings. If there was something of a confidential nature you wish to share with the Committee, you can make that request and the Committee will consider it. Otherwise, it is all public.

And before I ask the witnesses - other than you, minister - to take the statutory declaration, I wish to make a statement as well.

I recognise that during these public hearings we will discuss highly sensitive matters that have deeply impacted the lives of Tasmanians. This may trigger trauma for Committee members, ministers, department officers and members of the community who may be watching. I remind all those on both sides of this table to keep this in mind and take a trauma-informed approach to questions being asked and responses being given.

Committee members intend to take a clear and succinct approach to questions and I ask those providing answers to do so also so that we get through the information we need to get through.

I'd also encourage anyone impacted by the content in this hearing to make contact with the support services and these include the statewide Sexual Assault Helpline which is 1800 697 877 or 1800 MYSUPPORT; Lifeline 24 hour Crisis Support Line 13 11 14; and the Tasmanian Lifeline that's open from 8 am to 8 pm 1800 984 43; or 13YARN, a 24-hour crisis support for Aboriginal and Torres Strait Islander people on 13 92 76; or Relationships Australia Tasmania which provides specialist complex trauma counselling, trauma informed counselling, wellbeing information and referral, they're open 9 to 5 Monday to Friday, 1300 364 277.

Minister, I invite you to introduce your team and ask them to take the statutory declaration. Then, you may make an opening statement, as long as it's not too long. We don't want to take up too much time.

Mr ELLIS - Thank you, Chair. If it's okay, I will invite the Commissioner to provide a short opening statement after mine.

CHAIR - Sure.

Ms DONNA ADAMS, COMMISSIONER, **Mr JONATHAN HIGGINS**, DEPUTY COMMISSIONER, AND **Mr ROBERT BLACKWOOD**, ASSISTANT COMMISSIONER, TASMANIA POLICE, WERE CALLED, MADE THE STATUTORY DECLARATION, AND WERE EXAMINED.

Mr ELLIS - Thank you, Chair. I'd like to take the opportunity to thank the Committee for their invitation to discuss the work that's been done to keep our children and young people safe from sexual abuse. It's important that we recognise the courage of all victim/survivors in coming forward to share their experiences through the commission of inquiry and elsewhere.

Many victim/survivors come forward to ensure that the harm they experienced, as well as the harm their families experience, will not happen to any other child or young person.

My recognition extends to those who were not able to come forward and who continue to need our steadfast support and commitment in the implementation of the commission's recommendations. Our government will do everything we can to ensure the safety and protection of our children. As this Committee knows, we are implementing the 191 recommendations and 75 findings of the commission of inquiry as a priority.

We all have collective responsibility to deliver on the recommendations in full, but of these, the Department of Police, Fire and Emergency Management (DPFEM) is leading the implementation of eight. One of those recommendations was due to be delivered this year and has been delivered, with the others remaining on track. In December last year, I told the Committee I'm committed to leading the cultural change necessary to rebuild trust and doing whatever it takes to keep children safe. The work of this Committee is important in holding me to that task and holding our government to its commitments to delivering this work.

As the Minister for Police, Fire and Emergency Management, I'll speak of the work the department is actioning for these recommendations and beginning to rebuild the community's trust.

To begin rebuilding trust, we must acknowledge there were failures. These failures were evidenced in the systems intended to protect our children in the delivery of services and the failings of individuals. These failures must never happen again. It is also important to recognise that meaningful and lasting reform takes time to get right. The recommendations are being delivered as urgently as possible and this is balanced against ensuring that the change they bring must be permanent.

The Department has responded to the gravity of these recommendations through the continued work of a dedicated commander of police leading the implementation efforts. I hope that the Committee will see the great deal of commitment to these reforms to improve upon these failures of the past demonstrated by the Department of Police, Fire and Emergency Management. I welcome the questions of the Committee on this important work.

Ms ADAMS - Thank you, Chair. I will provide an update to the Committee on a number of issues that were raised in the previous scrutiny hearings. First, in relation to our recommendations, as the minister said, we are leading eight recommendations and one of those has been completed, which is recommendation 9.30 in relation to offences in section 95 and 96 of the *Children, Young Person and Their Families Act 1997*.

DPFEM has seven recommendations due for delivery in July 2026. As the minister says, these are all on track, but a number of those are well advanced.

Regarding our staffing actions, at our appearance before the Committee, I outlined the actions taken in relation to eight DPFEM staff who were subject to adverse commentary within the commission's final report. As the Commissioner for Police, I reported that six police officers, three former and three current, were assessed, with five complete and one outstanding. The final assessment has now been completed in the form of the independent review into the conduct of Paul Reynolds by Tasmanian barrister Ms Regina Weiss.

As head of the agency, as secretary, I advise the Committee that I conducted two assessments in relation to current state service employees and instigated ED 5 processes. Those ED 5 processes have been completed and the head of the State Service will address any questions regarding the State Service employment matters when she appears before the Committee.

34 A referrals following the previous hearing; our department provided information on the management of the referrals made to Tasmania Police by the commission. These referrals under section 34 A are where the commission may have information that may lead to a criminal prosecution or disciplinary matter and make those referrals to Tasmania Police.

At the previous hearing, we indicated that we had 43 of those referrals as they came into a central point. We have identified that we actually had 52 of these referrals. The additional referrals were made directly to investigative areas across the state, but I can give the Committee a reassurance that the additional referrals were acted upon and have been subject to an investigative assessment.

We provided information at the previous hearing in relation to criminal proceedings. We indicated that we had laid charges for 10 matters relating to child sexual abuse in a Tasmanian government institutional setting. These 10 matters related to nine individuals who have all been put before the courts. At the time, three matters were still before the court, and that remains the case today. We still have three matters before the court.

CHAIR - Are there any questions on this?

Ms WEBB - Thank you, Chair. Thank you for those updates. I appreciate that. Just jumping-in on that, of the 10 charges being laid on 10 matters, three still before the court, so the other seven, what's the status of those?

Ms ADAMS - Yes. Would you like me to go through each of those?

Ms WEBB - Just to give a status update on them.

Ms ADAMS - Yes. Sorry, you want the investigation -

Ms WEBB - The criminal proceedings with charges on 10 matters, nine individuals covered by that, three of which are before the courts.

PUBLIC

Ms ADAMS - Matter one, court proceedings were concluded. Matter two is before the court. Matter three is before the court. Matter four, court proceedings concluded. Matter five is before the court. Matter six, court proceedings concluded. Matter seven, court proceedings concluded. Matter eight, court proceedings concluded. Matter nine, court proceedings concluded.

Ms WEBB - That's fine. I was mostly interested in the number that were concluded, or if there are still any yet to come to court.

Ms ADAMS - We've got three before the court still.

CHAIR - There's no more to come to court?

Ms ADAMS - No.

Ms WEBB - That's what I was looking for, in terms of clarity.

Ms ADAMS - For a point of clarification, we're always getting information in relation to these matters. At any point in time, we may receive additional information which may reinstate an investigation and lead to charges. It's obviously a point in time, and the evidence I'm providing today is as of today.

Ms WEBB - In terms of those matters you were speaking about in those categories, have any of those been reinstated or reinvestigated on fresh -

Ms ADAMS - The 34As?

Ms WEBB - The 10 where you've had charges.

Ms ADAMS - No. We've previously given evidence in relation to this. We've previously provided this information.

Ms WEBB - And on the 34As? Have there been any that have been re-brought to your attention for reinvestigation or assessment?

Ms ADAMS - I will give the status of the 34As.

Ms WEBB - You don't have to read through every individual one, just as a category.

Ms ADAMS - We have one matter proceeding through the courts at the moment.

Ms WEBB - Can I ask to follow on along the same lines? In looking at the information provided in the hearings in December last year, the then secretary of Justice spoke about the fact that after the final commission report was received, there was an initial review of perpetrators in the report. The idea was to make sure anyone in the report was triple-checked. The evidence provided there said that the Department of Justice chaired that process and engaged with relevant investigatory and regulatory bodies, which I presume would have included Tasmania Police. What I wanted to be clear about - this was a separate process to looking at section 34A referrals, which were ones that the commission sent directly to the

relevant people. This was a triple-checking of people mentioned in the report who perhaps were perpetrators or alleged to be perpetrators.

My questions on that were to confirm that Tasmania Police was involved in that process chaired by the Department of Justice. What did that involve in terms of the triple-checking that was referred to, and how many were identified from -

CHAIR - How about you ask just one question at a time? It's easier to answer, probably, otherwise we'll miss some of your questions.

Ms ADAMS - First, we were involved in the process to review the full report, as you've described. The process that has been undertaken is best answered by the secretary of Justice. They've led that particular review. They will be able to provide you with some extensive information this afternoon in relation to how that review is conducted and what was considered. I can reassure that any information that was of concern was reported to Tasmania Police. We've ensured that all the referrals that needed to happen, in terms of notifications to Working with Vulnerable People, child safety services, and the Australian Health Practitioner Regulation Agency have occurred. The information is being included in our intelligence systems so that, should we gain any further information, we've got a basis for a comprehensive investigation.

Ms WEBB - Thank you for that answer. In terms of the process that was undertaken, led by the Department of Justice, how many of those identified potential or alleged perpetrators from the report were subsequently investigated by Tasmania Police?

Ms ADAMS - There has not been any new investigation. Tasmania Police, in the majority of cases, already had the information. It was just a triple-checking to ensure that we'd been made aware of the additional review process that Justice had undertaken.

Ms WEBB - Can I assume that when we look to the final report of the commission of inquiry and see case studies presented with pseudonyms of perpetrators, or alleged perpetrators, that those alleged perpetrators have been investigated by Tasmania Police?

Ms ADAMS - There've been referrals made to Tasmania Police and we've done an assessment to determine whether there's a basis for further investigation. What I mean by that - there are some examples where 34As do not identify a victim, they do not identify a perpetrator and, in some instances, a victim does not want to be identified. That has limited our investigative capacity as a result of the information that we've identified through the assessment of the report.

Ms WEBB - My understanding is, though, that there are readily identifiable victims who would be prepared to provide information for investigation and witnesses who would have, for example, made their own reports about the case-study individuals in the report who have never been contacted by Tasmania Police during an investigation to seek their evidence about that. How could that be the case?

Ms ADAMS - If we have the information and we've got a basis to commence an investigation, that will have occurred. If there have not been the details of the victim or the complainant and we haven't got an avenue of inquiry, then that information has been put onto our intelligence system. That will allow us to commence an investigation if we get any further information from other means at a later point.

Ms WEBB - Can I clarify that, for example, a case study from the commission report that uses a pseudonym for an alleged perpetrator, but that person in the system, behind that, would have known who that pseudonym related to and there would have been complaints made about that same individual within the system already. There was in at least one case. The people who made those complaints have never been contacted by police to find out what their evidence is in relation to that individual who has turned up as a case-study pseudonym in the commission report.

I don't understand how the checking back into the system wouldn't have picked up available evidence from witnesses from people who'd made previous complaints as witnesses.

Ms ADAMS - We've had a dedicated team that's worked through the information that's been identified through the comprehensive assessment of all the commission's reports, plus our 52 34As. If there has been an avenue of inquiry, we've followed that avenue of inquiry.

We've worked with some victims who haven't been ready to make a formal complaint. If there is a specific example that you would like to provide offline, we're more than happy to take that example and review the action that we've taken.

Ms WEBB - I'm prepared to put one example on the record here because I have permission to do so. That's that in the case of 'Alysha', who we all understand to be a whistleblower from Ashley Youth Detention Centre (AYDC) who provided extensive evidence to the commission of inquiry. Who, during her work, made reports of concerning situations and reports against other staff at AYDC who have subsequently turned up as case studies in the report. 'Alysha's' never been contacted by Tasmania Police to get evidence from her, even though she's clearly in the system as having made witness complaints or alerted about behaviour and significant matters relating to those people in the report. I'm trying to understand how someone who's such a visible and well-known person in this context, who was in the system and made complaints, has never been contacted by investigators.

Ms ADAMS - I've personally spoken to [redacted] in relation to information about Ashley and we've assessed that information. If there is a new example or perpetrator that she has information about, we're more than happy to talk to her. The information that we've been provided through the assessment has not led to the need to speak to [redacted].

CHAIR - Can I ask a question? If there's a victim or someone who believes to have relevant information, particularly during this ongoing process of implementing recommendations holding relevant people to account, how do they best ensure that their voices are heard in this? In my mind, that's the question here. It's not about one person necessarily acknowledging one person, but there certainly is an example there. How do we deal with that?

Ms ADAMS - I'd ask anyone to come forward to our family and sexual violence command or either of the Arch Centres where there is appropriate support, whether that be through Laurel House or the Sexual Assault Support Services (SASS) where they can be provided the necessary support whilst they work through the process of their disclosure.

Sometimes with witnesses and victim/survivors, it takes time to build trust. I encourage anyone that is a victim/survivor that has information or needs support to come forward to one of our Arch Centres in the North or the South.

Mr HIGGINS - Perhaps I can clarify something there. I don't think it's helpful to speak about individuals, but I can indicate that [redacted] was spoken to by two commanders. That was during the commission of inquiry and was at length, before the meeting that you've had with her. She has actually been spoken to.

Ms WEBB - Right. Do you want to move on to another matter?

CHAIR - Are there any questions on that area that anyone else wishes to ask? There's another area not included in the recommendations?

Ms WEBB - Yes. In relation to the Weiss Review, I think that's overarching because it doesn't relate to a specific recommendation.

CHAIR - Well, you go on. We'll see how we go.

Ms WEBB - We can come back to it later if you want to move to a different topic.

CHAIR - No. If we can deal with it here, if it doesn't directly link to one of the recommendations -

Ms WEBB - Yes, thank you. During the hearings in December last year, commissioner, you talked about the fact that:

... as Commissioner, on behalf of every Tasmanian police officer, I want to know whether we've got people involved that have covered up for Reynolds, whether there are Code of Conduct breaches, whether there are crimes committed. How can we give confidence to the community unless we have a review that is independent and of this comprehensive nature?

I appreciate the sentiment of that comment from the hearings last year, and we've subsequently seen the Weiss Review delivered.

I want to check whether we feel that the aspirations for that review have been delivered, in terms of being able to categorically say that we haven't got police officers who covered up for Reynolds and that there weren't code of conduct breaches? In particular, one of the specifics of that I wanted to clarify was: would failure to report or failure to have raised concerns equated to misconduct in this context?

Mr ELLIS - I might quickly start regarding the Weiss Review and the Reynolds matter. This is deeply troubling and concerning. The decades of offending that Mr Reynolds committed has had a wide-ranging and devastating impact on the lives of so many and so many communities in our state. It has been important to make sure that no stone has been left unturned. Certainly, the appointment of Ms Weiss has brought to bear one of the leading minds in this space and her work has been exemplary.

We thank everyone who's come forward - victim/survivors, community members, police and others - to contribute to her work because the findings and recommendations she made are important for us to ensure we complete the picture. The commission of inquiry has done extraordinary work but we identified and acknowledged that more needed to be done to gain

an understanding of Reynolds' offending and how we can best stamp that out. I thank Ms Weiss for her work and everyone that contributed to that important review.

Ms ADAMS - I do reiterate that Ms Weiss was asked to leave no stone unturned. That included whether there was any criminal misconduct on the part of any police officer or any code of conduct breaches. Ms Weiss, through the extensive nature of her review, did not identify that there was any breach of the code of conduct or any criminal misconduct on behalf of any other police officer. The review was comprehensive. I take great comfort from the level of detail and the comprehensive nature of the review.

Ms WEBB - In terms of the second part of my question, would a failure to report suspicions or concerns have equated to misconduct in this context? When we say there was no misconduct - you spoke about criminal misconduct, that's fine - but in terms of a code of conduct misconduct, would that have reached the threshold?

Ms ADAMS - Ms Weiss did look at whether there was the potential for any code of conduct breach. That was also as equally as important as it was to understand whether there was any criminal misconduct. Ms Weiss did not find there was evidence of any code of conduct breaches by any police officer.

Ms WEBB - Yes, so my question was: would failure to have raised concerns equated to misconduct?

Ms ADAMS - It's hard to give an answer to a hypothetical without understanding the detail and the circumstances of the decision making and what occurred at that time.

Ms WEBB - Then in terms of the Weiss Review, it didn't go to matters to explain the provision of a police funeral for Reynolds? I absolutely appreciate that an apology has been made since then, which I recognise and think is appropriate and well done. However, the question is still at large about how a police funeral could have been provided in these circumstances and what the decision-making process is about that sort of provision. What I'm particularly keen to ask, because it's not covered in the Weiss Review, is there a set of criteria upon which police funerals are granted? If so, was that criteria utilised in relation to Paul Reynolds? Are there any records of the decision-making process that granted a police funeral to Paul Reynolds?

Mr ELLIS - Ms Webb, perhaps it'd be helpful, in commissioning the Weiss Review, part of that was to immediately change the process for granting police funerals. In the apology provided by the commissioner and me, it was also noted that the process for granting police funerals at the time was deficient. Ultimately, it was up to the commissioner of the day, with no other criteria, and the decision was made immediately to ensure that any code of conduct or police Professional Standards investigations were considered before granting a police funeral. The processes changed immediately upon commissioning of the Weiss Review and to enhance that significant change. The commissioner of the day obviously made the decision that he did. Both Commissioner Adams and I have said that it was the wrong decision and changing the criteria and guidelines about granting a police funeral ensures that a decision like that is never made again. I'll pass over to the commissioner if you've got anything for that.

Ms ADAMS - I reiterate that there has not been any criteria that would guide a decision to hold a funeral. I've already publicly stated that I wasn't a police officer at the time of this

incident, so I wasn't involved in any of the decision-making. I can't simply answer what were the drivers behind holding the funeral, other than to say it was clearly wrong.

I reiterate an apology to anyone who attended that funeral for the heartache and concern that it has caused numerous people. We've taken immediate action to put a level of criteria about holding a police funeral so something like this doesn't happen again.

Ms WEBB - On the matter of records of that decision-making process - recognising that you've just outlined that it was insufficient and inappropriate - are there records relating to that decision-making process from the time?

Ms ADAMS - We've done a review in relation to some previous requests of whether there is a record of the decision and there has not been a formal record of the decision being identified.

Ms WEBB - Thank you.

Mrs PETRUSMA - In regard to the Weiss Report, I know that all the five recommendations have been accepted, but what is the plan for the roll out of addressing those recommendations to make sure that we aren't in this situation ever again?

Mr ELLIS - Thank you, Mrs Petrusma. As it's been canvassed on 4 July 2024, Commissioner Adams publicly released the final report of the Weiss Independent Review into former police officer, Paul Reynolds. The review was completed by Tasmanian based barrister Ms Weiss. The Tasmanian Government has accepted all five recommendations of the Weiss review and extended thanks to the victim/survivors who bravely shared their stories with the independent reviewer. In line with the review's recommendations, our responsible focus is on how we can better support victim/survivors, strengthen community engagement, rebuild trust and improve the investigation of child sexual abuse allegations involving police.

We will take an across agency approach to this work, with work on implementation of the review to be coordinated by the Department of Premier and Cabinet in close consultation with the Department of Police, Fire and Emergency Management and other relevant agencies.

The recommendations of the Weiss review will be subject to the existing governance arrangements in place for the commission of inquiry recommendations and the Child Sexual Abuse Reform Strategy and Action Plan change for children. A robust system of oversight is a critical pillar to improving children's safety.

Implementation of the recommendations will be subject to independent oversight from the child safety reform implementation monitor, once established. The Keeping Children Safe Reform Unit in the Department of Premier and Cabinet will play an important role in monitoring and coordinating the implementation of all five Weiss review recommendations.

The Department of Premier and Cabinet will assist in driving cross agency collaboration and aligning recommendations to existing work underway through Change for Children and the government's response to the commission of inquiry. It will also include regular reporting and transparently sharing information on progress so Tasmanians can see how these recommendations are being delivered and who is responsible for reform.

I will pass over to Commissioner Adams, particularly regarding the matters that pertain to operational policing matters, to speak further on the roll out.

Ms ADAMS - Thank you, minister. There are two recommendations Ms Weiss has made that have some synergies with the commission of inquiry recommendations. Ms Weiss recommendation 3: establish a framework for community engagement and building trust with Tasmania Police aligns well with 16.2 of the commission of inquiry report and will allow us to establish a framework that will strengthen engagement and build trust across not only vulnerable community groups identified in the commission of inquiry report, but also Tasmanian sport and recreation organisations.

We have already moved to start the planning work in relation to the community engagement. We have recently appointed an inspector of police to start looking at the strategy that will support the community engagement. Over the next 12 months, we will have a plan and a strategy in place that will guide that important work.

Also, recommendation 4, which is on establishing a dedicated victim management unit within Tasmania Police, we also see some synergies with the commission of inquiry recommendation 16.7. It is a really important recommendation in terms of ensuring there is the right support for victim/survivors. Also, allowing a process for victim/survivors to be supported through a restorative process - which I have already undertaken with one of the victim/survivors - to let them have a say and to hear the trauma and impact that has occurred upon them and to provide an appropriate apology.

Mrs PETRUSMA - On the implementation monitor, what did you say the implementation monitor's role in this was?

Mr ELLIS - Yes, it particularly regards ensuring these recommendations are delivered. Obviously, this will be an important independent voice. We need to make sure we have transparency and regular updating to our community and of course, particularly to victim/survivors. There have been so many people who have come forward regarding Reynolds' offending, just like the commission of inquiry more broadly and we really owe it to them to make sure we are delivering improvements for the future so we can keep children safe.

The independent monitor will be key in terms of that accountability and that transparency on this work and the work more broadly.

Ms LOVELL - Minister, the implementation monitor, I have two questions that tie together. Is that position filled? Is that role in place? If not, what's the timeline for that? Do you have a timeline for the delivery of the recommendations themselves?

Mr ELLIS - Yes. The independent monitor is a broader piece of work. Perhaps, if we can update when the Department of Justice is here later on today, they might be able to provide a greater level of detail. Certainly, we're committed to that work as a government and welcome that oversight, accountability and transparency through the recommendations we have carriage of in police. I know my colleagues also feel similarly strong with the influence of it.

CHAIR - The lead department is the Department of Justice in that?

Mr ELLIS - Yes, that's right. I understand you'll be speaking with them later today.

Ms LOVELL - Do you have a timeline for the delivery of the five recommendations from the report?

Mr ELLIS - We're working through in terms of timeframes. The Weiss review didn't provide the same level of detail in terms of timeframe as the commission of inquiry did with specific dates, but we acknowledge the urgency of that work. We'll continue to be working through that. Some of that work, for example, our work with sporting communities, is also a longer cultural piece. There are particular matters we can take on board in the immediate sense, but we need to continue to build and grow those relationships.

In terms of matters relating to government legislation, particularly with the Integrity Commission, we're working through a policy process at the moment. That work is being led by Department of Premier and Cabinet, but we'll expect to update the Committee and community more broadly as we progress those important reforms.

Ms LOVELL - Using recommendation 3 as an example and the community sport and understanding there's a broader, longer term cultural part to that, there are some specifics. One of the specifics was appointing a dedicated Tasmania Police focal point for sport and recreation. Do you have a timeline for those specific pieces of work contained in the recommendations?

Mr ELLIS - Yes, sure. I'll pass to Assistant Commissioner Blackwood to provide an update.

Mr BLACKWOOD - We have the inspector in charge of the community engagement division at the moment with a team underneath her. We're commencing work with Sport Integrity Australia at the moment, running out forums with sporting organisations around the state. That piece of work is happening in the next few months.

Ms LOVELL - Are there other timelines for the other recommendations in place yet where there might be those specific actions for Tasmania Police?

Mr ELLIS - I will pass back to the team of Tasmania Police.

Ms ADAMS - In terms of the community engagement, if we align it with the commission of inquiry, we have until the 1 July 2026 to deliver on that. We will prioritise that a lot more quickly than 2026.

As Assistant Commissioner Blackwood has said, we've already appointed an inspector to start the work. The first part of the work will be to develop a strategy which will then guide the subsequent actions that will follow from there but there will be concurrent work that will occur. We've already worked with the independent monitor for the reportable conduct and we've been on a number of sessions with her across the state with sporting and recreational groups. There is that important information around grooming and we're concurrently working with other stakeholders to make sure the key issues that came out of the Weiss recommendations are being understood.

Ms LOVELL - In terms of the other recommendations - we've spoken about recommendation 3 quite a bit, but the other four recommendations - are there other parts, specific actions, for Tasmania Police where you've got timelines set at this stage?

Ms ADAMS - Not at this stage. There is bit of scoping work that's being undertaken at the moment to understand how we'll work through the recommendations. Recommendation 4 obviously relates to additional staff to manage the victim unit. We are recruiting at the moment. It takes us 12 months to bring somebody on and we'll do some scoping on that to ensure we have the right priorities and the timelines are understood.

Ms LOVELL - When those timelines are -

Mr ELLIS - I might quickly add on some of the broader work of government with the recommendations. We expect implementation funding will be considered as part of the 2024-25 Tasmanian Budget. Obviously, there's still policy work that needs to be done, but further detail regarding timelines will also be available following the budget and will be publicly reported by the Keeping Children Safe website alongside the recommendations of the commission of inquiry.

Ms WHITE - Minister, one of the recommendations of the commission of inquiry, 12.11, was that the government should introduce legislation to increase the minimum age of criminal responsibility to 14 years without exception. Is your department involved in the drafting of that legislation and has that commenced?

Mr ELLIS - That's not one of the recommendations for the Department of Police, Fire and Emergency Management, it's through Justice and the Attorney-General, who I understand you'll be speaking to later. However, we've said that we're committed to all 191 recommendations of the commission of inquiry and -

Ms WHITE - I respect that. I'm asking whether your department's been involved in the drafting of that legislation and if that has commenced?

Mr ELLIS - My understanding is it's a recommendation for the Attorney-General. I understand you'll be speaking with him later today.

Ms WHITE - I hoped you would know whether your department is involved with the drafting of that legislation.

Mr ELLIS - That legislation changed. The commission of inquiry, to my understanding, put quite a long timeframe on changing the minimum age of criminal responsibility. I will pass over to the team from Tasmania Police in terms of the exact timeframe of that and whether we've been involved, noting that it is a long-term piece of work.

Ms ADAMS - Thank you, minister, and that is correct; it is the third timeframe for the commission of inquiry recommendations. As I understand it, there has not been any work that's commenced in relation to drafting the legislation. I'm sure Tasmania Police will be involved in discussions regarding that drafting.

Ms WHITE - I appreciate that. I acknowledge it's not in your area either, but raising the age of detention to 16 is a recommendation to be delivered by 2029. In the hearings we held last year there were some questions your department took on notice and you may need to take them on notice again but I asked about the incidence of 10- to 18-year-olds charged and brought into custody by Tasmania Police by single year of age. At that stage you provided advice for

PUBLIC

the period 8 June 2022 to 6 December 2023. Is it possible for us to get the same data from 7 December 2023 until now?

CHAIR - Now or on notice?

Ms WHITE - Until today's date, on notice, from December until today's date, and you provided that to us broken down by ages grouped from 10 to 14 and then by each of those year groups, so 11, 12, 13, 14, and then from 15 to 18 in the same way. Also, incidents of 10- to 18-year-olds charged and brought into custody by Tasmania Police by time in custody for the same time period from 7 December until now. Are you happy to take that as a question on notice?

Mr ELLIS - I will pass over to the team and see whether that information is available.

Ms ADAMS - We can definitely provide the information we previously provided. As to the actual time in custody, I'll have to get some advice as to whether that's a manual task or whether it's something we can provide for you.

Ms WHITE - Thank you, it was provided to the Committee last year so hopefully it's not too difficult.

Ms ADAMS - If we've provided it to you before we'll provide it to you again.

CHAIR - We'll write to you with the detail of what's been requested.

Ms WHITE - Thanks very much, minister.

CHAIR - Are there any other question before we go to the first recommendation that is DPFEM's responsibility? In order to assist the Committee in making sure that we're following up on each of the recommendations, we'll go sequentially through the ones that your department is responsible for, minister. We appreciate that the Premier, on behalf of the whole government, provided an update to that which gives some detail about where you're at with these. I think the first one for you in the order as they appear in this update is recommendation 28 in the list, but it doesn't relate to 28 in the -

Ms WEBB - In the first appendix they didn't put the recommendation numbers, they just numbered them sequentially. Luckily, in appendix two and three, they put the recommendation numbers, which is helpful. It's the Arch centres, anyway.

CHAIR - It's the Arch centres. If you could update us. I'm going to get the recommendation number. Hang on.

Mr ELLIS - The evaluation of the Arch centres is quite a -

Ms ADAMS - I'd suggest it's under the specialist child abuse unit - 16.1.

Mr ELLIS - Yes. Did you want to work through it sequentially? We have ones that are as early as 9.29 as a supporting agency and 9.30 as the lead agency.

CHAIR - Let's go through them in that order, then.

Ms WEBB - If we go through them in the order that is in these documents that were provided to us as updates, that's probably helpful, don't you think?

Mr ELLIS - The recommendations that we have are listed in number-based order, so for example, 9.29, 9.30, 12.34, 15.20 as they're written by the commission. I'm happy to work through them in whatever order, but that's the sequencing we generally use.

Ms WEBB - This is in Tranche 1, 2, and 3. Therefore it's completed.

CHAIR - We've been provided with an update that doesn't strictly follow that.

Mr ELLIS - That's fine. We have a couple of recommendations that relate to the Arch centres. The first one is recommendation 16.1, titled 'Specialist Child Abuse Units Including Arch centres'. The government is committed to fully implementing this recommendation. Progress is well advanced. The recommendation calls for the establishment of specialist units in Tasmania Police based in Hobart, Launceston and on the north-west coast to investigate child sexual abuse.

Two key initiatives have contributed to meeting this recommendation. In July 2023 Tasmania Police established a Family and Sexual Violence Command to ensure a victim/survivor-centred and trauma-informed approach. Under this command there are now multidisciplinary centres, known as Arch centres, operating in the north and the south. Arch South opened in July 2023 and Arch North opened in August 2023. Via the Commission of Inquiry Immediate Fund, \$5 million was provided for a third Arch centre to be established on the north-west coast. These funds have not been fully expended yet due to challenges in locating a suitable site on the north-west coast. Sourcing an appropriate site is continuing and we are working through that.

The Arch pilot program is also being independently evaluated according to a comprehensive evaluation review and monitoring framework developed by ANROWS (Australia's National Research Organisation for Women's Safety) in collaboration with Arch partners. The Institute of Child Protection Studies at the Australian Catholic University, in partnership with the School of Social Sciences at UTAS, has been engaged in undertaking the independent evaluation of the Arch centres. The initial stages of the evaluation have commenced. Anecdotal feedback that we've -

Ms WEBB - We've got an update from the government we can publish as a committee on our website and we've got questions on these things. Are we going to have pages of commentary from the minister for each of these recommendations as we go through? That will take up our time, rather than questions.

CHAIR - I appreciate what you're saying, but the minister is providing information that's not in -

Ms WEBB - Perhaps they could provide that in writing to us.

Mr ELLIS - Look, I'm in the committee's hands, Chair. I'm happy to provide whatever information you're seeking.

PUBLIC

CHAIR - How much more have you got to go in terms of the progress on it?

Mr ELLIS - I can provide numbers and some data that would suit the committee.

CHAIR - That would be helpful.

Mr ELLIS - To 30 June 2024, a statewide total of 267 people affected by sexual harm have accessed the multidisciplinary response at Arch. That is 185 in the south and 82 in the north. Two-thirds of clients accessing support via Arch, that is 179, are adults, and one-third, 91, are children. In the same period there were 199 sexual assaults reported in the western district, 321 in the southern district, and 291 in the northern district.

CHAIR - In the western district, where did they go?

Mr ELLIS - There are a range of different supports that are available in the western district, including with some of our Arch partners in Tasmania Police. I will pass over to Tasmania Police to talk about what that response currently looks like.

CHAIR - Particularly for the western district.

Mr ELLIS - Absolutely.

Ms ADAMS - I will ask Assistant Commissioner Blackwood to answer that one.

Mr BLACKWOOD - As you're aware, the western district is yet to have an Arch centre. Funding has been provided for it and the team are working extremely hard to find a location to put that Arch. It's really important, with our other service providers, that we get the location right. We've looked at about 32 different properties at the moment. We believe we are getting close to getting one right. It depends on where other businesses are located, the entrance, and all those sorts of things, to work it out.

CHAIR - Geographically do we have any idea where that may be?

Mr BLACKWOOD - We're focusing on Burnie for a location. It's a preference for Tasmania Police in terms of its location to other areas within the western district. Devonport is the other option, and Launceston is also a reasonably close -

CHAIR - Devonport's quite close to Launceston, as we know.

Mr BLACKWOOD - That's right. We are focusing on Burnie for a location for the Arch. There are some good options there that we're trying to finalise at the moment. In the meantime we acknowledge that the Arch doesn't exist there. Some of the models that we're using in the south and the north, where we're working with Laurel House and SASS (Sexual Assault Support Service), we're adopting that sort of model, albeit we're not currently co-located. We have those closer working relationships, particularly with Laurel House in the north.

CHAIR - Can I just repeat the question, where are the people -

Mr BLACKWOOD - Yes.

PUBLIC

CHAIR - The minister gave some numbers of people reporting or seeking assistance from the western district. Where do they go now?

Mr BLACKWOOD - Our sex crime staff are mainly located in Burnie but with a satellite office in Devonport at the moment as well.

Mr ELLIS - Some of the investment we've made in terms of physical infrastructure has been important too. The commission of inquiry was very supportive of things like soft interview rooms, which are a much more supportive environment, and some of those investments have been key in the western district facilities as well.

Chair, just to update, I said it was 291 in the northern district but it's actually 219, just so the committee is clear.

Mrs PENTLAND - You just mentioned Laurel House. What role do they play in that?

Mr BLACKWOOD - Laurel House provides the sexual assault counselling services within the Arch Centre within the northern district and will also provide that within the western district as well. In the south we have the Sexual Assault Support Service, which does that role.

Mrs PENTLAND - Do they have an office in Burnie too at the moment or are they looking for an office?

Mr BLACKWOOD - Yes, they do.

Mrs PENTLAND - Right.

Mr BLACKWOOD - I suppose it's been really important to make sure we have Laurel House and the other agencies on board with the location as well.

Mrs PETRUSMA - Just a quick question: I appreciate the Arch centre is going to be assessed by ANROWS, but what are the outcomes of coming forward for victim/survivors? Is there any information you can share as to what victim/survivors are saying has been a positive outcome of these centres?

Mr ELLIS - Absolutely. I also acknowledge your work in this space, Mrs Petrusma. We often stand on the shoulders of giants in these roles and I know that you were absolutely instrumental in ensuring that we have a multidisciplinary response at the heart of everything we do. I think it's a real tribute to the way that you've been able to establish this program in that what was initially a pilot has almost immediately become a statewide rollout. We're obviously evaluating currently and rolling out at the same time, which brings with it some of its own challenges, but also I think points to just how needed and important this service is. I'll pass over to the team from Tasmania Police about the feedback that we're getting.

Ms ADAMS - Thanks, minister. We have had a lot of clients and the service providers that work within the Arch centres complimenting the construct of how the Arch centres are operating. I've had a number of emails forwarded to me from the team which will highlight a victim/survivor's experience and how positive they've found the experience, the support they've received. They're describing it as being a fantastic support process and really feeling safe about being able to come forward. The respect that's being given around their choices as to how they

want to manage their decisions about whether they want to work through a criminal justice path or not has been really a highlight of how well the Arch centres have been operating.

Mr ELLIS - Chair, if it assists the committee, we have two recommendations relating to Arch. Recommendation 21.2 speaks directly to the evaluation of Arch, so I might just provide some time frames, so we can be brief.

The independent evaluation will occur in three phases up to 30 June 2025: an initial review to assess the progress of Arch activities, outputs and short-term outcomes; a mid-term evaluation focusing on service update and progress of short, medium and long-term outcomes; and a final evaluation of medium and long-term outcomes and impact, with recommendations for continuing the program. The independent evaluation will assess the effectiveness of Arch against key evaluation factors and indicators. It commenced in March 2024 and in terms of time frame, the evaluation team received ethics clearance to commence data collection in June 2024 and data collection for the initial review commenced in July 2024. I am happy to provide a further update on that recommendation if it suits the committee.

Ms WEBB - Minister, I'm interested in some more specific details around the Arch centres. I note on the Arch website it lists a range of contact numbers for support, including the Strong Families Safe Kids Advice and Referral Line. One of the things I'm wondering about is how we are making young people in state care - and by that I mean whether it's out-of-home care or in youth detention or any other circumstance such as that - aware of the Arch centres and the ability to contact them with complaints or to raise issues? And, what is the means by which we are doing that and that they have that direct line?

Mr ELLIS - This is such a key part of the work when it comes to Arch. As I mentioned before, about one-third of the people who are accessing support from Arch are children. It is of course deeply troubling that these things still continue to occur but it is important that we have supports available for those young people in a very difficult time. I'll pass over to the commissioner and her team regarding the awareness.

Ms ADAMS - The most important part at the moment is through the service providers in Laurel House and sexual assault services. They have been the lead in terms of ensuring that vulnerable members of the community are aware of these really valuable services in both the north and the south and hopefully very shortly in the north-west.

A really important part of our engagement strategy, which we're in the planning and scoping phase of at the moment, is to ensure that vulnerable members of the community, including youth, are aware of the services that are provided. If you refer back to the commission of inquiry's recommendation, they've been very specific that they want Tasmania Police to have a dedicated effort in building those relationships and having the awareness and information so that they do know how to come forward and that there are those established relationships of trust so that they have a recognition that Tasmania Police will provide the level of support they need. It will be an ongoing piece of work that we will do as part of addressing the commission of inquiry's recommendations.

Ms WEBB - Thank you. That's a broad answer and I'm not taking away from the value of what you've described as broadly promoting the Arch centres and particularly vulnerable members of the community, but my question was about how we are ensuring that young people in state care - in circumstances where the state is responsible for them, whether in out-of-home

care or in particular youth detention - how are we making absolutely sure that those children we are responsible for as a state are aware of and have ready access to contact with the Arch centres? Is there a particular intention to set that up so we can provide them with that information, rather than just the broad community-wide measures?

Mr ELLIS - Ms Webb, I suppose my colleague who has carriage of Children and Youth will no doubt be able to provide a more detailed update in this space, but you're right, it's certainly a key and important area. We need to be making sure that not just a general understanding of the services of Arch is available, but that we're engaging with our most vulnerable groups and, of course, that includes children in state care and detention. It also includes migrant communities, Aboriginal communities and we acknowledge the work as far as continuing to engage with those vulnerable groups can't be as simple as the same communications that we have for the broader community.

The work that we do through our partners, as the commissioner mentioned at the outset, is really important because they are often deeply trusted by victim/survivors who come forward, and by being able to provide that link into Arch services they provide a trusted advocate in many ways to make those connections. I'll pass over to the team if they have anything further to add to that.

Ms WEBB - Maybe I could also clarify then, into that space: you quoted statistics about how many young people have contacted the Arch centres. Can you break that down in terms of how many of those are youth in state care?

Mr ELLIS - We can take that on notice as well. In terms of the pathways we spoke about before, the numbers here are important, so 37 per cent, which is 100 people, affected by sexual harm engaged with Arch via that Tasmania Police intake pathway, but 82 clients have been internally referred to Tasmania Police from other service providers within Arch, so it's important to note that there is a range of different key pathways that we support people to access that service through. You can walk into an Arch and receive that support.

Ms WHITE - People haven't been doing that. At the moment people are finding out how to access it through referrals from police. It sounded like you said 100 per cent of referrals -

Mr ELLIS - No, 100 people, so 37 per cent, 100 people.

Ms WHITE - Sorry.

Mrs PENTLAND - You said that your recommendation 9.3 is complete now. So, with that training package that you've been offering the police officers, wouldn't it fit, then, to perhaps include that in the training package? That way they could actually help with that information to then get to Arch, if need be. Shouldn't that be something that the police officers are trained to do when they're going out on site and talking to these children?

Mr ELLIS - Yes. Recommendation 9.3.0, and thank you, Mrs Pentland for the -

CHAIR - Is it 9.30?

Mr ELLIS - Yes, sorry, 9.30 is an important one. That relates particularly to an offence around harbouring and perhaps I'll pass over to Tasmania Police to speak more about that. We

have, however, very extensive training around sexual and family violence that's undertaken by every police officer now. That's been a key part of our work. The commission of inquiry identified that 9.3 is about a specific matter where there wasn't enough understanding among Tasmanian police about these particular powers, but I'll pass over to Tasmania Police to address both of those issues, if that works?

Mr HIGGINS - Perhaps if I can, I might capture both -

CHAIR - We have gone into our next area -

Ms WEBB - I have more on Arch, actually.

CHAIR - I'll just allow this, but we've moved into the next recommendation, according to our information provided from the government.

Mrs PENTLAND - In relation to Arch, I just wanted to know if that was something that you could perhaps train the officers in so that that's part of their communication with potential victims, as such?

Mr HIGGINS - Absolutely.

Mrs PENTLAND - To direct them to those centres?

Mr HIGGINS - The training package that was delivered and completed last year was essentially what police should do when they first respond and the points after that. That includes the referrals and being able to get a victim/survivor support and the necessary help they need. So, it might be a uniformed member who goes to a call in the first instance. They now have a greater understanding about what they need to do from that point to actually refer that person to either make a report and get the full support wraparounds or perhaps look at what other options they have - because it may not be that it's a criminal outcome; it may be towards getting greater support and understanding their options from that point. That's in place now.

Perhaps I'll just grab the question. I know it wasn't quite framed that way, but as far as the police referrals - the police referral is that type of interaction. So, it might be a person who rings the radio room, it might be from a uniformed attendance, from an investigator, or a walk-in to one of our Arch sites. There are now a number of options that a victim/survivor is able to make that first step towards reporting, getting support or otherwise.

It's important to recognise that, quite often, the first contact will be from a uniformed member and they are well-trained from recruit level right the way through, with our scaffolding approach, to investigation. They may not be specialist investigators, but they have incredible skills that they're taught through their academy training and the ongoing training provided - not just internally by Tasmania Police, but also by our partners - whether it's University of Tasmania or the Centre of Investigative Interviewing - to actually understand what they need to do to get that support from child safety services, as well through the Advice and Referral Line. It sounds like it can be quite complicated, but there are many pathways that can lead to the same point in an Arch centre.

Mr ELLIS - Because there's no wrong door in many ways. We want people to feel comfortable coming forward and, as much as it's been devastating to see the number of reports

of sexual violence increasing, we know that there was a huge level of under-reporting in the past because people didn't feel comfortable coming forward. It's important, in terms of building that trust, to know that there's a great deal of training in terms of trauma-informed approaches and other things that go into this work.

CHAIR - We will go back to Arch. Then we'll move on back to where we are now.

Ms WEBB - In relation to what was described in hearings last time and we've come to understand are the new specialist sex-crime investigators that are attached to the Arch model - I think there are 15 flags, so if there's an update on that figure you could provide that to us - but I'm interested specifically to know - again, it's in relation to children in state care. How many visits have those new specialist sex-crime investigators undertaken to children in youth detention or in relation to children in out-of-home care? So, those two categories of state care.

Mr ELLIS - I'll pass over to the team very shortly. In terms of specialist investigators, the commission recommended these units specialise in investigation of child-sexual abuse, including historical child-sexual abuse and, potentially, adult-sexual abuse. There are 38 specialist sex-crime investigators and four investigation support officers across all three Tasmanian policing districts who have been specifically assigned. And, as we mentioned before, the specialist investigators in the north-west coast are also working collaboratively with our key partners in Laurel House. I'll pass over to the team from Tasmania Police.

Ms ADAMS - Yes, thank you. We wouldn't have the data in relation to investigators attending youth-detention centres or out-of-home care.

CHAIR - That would be the minister for children would have that?

Ms ADAMS - I don't think he would have that either.

Ms WEBB - So, we collect the data on children or young people contacting the Arch centres. Are we able to identify, obviously not individually, but are we able to have the data on how many of those children, if any, are either in youth detention or in out-of-home care? That was a question I noticed you took earlier from me. Would we not then know what response has been provided, in terms of how many interactions or visits or whatever it might be?

Ms ADAMS - I've got advice here that Arch data is de-identified and we're not able to provide youth in state care data. It follows on that we're not in a position to provide the number of visits investigators would have made to children in youth detention or out-of-home care.

Mr ELLIS - I suppose, more broadly, it's important to note that this service is available to those people and the significant work that we're doing, in terms of supporting our most vulnerable people, to utilise the Arch centre services.

Ms WEBB - That's why I was asking questions about how we are actually communicating that and making sure that kids in state care are aware. I'm still not clear that we are, in a targeted way.

Mr ELLIS - Perhaps Mr Jaensch can provide a further update regarding that work.

Ms WEBB - Can I have one more on Arch?

CHAIR - We're going to run out of time on the others but if you want to go.

Ms WEBB - It's just in relation to organised abuse. We had it identified as an issue through the commission. Expert witnesses raised it as being any time child-sexual abuse in which two or more adult offenders conspire to sexually abuse a child. That's what I'm referring to with organised abuse. Clearly there were instances described in the commission's work where that could be applied as a definition. In terms of the work being undertaken by the specialist sex-crime investigators through the Arch centres, what work is being done to look at organised abuse or what we might more colloquially think of as paedophile rings or that sort of situation in the community? Particularly where it may impact on children in state care or involve adults employed by the state.

Mr ELLIS - So there's certainly significant benefit in terms of these structures. One of the other pieces is the family and sexual violence command has enabled us to bring to bear resources from the Australian Federal Police, who are highly specialised when it comes to online abuse, which we know often requires a number of people to be involved in these heinous crimes to facilitate them. I'll pass over to the team from Tasmania Police.

Mr BLACKWOOD - Thank you. Wherever we receive any information to say there is coordinated sexual offending we'll always investigate it thoroughly. To date we have not discovered that that's actually occurring. Some of the information we have found is people accessing open-source information and deducing themselves that there may be something going on. We'll always look at it and we encourage any reporting that anyone has information like that. Other things that we're doing, especially in the sexual and family violence command, is, where an allegation is raised and a suspect is deceased, it doesn't mean we stop the investigation there. To make sure there aren't further offenders who were working in collaboration with that one, we'll undertake an investigation. We'll still work with victims closely where the offender is deceased.

Mrs PETRUSMA - I might follow up on that question. In regards to the specialist child abuse unit. If I made a report to any police officer in Tasmania, do they automatically refer to these units or does it go -

Mr BLACKWOOD - Yes.

Mrs PETRUSMA - It's automatic, straight in, instead of it being assessed by the sergeant and inspector; it's just automatically referred?

Mr BLACKWOOD - Generally, what would happen is if you were to attend a police station, let's say in the report of a sexual assault matter, you would be immediately referred to someone from the Family and Sexual Violence command who is a specialist investigator. Part of that is engaging with the detective early on and they're with you for your journey throughout that report. So, we're engaging really early with the specialist investigators.

CHAIR - Okay. I'll go to Mr Kerry Vincent for that other one.

Mr VINCENT - I was interested in the training that you're saying is through the academy. You start with some specialist training, but you're gradually working through all new

cadets coming through as well as existing staff? And, who else, other than the police force, are you involving in that training to make sure that it's leading industry?

Mr BLACKWOOD - Sure. In terms of our investigators, we partner with the University of Tasmania, especially in relation to our interviewing training, and that's what we call the 'whole-story' interviewing training. So, we have specialists come in and teach our staff about that.

In terms of the Arch, there's been a lot of training done with the service providers and police together. That includes Blue Knot, who run the trauma-informed training for all the staff. So training together ensures that we're in that consistency across the board, whether you're engaging with police or one of the other service providers.

Mr ELLIS - It's one of the real strengths, I've got to say, in speaking with service providers in the Arch and our people, our police officers who are involved in there as well. Being able to get a better understanding of the mindset and background training for quite different groups of people who are all seeking to support the victim/survivors. It's been really, amazing to see how beneficial that multidisciplinary approach has been, in terms of everyone developing a better understanding. There are things that Tasmania Police do amazingly well that our other support services have learned from and vice versa and I've got to say, it's a real strength of the model.

CHAIR - We might move on to - we have already touched on at 9.30 when I [inaudible 10:12:36 a.m.] completed, but is there anything you need to add in relation to that recommendation or any questions?

Mr ELLIS - Look, I'll pass over to -

CHAIR - We have talked about some of this already, I think.

Mr ELLIS - Yes, we have, but I'll see if there's anything further. No.

Mrs PENTLAND - What percentage of the police force has gone through the training now, then, if you've completed the package?

CHAIR - They're called the police service.

Mrs PENTLAND - Police service, sorry.

Mr ELLIS - Tasmania Police in our world.

Mr HIGGINS - Through you, minister. In relation to the training package for responding to instances of child-sexual abuse, that's around 90 per cent, not quite. There are about 10 per cent or more that haven't and there's a variety of reasons for that. As far as the specifics in relation to this recommendation, in relation into harbouring and concealing, it's supervisors, investigative areas and promotional courses as they're coming through now. In fact, last Monday I opened the investigative course that just commenced in its first phase. It's in two phases and we talked about that in the commission of inquiry at length, as you can imagine, and the importance of our way forward and where we aim to be with our service to victim/survivors.

Now, as part of that delivery, the investigative coordinator of the academy, the detective sergeant who's in charge of our training programs developed that training package and is delivering it himself from that point onwards. It's not easy legislation. In relation - to these two offences - it takes a lot of information to actually do it. In fact, to even - and we can't, it's not something we can arrest anybody for. It actually needs to be authorised by the DPP to actually leave in charge in relation to those two.

Mrs PETRUSMA - Chair? Just to follow up on that please? Since the training has been rolled out and commenced, are you seeing an increase in the detection of that type of offending by police officers? Statistics change, there are more reports, or is it -

Mr HIGGINS - No. There's still only been two people charged in the last 20 years.

Mrs PETRUSMA - Okay.

Mr HIGGINS - So no, with even that training -

Mrs PETRUSMA - Also, in regards to child-sexual abuse, the training that's been rolled out - in regards to the mandatory training that police officers have undergone, are you seeing an increase in the detection of that type of offending by police officers at all?

Mr HIGGINS - Yes. There has been a far greater, I suppose, trust in reporting and the ability for a person to come forward. I haven't got - sorry, I haven't got statistics right in front of me and I don't plan to go through that at the moment. That's something I think we can find. But there's been an enormous uptick in people coming forward in relation to child or sexual offences in general. I don't necessarily attribute that to there being more happening in the community. I think that's a greater awareness and greater trust in the system, that they're able to enter, and the choice that a person is able to make to actually do that. No, it's not a good thing at all that people are being abused or sexually offended on, but it's important that people now are able to have that comfort and that choice to actually make an informed decision on what they might like to do.

Ms WHITE - Do you have data on the amount of time it takes for a charge to be laid before that matter proceeds to court?

Ms ADAMS - I don't think we do. It sometimes takes many months to work with the victim to actually get the whole story, and we want to ensure that a victim is supported through that process. We won't rush a victim into getting a statement and moving down a criminal justice path. Our primary focus will be in supporting a victim. That can change and it can be variable. I don't think it's data that we have.

Ms WHITE - I ask not so much as it relates to child-sexual offences, but certainly family violence offences. It's been raised with me that it can take a very long time in some instances where somebody has been charged, and then their day in court takes a long time to arrive. I presume that's to do more with the DPP than it is your department. Do you collect any data like that which you can share with the committee? Is there a challenge there? Obviously, there's a lot of work happening in the courts now, very busy, and it can take a long time for people to get their day in court. Do you have data on that? How do you support people who are waiting a very long time before their matter proceeds to trial?

Mr ELLIS - I'll pass over to Tasmania Police in a tick, but I'll reiterate the commissioner's comments around the agency of victim/survivors as well. There can be people that simply wish to report but not seek charges, and it's important that we acknowledge that as well, as part of this important discussion. But I'll look to see whether that information is held by us. It may be Justice.

Mr BLACKWOOD - No, we certainly don't keep the information around on how long all of them go. In terms of what we do for family violence, putting orders in place is the first initial piece of protection. Where there are charges, the court process can take some time. Importantly, if there are breaches during that time, we're bringing people back to court as soon as possible. There's also the option of electronic monitoring of offenders and other things like that which we can do to ensure a victim's safety and some peace of mind for them while they're going through that court process.

Ms WHITE - Can I ask about family violence orders on behalf of children? Is it possible for a child to take out a family violence order against another adult unless they've -

Mr BLACKWOOD - Against an adult, you mean?

Ms WHITE - Against an adult.

Mr BLACKWOOD - No, it's not. A family violence order is about a significant relationship. Children can get named on orders if they're considered at risk as well. If a victim is taking out a family violence order, or we're taking it out on their behalf, and we believe they've got concerns about the safety of the child as well, they'll be named as a protected person on that order.

Ms WHITE - I met with a constituent on Friday who raised concerns about this matter. Their child had been in a home, not their family home, and they'd been exposed to quite serious violence. She wanted her child to be safe from that person, because that child's family goes to school - this is probably a bit of a complicated way to explain it. There are two kids that go to school together. They were staying at somebody's house together. There was a violent incident that happened in that home. The mother of the child who doesn't live there wanted to protect that child from being exposed to that adult, if they were dropping their own child at school. There is no way for her in that instance to have a family violence order - obviously they are not family, but to have any order in place so that there can be no contact between that child and that adult, even though she's worried about the safety of that child? What can happen in that instance?

Mr BLACKWOOD - The Family Violence Act wouldn't cover that, but there would be an option of making an application for a restraint order before the courts.

Ms WHITE - Right. Okay. Who would do that? The child?

Mr BLACKWOOD - Someone would go in on their behalf and support them through it, I would have thought. It's done through Justice, and the courts have support people in there to help people through that process.

Ms WHITE - Is that done very often?

PUBLIC

Mr BLACKWOOD - It would depend on the ages and understanding the risk assessment. I do not have stats of how often that would be done. I don't think it's often.

Ms WHITE - Would that be something the Justice Department might be able to share with us?

Mr BLACKWOOD - Yes, possibly.

CHAIR - We might move on and go to recommendation 16.2. We have a brief update there. This is on tracking phase two and there is also a reference in 16.1 to 16.2 I have seen regarding the Aboriginal people. If you could provide any further information on how that is progressing?

Mr ELLIS - Yes, and to be clear Chair, we are talking 16.2 the online reporting of child sexual abuse?

CHAIR - Yes and the 2, 3 and 4 parts to that.

Mr ELLIS - Absolutely. We are working through the implementation of this action as part of the second phase of Project Link, which is work that we had underway. Project Link is an initiative under the banner of Project Unify that will allow online reporting of minor crime. The Project Link does not cover reporting of crimes against individuals, such as child sexual abuse, which is complex in terms of confidentiality of information and the timeliness of the response of the report, which is why it has been regarded as the second phase of that important work. I will pass over to the team from Tasmania Police to provide further updates.

Ms ADAMS - In terms of online reporting we have a current project which should be rolled out towards the end of the year in relation to minor crime. What that platform is going to enable us to do is to further broaden the work that is already done, to expand it, to allow members of the community to report online sexual abuse using that platform. We hope to start that work in the new year, but because we have already done a majority of work in regards to Project Link, which is allowing the minor crime, it does put us in a very good position to be able to get a quicker outcome than we would have if we had to start from scratch.

In terms of the engagement, we have spoken about the engagement strategy and the appointment of the inspector. We have several Aboriginal Liaison officers across Tasmania Police to help facilitate engagement with Aboriginal members of the community and we also have a new agency strategic plan for 2023-2026 now. We are an active participant in the national agreement on Closing the Gap. There will be some actions and work that will come from that that may supersede some of our strategic actions in our plan, but we will work through that to ensure those actions are prioritised.

The next 12 months is to consult and work with vulnerable members of the community, which will include the Aboriginal community, to ensure the strategies are fit for purpose and actually going to have the greatest impact. Our members are aware and actively supporting those actions.

CHAIR - The online platform is obviously a community facing platform, and in terms of the security data potentially uploaded through that site, can you just talk us through that and what security measures are being taken to protect that?

Ms ADAMS - I won't get into the technical specifics of that, but we currently already have online crash reporting. There is technology safety on members of the public using that system. We will take those safety measures and ensure they are contemporary. I can't give you the technical specifications. Obviously, it's managed by a project team, which I would hope would have the expertise to ensure the system is protected. As we all know, it requires constant vigilance and upgrading of software to ensure our systems are protected. I am sure that is part of the project, but I cannot give you the specifics about what actions are being taken.

Ms ROSOL - In relation to point 2 on the internal processes for people in prison in youth detention to report abuse, I know we have touched on this a little already, but are you able to provide any specific information on any progress on this and processes that have been or are in the process of being developed?

Ms ADAMS - We are in the phase of developing scoping in relation to how we will progress this important recommendation. One thing I can say is that if there are reports in relation to child-sexual abuse coming from any detention facility, though those calls will be managed by our specialists' units - our sexual investigators, it's important that we've got investigators that are trauma-informed, who understand the importance of working with the victim to get the whole story and to ensure that they've got the appropriate support. That's an important change into the way that we respond to those calls from the past.

Ms WEBB - Can I follow up on it? In relation to being clearly identified - Aboriginal communities, people who were - or are - in prison or youth detention and people who were - or are - in out-of-home care - will you be keeping statistics about children in state care, in those youth detentions or out-of-home care settings so that we'll be able to know what the stats tell us about the use of this reporting?

Ms ADAMS - As I've indicated, we haven't got that data, but we can certainly consider how we can retain that data.

Ms WEBB - I'm just wondering whether I can strongly encourage you to do that, given that we're specifically identifying those groups as being important to target with this. How will we know if we are achieving that well if we're not actually collecting data about it?

Mr ELLIS - I think the commissioner has just given you a commitment to strongly look at that.

CHAIR - Any other questions on that one? Otherwise, we'll go on to 16.3. Again, we've touched on some of this, but if you could provide any further information in relation to this one.

Again, a lot of this is in phase two.

Mr ELLIS - That's right, Chair. This is a really important piece of work because obviously we want to make sure that our officers have the professional development that they need to make sure that they're providing the best possible response and service to the community. In 2021, the Tasmania Police Child Sexual Abuse Joint Review Team developed additional and updated training and guidelines for all sworn Tasmania Police members. This includes mandatory training for all sworn members in relation to new policies and procedures

including Tasmania Police Initial Notification and Investigation of Child Sexual Abuse Guidelines and the Keeping Children Safe Handbook. This training was completed in March 2022.

Further recruit training has been updated to include contemporary practices relevant to child-sexual abuse. These guidelines, policies and procedures, at all levels, will be reviewed in line with the recommendations. I'll pass over to the team from Tasmania Police if they've got anything further they want to provide.

Mr HIGGINS - Perhaps, without going over what I've already said, I'll expand on that. It might be the best way to answer. I'll speak perhaps about the specialist groups that we have. Specialist groups have done a level of training, but there is another level of training that is done, particularly in Queensland that I'm aware of, and in Victoria, which we're exploring about a dedicated - I'll call it a sex-crimes course for want of a better term. It won't just cover the children; it'll cover adults as well.

That was something within the state. We do a high level of training; but there's a next level of training again that's done in those states that we need to do. It's not something we can just bring down here. It's in Queensland. It's delivered by their specialists that have gone through the trainer and so forth.

CHAIR - Is this for all sworn officers?

Mr HIGGINS - No, this is just for the specialists. That is something that we hope to achieve and will achieve by 2026, but within the next 12 to 18 months, certainly, to get that level of training. It won't capture everyone, all 38 that we have, in one go because only so many can do it at a time and, from memory, I think it's about 16 people that do it at a time. But for all staff it is a scaffolding approach through the academy, so right through from recruit training to detectives who sort of have done the old training from years past, and I'm one of those that hasn't done training since, I'll say early 2000, let's say. A little while ago.

I was ensuring that they had the skills as well and the most up-to-date methods and procedures that we can have in place to serve our victim/survivors far better than we have done in the past. That will be a journey for some as well.

CHAIR - Can I ask whether there's a requirement for an annual update, like an annual CPD (continuing professional development) in this area for all sworn officers?

Mr HIGGINS - Yes, there's mandated training.

CHAIR - It is mandated?

Mr HIGGINS - Mandated training.

CHAIR - An annual thing or how often?

Mr HIGGINS - It was mandated for the initial one that the minister just described in 2022 and it'll be updated along the way to ensure that anybody that hasn't done it continues to do it. If a member hasn't done it, we have to ensure they've actually done the training. So, this

will be capturing everyone from the Academy (inaudible 10:30:48) who finish the Academy from that point onwards.

CHAIR - How many have done it then? I'm not sure of the number of sworn officers in total, but you probably know that.

Mr HIGGINS - The number is 1496.

CHAIR - How many have done that?

Mr HIGGINS - It's around 90 per cent of those and 10 per cent we don't have in the workforce at the moment at work, so there's about 10 per cent of people who haven't done the training.

Mr ELLIS - Can I pay a compliment to the commissioner and her leadership team as well for taking on board that training themselves? I think it sends a really strong message to the broader organisation about how serious we take this, that everyone from the commissioner down completes this training because it's fundamental to who we are as Tasmania Police now.

CHAIR - Can I clarify that the mandatory requirement is for all sworn officers to do the training, but also to have an update which is how often?

Mr HIGGINS - An update, as required, as changes are made, whether it's a refresher, which we haven't got to that stage yet, or if there's a change in legislation or a change in practice that will make it -

CHAIR - When you do other mandatory training in health, for example, you've got to do your CPR training every year, not that you use it every day, hopefully, in your workplace and usually you don't. However, there is annual requirement to keep those skills sharp and front of mind. I would have thought an annual requirement to at least a refresher, which is maybe what you're talking about, would be appropriate because people do forget if you're not applying it. Hopefully people aren't applying it daily in their workplace in the police, but we saw some more than others but that's -

Mr ELLIS - But noting as well, Chair, legislation is changing quite rapidly at the moment as we implement the recommendations from the commission of inquiry. At the moment some of those updates can be quite frequent.

CHAIR - I'm not talking about a set-and-forget into the future; we have to be future focused.

Mr ELLIS - Absolutely. We can't set-and-forget. This needs to be continuous work.

CHAIR - Yes.

Mr HIGGINS - Absolutely. It's something that we can certainly look at and we're almost two years past that point now and I think it's probably timely we do look at that. We have mandatory training, for example, for our use of force which is 12 months that the training must be done and you're certified that you're able to use your firearm and the range of other use of

force options we have. First aid's another one, for example - you touched on that in the health sector.

CHAIR - This will be pretty much a first aid approach, in my view. I am just making a point. That was a statement, not a question.

Any other questions or anything there? We might then go to 16.3.

Mr ELLIS - Chair, I note we had a couple that were further back, 12.34 and 15.20. Did you want to -

CHAIR - We'll come back to those.

Mr ELLIS - Okay, we haven't missed those? I just want to make sure that we're -

CHAIR - We'll go to 16.3 first. Yes.

Mr ELLIS - Yes, it was secondary responders on that one. Sorry, it was 16.4 - Quality audit and insurance?

CHAIR - Yes.

Mr ELLIS - In 2024-25, Tasmania Police will commence scoping quality and audit assurance processes for specifically investigating child-sexual abuse offences in line with the commission's recommendations. These processes need to ensure independence and accountability. To fully achieve the required outcome for this recommendation in-depth consultation with our professional standards and Family and Sexual Violence command has commenced. In July 2023, file sampling commenced as part of district reporting to the Corporate Management Group. Tasmania Police Professional Standards undertook a separate review of the operational response to family violence reports in January 2023 and the review involved random sampling of an equal number of files from across each geographical command, and that's more complex. These processes provide a good precedent for establishing similar processes for auditing child-sexual abuse and with that I'll pass over to the team from Tasmania Police to provide an update.

Ms ADAMS - Thank you minister. The commission of inquiry were very clear in terms of what we need to assess when we're doing file sampling and in actual fact they've provided criteria that they want us to consider when we review files. So, the approach that we're going to take is to build on the back of the file sampling that we started last year.

In our professional standards, we have an area called management review. That review team will be responsible for file sampling across our family and sexual violence commands to ensure that the criteria that is being identified as important by the commission of inquiry is actually considered. Then we aim to engage an external provider to then provide a higher level of assurance in terms of our file sampling and for them to come in and do an external review.

We don't believe an external review is the best approach to do that every 12 months. We think that probably on a three-year rolling basis that to bring an external provider in to then check our work to provide recommendations on how we can improve that but that our internal approach will really build a rigour around the benefits of file sampling and the ability to be

able to identify at an early stage things that may not be going to plan in terms of how we're managing these files.

CHAIR - Any further questions on that one? I mean obviously Phase two -

Mr HIGGINS - Can I perhaps just add to that, Chair?

CHAIR - Yes.

Mr HIGGINS - Looking at the recommendation the commission made, one of them in particular was around the cross-agency and cross-jurisdiction. Tasmania Police has access and by July next year should be fully onboarded to the National Criminal Intelligence System which gives us that real-time access as opposed to the old-fashioned way of phone call or e-mail or other ways trying to get information. So that's the importance of us coming onboard with that type of national approach. That has all the police jurisdictions in that.

There are others that may be accessing in the future, but as far as what we will upload ourselves and what we're also provisioning and consuming, each state and territory will be doing that. So there are examples we've already seen - using this system because we have access to it now to consume - where we've identified a person of interest we may have down here as offending, who is also is an offender in another state. We're able to get that really quickly, whether they have orders, they may be on the register already. That has been an incredible thing for our staff to be able to have that.

CHAIR - So when does that go live or is it already live now?

Mr HIGGINS - So we can consume it now.

CHAIR - It's already live now.

Mr HIGGINS - We are what you would call a mid to late adopter as far as the other states. That was due to our bringing on our own IT systems that are funded to do now and how that's been onboarded. It's been paramount to investigators to be able to access that quickly - and it's done in the radio room as well - so we had to get that information to give a -

CHAIR - So the radio room can look straightaway.

Mr HIGGINS - Every sworn member can access it right now.

CHAIR - Sure. Any more questions on that one, otherwise we'll move to 16.15.

Mr ELLIS - Thanks Chair. This is regarding evidence recording equipment. Tasmania Police is committed to a review of current recording devices and member training in accordance with the recommendation.

An audit has been undertaken across all police districts to determine the adequacy and availability of recording equipment that currently exists at police stations. The audit revealed appropriate facilities at both the southern and the northern Arch centres. As I mentioned before, Tasmania Police through the immediate commission of inquiry fund received funding of about \$59,000 for an additional soft interview room in the north-west coast as well. This soft

interview room has been upgraded at Devonport Police Station and will be operational when new recording equipment arrives later this year.

Further interview facilities funded by the commission of inquiry immediate fund in the 2023-24 financial year are undergoing work and awaiting delivery of recording equipment later this year as well at Professional Standards, which is in Hobart; Bridgewater, once the new station is built in 2025; Glenorchy and at Launceston Police stations; and there are dedicated facilities, as I mentioned before, at the Arch centres in the north and the south that have specialist interviewing equipment installed. All interviewing members have been trained in its use. I'll pass over to the team if there's anything further to add to that one.

Mr HIGGINS - Yes. Perhaps I can add to that it was highlighted, and it was really disturbing to hear, in the commission of inquiry a victim/survivor's experience going to Launceston Police Station at the time to make her report, and how going into the sterile corridors, going into an old room with old furniture and the like, and how that didn't help one bit in her being able to move forward with her complaints, getting supports and so forth because of the type of environment.

The investment that we made in our making to the future in these rooms will provide a far greater experience for a person to be able to have some comfort as opposed to walking through the - and I know we've renovated Launceston as well, but as far as the overall experience. That's just Launceston station, the Arch centres there, but people don't always go to an Arch centre. They may go to a Devonport station where we have upgraded the room. The equipment we're using is Axon equipment. We use that for any body-worn cameras and for our interview machines as well. We're just waiting for equipment to arrive to fit out some of our other areas which we've done the room for. We just need to get the equipment to plug in.

CHAIR - Funding is available for all of that, at this point.

Mr HIGGINS - Yes, it's being delivered later this year.

Mrs PETRUSMA - Minister, you mentioned a soft interview room, is that similar to what the Deputy Commissioner is talking about? What actually is the soft interview room?

Mr ELLIS - You've stolen my thunder there, Mrs Petrusma.

Mr BLACKWOOD - They are rooms where you cannot see the camera. It would be like sitting in a room that's someone's lounge room, there could be a couch there or we could move things around, there will be soft toys in there as well, and there are cameras overtly positioned in the room, so it's not in your face, but obviously the people in there are aware that it's being recorded. There are electronic whiteboards there so if someone needs to sketch out what a room looks like, or if a child wants to draw on a wall they can do that as well. It's aimed to be a room where you can sit and have a really comfortable conversation, but is obtained that evidence as well, so that they're not having to retell their story again and again.

Ms ADAMS - I think the really important part about the development of the soft interview rooms was that it was trauma-informed, it was informed by our key stakeholders who had the lived experience. They were able, as the Deputy has described, to ensure that the setup of that room was going to be conducive to someone feeling comfortable and safe.

PUBLIC

Mrs PENTLAND - Are they part of the design base, those people? Are they a part of designing that room?

Ms ADAMS - Yes.

Ms LOVELL - Will those types of facilities be available at every station around the state? If not, how far would be the furthest that someone might need to travel to be able to give their statement in an environment like that?

Mr HIGGINS - With the new builds we're having, St Helens Policing doesn't have one, it is not conducive to build one in it now, but the new police station will. We will put one in Bridgewater, and Glenorchy. There is an Arch here in Hobart city, and Professional Standards has a room that's fitted now as well. The only area that we experience some challenges in is Queenstown, and it's really finding the best place -

CHAIR - That was my next question, what are you doing down there?

Mr HIGGINS - We have been exploring partnerships with the health facilities down there, because our police station is not fit for a room like that. Even with any upgrades, it just wouldn't be. We are looking at opportunities there to provide that better service for the west coast. At the moment, we will potentially be going back to Burnie.

Mr ELLIS - That's one of the things about the Arch centres, that it's brought in a real culture of collaboration and partnership. Where we look to identify some challenges that we have, we're more readily looking to collaborate with partners as well, which I think is a really encouraging thing, because it's an area that we all need to take action in.

CHAIR - We might move to 16.7, which is another Phase Two one. If you could provide a bit more information there, minister?

Mr ELLIS - This is a really important area, can I say, Chair, and also relates to some of the matters in regards to the Weiss review. Through Tasmania Police and the Tasmanian government more broadly, we take any allegations of child sexual abuse, particularly against police officers, very seriously. In 2022, Tasmania Police established the Family Violence Involving Police Review Committee. I pay tribute to Mrs Petrusma there as well. This provides evidence-based, timely, and transparent advice on any allegations made independently of Tasmania Police.

In October 2023, the remit of the review committee was expanded to involve sexual violence involving police. Child sexual abuse allegations involving police officers will be assessed in the same manner through the review committee's expanded remit. The terms of reference have been reviewed and updated to reflect this recommendation. The review committee is chaired by an independent person, Ms Deborah Bailey, to ensure transparency and independent oversight of all matters involving police. This process means that Tasmania Police has now met the recommendation of the commission that the review panel be expanded to cover child sexual abuse and ensure independence in investigations.

Tasmanian Police will continue to work with the Integrity Commission to provide even greater transparency with investigations by not only notifying of matters involving police, but

in providing the investigation file at the conclusion of investigations. I'll pass to Tasmania Police if there's any further update.

Ms ADAMS - Thank you, minister. It is important that if there are any victim/survivors who have been subject to offending by a police officer they come forward. There is no place in Tasmania Police for that type of criminal behaviour and offending. We want victim/survivors to have confidence in our response and the fact that we will listen and take appropriate and affirmative action in relation to any criminal offending.

As the minister says, at the moment we've asked the Integrity Commission to conduct audits of our completed investigations. So not only will we advise the Integrity Commission when there's serious misconduct on the receipt of an investigation, when it's complete we'll also provide the full report to the Integrity Commission for them to audit. That's in addition to most of these files going to the DPP and the Director of Public Prosecutions reviewing those files to make a decision regarding charging, which we ask the DPP to do for us.

We are also working to enable the public to be able to report through a public portal, to lodge complaints, which can also be anonymous, and members of the community can also make direct reports to the Integrity Commission anonymously.

CHAIR - Would you expect, minister, that the Integrity Commission would report on all matters sent to it by police, as outlined by the commissioner?

Mr ELLIS - Do you mean report or investigate?

CHAIR - Well, investigate, then report. Obviously, they're going to look at it. That's the purpose of sending it to them. But would you expect them to report on all of these?

Mr ELLIS - The Integrity Commission is independent of government and broadly speaking sits under the Attorney-General. I might ask Tasmania Police to comment on the process when it comes to those sorts of matters.

Ms ADAMS - I certainly don't want to step on the toes of the Integrity Commission, but they have in the past included audits of Tasmania Police complaints in their annual report. I'm not sure whether this would be within the scope of the annual report.

Mrs PETRUSMA - At which point is a notification or allegation against a Tasmania Police officer referred to the Integrity Commission? Is it only for serious misconduct, or is there a tipping point for them?

Ms ADAMS - There's actually two levels for a commissioned officer, which is an inspector and above. It doesn't matter what type of complaint it is, there is an automatic notification to the Integrity Commission. In terms of broad rank-and-file members, it's serious misconduct.

Mr ELLIS - That change regarding the Integrity Commission, I might just mention as well, was brought in 2009 as part of one of Ms Weiss's findings relating to the Reynolds matter.

Ms WHITE - It's really helpful for us to understand what the process is that Tasmania Police goes through when there is a complaint against a serving officer. Obviously this is

dealing with the power imbalance that might potentially exist, real or perceived, but I'm curious to know how you might deal with other people of influence where an accusation might be made against them. If they're a statutory officer or a senior public servant or a member of parliament, is there a separate process that they are also dealt with an independent person who assesses that as part of a review, or are they dealt with through a different process?

Ms ADAMS - If there is any criminal allegation against any public member, Tasmania Police will investigate that. We'll obviously keep those investigations, as with all of our investigations, confidential and work our way through like any other criminal investigation.

Ms WHITE - I would expect that. Thank you, commissioner. I'm curious about the process because you've set up a new process for dealing with complaints that are raised against serving police officers with an independent person who reviews those complaints - is that correct? Do you have a similar process that might assess a complaint that's raised against somebody else who's equally as powerful or might also have ability to influence? I know that's the concern that's been raised about police officers investigating police officers and that's why you've got the process you've described. I'm curious to know if there's a similar process that might apply to other people in power in Tasmania who might have the perception of ability to influence.

Mr ELLIS - I'll just say as well, Ms White, that ultimately no-one's above the law in Tasmania and we expect Tasmania Police to operate without fear or favour. Part of the matter that you mentioned around these different processes, particularly because it's police investigating police, and you can also report to statutory offices and others directly through the Integrity Commission. I'll pass back to Tasmania Police if there's anything further to add.

Mr BLACKWOOD - What I'd add to that is in terms of situations like you described not involving a police officer but maybe someone more high profile and influential, it's the work we also do with victim/survivors during that time to build up that trust. That's where the Arch centres have also really added value because it might be that the victim is initially dealing with one of the support services and that referral to police, which is a trusted what we call a warm handover referral saying this is a police officer you can trust, go and talk to them. Building that confidence up with the victim is really important. As for really serious allegations, the files will go to the DPP for review, so there's that oversight happening at that level as well.

Ms ADAMS - The Integrity Commission also has the ability to audit any of our files.

Mrs PENTLAND - In regard to that, with the Integrity Commission, how many audits have taken place on your investigations?

Ms ADAMS - I couldn't tell you the number. They have reported through their annual report - three or four years ago they set criteria and audited a number of complaints. That was through an active program of works. In terms of one-off files, I couldn't give you a number.

Ms WEBB - I'm wondering about this new approach, new model, which I understand the rationale behind, so that police aren't necessarily investigating police when it comes to these matters. Is that an extension of the way we're now dealing with family violence matters as well, police-perpetrated family violence matters? Is it to replicate a similar approach there?

Ms ADAMS - Definitely the review committee, absolutely.

Ms WEBB - How long have we had that approach in place for police-perpetrated family violence matters?

Ms ADAMS - It would be at least 18 months before the commission of inquiry report was handed down.

Ms WEBB - Has that been reviewed -

Mr ELLIS - We mentioned it before, Ms Webb - 2022.

Ms WEBB - Has that been reviewed for effectiveness and for any improvements at all since it was instituted in the family violence space?

Ms ADAMS - It hasn't been subject to a review as at today's date, but there has been a review of the terms of reference to ensure they were expanded to meet the commission of inquiry's recommendation, so the remit of the committee is far broader than it was when it was initially instituted.

Ms WEBB - But is the model that we're now expanding into this space that we initially had in place around police-perpetrated family violence regarded as successful and sufficient? Have we assessed that in the original iteration in the family violence space in order to be confident about expanding that same model now into the sexual abuse space?

Ms ADAMS - Apart from direct feedback from the independent chair to me and the deputy commissioner, there hasn't been any external review of the effectiveness of the committee.

Ms WEBB - Is that something you feel could be committed to, knowing that we are now expanding into another sensitive area, that through some sort of review process that engaged with stakeholders broadly who've been interacting with that system in the family violence space that we can have confidence it's working well and -

Mr ELLIS - Ms Webb, I might first say that the fact the commission of inquiry has recommended that we expand this process to include those child sexual abuse matters clearly demonstrates that their work has shown it's been an effective and an important process. Also Ms Weiss, with her recommendations too, has clearly shown that it's been effective and important. We expect a continuous improvement always when it comes to police professional standards and any matters relating to police, but I think it's quite clear from those independent reviews and bodies that this is a strong process that, largely speaking, is an important part of our integrity architecture. I'll pass over to Tasmania Police if there's anything further to add.

Ms ADAMS - I'm more than happy to talk to the chair and take advice from the chair as to when we think it's appropriate to review the effectiveness of the committee. We're certainly committed to continuous improvement, as the minister said, and if that's a part of building a really strong and trusted review committee we're absolutely committed to doing it.

Mr HIGGINS - Perhaps if I can add to that. The committee itself, under me, has done an internal review after the first four months, around 18 months it was. I have spoken to the Chair about that, really building on the need to have that victim support area that Regina Weiss

has indicated. Because at the moment, we used to have one person who essentially does that and expanding the remit has expanded the scope for that person within there to manage victims internally. That is a by-product and a recommendation from the internal review, which was also supported by the Weiss review, the need to have that victim support area. I don't think it is indicated in there as one of the recommendations.

CHAIR - I am conscious of the time. We do have two other areas that police do have responsibility. One is 12.34 point 2, and there is one in 21.10.

Ms WEBB - What's the outcome evaluation of the Arch? We touched on that earlier so we probably do not need to do 21.2.

CHAIR - 12.34 point 2.

Mr ELLIS - This is a piece of work broadly led by the Department for Education, Children and Young People, though Tasmania Police to provide a supporting role here. I will say from the outset that Tasmania Police officers are highly trained in legislation to undertake their duties, including the appropriate use of force, sections 144 -

CHAIR - And isolation is that the point, minister, there?

Mr ELLIS - Yes, absolutely. Section 144 of the Tasmanian Police Manual outlines the force continuum police officers must consider in determining the appropriate type and level of force to be used in each situation. While officers receive training in relation to the use of force and searches of children and young people, Tasmania Police is more dedicated to solutions resulting in appropriate custody arrangements as opposed to detention. Tasmania Police does not operate youth detention facilities, but Devonport and Burnie Police stations may hold youth in custody for short periods, pending a court appearance on arrest.

Current training is routinely reviewed and a broadening of the training will be undertaken to address this recommendation if required. I will pass over to the team from the Tasmania Police.

CHAIR - I specifically want to understand the point of guidance on laws and procedures on the use of isolation, because you haven't mentioned that, minister. You have been talking about use of force and searches, but this recommendation specifically relates to training with regards to use of isolation.

Mr ELLIS - Yes and I will pass you over to Tasmania Police.

Mr HIGGINS - This particular recommendation in regards to isolation, when the commissioners have looked at this, and I have spoken about this recommendation, it was under the pretext of the youth detention centres. Police do not operate in the youth detention centre at all. In Launceston and Hobart where there is a remand centre period before they go to court and then remand or otherwise, we do not operate either of those in that area.

At Burnie and Devonport, we may hold youth for court and that will be essentially in one of the cells at those at those stations. The custody sergeants there are well aware of their obligations and have been refreshed, have been reminded, about what is actually required as far as the police manual, but we do not actually operate in any of the youth detention centres.

CHAIR - I appreciate that. This is not about that specifically. It is about ensuring the members of the Tasmania Police Service receive regular training and guidance. I am asking, minister, how do your people receive that regular training and guidance on laws and use of isolation particularly.

Mr ELLIS - Chair, I mentioned before, current trainings routinely reviewed and the broadening of the training will be undertaken to address this recommendation if required. Obviously, the Department for Education, Children and Young People is the lead agency in this matter. I will pass to the Tasmania Police, if there is anything further specific we can add.

Mr HIGGINS - Essentially, the recommendation addresses the broad issue of the youth detention centre, our response to the youth detention centre and how we might go into that youth detention centre to do any functions. That is where this recommendation was born for the Tasmanian Police side.

I highlighted in my oral evidence to the commission that we did not have a current memorandum of understanding. It was 2006 documents and I would not call that current by any means now, that is how we operate. The inspector of Central North Division, where the detention centre currently sits, has been working with the Department for Education, Children and Young People and what that may look like into the future, not just for isolation, but for any response we might have to a facility like that, which will then potentially inform us what we will do into the future at any other sites.

Ms WHITE - Can I come back to the earlier question? I was going to ask if we had time.

CHAIR - Yes, Meg has one too.

Ms WHITE - Oh sorry, you go, Meg.

CHAIR - In recommendation 21.10, there are some requirements from the Tasmania Police. This is recommendation 21.10 about modifying language. I mean the lead agency is not police, but there are police referenced in that recommendation.

Mr ELLIS - Yes. So, as you mentioned, Chair, this is being led by the Department for Education, Children and Young People, but DPFEM is very supportive of that work as a secondary partner. The handbook will be reviewed by both DECYP and DPFEM to reflect the government statewide framework and plan for addressing harmful sexual behaviours. That will be by modifying the language used when discussing children who display harmful sexual behaviours to align with the definitions developed by the National Office of Child Safety. It'll be through clarifying the roles and responsibilities of the two agencies in responding to incidents involving harmful sexual behaviours, including the conditions under which agency will lead the response, and clarifying the involvement of specialist therapeutic services in response to the incidents. I am conscious of time, but happy to pass to Tasmania Police, if there's anything further to add.

Ms ADAMS - I'll just make just a couple of quick comments. This is a training and a cultural issue. We've embarked on a very robust process to reset our values, which has been done from the bottom up. It's a continual opportunity to showcase the right behaviours exhibited by our officers and those behaviours and adherence to the values applies wherever a

police officer interacts with any member of the community. That includes going into a detention facility and also it's around training. We need to ensure that our staff understand a broader breadth of information when it comes to child sexual abuse and vulnerable people within the community. As the deputy has already been through today, it is very rigorous and very layered and something that needs to be continued and be ongoing.

Ms WEBB - I want to revisit a discussion we had earlier and put the question to you again and give you a chance to answer it. If you need to take it on notice, that's fine. It relates to the investigations by police of staff from Ashley Youth Detention Centre identified in the commission of inquiry report, potentially as case studies or otherwise, and the investigations that were then subsequently undertaken after the DOJ-chaired process had identified potential perpetrators who needed to be triple checked. The question about that related to whether the investigations had thoroughly engaged with relevant complainants or witnesses to those particular alleged perpetrators. The thoroughness of the investigation is what I'm going to -

CHAIR - What's the question?

Ms WEBB - Just getting there. The question I asked was, for example, when reports were made by a staff member at Ashley Youth Detention Centre about some of those perpetrators, formal reports in the workplace context -

CHAIR - Can we get to the point? We're already over time.

Ms WEBB - Why would those staff members who made those reports not have been contacted by those investigators?

Mr ELLIS - Ms Webb, I think we covered this before. Not only was some of that information incorrect, but the Commissioner of Police spoke with the person who you said had not been spoken to by police -

Ms WEBB - No, no, just to correct you, minister, sorry, I don't want this to go on the record as incorrect. The references made earlier by the commissioner and the deputy commissioner to interactions with that person were not in the context of the reports made about staff at AYDC; were not in the context of police investigations into those people. I want to correct the record and have it clear. Why wouldn't they, in the context of investigations by the police investigating those staff members as alleged perpetrators, have contacted the workplace, the person in the workplace who made reports about them?

Mr ELLIS - Ms Webb, I think we've answered, but I'll pass to the team from Tasmania Police if there's anything further to add.

Ms ADAMS - I'm happy to take a specific example. It's very difficult to give you an answer on a circumstance that I'm not across. I can only reiterate that we've had a dedicated team that have been through every section 34A and any referral from any other government department, any avenues of inquiry have been considered and followed through. The information where there hasn't been a basis to commence an investigation has been placed on our intel system. So without having a specific example, I can't -

Ms WEBB - Well, I'm giving you a specific example of a report made in the workplace.

PUBLIC

CHAIR - Order. If a member might like to put the specific example to the minister for the your attention following this hearing and you can provide a response to the committee.

Mr ELLIS - Of course.

CHAIR - Thank you. Well, we are overtime. We appreciate your time. We do need a break ourselves and we've got a fairly tight turnaround. Thank you for your appearance today. I do remind members of the services and supports I referred to earlier if anyone watching or anyone in the room needs any further support following this hearing. Thank you for your time today, minister.

THE WITNESSES WITHDREW.

The committee suspended at 11.06 a.m.

The committee resumed at 11.15 a.m.

CHAIR - Welcome to the Attorney-General and Minister for Justice and your team here to the committee inquiry into the commission of inquiry recommendations and the progress that the government's making on those matters.

I will make a brief opening statement that this is an open and public hearing, as you'll be aware. It is being broadcast and will be transcribed by *Hansard*. We are using voice-to-text, so members on that side of the table can you make sure you use your microphones. Chris, you might need to pull yours down a little bit to ensure it can be picked up adequately.

Everything you say before this committee is covered by parliamentary privilege. That may not extend beyond the room.

If there was confidential information you wish to provide to the committee, you can make that request and the committee will consider it. Otherwise, it's all public.

Before I ask you to introduce the other people at the table and ask them to take the statutory declaration, I will make some opening comments and note the implementation report provided by the Premier on behalf of the government. As he stated in his letter, I also recognise these are public hearings. During this period, we will discuss highly sensitive matters that have deeply impacted the lives of Tasmanians. This may trigger for committee members, ministers, department officers and members of the community who may be watching. I remind all those on both sides of the table to keep this in mind and take a trauma-informed approach to questions being asked and responses provided.

Committee members intend to take a clear and succinct approach to questions and we ask that those providing answers do also.

I also encourage anyone impacted by the content matter that this hearing may have to contact services supports and these include the statewide Sexual Assault Support Line, a 24-hour support from local specialist counsellors provided by Sexual Assault Service and Laurel House on 1800 697 877, 1800 MYSUPPORT. Lifeline's 24 hour crisis support is 13 11 14. Tasmanian Lifeline from 8 a.m. to 8 p.m. every day is 1800 98 44 34. 13YARN, which is a 24-hour crisis support for Aboriginal and Torres Strait Islander people is on 13 92 76. Relationships Australia Tasmania is specialist, complex trauma-informed counselling, wellbeing, and information and referral, and they are available 9 a.m. to 5 p.m., Monday to Friday at 1300 364 277.

Thanks, Attorney-General. I invite you to introduce your team and ask them to take the statutory declaration.

Mr BARNETT - Thanks, Chair, I'm joined today by Kristy Bourne, my acting secretary at the Department of Justice. On Kristy's right is Oliver Hinss, former state lawyer in the commission of inquiry, and current COI taskforce lead. Bruce Paterson is on my left, director of strategic legislation and policy.

CHAIR - If they could take the statutory declaration? Not you, obviously.

PUBLIC

Ms KRISTY BOURNE, ACTING SECRETARY AT THE DEPARTMENT OF JUSTICE, **Mr OLIVER HINSS** COMMISSION OF INQUIRY TASKFORCE LEAD, AND **Mr BRUCE PATERSON**, DIRECTOR OF STRATEGIC LEGISLATION AND POLICY, WERE CALLED, MADE THE STATUTORY DECLARATION, AND WERE EXAMINED.

CHAIR - Before we start, we will break for a lunch break around 1 p.m., we might be in the middle of an answer or something at that point, until about 2 p.m.

I invite you to make any opening statements, and for the acting secretary, if she wishes, and then we will try to work sequentially through the recommendations that sit within your portfolio responsibilities in this area.

Mr BARNETT - Thanks so much, Chair, and thank you to you and the committee for the opportunity to appear today to speak about his very important work of the government, as you've indicated in your opening remarks, in terms of implementing the 191 recommendations of the commission of inquiry.

Our government established the commission of inquiry and, before it had ended, we had already committed, sight unseen to implementing all of its recommendations, such is the importance of its work. I look forward to sharing with the committee our government's process on delivering the 191 recommendations today.

Of the 191 commission of inquiry recommendations, we've implemented 44. This includes 41 recommendations that were due by 30 June 2024, and three recommendations that were due in 2026. My department plays a lead role in the implementation of the commission's recommendations, in addition to being directly responsible for the implementation of 36 of the 191 recommendations. My department has also led implementation of the recommendations that require legislative change.

As I have previously advised the House, there are 54 recommendations that require legislative reform. I have been proud to introduce a number of bills that implement those legislative changes, including the legislation to establish the independent implementation monitor.

Finally, I'd like to acknowledge the advocacy and expertise of victim/survivors, many of whom are watching, and their families and supporters. I say to all Tasmanians: I'm committed to keeping Tasmanian children and young people safe from those who would abuse them, and to supporting them to succeed and to thrive.

Thank you, Chair, I'll pass to my acting secretary.

Ms BOURNE - Thank you, Attorney-General, and thank you Chair. Thanks for the opportunity to share a few opening thoughts today. I would like to begin by acknowledging all victim/survivors of child sexual abuse in Tasmanian institutions and express my profound gratitude to those who have collaborated with our department to make our state a safer place for children and young people.

I fully appreciate that this really has required placing trust in a government department at a time when doing so must have been incredibly difficult. The weight of this trust is immense. As the voice of that government department, I cannot overstate our gratitude to you for this.

I particularly want to recognise and thank the members of the department's Lived Experience Advisory Panel, or LEAP, who have significantly enriched our work in responding to the vital recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse and the commission of inquiry. Over the past two years we've worked very closely with our LEAP members, often reflecting on the symbolism behind the group's name. They really have challenged us to leap forward as a department, to improve, to work harder and give true meaning to the term trauma-informed. That work is far from finished but it's a commitment that we uphold daily because it's what victim/survivors and the broader Tasmanian community rightfully expect and deserve from their State Service.

This commitment naturally extends to the youngest members of our community. Just a few days ago I had the privilege of hearing directly from a member of Laurel House's Lived Experience Advisory Panel for Youth, who reiterated that children and young people need leaders, be they adults, secretaries or parliamentarians, to show empathy, listen with an open heart and connect with our shared humanity. That is advice that I and my staff will continue to take to heart and be mindful of as we continue this important work.

In closing, the LEAP group has often told us that to victim/survivors, silence is very loud, and that's one of the reasons I'm grateful to be here today to discuss the work that's been done and continues to be done to implement the commission's recommendations. Thank you.

CHAIR - Do any members have any questions related to the overarching approach?

Ms WEBB - I've got a couple that don't fit within a specific recommendation. The first one is around consultation on legislation. In the hearings in December last year, Attorney-General, you were asked and answered favourably about the need for community engagement, feedback and consultation as the department progressed the recommendations, particularly in terms of legislative reforms and legislation being developed, and rightly acknowledged that that was essential. What we've seen this year is some good practice abandoned in terms of consultation on some legislation in order to meet a political deadline for your party of 1 July. That presumably came about because of the early election being called -

CHAIR - Question, please.

Ms WEBB - Can you guarantee from here on in, regardless of political circumstances around what's going on, that you won't abandon appropriate consultation processes and go with best-practice approaches which for many would involve up to a six-week consultation process?

Mr BARNETT - Thanks very much for the question. First of all, I want to concur with the importance of consultation and meaningful engagement to deliver the reforms that we're all looking for and I think around this table, agree and support. I know there's a reference to the Justice Miscellaneous (Commission of Inquiry) Amendment Bill 2024 that was extended for a further week, so I do acknowledge the remarks by the member.

Meaningful engagement and consultation is important and we have made those commitments to the recommendations. There are timelines for phases 1, 2 and 3. Phase 1 was through to 30 June this year. We wanted to do everything we could within our power to deliver on that. That body of work, I think, has been achieved with significant progress. I certainly acknowledge the importance of consultation particularly with victim/survivors, their families

and the community, and acknowledge how important that is. We'll certainly commit to delivering on that to the best of our ability.

Ms WHITE - Attorney-General, the ministerial statement released by the Premier on 17 October 2023 announced a couple of reviews, including one that you, as Attorney-General, would be responsible for. I've asked you about this before so I don't think you'll be surprised.

I'm seeking an update from you about the review of Employment Direction 16, which was the payment by the state of legal fees for people who appeared before the commission of inquiry. The review was to understand whether anybody who appeared should not have received public funding. Has that review been completed? Have you received it? I expect that you'll be publishing it at some point in time. What does it tell you?

Mr BARNETT - I think there's a few questions in that and I appreciate that. Yes, that commitment was given last year to Mr Tatarka to undertake that review consistent with the terms of reference outlined at the time. In terms of individuals who were granted legal assistance under Employment Direction 16 that you've referred to, as is on the public record, 27 individuals were granted legal assistance under ED16 during the commission. Mr Tatarka is supported by Victorian barrister, David Blumenthal. The advice I've received is that that report is expected to be concluded around October of this year.

Ms WHITE - Thank you. Have you had any preliminary advice from Mr Tatarka that there may be individuals who will be required to repay their legal costs to the state?

Mr BARNETT - I haven't received any advice to that effect.

Ms WHITE - Thank you.

Mr BARNETT - I could add to that, however. I would like to make an additional comment to your question in that regard. I mentioned that 27 individuals were granted legal assistance under ED16. I am now advised that the cost for the legal advice for independently represented State Servants was \$1,017,698.55 split between the 27 individuals. I've recently been advised that one individual has received, what I would consider, an extremely significant amount of legal costs. I'm deeply concerned and I've confirmed that Mr Tatarka has been provided with the breakdown of the cost per individual State Servant to inform that report.

To be clear, a panel separate from government makes decisions about applications for legal assistance. The acting secretary and I have discussed that and can provide more information if and when required. I take that matter seriously in light of that more recent advice I've just received.

Ms WHITE - On that matter, can you explain to the committee why you are concerned?

Mr BARNETT - Because it's a very high amount of legal assistance that's been provided according to the advice I've received. I've made steps to ensure, and the secretary has assured me, that Mr Tatarka has received that information and will be part of his report when it is delivered, which I am advised is expected in and around October of this year.

Ms WHITE - Is that individual still employed within the State Service?

Mr BARNETT - It's not for me to advise but I'll check with the acting secretary. No, they're not.

Ms WEBB - I'll follow up on that same topic if I may. To start with, I'm interested to understand the provision of legal assistance. A brochure went out to all State Servants that if they received a notice to produce from the commission they could potentially apply for legal assistance. As part of that they were required to provide a fairly considerable amount of information, including a description of any facts or information that may be relevant to the commission, copies of relevant documentation, full disclosure of circumstances that had given rise to the notice to produce, and any additional information as requested. How was the requirement to provide all that information utilised in deciding whether to provide legal assistance? I'm interested that the state collected all relevant information to the matter, but for what purpose in the decision about legal assistance?

Mr BARNETT - It's probably a two-part question. The first is in terms of procedural fairness. I think all commissions of inquiry, royal commissions and inquiries such as occurred here in Tasmania have occurred across Australia at a state, territory and federal level and procedural fairness is maintained and is available in each and every case. There are no issues from my point of view as Attorney-General that individuals are entitled to procedural fairness so there then needs to be a system set up to allow for them to make an application for support in the way that has been undertaken. That is certainly at arm's length to me. It's my understanding that it's gone through a process in the Department of Justice. Employment Direction 16, which is on the public record, outlines that in broad terms and you've outlined it in your question. I'm happy to refer to the acting secretary to add to that answer in terms of the second part of your question. That might assist the committee.

Ms WEBB - Should I clarify the question? Obviously, the commission was gathering evidence but I am wondering why the state, in the effort to decide who is going receive legal assistance, required all relevant evidence in that instance to make the decision about legal assistance, and also who held that evidence and how do we know it was not used for other purposes?

Mr BARNETT - Thank you for the question. I will pass to the acting secretary.

Ms BOURNE - The Indemnity and Legal Assistance Panel is established on a case by case in respect of each application for legal assistance received. Ordinarily chaired by the Secretary of the Department of Justice, the Solicitor-General is a member and the member representing the relevant agency from which the application for assistance has been prepared from.

In order to make its decision, the panel requires the applicant to consider the eligibility of the person, so that information that you have described would ordinarily be required for that. The policy itself provides or steps through the notice requirements that ordinarily should accompany each application, including the public officer's name and position, employment status, any other facts or information, copies of all relevant documents, full disclosure of the circumstances giving rise to the legal proceedings and any additional information reasonably requested by the panel. That information is contained within the purview of the panel and the Department of Justice's Information Management Systems and would not go beyond that, aside for what would be required for correspondence with the person seeking the assistance and the agency representative who makes the application effectively or supports it on their behalf.

Ms WEBB - That information and evidence that is gathered by the panel, is that because the panel has to make some assessment of the person's likely culpability in this instance or in order to decide whether to provide legal support? Or is there a threshold where if we don't have enough information, we cannot proceed with providing legal support or what? How is it used? How is the determination made?

Mr BARNETT - I would quickly, before I pass to the Acting Secretary, indicate that it is consistent with the Employment Direction 16: it has to be in good faith and it is appropriate there be terms and conditions attached to that. It is not a simple sign off. It is important to acknowledge those terms and conditions around that authority.

Ms BOURNE - I think all of the circumstances that you have noted, Ms Webb, would be relevant to an application. There is a range of factors that the panel considers on any one matter. Panels I have been involved as acting secretary in the past, often if we feel that the panel doesn't have enough information to make an assessment about the need for legal assistance, we request further information and the panel will meet to discuss further.

I should have noted that clearly all information obtained by the panel is protected by the PIP Act and the only other entity who would have access to that information at this stage is Mr Tataka in the course of his review. As the Attorney-General said, it ordinarily is a condition of a grant under ED 16 that the act that a public officer is sought to be represented for, was undertaken in good faith, which often is a key consideration of the panel when considering applications on a case by case basis.

CHAIR - I will go back to Bec who has a follow up on this point.

Ms WHITE - Thanks, Chair. Attorney-General, did you say there were 27 individuals who had been provided with legal assistance? The ministerial statement from October 2023 said 26. How did that figure change?

Mr BARNETT - Yes. On 27 September 2023 it was announced that 29 current or former state servants received independent legal advice. As the Premier has previously clarified, it is my understanding and advice that this figure is actually 27. The initial data was extracted from a list of applications and included three requests for independent legal assistance that were declined. I'll just check if there's anything else that could be added to that answer.

Ms BOURNE - Thanks, Attorney-General. I would suggest potentially that the reference to the 26 may have been a typographical error. Certainly, 27 is the number that we have been working to, based on the information before us and provided to the Attorney-General.

Ms WHITE - Thank you. Can I go back to the answer you gave earlier where you said you were concerned about the granting of legal assistance to one individual for quite a large sum of money?

Based on further information that the acting secretary has provided, would that have been something that committee was aware of, that they made an initial assessment that the person would be eligible to receive legal assistance from the state? Would they then also be kept abreast of the value of the legal assistance being paid to that individual or used for that individual?

Mr BARNETT - Thank you for the question. I think it's best answered by the acting secretary.

Ms BOURNE - Thanks, Attorney-General. Not speaking for that panel, as I wasn't on it, I would suggest that they wouldn't ordinarily be aware once a grant of legal assistance is provided. The arrangements are made through that individual's representation to continue to represent them within the scope of the assistance or approval provided. The panel would know if they ask the question, but hard to say on a case-by-case basis. I wouldn't have thought that the panel would ordinarily be keeping a running update of the cost incurred during the course of the provision of the legal assistance.

Ms WHITE - I appreciate that. Attorney-General, it seems unusual to me that a grant of legal assistance would be provided and then nobody was keeping track of how much legal assistance was being used because, in this case, as you've pointed out, you're concerned that it's run up quite a large bill. I'm assuming this might be one of the recommendations from the report you received, but have you changed practice in the department to date whereby the panel does receive reports monthly or however regularly they might need so they can see if somebody is racking up big bills?

Mr BARNETT - Thanks for the question. It is an understandable question. I'll pass to the acting secretary.

Ms BOURNE - Thanks Attorney-General. It is an understandable question. It's certainly something that as acting secretary in chairing the great number of these panels that would take greater oversight of, noting that there is work very soon to commence around reviewing the policy in and of itself. There are a number of parts in there obviously informed by Mr Tatarka's review as well that require it to be reconsidered given its age and the change in nature, and the community expectations about how legal assistance is provided to public officers of the state.

Ms WHITE - To that end as well, if the review recommends that somebody had acted in bad faith, what's the process to get a repayment of legal aid that's paid given that there could be a contest around whether somebody acted in good faith or bad faith or weren't performing the function of the job as they saw appropriate.

Mr BARNETT - Thanks for the question. The acting secretary can add to this, but it's that's part of Employment Direction No 16 and the terms and conditions of that. I'll ask the acting secretary to speak to that.

To make it very clear, the reason why I have those concerns and have undertaken further inquiries is why I'm pleased that Mr Tatarka is undertaking this review. It's really important and I take it seriously. I've been given an assurance that information is now with Mr Tatarka. In terms of the first part of the question, I'll pass to the acting secretary.

Ms BOURNE - Thanks, Attorney-General. There are a number of circumstances in the policy regarding when legal assistance or indemnity can be withdrawn, not that I have had an experience of having to oversee that at this stage. We would ordinarily refer that to Crown Law to undertake the arrangements to have the costs expended to date returned.

CHAIR - The same area or different?

Ms WEBB - Yes, the same area still, but I have another question.

I'm wondering if you have detail on whether any of the people who are provided with legal assistance also were recipients of section 18 notices?

Mr BARNETT - Thank you for the question. I will pass to the acting secretary.

Ms BOURNE - Thank you, Attorney-General. Part of the work the department has undertaken in making sure every avenue or notice provided during or in the commission's report and based on the work that Justice has led since, has included a review of section 34A notices: how the commission advised law enforcement agencies and regulators of issues or matters of concern to look at, amongst other things; or how many of the 27 current or former state servants who received a grant of legal assistance under the ED16 had been the subject of a 34A notice. That review we undertook identified two individuals.

Individual 1 was one of the 22 people identified by the commission. Individual 2 is a person who received a grant of independent legal assistance but was not advised. The agency was not advised of that in email correspondence from the commission. Our review determined those two individuals had already been referred to the relevant head of agency by the commission of inquiry.

It's difficult once - as those two individuals were independently represented to then be able to track the scope of that representation further.

A simple answer to your question, Ms Webb, there were two individuals our review identified had received a grant of legal assistance.

Ms WEBB - Sorry, but when you were answering, you were referring to section 34A notices. My question was about section 18 notices.

CHAIR - That was one she said. Yes, she did answer that.

Ms WEBB - Did she? Okay. I'm wanting to be absolutely sure, because it wasn't clear to me. Yes, thank you. Are any of those individuals - sorry -

Mr BARNETT - Oliver Hinss could expand to assist the member.

Mr HINSS - Thank you, Attorney-General. The short answer is yes. Some of those individuals will have received section 18 notices from the commission, but as the secretary has indicated, once the individual is independently represented, such a notice, if the commission were minded to issue one, would be provided directly to them, to their lawyer. The state did not receive a list of section 18 notices that were issued or any information from the commission about whether those notices may have been subsequently withdrawn.

Ms WEBB - Are there any you are categorically aware of because they occurred before the independent legal advice or legal assistance then removed it from your awareness?

Mr HINSS - Thank you. Yes, there are, but what is probably very important that I add is further information about what a section 18 notice is. It is not a finding or indication that

someone has done something wrong. It is part of a procedural process in the work of a commission to determine whether the wrong thing has happened. It is the beginning of that process. It may be that as the process runs, further evidence is provided to the commission that satisfies them there is indeed no finding of misconduct. Some of those individuals who received a grant of independent legal assistance, there was a preliminary draft of a section 18 notice provided to the state in respect of them.

Ms WEBB - Thank you. I understand the section 18 circumstances. What was the number that you were aware of then?

Mr BARNETT - We'll take that on notice.

CHAIR - We're done with that. We have one other area.

Ms WEBB - I've got a different area, but -

Ms WHITE - I have a question to follow from that. In relation in particular to the individual you have concerns about spending a large amount of legal aid representing themselves, was that person subject to a section 34 notice?

Mr BARNETT - The answer is no to either a section 34 or a section 18 notice. That is the advice I've received.

Ms WEBB - On another overview sort of area, not specifically to a recommendation, it's about the commission of inquiry website. I want to understand the circumstances under which there are now some transcripts and evidence on the website, and some things that aren't there, but were previously put up by the commission. Perhaps they were taken down because of legal proceedings. If we look to the national royal commission, they put them back up once legal proceedings were finished. I wonder about whether that evidence - transcripts and the like - that had previously been up, will be put back up on the website once legal proceedings are finished. Perhaps there are some that aren't related to legal proceedings that were taken down. I wonder about why there isn't a full suite up.

Mr BARNETT - I will pass to the acting secretary in a moment. The commission clearly indicated they did not want their website changed following the end of their work. It's stated that on the website the government strived to be transparent in all its operations, ensuring that the commission of inquiry's website remains unchanged and accessible to the public even after the conclusion of the commission of inquiry. To the second parts of your question I will pass to the acting secretary. See if you can outline more comprehensively to assist the member.

Ms BOURNE - The commission did not advise government about what material it intended to remove or withhold from the website during its course or at its conclusion. Material could be captured by section 194K of the Evidence Act, particularly if it contained information that a victim/survivor has withdrawn their consent to be published - there's a risk that some material could prejudice the current civil proceeding - or have been removed or withheld for other reasons, including potentially restricted publication orders. As the Attorney-General has said, the clear direction from the commission was that the website not be changed following the end of their work. It's difficult for the department to comment on why information does or does not appear on the website as it currently stands.

Ms WEBB - It's problematic, isn't it? One of the ones that was there but now isn't was from Dr Samantha Cromptvoets. I'm not sure how to say her surname, sorry. She was providing expert evidence about this which would have no bearing on specific cases or instances. Yet that's no longer on the website. There's literally no information that the department has about returning things that had previously been there.

Ms BOURNE - The decision to restore or not restore documents is a decision for the commission. The department has not been advised of any timeline or intent to restore documents that were previously on that website.

Ms WHITE - Can I ask another overview question, if I may?

CHAIR - Yes. Then we'll move on.

Ms WHITE - Thank you. I asked the Police minister this. This is very different from the questions we've been asking here already. It's about how children might protect themselves if they are faced with a violent adult because they can't take out family violence orders. If it's not a familial relationship, it's just another adult in their life, it's quite challenging. The Police minister's advice was that they could take out a restraining order. I'm wondering if you could inform the committee how many children in Tasmania have taken out restraining orders against an adult about whom they're scared or worried? I'm trying to understand if it's a very common practice.

Mr BARNETT - Thank you for the question. That's something we have to take on notice to assist the member and the committee.

Ms WHITE - Sure, I can do that. Thank you.

CHAIR - Attorney-General, we can start working through the recommendations, in numerical order, that you have responsibility for. I believe it starts with number three.

Ms WHITE - Can I be indulged again?

CHAIR - Yes.

Ms WHITE - Again, not related specifically to the topic today, but the TLRI produced another report in April this year about a human rights charter for Tasmania. Obviously, a lot of the discussion we are having following the recommendation from the commission of inquiry around the rights of children and making sure that they are upheld in government institutions - but, more broadly, will the government be providing a response to that TLRI report on a charter of human rights for Tasmania?

Mr BARNETT - First of all, I say thanks to the TLRI for their work, it is appreciated. They do a lot of work that is of great benefit to the government, community and indeed the parliament. I have acknowledged that report, personally and publicly, but we have not provided an official response at this stage. That is something we are thinking of doing at a time once we have given it due consideration. Yes, I would be more than happy to do so once we have had adequate time to review the report and its recommendations.

PUBLIC

At this stage, we're not inclined to be enacting a human rights bill in Tasmania. That is a strong inclination at the moment, but we are more than happy to review it in more detail and provide a response in due course.

Ms WHITE - Is that something you provide information to the committee about or are you talking more broadly?

Mr BARNETT - More broadly. It is a very comprehensive report and it does take time to review. We have a lot of priority projects on our agenda in the Department of Justice. But yes, in due course, we will definitely be able to provide a more considered response to assist you and members of the public as well.

CHAIR - I am going to follow the Premier's implementation plan. It is probably the best way and I think we will cover all relevant recommendations that way.

Ms LOVELL - Chair, can I ask one question following on from the hearing earlier that I don't think is covered in any of the recommendations.

CHAIR - Yes.

Ms LOVELL - In the hearing we had with the minister for Police this morning, we talked about the Weiss review quite extensively. One of the actions from that was the appointment of an independent implementation monitor for the recommendations. The minister for Police suggested that we ask you about that as it falls under your portfolio. Could you provide an update on that?

CHAIR - Timelines and that sort of thing?

Ms LOVELL - Yes and also timelines for the implementation of those recommendations.

Mr BARNETT - Thank you very much for that. We can assist the committee on that. I thank Miss Weiss for her report and its recommendations. The government has already responded that we will be implementing each of those recommendations.

The reference to the implementation monitor is definitely acknowledged as an important role. I know the Premier's particularly focused on this, but my department will be, I understand and can confirm, progressing that and its implementation.

The introduction of the legislation was completed on 23 May 2024 with the introduction of the *Child Safety Reform Implementation Monitor Act 2024*. The act received royal assent on 5 July 2024. I can advise the implementation of the commencement this year is actively underway. The act provides that it will commence on proclamation or six months after royal assent, whichever is earliest. It was developed through DPAC, as I said earlier. I note the Premier's strong support for that with input from other departments and stakeholders.

Consultation indicated it would be appropriate for the legislation to be administered by my department and that's why I took the legislation through the parliament. The monitor will be responsible for holding the government to account by monitoring and reporting progress on the commission's recommendations.

The commission of inquiry noted the family violence reform monitor was effective in holding the Victorian government to account, and I referred to that during the debate in the parliament. The Tasmanian act ensures the person appointed as monitor is not subject to the directional control of any minister in respect to their performance or functions or their exercise of their powers. The appointment of the monitor is a fixed term that cannot be prematurely terminated except in extraordinary circumstances. Salary of the monitor is reserved by law, as is common for small independent statutory bodies. Staff recruited by the department specifically for the monitor.

I could add quite a bit to that. I'm also aware that advertisements have gone out for expressions of interest for that role and I'm very pleased to see the progress with respect to the monitor. I'll see if that answers the questions.

Ms LOVELL - It will be the same implementation monitor that's responsible for the commission of inquiry and the Weiss recommendations, is that correct?

Mr BARNETT - I'm advised yes.

Ms LOVELL - Thank you. Do you have a timeline for when you're expecting someone to be appointed to that?

Mr BARNETT - As I say, the expressions of interest have been out. I'll check with the acting secretary for an update if possible. Thank you.

Ms BOURNE - Thanks, Attorney-General, through you. Other than to say that the process is quite far progressed. Expressions of interest, as the Attorney-General said, were advertised on 13 July. I understand that's now closed and the panel will continue its deliberations as quickly as possible, noting the importance of the position.

Ms LOVELL - It's on terms of the recommendations, timeline for implementation of the recommendations of that Weiss report, that will be subject to the implementation monitor being appointed or is work being undertaken on that already?

Mr BARNETT - That's my understanding.

Ms WEBB - Yes, on the same, to clarify that. The implementation monitor, which was a recommendation of the commission to oversee the implementation of all these recommendations, is that role going to be tasked with oversight and reporting on the implementation of reports that are done subsequently to or underneath the commission, such as the Weiss review? If so, which other reports and recommendations will be captured by that monitoring function?

Mr BARNETT - Thanks for the question. Some of this was debated in our House, possibly in yours as well, and there were clear terms of reference provided for the implementation monitor. I think those questions were answered in the Chamber and I certainly stand by those. I'll just see if the acting secretary's has an update to assist the committee.

Ms BOURNE - Thanks, Attorney-General, through you. There's certainly a cross-agency approach being taken to the Weiss review implementation, noting the recommendations extend

beyond the purview of DPFEM. I understand that the recommendations will be subject to the existing governance arrangements in place for the commission of inquiry recommendations and the child abuse strategy and action plan, change for children. Particularly with the Weiss review, I understand that Premier and Cabinet, in close consultation with DPFEM, is leading the Weiss review implementation, but within the context of the existing governance arrangements around the commission of inquiry.

I do apologise, I did inadvertently mislead in saying that the recruitment for the position had closed. I understand it's open for expressions of interest until towards the end of September. Thank you.

Ms WEBB - My question was actually whether there were any other subsequent reports like the Weiss report, that the implementation monitor will be responsible for oversight of implementing recommendations from - so reports commissioned by the government subsequent to the commission of inquiry final report?

Mr BARNETT - Thank you, Chair. We do have an update to that to assist the committee. I'll ask the acting secretary to speak.

Ms BOURNE - Thanks, Attorney-General, through you. The monitor will also be responsible for the recommendations of the Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse and the Child Safe Governance Review of the Launceston General Hospital and Human Resources - and including Weiss, yes.

Ms WEBB - Those were prior to the final report of the commission of inquiry. As to the other reports, I'm thinking the Blake report, Woolcott report and Tatarka report - the ones that were commissioned by the government subsequent to the final report of the commission of inquiry - will any recommendations arising from any of those be captured under the function of the monitor?

Mr BARNETT - Happy to take that on notice, Chair.

CHAIR - Sure. Action 3 says the Department of Justice is the lead agency to explore options to expand the scope of regulated activities under the Registration to Work with Vulnerable People legislation to ensure Tasmania's worker screening scheme for people who work or volunteer with vulnerable people.

Ms WEBB - Which number recommendation is that?

CHAIR - We're just going through the response from the government -

Ms WEBB - I know, but I'm trying to relate it across -

Mr BARNETT - Do you have a recommendation number?

CHAIR - It hasn't been listed with that and I can't find -

Mrs PETRUSMA - This is the original interim actions, so this is number 3.

Mr BARNETT - Recommendation 19.06 - there you go. Phase 2. Right, what's the question?

CHAIR - Have these reforms been progressed to regulations and new orders? I want to give you the opportunity to add anything further if you wish, before we move to the next.

Mr BARNETT - I'm happy to confirm that the department's working on the best way to enact and implement recommendation 19.06 which would provide greater clarity around how members of the public can report concerning behaviour to the registrar of the Registration to Work with Vulnerable People scheme. The act requires reporting bodies, including Tasmania Police, Tasmanian government agencies and relevant registration and licencing organisations, to report reportable behaviour that poses a risk of harm to vulnerable people to the registrar. The recommendation provides that any person, not just the reporting bodies currently specified in the act, should be able to notify the registrar directly of reportable behaviour. While members of the public can report certain behaviour already, the existing formal pathways for such reports go through police, child safety services or other bodies who in turn report to the registrar. The recommendation will enable a formal pathway for reports to also be made to the registrar directly by any person, including members of the public.

I could add to that, but I'll see if the acting secretary would like to add anything else to the answer.

Ms BOURNE - Only to note that the department, as you have noted, is presently exploring the best way from a policy, legislative and practical aspect to enact and implement the recommendation, including how it can be done in a way that best fits within current reporting obligations and investigations by reporting bodies that the registrar relies on, and from a practical perspective, the systems that we require to deliver an enhanced public interface and the like with the existing scheme. I think it's an opportunity to continue to develop that integrated and secure reporting mechanism in relation to this recommendation.

CHAIR - Can we go to 19.6? There is no 19.06.

Ms WEBB - That's right. The minister misspoke.

CHAIR - Can we go to the next recommendation? I'm just trying to go through this list here. Recommendation 16.11.

CHAIR - I notice this hasn't gone through the Legislative Council yet - just saying.

Mr BARNETT - No problem. Thank you, Chair. This is a phase 1 recommendation that was completed with the tabling of the Evidence (Children and Special Witnesses) Amendment Bill 2024, which aims to ensure adult complainants and child sexual abuse matters are supported by best practise mechanisms to enhance their participation in the justice process. The bill further amends the Evidence (Children and Special Witnesses) Act 2001, which is the primary legal source of supports and assistance to vulnerable witnesses that interact with the criminal justice system. The commission of inquiry recommended this happen so that adult complainants in child sexual abuse matters could access additional special measures. 'Special measures' means protective and supporting mechanisms to limit, to the greatest extent practical, the distress or trauma suffered or likely to be suffered by such witnesses when giving evidence, and to ensure they're treated with dignity, respect and compassion.

The act was introduced to parliament on 18 June 2024, and was passed by the House of Assembly on 1 August 2024. It is now being considered in the Legislative Council. I could go into further detail if you wish, but that's a summary.

CHAIR - No. We'll move to 16.18.

A member - I think we missed 16.9.

Mr BARNETT - Yes, 16.9. Chair, I can assist you as well if you'd like an update. That is a phase 1, that is a recommendation to improve the operation of a number of offences in the Criminal Code. The recommendations relate to both the terminology and elements of the offences. The recommendations were implemented by the Justice Miscellaneous (Commissions of Inquiry) Bill, which was read the first time in the House of Assembly on 18 June, meeting the commission-suggested timeframe of 1 July. The bill makes important amendments to a range of legislation which I can outline for you. We have debated that in the House of Assembly. On 1 August, the bill was read a second time in the House of Assembly. It was read into the Legislative Council, I'm advised, on 2 August. The bill marks an important milestone towards legislative reform in multiple areas in respect to implementation recommendations of the commission. The recommendation did not require any additional funding to progress.

CHAIR - Any questions on that one? We'll go back to 16.18, that's the amendment to the Sentencing Act 1997.

Mr BARNETT - This is another phase 1 project that has been completed. It's with amendments to the Sentencing Act 1997 before the parliament. The Director of Public Prosecutions Policy and Guidelines have been updated and are publicly available. The recommendation's aim is to improve understanding of and change the language of consent used by the judiciary and legal professionals to avoid reinforced outdated understandings of child sexual abuse. It did so through three parts. Part one required a legislative amendment; parts two and three related to guidelines and professional education for prosecutors and judicial officers. Part one related to the Justice Miscellaneous (Commissions of Inquiry) Bill 2024, which was read the first time in the House of Assembly on 18 June 2024, meeting the commission's target of 1 July. I can outline more details around the bill, but on 1 August the bill was read a second time in the House of Assembly. It was read into the Legislative Council, I'm advised, on 2 August.

CHAIR - If there's no questions on that we will go to 16.19.

Mr BARNETT - Again, another phase 1 item which has been completed by 1 July 2024, and is funded under existing resources. The sexual abuse of children and young people by other children and young people is known as harmful sexual behaviours. The government accepts and understands that targeted therapeutic intervention for children and young people who are displaying harmful sexual behaviour can reduce or eliminate that harmful behaviour. Research suggests that early intervention can significantly reduce the risk of re-offending. Young people displaying harmful sexual behaviours are dealt with by the courts in the specialist Youth Justice division of the Magistrates Court and in very serious matters by the Supreme Court.

Under Tasmanian law, the rehabilitation of children is a primary goal for the court's engagement with children and young people who have been charged with an offence. The Sexual Assault Support Service administers the prevention, assessment, support and treatment program, or PAST, a specialist therapeutic service targeting children and young people aged 17 and under who display harmful sexual behaviours. The PAST program is delivered by Laurel House in the north and north-west of the state.

Prior to 1 July 2024, the courts did not have an established pathway to direct young people displaying harmful sexual behaviours into specialist therapeutic service, so to facilitate the implementation of this recommendation, my department and the PAST program have signed an MOU that creates a pathway for the courts to direct young people into the PAST program.

The Department of Premier and Cabinet is leading the development of a whole-of-government reform strategy to identify, prevent and respond to harmful sexual behaviours in response to the commission's recommendation 19.1. DPAC is also leading the coordination and funding of a therapeutic services system for people who have experienced or displayed harmful sexual behaviours in response to recommendation 21.1. This referral pathway complements that broader piece of work to support young people who are impacted by or displaying harmful sexual behaviours. My department is working closely with DPAC in the development of service systems to ensure the courts can access and utilise all specialist therapeutic intervention services.

Ms LOVELL - On that, have SASS and Laurel House, the organisations you named as running/providing these services, been provided with additional funding to be able to do that and is that ongoing?

Mr BARNETT - I'll pass to the acting secretary, but we have provided additional funding for specific work. I'll just check with the acting secretary with respect to that specific funding for Laurel House and SASS. I want to say on the record that we are very grateful on behalf of the government and the community for their work, their support and service. We have an ongoing relationship with them through the government for which we are also very grateful and which we do fund.

Ms BOURNE - Our understanding is that the services are funded to deliver this program, noting that funding comes from the Department of Premier and Cabinet which is also responsible for doing that broader work during phase 3 to make sure there are sufficient programs and services for young people exhibiting these behaviours. I understand that given the relatively new memorandum of understanding, there is a view to monitor the demand for that service to make sure there are appropriate levels of support to ensure it can be delivered to those young people.

CHAIR - We will go to 16.20, which is a phase 2 one, but if you could take us to that.

Mr BARNETT - Thanks, Chair. Work is underway to implement this recommendation by the commission of inquiry's stipulated timeframe of 1 July 2026. Funding of a dedicated data analyst position has been requested to enable data collection and publication work to progress in a timely manner. Some of the key data required to be collected and published is maintained by the Department of Police, Fire and Emergency Management, in particular Tasmania Police as the holder of the originating record.

Some other key data points are currently collected by both the Department of Justice, DPP, the Supreme Court, Magistrates Courts and DPFEM, but not necessarily in a format or a reporting category required by the recommendation. Where key data is not currently collected, systems and processes in both my department and DPFEM will be amended to satisfy the recommendation and the extent of these amendments is not currently known. Early investigations into data collection, source systems and required data-sharing requirements have been undertaken and have identified the gaps between what is currently collected and what the commission advises.

Key data held by DPFEM will need to be shared with my department in a safe and secure manner and in a format that will allow reports to be compiled and published. A multi-agency working group encompassing my department's office of the Chief Information Officer, the Director of Public Prosecutions, Supreme Court, Magistrates Court, Victims of Support Services, Safe at Home and the Sentencing Advisory Council and Department of Police, Fire and Emergency Management has been established to consult on the best way to achieve these outcomes.

CHAIR - Any questions on that one? No. I think there are some out of order because some are phase 1 and some phase 2. We might go just for consecutive numbers, 17.1 which is responsibility of your office to Attorney-General.

Mr BARNETT - This is the redress recommendation, it is a phase 3 recommendation. That work to implement the recommendation is partially completed, ahead of the timeframe of 1 July 2029. As a state, we joined the National Redress Scheme as a participating institution on 1 November 2018. An offer of redress through the scheme can include a monetary payment, access to counselling and direct personal response such as an apology from the institution concerned.

The commission noted the overall intention of the scheme is to allow victim/survivors to seek recognition and justice from the institution in which their abuse occurred. It has heard evidence of the mixed experiences of victim/survivors making claims under the scheme and identified some areas for improvement. This included barriers to eligibility, for example only available to victim/survivors who were abused before 1 July 2018 and the scheme expires on 30 June 2028 and barriers related to imprisonment, criminal history and other factors.

For your interest, Chair, I attended the Ministers Redress Scheme Governance Board meeting in Adelaide a few weeks ago alongside my national counterparts. At this meeting, I made representations to other jurisdictions about the merit of the extension and expansion of the National Redress Scheme in line with the commission's recommendations. At the meeting there was no consensus between jurisdictions on the extension and expansion of the national scheme. Given the timeframes involved, my department's now exploring the available options, including continued advocacy at a national level for an extension to the national scheme, as well as exploring options to establish an ongoing state based redress scheme to follow the closure of the national scheme. There is still more work to do in that regard.

Ms WHITE - Thank you for that update, Attorney-General. It is quite a big decision to establish a state-based scheme if the consensus cannot be reached at a national level. What is the timeline for you making a decision about whether you will do that?

Mr BARNETT - That is a good question and something we are actively considering at the moment in the department. Obviously, the scheme concludes in June 2028, but there is a timeline two years prior to that when notice has to be provided in terms of the future of the scheme. We have these matters under active consideration and will need to consider those options certainly within the next 12 months. I will check if the acting secretary would like to add to that.

Ms BOURNE - Nothing really significant to add other than to reiterate the ongoing involvement with the national scheme operator, particularly on some of the refinements made to that scheme to improve outcomes for applicants. As the Attorney-General said, there is an inbuilt review date of the national scheme, working closely with the scheme to make sure our thinking is progressed, if there is no extension to the national scheme we can continue work to ensure individuals can access a scheme regardless of when the abuse occurred or how old the applicant is.

Ms WHITE - Are you able to provide an update on how many applicants have been from Tasmania to date and as a global sum? I presume it is appropriate to also disclose what the liability has been from the government in providing them redress.

Mr BARNETT - Thank you for the question. I can update the member with the figures I have here. The advice I have is at 31 July 2024, the number and total value of offers accepted by redress applicants made against the Tasmanian government:

- Total requests received was 1305;
- Requests returned 1267;
- Claims not approved or withdrawn, 149;
- Offers made, 875;
- Offers accepted, 830; and
- Total offers accepted, \$63,915,564.77.
- The average offer accepted is \$77,099.68.

Ms WHITE - Thank you. Have you noticed there are fewer people making application now because the scheme has been operating for a while? I would expect at the time it opened, there would have been an influx of applications. Perhaps, that's changed over time, if that's helpful. Do you understand why I asked the question?

Mr BARNETT - Yes, I do. I think I know where you're coming from and it's a fair question, but in my understanding there haven't been further claims in recent times. I've given you the figures at 31 July 2024. I'll pass to the acting secretary in terms of anecdotal advice they have received that might assist the member.

Ms BOURNE - Thank you, Attorney-General. Interestingly, the redress team within our CARCRU unit has seen an increase in the number of claims made. Unfortunately, I don't have a breakdown in front of me, but I think it's true to say that was not expected, given the time within which we are in the scheme's history and the expectation it will soon cease.

Ms WHITE - Just jog my memory. Which year did the scheme open?

Ms BOURNE - 2018.

Ms WHITE - Thank you. I appreciate that. You have two years before the scheme closes to decide what steps the state might then take about choosing to establish the state-based scheme between 2026?

Mr BARNETT - Yes, thank you. There's a review period prior to 2028 for all the jurisdictions to have input to and to consult upon. I think in and around that time will be the appropriate time to decide our way forward in Tasmania. We do want to protect and support the interests of our victim/survivors and those who benefit from this scheme. We take it very seriously and we will certainly be part of that review process.

I've already expressed the views of the government at the recent board meeting with other ministers and the federal minister. There's no consensus at this stage in terms of an extension of the federal scheme. We will take that under -

Ms WHITE - What was Tasmania's position with respect to how long you think it should be extended for?

Mr BARNETT - We don't have a fixed view on that at this stage. We're just looking at the options to ensure the interests of our victim/survivors and those who can benefit from the scheme will not be timed out, as it were, as a result of the scheme concluding at a fixed date. It's been going since 2018 and we are now 2024. We have some time to go, but we take it very seriously. We want to make sure the interests of our vulnerable Tasmanians are best represented.

CHAIR - Can I go then to 17.2 which is part of phase 2 delivery?

Mr BARNETT - Thanks, Chair, that's phase 2. The government welcomes the commission's recommendation to provide ongoing professional development to legal practitioners involved in civil litigation with scoping currently underway for dedicated trauma informed training to be provided to all staff in the State Litigation Office.

I can advise Simon Gates, the assistant state litigator, started today for your interest. We're so very pleased with that new addition to the state litigator and Mark Rapley, as you know, is the principal state litigator.

Prior to the recommendations being made, the office has undertaken initial training focusing on trauma informed practise and how this can be woven into civil litigation practise.

The state litigator also welcomes the commission's recommendations to clarify the roles and process relating to civil litigation where there are allegations of child sexual abuse. Work is occurring to deliver bespoke training to the State Litigation Office staff on trauma informed practice in the mediation process in October 2024. Trauma-informed training for all staff of the state litigation office will deliver these recommendations to ensure the staff are more informed about child sexual abuse and are supported to act in a trauma-informed way within an adversarial system. As described in our draft change for children's strategy, the State Service Management Office, in collaboration with an external partner and representation from five lead government agencies, has developed a whole-of-government trauma-informed knowledge and skills framework. That framework will provide a consistent guide to developing a

trauma-informed, skilled and supported workforce that is culturally safe, person-centred and learning together.

The current guidelines for the conduct of civil claims will be reviewed by the Solicitor-General and the state litigator and new guidelines issued after appropriate stakeholder engagement. I would like to note that I have issued revised guidelines for the provision of legal services to the government that ensures agencies have the flexibility needed to keep the state's response to civil claims collaborative and trauma-informed.

I am pleased to advise the committee that legal professional privilege is not being claimed for medical reports or expert evidence. That position changed in July 2022 after instructions were sought and received from the Attorney-General at the time to waive privilege in relation to medical reports as a matter of general policy. The commission acknowledged positively that this change was made in their report.

The best practice apology processes developed through the provision of direct personal responses as part of the National Redress Scheme will be extended to victim/survivors participating in civil -

CHAIR - You are probably going to 17.4 now are you?

Mr BARNETT - No, this all covers phase 2 of 17.2.

CHAIR - Sorry to interrupt.

Mr BARNETT - No. Best practice apology processes, I think, are definitely important as part of the National Redress Scheme. It is one of the key terms and conditions of that. It will be extended to victim/survivors participating in civil litigation. This will ensure that the provision of apologies will be in line with the commission's recommendations and the recommendation to offer an apology before reaching a final settlement will be implemented before the 1 July 2026 reform timeframe, so we are progressing well.

In conclusion, work to implement these recommendations has commenced and will be completed by 1 July 2026. Funding is required to provide ongoing professional development from a suitable accredited provider. The work to amend the guidelines and provide an apology before final settlement is funded within current resources.

CHAIR - Any questions on 17.3?

Ms WEBB - Yes. Is this an appropriate spot to ask about model litigant arrangements? I am not sure exactly where it is going to fit, but this seems to be a potentially relevant spot.

CHAIR - See how we go.

Ms WEBB - There's a number of commission recommendations that touch on changes to improve responses - to how we deal with these things legally and through court processes. I want to confirm that we have a model litigant policy and that that policy applies to Crown lawyers, the officers of the Solicitor-General, et cetera, and that they need to apply that policy. That is correct, yes? I'm seeing nods.

Mr BARNETT -Yes, is the answer.

Ms WEBB - What I am wondering about, then, is how we are monitoring to ensure compliance and that that policy is being upheld. What oversight is there of the application of that model litigant policy?

Mr BARNETT - Thanks very much for the question. It is an important policy, the model litigant. We did discuss this at some length during the debate last year on the state litigator legislation. This model and policy apply across those various parts of government that you made reference to. I will see if the acting secretary can add to that answer.

Ms BOURNE - There are a number of ways in which the application of model litigant guidelines are monitored. Instructing agencies provide instructions to the state litigation office to undertake the litigation on their behalf. That litigation is overseen by the court, ordinarily, or if it proceeds to mediation before it gets to court. The state litigator and his office are doing a lot of work to make sure that model litigant guidelines are at the forefront of every advice that they provide to instructing agencies.

In terms of there being a formal framework as such, no, but it really sits within the purview of each of the principles of Crown Law to make sure that their guidelines are upheld and followed. I think it is true to say that plaintiffs and their representatives, where they have them, will often ensure or certainly advise if they feel that those model litigant guidelines are not being put into practice in the conduct of each matter.

Ms WEBB - What would that process look like? Who would they bring that concern to? How would it be assessed and adjudicated?

Mr BARNETT - Perhaps if I could assist the committee, it's the role of the implementation monitor that we're referring to earlier. I think we'll definitely have a role here in terms of monitoring the progress of state government with respect to all the recommendations. This would be one of those. We're going through a process, as we've just made reference to in terms of the appointment of that person and that office. It's not far away. They will certainly have an important role in assessing, monitoring and reviewing this policy and the guideline. I'll check if the acting secretary has more to add.

Ms BOURNE - Further to Ms Webb's question, the nature of the culture that the state litigator is developing, in terms of making sure that the practice is trauma-informed and ensuring adherence to those model litigator guidelines and other guidelines around the management of the state civil litigation, means that I think there's often, without speaking for Mr Rapley SC, an approach where plaintiffs' counsel will make it known to him or the relevant legal practitioner if they feel that a mediation or a matter is not being undertaken in that way. I think there is that openness, particularly with these matters, where the state litigation office really does from the outset seek to treat each matter in a trauma-informed way, including engaging with council about how that matter is progressed.

Ms WEBB - Back to the Attorney-General, how would we know that that is happening consistently? If it's just something that's raised in each particular circumstance if necessary, we don't then have visibility over - for example, in this past year, were concerns raised about breaching the model litigant guidelines x number of times in particular matters? What was done as a result? Is there a pattern in concerns that are raised, for example, hypothetically? I'm just

PUBLIC

wondering how we can actually know in a systematic and systemic way that the application of these guidelines is occurring consistently. Knowing that there are all good intentions here, and looking ahead -

CHAIR - Let's put a question, please, otherwise we're going to run out of time again.

Ms WEBB - Acknowledging that we've got these recommendations here for a reason, because that wasn't happening -

CHAIR - So, the question?

Ms WEBB - I put the question already, Chair. I asked how we would know, in a systematic, systemic way, about issues occurring about breaching these guidelines.

Mr BARNETT - If I could quickly respond and then pass to the acting secretary, as I think the acting secretary has outlined a range of measures. To provide further assurance, I meet with the state litigator on a regular basis. I've mentioned the role of the implementation monitor, and the acting secretary has made mention of the important role of the courts and feedback from the courts in this regard. I'll see if the acting secretary has more to add.

Ms BOURNE - Only to note that the state litigator, as a prescribed officer, is responsible in many ways for ensuring that matters are handled in a trauma-informed manner. As the Attorney-General has outlined, they are in the process of revising those guidelines, with responsibility to making sure that all legal practitioners within that team do that. I think other counsel, the agencies that provide the instructions, and the courts provide a great deal of oversight in making sure that the way in which those matters are managed accords with the intent of the commission's recommendation.

Ms WEBB - The independent monitor won't collect actual data or information on this specifically, will they?

Mr BARNETT - Yes, thank you, Chair. I think that can't be answered at this stage and it's hypothetical because the implementation monitor hasn't commenced and the role and responsibilities in terms of whether they collect data or they don't, obviously that's a matter for the independent monitor. I think -

CHAIR - This committee also has oversight of that role under our terms of reference, so it's something we could follow up at a later time, obviously.

Mr BARNETT - For sure, and I note that the state litigator has oversight of these matters and, you know, we treat it very seriously and this training that I've outlined already is - they are currently going through the training. They have another session in October in terms of operating in a trauma-informed way. This started last year. We're working through it this year. The training is underway. The guidelines are rolling out and people are acting in accordance with the guidelines. That's what we hope and that's clearly the objective that we will have plenty of more opportunity to monitor and manage going forward.

Ms WEBB - That's where my question went actually - about how we're monitoring because if we're not monitoring in some way, then we can't know how we're going into the

future with this. I'm looking for an indication of how we are proactively monitoring this going forward.

CHAIR - May be the committee can do it.

Ms WEBB - Well, not if we can't actually get information about it. If it's not being collected in some sense, information about concerns raised or frequency of issues raised about potential breaches, all those sorts of things we could contemplate measuring here, then how will we know?

The reason I'm asking is, this is fairly important because the commission identified incredibly poor behaviour in litigation on the part of the state in a distinctly non trauma-informed way. You know, instructions about raising the issue of consent being given by children and all sorts of things that were the furthest from trauma-informed we can imagine. That's why these recommendations are here. I'm still asking how are you going to know?

Mr BARNETT - Through you, Chair, I want to acknowledge the concerns that the member is raising. We take it very seriously as a government and that's why across our judicial system this trauma-informed approach is deemed top priority. There is training and education and awareness. It's been led obviously in the civil litigation space by the state litigator who oversees that. I meet with the state litigator on a regular basis.

CHAIR - You're now getting repetitive, minister. Yes.

Mr BARNETT - Yes, and my point is, it's across the courts, the DPP, across our judicial system and the Department of Justice - we take it seriously. This is being rolled out as we speak. The implementation monitor will be in place in the not-too-distant future and we're more than happy to have ongoing feedback from the public or anywhere else. If there are concerns raised, they should feel free to raise them directly with me or the department.

Ms WEBB - Can I have another element of - we're still on 17.3, is that right?

CHAIR - Yes.

Ms WEBB - And I think it's in the update we received, but I wanted to clarify. Recommendation 17.3 and part 2 of that, about the Treasurer's instruction relating to obtaining external legal advice should be amended and then it has (a) and (b) and has details as to how that should be amended. I think the update said that that was not regarded now as necessary. I want to check on that. Did you provide information about that in your overview? Did I miss that?

Mr BARNETT - Not in the overview, but I can now, if the committee is interested in that response. In terms of why there were no amendments to the Treasurer's instructions, the commission stated in recommendation 17.3, part 2, subsection (a), that the Treasurer's instructions should be consistent with the draft guidelines and that they should:

... specify the circumstances in which departmental secretaries and other agency heads should be able to seek external legal advice on matters related to child sexual abuse ...

Treasurer's Instructions FC-17 Engagement of Legal Practitioners stipulates in clause 17.8 that:

... the accountable authority state service agencies must not directly engage external council or commercial legal services without the written agreement of Crown law ...

This was perceived by the commission to be a barrier to agencies being able to elect to resolve a matter that incorporated non-legal or financial considerations such as moral or reputational responsibilities or risks. The revised guidelines strike the right balance to ensure agencies can consider flexible responses to civil claims whilst also ensuring that the state receives consistent legal advice. This means that the potential need to seek external legal services as perceived by the commission is no longer a potential issue, therefore both the guidelines and the Treasurer's Instructions provide for when external legal services can be engaged which is with the consent of Crown Law.

Ms WEBB - So if they're read in conjunction with each other you don't need to update the Treasurer's Instructions as per that recommendation? Was that the gist of that answer? Because the guidelines read in conjunction with them provide for the opportunity?

CHAIR - With the consent of Crown Law. That's what you're saying?

Mr BARNETT - Yes, correct.

CHAIR - We'll go to 17.4., regarding apologies.

Mr BARNETT - Yes, this is from 1 July 2024 and it's been completed ahead of the deadline. The commission of inquiry highlighted the need for the government to take proactive steps to provide trauma-informed apologies to victim/survivors, recommending that the government should ensure individual victims/survivors of child sexual abuse who request an apology receive one. The commission of inquiry noted that an apology should provide an opportunity for the survivor to meet with a senior institutional representative, preferably the secretary, receive information about their time in the institution and be provided with the information about what steps the institution has taken or will take to protect against further sexual abuse of children.

My department's Child Abuse Royal Commission Response Unit, or CARCRU, has developed a written resource for senior representatives of Tasmanian government institutions on how to deliver trauma-informed apologies to victim/survivors of child sexual abuse and I've endorsed that resource. The resource provides an overview of how victim/survivors who seek an apology but are not engaged in formal redress or civil litigation can receive apologies from Tasmanian institutions, outlines trauma-informed principles and how these can be applied throughout the apology process, and provides guidance on apologising to adults, children and young people. The resource has been informed using evidence from national best practice, consulting people with lived experience of child sexual abuse and feedback from senior representatives with experience in participating in an apology process. It is taken very seriously.

I could add to that but will indicate our strong support for that recommendation that has been completed ahead of schedule. The acting secretary might want to add something further.

PUBLIC

Ms BOURNE - With relevance to some of the previous questions, the state litigator's office was integral in terms of the consultation on this resource as it relates to the provision of an apology in the context of litigation, and that resource is supported by training that's already been rolled out to senior staff, as the Attorney-General has alluded to.

CHAIR - Which covers 17.5 as well, I think, some of your comments. Is there anything you want to add on 17.5?

Mr BARNETT - Sure.

CHAIR - I'll ask questions on both of those because they are quite linked.

Mr BARNETT - I think they are linked but the thing with 17.5 is we've tabled the amendments to the *Civil Liability Act 2002* to ensure that an apology in relation to child sexual abuse can be made without amounting to an admission of liability. These amendments are contained in the Justice Miscellaneous (Commission of Inquiry) Bill 2024, introduced and first read on 18 June, meeting the commission's 1 July deadline, so we've met that. I'm happy to outline the content of that bill but it's as I've outlined.

CHAIR - It's still to go through the Legislative Council.

Mr BARNETT - That's right - a very important part of our parliament.

CHAIR - We have a few minutes to go. This is questions on the apology section.

Ms WEBB - If possible, can I skip back and ask a very short question to get factual information about 17.3 that we missed? I wanted to know about the guidelines referred to in 7.3, that the Attorney-General should issue guidelines to clarify the respective roles. Are those guidelines publicly available?

Mr BARNETT - Yes, they're on the Solicitor-General's website.

Ms WEBB - Thank you.

CHAIR - Okay, we'll move to 17.6.

Mr BARNETT - Thanks, Chair. This is regarding the Victims of Crime Assistance Scheme, phase 2. Work on recommendation 17.6 is underway within the commission's suggested timeframe. Additional funding was allocated to the Department of Justice to manage and mitigate the impacts during the release of the commission of inquiry report and in the immediate three months following. This includes an allocation of \$130,650 for the Victims of Crime Assistance Scheme and a further allocation of \$130,000 under the supply appropriation for July to November this year. As a result, my department is implementing recommendation 17.6 through increasing its staffing for the Victims of Crime Assistance Scheme. An additional fixed-term assessment officer for the Victims of Crime Assistance Scheme has been recruited for 12 months to address short-term impacts following the publication of the report on 16 September last year. The additional funding for the Victims of Crime Assistance Scheme is for 12 months, which has enabled an initial partial implementation of the recommendation.

PUBLIC

All staff in the service have been offered the opportunity to undertake the foundations for building trauma awareness by Blue Knot. Additionally, all but one of the current criminal injuries compensation commissioners have undertaken the Blue Knot training.

CHAIR - How many are there?

Mr BARNETT - We'll confirm that. We have sessional members, I'm advised, so we'll clarify that for you as soon as possible.

The training provided staff with a trauma-informed lens to better understand the impacts and outcomes for people who experience complex trauma. The training program utilises current research to provide an understanding of trauma, the impacts of trauma on all aspects of life and subsequently the coping mechanisms formed in response to trauma. Training undertaken by the criminal injuries compensation commissioners and victim support services staff has enabled an initial partial intervention of that recommendation 17.6 VNC.

An ongoing funding commitment to fully implement this recommendation will be considered in the development of the 2024-25 Budget. I'll just see if the acting secretary has anything else to add.

CHAIR - So someone might be getting it right now?

Mr BARNETT - Not far away, Chair.

CHAIR - If you don't have it right now, minister, we can come back to that. While they're looking, are there any questions on this one?

Ms WEBB - Thank you. Something has occurred to me on this one but I think it's probably also relevant to some others. It's really positive to have these sorts of services like the victim support services receiving trauma-informed training and having it mandated that they are to apply a trauma-informed approach. How are applicants, complainants or people who are coming to these services informed about the approach they should expect to receive? I think this goes back to 17.3 as well in terms of the model litigant things, because model litigant behaviour has to begin -

CHAIR - The question is how were they informed. Let's just go to the question.

Ms WEBB - That's right, because people might not know that the behaviour they're experiencing is not allowed.

Mr BARNETT - Thank you for the question. I'll pass to the acting secretary.

Ms BOURNE - Victim support services have been providing these services for some time. In addition to the training the minister has specifically referred to, staff often undergo regular training in terms of how to respectfully provide counselling services. Obviously, there's professional development associated that our councillors undertake, but for the other functions that they deliver such as the eligible persons register and the court support team, the manager of VSS has a very comprehensive induction package for staff. As you can see on the website for VSS, it outlines the services they deliver and how they ascribe to best practice to do that. I think the commission's recommendations have highlighted the need for more specific trauma

informed training which is being undertaken with both staff and the commissioners. There is certainly a lot of work happening to make sure at that first point of entry of a victim of crime they are able to access a cohesive service that can provide warm referrals when necessary to other services the department offers. We are doing some work on that at the moment to make sure victims do not fall through the gap, so to speak, given the array of the services we provide.

Ms WEBB - Thank you. I appreciate that information. It was not so much to the thrust of my question though, which is broader in terms of implementing a trauma informed approach across a range of ways we deal with these things in our legal area as a state. The expectation is that services and responses are delivered in that way. In the same way I was asking before, how will we know that has happened. The answer was if people complain that it hasn't, then that might be noted and the court system was referred to as a circumstance in which that could happen and the like. Obviously, some of these matters do not necessarily even get to court, but people are engaging with the state. How are they informed about the standard of approach they should expect in a trauma informed sense so they could identify if they felt they were not receiving that sort of approach and could make a complaint if necessary. That is the thrust of my question. How are they informed what to expect?

Mr BARNETT - Thanks, Chair, the acting secretary.

Ms BOURNE - Thanks, Attorney-General. There is a charter of rights for victims of crime on the Department of Justice website that outlines the rights victims of crime are entitled to. This also talks about making sure we deal with victims in a sympathetic, constructive and reassuring manner with due regard to the victim's personal situation, rights and dignity. I think that charter of rights is a significant resource that outlines a whole range of matters including how we will manage their personal information, when we will advise them of certain outcomes of various processes, such as bail applications or the status of a perpetrator who may be in custody or otherwise. It really goes into some detail about what the expectation should be and is somewhat of a source of truth for staff and those who access our service about what they should expect.

Therefore, if they don't receive that level of service the department does have a complaints policy to make sure people feel they can express disappointment or whatever the case may be, in terms of the service they receive.

Ms WEBB - Thank you for the detail on what is there in the victims support service space. Is that the same then to look back to civil litigation circumstances and the expectation about being a model litigant on the state. Would citizens involved in civil litigation also be provided with a clear understanding and expectation about how they should expect to be dealt with by the state as a model litigant, so they could then be aware of -

CHAIR - Stick to the question. We are running out of time and it is nearly lunch time.

Mr BARNETT - Thank you through the acting secretary.

Ms BOURNE - The Criminal Injuries Compensation Commissioners would be expected to adhere to the model litigant guidelines. Similarly, that would be reinforced by the trauma informed training they have received. There's an expectation all legal practitioners across the state service within our statutory organisations and the like adhere to those guidelines. I believe there is potentially a role for the implementation monitor to evaluate the effectiveness of

implementation actions, including those of our statutory officers, that impact on the safety and wellbeing of children.

Ms WEBB - If civil litigation doesn't receive, as a matter of course, here's a description of how you should be treated by the state as a model litigant and under a trauma-informed response, I'm trying to understand how they would then raise a complaint if they felt it hadn't been met.

Ms BOURNE - You would expect that, ultimately, if a claimant didn't feel that they were being respectfully treated as part of their process, that their lawyer would raise that with the relevant practitioner from the state litigation office. Without speaking for Mr Rapley SC, I know that this is a particular body of work that he's giving a great deal of thought to in terms of what information his office could proactively share with a claimant, an applicant, or someone that's participating in a mediation process that his office is managing. This is in terms of what the process is, how information may or may not be shared, all those sorts of things to make sure that people are aware of the process, but also as you say, his expectations about how that matter will be managed by staff in his office.

CHAIR - I'm conscious of the time. I know Jacquie did have a question, but we might come back to this after lunch. We'll pick up again on 17.7.

The Committee suspended from 1.01 p.m. to 2.01 p.m.

CHAIR - Welcome back to the Attorney-General and his team. I think you wanted to provide a bit more information to us, and I'll go to Jacquie for a question.

Mr BARNETT - Thank you, Chair. In terms of the model litigant that we were discussing, I indicate that they are publicly available on the website. The second thing to note, really pleased to see, with respect to the Ashley litigation, that Angela Sdrinis did publicly commend the work of the State Litigator in terms of being a model litigant. It was quite affirming and encouraging. I thought I'd note that for the record.

Mrs PETRUSMA - I was touching more on 17.6 and a couple of other issues that we discussed today about support for victim/survivors. I was specifically interested in the Witness Intermediary Scheme. I know it's been going for roughly three years now. How do you perceive that will be progressing in the future to support victim/survivors, especially in regard to child sexual assault?

Mr BARNETT - It is an important scheme. The Witness Intermediary Scheme is a phase two recommendation which we are progressing. We've got a three-year pilot which concluded in February earlier this year. The Tasmanian Witness Intermediary Scheme continues as an established program. The commission also suggested that the eligibility criteria and the relevant legislation for the scheme should be considered during the final review of the pilot. The department has engaged Dr Penny Cooper to conduct the final review of the Witness Intermediary Scheme pilot. Professor Cooper is a world leading expert on effective participation of witnesses in the criminal justice system. She was an architect of the Registered Intermediary Scheme in the United Kingdom over 20 years ago, so she's got a lot of experience to share with us in Tasmania.

We have a whole range of policy and initiatives to provide support for witnesses in a judicial setting. It can be concerning and frightening for some witnesses. I'm very pleased to provide an update to the Committee that our Justice Facility Dogs program is alive and well. We've recently introduced that through the Witness Intermediary Scheme. It has been launched in partnership with Guide Dogs Tasmania, a wonderful organisation. They are professionally trained dogs that work with the justice system. They provide comfort and emotional support to people giving evidence or attending court. The dogs are also available to support vulnerable witnesses in police interviews, briefings with prosecution services, and witness intermediary communication assessments. I could go on, but I think people around this table understand the merit of pets, particularly dogs. Our family had a dog called Jack, who was 17 years old. He has now sadly passed away but he was very much part of the family, and I know that kids absolutely loved it. In terms of the justice system, it works. I am really pleased with the scheme that we've introduced and are rolling out. I know it works in other settings as well. I was up at Peacock House as the Minister for Health not so long ago and they also have a beautiful labrador that provides that emotional and social support for those there.

CHAIR - As does the ambulance service.

Mr BARNETT - And the ambulance service.

CHAIR - He or she - the dog - came in to visit us during Estimates one year.

Mr BARNETT - Excellent.

CHAIR - There was some responsibility in 18.3, 4 and 5, but they are DPAC led. Did you want to add on any of those?

Mr BARNETT - I can, on 18.3 and 5. 18.3, is a phase one project. That recommendation was completed when the regulations to enable the Ombudsman to share information with the Independent Regulator for the purposes of the *Child and Youth Safe Organisations Act 2023* commenced on 1 January. The commission of inquiry recommended the Ombudsman be prescribed as an entity for the purposes of disclosure of information under Section 40 of that act. In addition to prescribing the Ombudsman as an entity for the purposes of information sharing under Section 40 of that act, the Health Complaints Commissioner and the Custodial Inspector are also prescribed to further facilitate information sharing under the act. It is critical that the Ombudsman, Health Complaints Commissioner and Custodial Inspector have the ability to legally share information with the Office of the Independent Regulator. As you know that regulator, Louise Coe, started by 1 January this year. I met with Louise Coe a number of times and very pleased with the wonderful work that she is doing already with her office and her team.

You asked about 18.5, perhaps if I can update you on that, Chair, if you would like, because that is definitely in our bailiwick as well. That was due for completion 1 July 2029, phase three. The commission spoke positively about the Tasmanian Government's introduction of the Child and Youth Safe Organisations Act. The act implements key recommendations of the Royal Commission into the Institutional Responses to Child Sexual Abuse by legislating three interconnected elements:

1. The child and safe standards, including universal principle for Aboriginal cultural safety;

2. A reportable conduct scheme; and
3. The independent monitoring and oversight of the application of the standards and the reportable conduct scheme in the form of an independent regulator.

The act also includes a provision for a review of the legislation three years after the commencement of the act, and I know the review is important for this Committee as well. As a new act, this review will be critical to making amendments to the act and the framework overall. The commission recommended specific consideration as part of that review, including resourcing, collaboration, impact and the need for any further legislative change.

Several elements of recommendation 18.5 will be addressed as part of the monitoring and evaluation plan for the framework and my department is engaged with an independent consultant, First Person Consulting to evaluate the effectiveness and impact of the Child and Youth Safe Organisation Framework in Tasmania within its first three years of operation.

CHAIR - Any questions? The next one.

Ms WEBB - Did we skip over 17.8 or missed that altogether because I had something around 17.8?

CHAIR - Did we talk about that?

Ms WEBB - No, we didn't.

Mr BARNETT - I haven't got there yet. We have not addressed 17.8 as yet, but I am more than happy to do so,

CHAIR - I think we went into 18 there, sorry it was my error.

Mr BARNETT - No, that's fine. Do you want to go to 17.8?

CHAIR - Yes, if you can update the Committee on that one.

Mr BARNETT - Thanks, Chair. That is phase two, 17.8 due for completion 1 July 2026. The government's been progressing the work aligned with this recommendation. This work is occurring in the context of a significant range of recent and anticipated reviews.

The government has processes underway: DPAC led RTI Uplift Project, the recent Tasmanian Law Reform Institute privacy review, the Integrity Commission's research paper and the anticipated JLN Review. This government is committed to reform and ensuring that government and our institutions are open and transparent. We are committed to working with all the proposed recommendations to ensure reform is delivered in a consistent, harmonious and best practice approach. I can provide an update on each of those if the Committee is interested, or the acting secretary can, the Right to Information Uplift Project, the Tasmanian Law Reform privacy review, the Integrity Commission research paper, the in JLN-RTI review and the various actions of our government.

CHAIR - What is the time frame for delivery on those?

Mr BARNETT - I'll check if the acting secretary might like to assist on those matters.

Ms WEBB - While that's being arranged, can I ask for something to be addressed in the answer, because it was related to a question I have and it can roll in with the description. Is that all right?

CHAIR - Yes

Ms WEBB - Obviously, the recommendation has particular things from the *Right to Information Act* and the *Personal Information Protection Act* that have been suggested to be looked at, but there are those broader issues raised in the community through those other processes and through the TLRI Privacy Review. Are we going to then do a broad look at each of those acts eventually under this recommendation than just what is prescribed here by the commission?

CHAIR - I will get the timeline and that can get into it

Mr BARNETT - Yes, that's a big, broad question, but I'll ask the acting secretary to kick it off.

Ms BOURNE - Thank you. As the Attorney-General has noted, there are a number of pieces of work that relate to this particular recommendation.

Notably, the Jacqui Lambie Network agreement requires that RTI review to be completed by 9 April 2025. It is anticipated that review will make additional recommendations for reform.

What the department is doing at this stage is reviewing the current legislative frameworks against the recommendation of the commission. Taking into account the outcomes of reviews and sort of trying to foreshadow anticipated reviews and looking at how to best harmonise the existing legislative frameworks that exist as well, noting again as the Attorney-General had mentioned, the RTI Uplift Project being led by the Department of Premier and Cabinet.

The TLRIs Privacy Review, which the final paper was released in May of this year, which makes a number of recommendations about changing the Tasmanian privacy framework and looking at the Commonwealth model, which we're in the process of reconciling.

Another piece of work we're considering is the Integrity Commission's recent research paper.

CHAIR - When the work that's been done on those - let's say the PIP Act for example - you're pulling in all those pieces of work and reviews to inform a new piece of legislation which should be nicer and tighter than an amendment bill - just saying.

Ms WEBB - Which was my question. That was the question I was putting, given those other pieces of work that aren't commission related specifically, but cross into this, are we bringing them in?

CHAIR - They said yes to that.

Mr BARNETT - Yes. If I can address that question and indicate as the acting secretary's indicated, we've got them in, as you might indicate, some sort of compartment, and, yes, we

will be taking a holistic approach as a government. You have the TLRI privacy review, you've got the Integrity Commission research paper, you have JLN RTI review process which is due to report in April next year. We're not sitting around twiddling thumbs. We are doing a lot of work on this. DPAC is working on the RTI uplift factor process, so I'm awaiting the advice of my department on the privacy review on the Integrity Commission research paper. When I have that advice, we will be acting as quickly as we possibly can, whether it be a legislative reform measure or other initiatives to address those concerns, challenges and opportunities.

CHAIR - Is it fair to say we won't see legislative reform until after the review requested by the Jacqui Lambie Network to be done? Because why would you bring in a piece of legislation that may need to be informed by that?

Mr BARNETT - In terms of RTI, we'll certainly be guided by that JLN agreement, which is April next year. With respect to anything that we can do flowing out of the privacy review or the Integrity Commission's research paper, there's no reason we have to wait. We can act on that and we certainly will, depending on the advice and feedback from the Department.

Ms WEBB - I'll follow up on that. Given that those other processes are a much broader look that - the JLN one at the RTI Act and the TLRI one, privacy-related legislation including the PIP Act. Are you engaging in a broader-based review of each of those pieces of legislation? Would that be fair to say?

Mr BARNETT - I think it's fair to say my department's taking it seriously and is preparing advice to me on both those reviews. I haven't seen that advice as yet. The acting secretary can provide an update to the Committee on how that's progressing. I'm looking forward to receiving that report and advice and recommendations, and I will be acting on it. If there is a need to consult further with other key stakeholders or members of the community, I will do that. That's my normal approach.

I have a justice forum - I meet a round table with relevant members of the justice system, for example, the Chief Justice of the Supreme Court, the Chief Magistrate, Director of Public Prosecutions, Solicitor-General, State Litigator, Law Society, and many others. I really appreciate their feedback and advice and I have ongoing engagement with them and receive feedback from them on various matters.

More recently the Judicial Commission, for example, we've been looking at that carefully, which I know members vary across. Yes, I'll be taking all steps necessary to progress good policy to suit the benefit of Tasmania.

Ms WEBB - Can I clarify on the JLN review agreement - review of the RTI Act, has that commenced? You mentioned it's due on 9 April 2025. Has it commenced and was there a term of reference that was available on that?

Mr BARNETT - Well, that's a matter for the Premier.

Ms WEBB - Right.

Mr BARNETT - I'll just check if there's anything else I can add. I'm not aware of anything else at this stage, but I'll check. No, not aware of anything further at this stage. It's

PUBLIC

really a matter for the Premier and I know he'll be before the Committee next week, or soon, anyway.

Ms WHITE - Chair, in a similar line of questioning about the Integrity Commission review that's required as a part of that JLN agreement. Is that also to be completed by 9 April 2025? In same theme, have the terms of reference for that review been finalised now? Is that being undertaken?

Mr BARNETT - What's the last part of your question?

Ms WHITE - The terms of reference for that review.

Mr BARNETT - Yes.

Ms WHITE - Is that work undertaken through your department or is that, again, the Premier?

Mr BARNETT - That's a matter for the Premier and the Premier's agreement with JLN, which is due by - is it 9 April?

Ms WHITE - Yeah.

Mr BARNETT - Yes, 9 April.

Ms WHITE - So, they're questions that we need to ask him. Thanks.

CHAIR - Anything else on 17.8? No? So, now I've forgotten where we're up to over this side. You talked about 18.5, didn't you?

Mr BARNETT - Do you want 18.2?

CHAIR - You're dealing with 18.2 and then, or 18.3, wasn't it?

Mr BARNETT - I don't mind. I've got 18.2 and 18.3, whichever you'd prefer first.

CHAIR - All right. Okay. So, 18.2 is -

Ms WEBB - I think you already gave us 18.3 and 18.5, didn't you?

Ms WHITE - Yes.

Mr BARNETT - Yeah.

CHAIR - You've done those two.

Mr BARNETT - Yes, 18.2 is a different one, but it's up to the Committee.

Ms WEBB - Sure.

Mr BARNETT - It's relevant to the Department of Justice.

CHAIR - If you can indicate where that's relevant to you

Mr BARNETT - Yes, it's the National Principles for Child Safe Organisations. We echo the importance of this for all organisations engaging in child-related activities into voluntarily complying with the National Principles for Child Safe Organisations. These principles are now Tasmania's legislated Child and Youth Safe Standards as part of the Child and Youth Safe Organisations Framework, which is the legal framework to keep children safe in organisations. It commenced in January this year, enacting recommendations out of the royal commission.

The framework includes 10 legislated child and youth safe standards that directly reflect the pre-existing national standard principles, as well as a universal principle for Aboriginal cultural safety. Oversight of the Child and Youth Safe Organisations Framework is the remit of the Office of the Independent Regulator under the leadership of Louise Coe. My department led the development and early implementation of the framework and acknowledges the great work of the Office of the Independent Regulator to further raise awareness about and compliance with child and youth safe standards.

The office recently completed a series of statewide information sessions designed to give people more information about the framework and therefore the child and youth safe standards, visiting all corners of Tasmania from Kingston to King Island. Those sessions were attended by representatives from more than 280 organisations and provided people with the opportunity to meet Ms Coe and her broader team. Feedback from these sessions will be used by the Office of the Independent Regulator to inform the development of future resources, guidance and educational programs. Within my department the child and youth safe standards form the basis for an action plan to implement the child and youth safe framework across the entire agency.

In practice, this means undertaking concerted work to develop and update child-related policies and procedures, creating educational opportunities and resources for staff, consulting with children and young people about the department's work to be safe for them and more. The standards also are embedded in the Change for Children Strategy and Action Plan which is out for public consultation at the moment. The recommendations are partially funded with funding provided to support the design and implementation of the framework. That summarises things. I am happy to take any further questions, Chair.

CHAIR - We'll keep going, minister. You have responsibilities in 18.3, 18.4, and 18.5.

Mr BARNETT - Yes.

CHAIR - I think you've covered most of that, haven't you?

Mr BARNETT - I've touched on certainly 18.3 and 18.5. I am happy for any questions on the same. It's up to the committee.

CHAIR - Let me go down to 18.10.

Mr BARNETT - I believe 18.10 is a matter for the Premier. Can you repeat the recommendation?

CHAIR - The Integrity Commission Ombudsman. Do you have any role to play in that or is it entirely outside of your remit?

Mr BARNETT - No, it's a matter for the Ombudsman and the Integrity Commission.

CHAIR - Okay - 18.11.

Mr BARNETT - This is relating to phase 2, Integrity Commission. The implementation of this recommendation is progressing ahead of the timeframe put forward by the commission, with draft legislation planned for tabling by the end of the year. This reform sits in the context of a large body of reform work in respect to the Cox review recommendations, the recommendations of the Weiss review and the anticipated review as part of the Premier's agreement with JLN.

Recommendation 11 of the Cox review was that the *Integrity Commission Act* be amended to require mandatory notification by public authorities of serious misconduct and misconduct by designated public officers to the commission in a timely manner. I've asked my department to progress this reform as a matter of priority before the end of 2024. I'm considering the inclusion of this reform into existing legislative projects, one of those miscellaneous bills as opposed to a standard standalone bill. It's expected that any resourcing requirements for this change could be met within existing budgets. Many organisations, those with particular risk factors for abuse occurring, are already legislatively compelled under the reportable conduct scheme to proactively notify the Office of the Independent Regulator of any reportable complaints. The Commission also recommended that this scheme should be administered by the new Commission for Children and Young People once it is established. It's important to note that the Commission's commentary leading into the making of this recommendation states:

The Reportable Conduct Scheme will not capture all departments and organisations, which may leave a role for the Integrity Commission in overseeing the management of allegations of child sexual abuse in some situations. The Integrity Commission told us that currently, public authorities are not required to notify the Integrity Commission when they are responding to an allegation of misconduct (including serious misconduct). This means it 'may not be aware of matters involving child sexual abuse'.³³³ Recommendation 11 of the *Independent Five Year Review of the Integrity Commission Act 2009* requires public authorities to notify the Integrity Commission of any allegations of serious misconduct.

That is why we are progressing this recommendation.

CHAIR - So, there's no draft legislation out of public comment yet on that?

Mr BARNETT - No.

CHAIR - You said you wanted to have it before the end of the year.

Mr BARNETT - Yes. It's a piece of work, but it's not a major piece of work. I might let the acting secretary speak to that matter.

CHAIR - With the Budget session coming, other things tend to get pushed down a bit further.

Mr BARNETT - We're very busy in the Department of Justice.

Ms BOURNE - As the Attorney-General has said, it is, for lack of a better term, a discreet piece of work that at this stage we think can be accommodated within a standalone bill. I note that it's separate to the broader potential reform of the *Integrity Commission Act* contemplated by the JLN Review and the like. Making sure once we do that initial work that there's no complicating factors in terms of interaction with the establishment of the new Commission and other integrity related reforms, we're confident that we should be able to progress a bill for tabling this year.

CHAIR - Any other questions on that one? If not - I've lost my place again. We'll go to 18.11.

Ms WEBB - We just did that one, sorry.

CHAIR - We'll go to 18.12, which refers to the Justice Miscellaneous (Commission of Inquiry) Bill.

Mr BARNETT - That's right, Chair, thank you for that. The work's underway. This is a phase one project to realise recommendation 18.12's vision of an enhanced registration to Working with Vulnerable People framework. The key legislative milestone was met by the tabling of the Justice Miscellaneous (Commission of Inquiry) Bill on 18 June, meeting the 1 July deadline. The legislation and act reforms improve the risk assessment process used by the registrar of the Working with Vulnerable People scheme to make decisions under the Registration to Work with Vulnerable People Act. The House of Representatives - House of Assembly, I suspect - passed the bill on 1 August. The bill had its first reading on 2 August in your House. The changes will provide more guidance to the registrar on whether a person poses an unacceptable risk of harm to children in line with the commission of inquiry recommendation 18.12. The reforms captured by the bill are complemented by other work underway, with a consumer building and occupational services where the registrar presently sits.

Consumer Building and Occupation Services Work (CBOS) work is aimed at expanding the registration scheme to protect more Tasmanians. It conducted a consultation on the initial proposals in late 2023. Work has begun to explore options to use the registration scheme to regulate workers in sectors where clients may experience enhanced vulnerability, such as aged care and disability services, and where they are provided outside the National Disability Insurance Scheme. CBOS are in discussions with the Australian Government to ensure that worker screening requirements at the state and federal level are suitably aligned. The department is also currently working on a project to remove two exemptions from registration which currently exists in the regulations. Work to enact this recommendation has been funded as part of the department's whole of government legislative program to implement the commission recommendations. Additionally, actions to implement this recommendation will be funded within existing resources, as well as engaging in negotiations at the federal level and commencing policy work for future reforms.

Registration to work with vulnerable people has been closely involved with the drafting of legislation to implement Recommendation 18.13, which would see reviews of relevant determinations by the Registrar being conducted by the Tasmanian Civil and Administrative Tribunal.

In conclusion, changes such as this enhanced access to justice for Tasmanians as tribunal proceedings are less formal than those in a court and more suitable for those without legal representation.

That's a good summary, Chair, but happy for any further questions.

CHAIR - Any questions on 18.12?

Ms WEBB - Sorry. I thought we had veered into 18.13 there.

CHAIR - Well, it does cross over. A lot of them do crossover a bit.

Ms WEBB - I wanted to follow up on something that came up in the hearings last December and it relates to risk assessments under the Registration to Work with Vulnerable People Scheme. It was asked then in your session, specifically about two of the case studies from the commission of inquiry report, those with the pseudonym Stan and Ira, and you were asked at that time whether they were still undergoing risk assessments for their Working with Vulnerable People Card and whether they still held a card in the interim. I wondered at that time the person who was answering the question there with you was not able to clarify that those risk assessments had concluded. It seems they were still ongoing, so I am checking in on the progress of them.

Mr BARNETT - Yes, I am happy to respond if you've finished.

Ms WEBB - I am just looking for an update on the risk assessments of Stan and Ira.

Mr BARNETT - Thank you very much for the question. The relevant person from the department is not at the table but they are in the room and could assist the committee. If Tim could come in and perhaps introduce yourself, your title and get sworn in. Thank you.

Mr TIM VAATSTRA, DIRECTOR OF REGISTRATION, WORKING WITH VULNERABLE PEOPLE REGISTRAR WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED

Mr VAATSTRA - I am the Director of Registration, Working with Vulnerable People unit and the Acting Registrar for a few weeks in relation to the scheme.

The question was asked about the two pseudonyms that were raised in the last Committee hearings, and I can confirm that both those individuals are still currently subject to additional risk assessments that are ongoing.

Ms WEBB - I know there was a question about this last time as well, but the answer was suitably vague and here we are eight months later. What is an expected timeline for a risk assessment of individuals such as these described in these case studies - who I believe have been stood down from their work for quite a long time, if not exited from their work. I do not

know the specifics on that entirely, but why are we having years and years go by with a risk assessment still being undertaken?

Mr BARNETT - Thanks very much for the question. I will pass to the acting secretary to answer the question and/or Tim.

Ms BOURNE - Before I throw to Tim, I think it is important, as members would be aware, that the statutory office established under the working with vulnerable people act contains specific provisions around who can be advised and how much information can be disclosed in respect to each matter and at what stage of the process, including the individual applicants and registrants themselves. Noting that the registrar can share information with other authorities and entities as it relates to the safety and welfare of vulnerable people, but Tim will be able to speak to some of the considerations that can impact the time frames involved.

Mr VAATSTRA - Thank you, Attorney-General. The registrar is not an investigative body, so we rely on information sources and other investigative bodies such as police or employer agencies who conduct employment investigations to provide us with information to make determinations. Often we are waiting on information that can help us resolve our risk assessments so there's not a set timeframe in the act that the registrar must adhere to. I guess that's an acknowledgement that these matters can take various lengths of time depending on the information we are seeking and the information that we might be waiting on. It can take some time.

Ms WEBB - If a police investigation or an ED5 process was going on for years and years, you'd have to wait for the conclusion of those relevant processes with that individual to then conclude the risk assessment?

Mr VAATSTRA - We don't have to wait. We have to get to a point where we can establish that a person poses an unacceptable risk, an acceptable risk, or no risk to vulnerable people, so we need enough information to be able to make that determination. It's not dependent on the outcome of another process but it is dependent on us having enough information to get to a point where we can make a decision in relation to risk.

Ms WEBB - In terms of those other processes, particularly an ED5 process, is there automatic sharing of evidence and information collected with the Working with Vulnerable People Registrar so that you may arrive at the threshold you need at an earlier time than the conclusion of the ED5?

Mr VAATSTRA - Yes. Under the reportable behaviour obligations, agencies are required to notify us in relation to information they receive, and as their investigations progress they keep us updated as to the progress of those matters. We have regular forums with the Department of Education Children and Young People in which these matters are discussed and we can ascertain where their investigations are up to and receive further information. We regularly exchange information and we can make terminations before the conclusion. Often the investigation outcomes are important for us reaching our conclusions as well, so even though we can make decisions earlier if we need to, we rely on outcomes at times to reach our own conclusions as to risk.

Ms WEBB - Would it be fair to say that if the individual is not engaging with the ED5 process in an active way and therefore preventing the conclusion of that process, that could also prevent the conclusion of a risk assessment for the card?

Mr BARNETT - Obviously, we're getting into hypothetical questions but I'll pass back to Tim.

Mr VAATSTRA - I guess the conclusion of an employment investigation could also depend on the engagement of the victim/survivor in that process as well. It depends on a whole range of matters, I would suspect. It can delay those processes if people aren't engaging with them.

CHAIR - Can I just flip the coin for a minute on that? In terms of engagement with the person who is under review or their Working with Vulnerable People card is being reviewed or there's an applicant that's waiting on an outcome, where there's been a matter raised, how are those people informed of that and are they kept up to date? We know, by your own admission, Attorney-General, that some of these go on for a long time, which can be difficult for people who end up being found to be no risk and issued with their card again. How are those people on the other side of this kept up to date?

Mr BARNETT - Thank you very much, Chair. I think for many in the community that's a fair question and I understand that as a result of the delays they feel are taking place, but it's best that the officer at the table perhaps responds to that unless the acting secretary wanted to add anything.

Mr VAATSTRA - Thank you, Attorney-General. Yes, there are notification provisions in the act that we have to adhere to, so we notify individuals when we initiate a risk assessment. There's a notification point there and we also provide an individual contact point within the office where people can reach out and make contact to receive an update in terms of their matter. People do get frustrated with the time these matters take and understandable in some cases, but we try to keep people as informed as possible as to how their matter is progressing and what it's up.

CHAIR - Is the person informed of the matter that's holding things up? If it's not simply straightforward like when I apply for my renewal - I'm sure there's a process that goes on behind that - but if there was something flagged, would I be informed of what that matter was flagged was or just there's been a flag and you're going to do a more thorough risk assessment?

Mr BARNETT - Thanks for the question.

Mr VAATSTRA - Thank you, Attorney-General. There are points within the process where we are required to make notification, but not to provide the reasons for say the initial risk assessment being instigated. Later on, the process, when we make decisions, then we are required to provide reasons as to why the registrar's reached that decision.

It is very prescriptive in terms of what the act allows us to do and not do and when we're allowed to provide information to individuals on the reasons for a decision and when we're not able to do that. Also, we have to be mindful of other investigative processes going on, say, police investigations, not inadvertently interrupting or disrupting those processes.

The provisions are quite clear for us in terms of when we are able to notify people and what we're able to notify them of.

Ms WEBB - We know through the routine disclosures system that's in place there's been instances of people stood down and on ED5 investigation, having that completed and then having subsequent allegations or subsequent complaints that then trigger another ED5. Would there similarly be situations where we've had people who have had a risk assessment process underway, had it concluded, but then been returned to a risk assessment process through a subsequent matter or ED5 complaint that's raised?

Mr BARNETT - Thank you for the question.

Mr VAATSTRA - Thank you, Attorney-General. Yes, we are required to initiate a risk assessment when we receive new and relevant information. If a previous risk assessment has been resolved and there's new and relevant information we receive, then we are required to initiate another risk assessment at that point.

Ms WEBB - It would be fair to say there would be some examples of that currently where we've had subsequent?

Mr VAATSTRA - Sure.

CHAIR - Some of it's perhaps been covered already, but in 18.13 -

Mr BARNETT - Thanks, Chair. This is a phase one recommendation, administrative appeals from decisions made under the *Registration to Work with Vulnerable People Act 2013*, works to implement this recommendation are in progress, a draft bill currently open for public consultation until 21 August this year.

It has two components. The first part recommends the administrative appeals from a decision made under the *Registration to Work with Vulnerable People Act* should be heard by Tasmanian Civil and Administrative Tribunal.

The second part requires the tribunal to support members hearing these appeals to have the appropriate knowledge, skills, experience and aptitude to deal with each matter and recommends the government ensure the tribunal is sufficiently funded to provide the support. This recommendation is being progressed through the draft Tasmanian Civil and Administrative Tribunal (TASCAT) additional jurisdictions bill. This will ensure that as soon as these matters are transferred to TASCAT, only TASCAT members with appropriate professional expertise such as child sex abuse, neglect or family violence will be allowed to determine them.

The bill confers jurisdiction on TASCAT for a range of administrative appeals. They're currently allied to the Magistrates Court and in a few discrete cases to the Supreme Court, including the review of decisions made under the *Registration to Work with Vulnerable People Act*. Our government's implementation of this recommendation is in progress, with the draft bill currently open for public consultation. We're expecting to table that in or around September.

PUBLIC

The bill introduces several changes to the operational streams of TASCAT, including the creation of a new Community, Children and Families stream within its protective division. This stream will handle matters requiring specialised expertise in particularly sensitive areas. Reviews of decisions made under the *Registration to Work with Vulnerable People Act* will be assigned to this new stream. The draft bill ensures TASCAT only allocates members with the necessary professional expertise for these matters and these changes will ensure registration decisions can be challenged in a forum which provides trauma informed support to victim/survivors of child sexual abuse.

CHAIR - Attorney-General, on that, are there any people who currently sit on the various tribunals who would have the requisite knowledge, skills, and experience or are we looking at having a not-insignificant number of new people appointed and necessarily trained?

Mr BARNETT - Yes. Thank you for the question. I'll ask the acting secretary to respond.

Ms BOURNE - Thanks Attorney-General. TASCAT currently has a range of members with various skill sets, particularly guardianship, mental health, and the like. Without speaking for the president, I believe they're looking very closely at the current skills mix of existing sessional members, as well as full-time members. Each time there's a process for new sessional members, the panels now take into account anticipated new jurisdictions of the Tribunal. I suggest that there may be some existing expertise, but there is an opportunity to make sure that the expertise explicitly required for this work is appropriately sourced to add to the existing skills mix of sessional members.

CHAIR - And there's funding that's attached to that as well to assist that?

Ms BOURNE - TASCAT is funded through appropriation for both permanent full-time members and sessional members. They appropriately manage the funding to adapt to the number of sessional members they need for any particular listings. So, already funded for sessional members and, I suspect, this will add to the pool of sessional members they can utilise to undertake the work across all jurisdictions.

CHAIR - That shouldn't be an additional cost - or they'll have to manage it within their budget effectively.

Ms BOURNE - There shouldn't be additional costs. TASCAT is already funded to support tribunal members in terms of training and the payment of sessional fees. It's something that we'll continue to discuss with the president, however, particularly as new jurisdictions continue to be added to the jurisdiction.

CHAIR - Sure.

Ms WHITE - Can I ask how many reviews the Magistrates Court has undertaken of working with vulnerable people cards? Someone who's had theirs suspended and they want to review it? I presume it's where they've taken them and it'll soon be transferred to TASCAT.

Mr BARNETT - Thanks for the question. I suspect that answer is with the courts and something we might be able to assist to follow up. We have some updated advice. I'll pass to Tim.

PUBLIC

Mr VAATSTRA - Thank you, Attorney-General. We have had 16 previously resolved appeals in relation to registration matters.

Ms WHITE - Over what period of time?

Mr VAATSTRA - That's across the full scope of the scheme's existence.

Ms WHITE - I appreciate that.

CHAIR - Are there any live ones at the moment?

Mr VAATSTRA - Currently, there are four live matters.

Ms WHITE - Will they need to be transferred to the new process under TASCAT or would they be grandfathered through the Magistrates Court?

Mr BARNETT - I'll just check with my officers, perhaps on my left with Bruce Paterson.

Mr PATERSON - I think we intend to transition them, but we will look at that in the current bill, on which consult closes -

CHAIR - In two days.

Mr PATERSON - We have some time to check in with our feedback that the transitional arrangements are appropriate.

Ms WHITE - Okay.

Ms WEBB - Can I just check on those figures? Do you mind if I follow up on it?

Ms WHITE - Go for your life.

Ms WEBB - The figure you gave as the total number over the period of time and then the current matters, was the total number inclusive of those current matters or separate to those current matters?

Mr VAATSTRA - They were previously resolved matters.

Ms WEBB - Previously resolved, okay. How many of those were in the last year?

Mr VAATSTRA - I don't have that before me at the moment, but I suspect none of those - no, I don't have that. I'd have to check.

Ms WEBB - Can I put a question on notice about a breakdown of the previously resolved across recent years?

Mr BARNETT - Yes, you can. Thank you.

CHAIR - Are there any other questions on 18.13?

If not, we'll go to 18.14.

Mr BARNETT - Thanks, Chair. That's a phase 1 recommendation. That is, Tasmania's key oversight bodies for children and young people are now working together to produce a guidebook to implement this recommendation. The working group, consisting of the officers of the Independent Regulator, the Integrity Commission, the Ombudsman, Registration to Work with Vulnerable People and the Commissioner for Children and Young People, was established in February of this year. The working group is led by the chair, Acting Commissioner for Children and Young People, Ms Isabelle Crompton(ok) and the deputy chair, Independent Regulator Ms Louise Coe(ok).

My department provides the working group with secretarial support to ensure it is able to achieve its goals in completing this recommendation. I am advised that members are currently collating key information about their respective functions for the guidebook, which will serve as a single-source user-friendly guidebook for the general public to describe their roles and responsibilities to help members of the public and the children and young people to understand how they can raise concerns with their agencies and what to expect when they do.

I am advised that each independent statutory entity is bringing its subject matter, expertise and resources to the project, incorporating the Commissioner for Children and Young People, with extensive experience in working with children and young people and the Independent Regulator's expertise in engaging institutions and the child service-related sector more generally.

I am also advised that on 27 June 2024, the former commissioner for Children and Young People wrote to the Head of the State Service and the Secretary of my department to inform them that meeting the 1 July time frame for the recommendation was not achievable given the scope and importance of this project for children and young people.

I acknowledge the former commissioner for Children and Young People's emphasis on the need for the guidebook to be created in a truly child-centred and meaningful way. It is also important that the resource is developed in a manner that enables it to be updated as this government progresses important reforms to establish a new Commission for Children and Young People. I have also agreed that my department will fund this important work and it is actively monitoring progress to ensure there are no resourcing barriers to implementation.

I can outline the next steps if you have an interest, Chair, but it's a matter for you and the committee.

CHAIR - If you have a summary there, where it's going. The lead agency is the Commissioner for Children and Young People?

Mr BARNETT - I think working with the Independent Regulator.

CHAIR - Right, the time line?

Mr BARNETT - I can outline the next step. The working group is currently exploring options on engaging with children and young people to ensure the resource is helpful and accessible. I have every confidence the Commissioner for Children and Young People and the

PUBLIC

Office of the Independent Regulator will ensure that this work is completed sensitively and with the needs of young people at the forefront of the design.

I am also advised that the working group is considering accessibility options and how the resource can be available to all individuals in our community and the chair of the group provides regular updates to the Secretary of my department and the Secretary of the Premier's Department. I welcome this communication and collaboration as it provides government with the best opportunity to support the progress of this work. I will see if the acting secretary has anything further to say on the time line.

CHAIR - Particularly when you expect it to be live and to complete the guidebook.

Ms BOURNE - There isn't an explicit time frame at this point in time, given that the working group is currently exploring options on how best to engage with children and young people around the resource and will really be guided by the acting commissioner for Children and Young People and the Independent Regulator about making sure that that work progresses in a timely way, but also in a way that is sensitive to the needs of seeking feedback on that resource. I am confident that everyone is working towards developing that as quickly as is possible, noting the commission's recommendation and the importance of the work.

CHAIR - Did anyone have any other questions on that? No, so if we go to, is that 18.15 we just did?

Mr BARNETT - We have done 18.14; 18.15 could be the next one.

CHAIR - I think the next one, if I'm right, is 19.06. Sorry, 18.15, I need to put on my glasses.

Mr BARNETT - That's all right, Chair. Recommendation 18.15 is phase two. We certainly remain committed to supporting the state's independent statutory officers and regulators to complete this recommendation within the time frame by 1 July 2026. The recommendation calls for the development of a memorandum of understanding with Tasmanian oversight bodies relating to the management and oversight of reports, complaints and concerns relating to child sex abuse. The MOU will support strengthened information-sharing practices between the oversight bodies to prioritise the safety and welfare of children for individual matters. Whilst this recommendation will assist all oversight bodies in the management of these important matters, it's important that Tasmanians understand that our oversight sector already manages these matters to ensure that the most appropriate entity is progressing any relevant complaint or investigation. This recommendation will ensure that the processes in collaboration between entities is formalised and enduring. I certainly want to affirm to our oversight bodies that they have this government's full support in progressing this work.

I have instructed my department to write to the chair and deputy chair of the independent statutory officer working group that is progressing recommendation 18.14, which calls for the development of a user-friendly guidebook - which we just spoke about - to provide detail to the public on how concerns of child sexual abuse can be raised with Tasmanian oversight bodies. It's my view that this working group should consider the use of its existing governance and collaboration structure to progress this important reform. My department will advise the

working group's leadership of its commitment to extend its assistance for the progression of this project.

CHAIR - Do you have a question on that, Meg?

Ms WEBB - Well, it probably captures the last one and this one together. Given that there's been a delay in delivering 18.14, and I understand the rationale provided for that, but with this one I'm particularly interested in the children who are currently in state care, so in out-of-home care and in youth detention primarily. The intent of these two recommendations is to make sure there are no gaps in terms of a young person or a child reaching out for help through one of these agencies and that they appropriately share and refer, whatever they need to do. Given that we're delaying these sort of information-provision things, how are we making sure that right now children in out-of-home care and youth detention aren't falling through gaps - like they had been previously?

Mr BARNETT - Perhaps I'll kick that off and then pass to the acting secretary. We do take this very seriously and we're progressing as soon as possible, consistent with the advice of the independent regulatory bodies and independent oversight bodies I've made reference to, who I know are taking it seriously as well. Recommendation 18.15 is about formalising the MOU. They already have relationships with each other. My understanding is they already consult and liaise with each other. Having said that, I will pass to the acting secretary to add to that answer.

Ms BOURNE - Reiterating what the Attorney-General has said, this work seeks to formalise what happens already, noting that there is absolutely room for improvement based on what the commission has found. It's our understanding that the Commissioner for Children and Young People and the Child Advocate already share a lot of that information to make sure, based on the information that they have, that children and young people are safe, based on the information we're aware of in the work that's happened in this state around the MOU and the resource.

Ms WEBB - It seems extraordinary to be delaying that, particularly for children in those high-risk environments such as out-of-home care and youth detention, and that we would have any lack of confidence in there being gaps for them to fall through, as they had demonstrably done previously. It worries me that we're delaying that without an interim tangible measure to show us and map out for us.

CHAIR - Are you asking a question?

Ms WEBB - Is there anything that they can show us, something on paper that shows that those gaps are covered?

Mr BARNETT - Thanks very much for the question. I just want to note for the committee that we are relying on the advice of the independent statutory officers who are seeking a best-practice approach to caring for our children and young people. That is our approach and our commitment to prioritise this matter. We are progressing, as soon as possible, consistent with the views of the independent regulators and based on their advice, with the objective of getting best-practice outcomes, noting that we are formalising what is already happening and we can continually improve, as my acting secretary has noted and which I totally

support. There's a lot of work that is happening and it's happening swiftly, but it's consistent with those best practice outcomes that we're seeking.

Ms WEBB - Given that we are formalising something that you say is already happening - and I accept that it likely is - do you think it's worth our while to ask those independent statutory entities whether they have something in writing they can provide us that describes what's currently happening? Not formalised yet through these measures, but you've said it is already there.

CHAIR - That's a matter for the committee to determine, if you want to write to them.

Ms WEBB - Are you aware that they might have something in writing to provide us with about how they're currently managing this?

Mr BARNETT - My department is advising me that they don't have anything here today that they have received from those independent entities. I'm sure the committee could independently write to them and seek any advice or feedback that they may wish. We are happy to respond in any way. I think our evidence today is an indicator of the priority in which we consider this matter.

CHAIR - I think 19.6 is the first in Chapter 19. That's your responsibility, Attorney-General. We have touched on this; it's the introduction legislation to amend the *Registration to Work with Vulnerable People Act 2013*.

Mr BARNETT - It's phase two. I think, as I indicated, we see this as the best way to enact and implement recommendation 19.6, by providing greater clarity around how members of the public can report concerning behaviours to the registrar. The act requires reporting bodies including Tasmania Police, Tasmanian government agencies, and relevant registration and licensing organisations to report reportable behaviour to the registrar. Reportable behaviour is behaviour that poses a risk of harm to vulnerable people. The recommendation provides that any person, not just the reporting bodies currently specified in the act, should be able to notify the registrar of reportable behaviour directly. While members of the public can report certain behaviour already, the existing formal pathways, such as reports, go through police, child safety services, and other bodies, who in turn report to the registrar. The recommendation will enable a formal pathway for reports to also be made to the registrar directly by any person, including members of the public.

The information that can be reported to the registrar is very broad. The registrar, as was indicated earlier by Tim, is not a law enforcement body. It relies on reporting bodies, such as Tasmania Police, to conduct criminal investigations, or government agencies to conduct employment investigations. These in turn inform risk assessments conducted by the registrar. Even when a formal reporting for the public is provided, the registrar will still rely on reporting bodies to conduct investigations and inform the registrar of their progress and outcomes. The department is presently exploring the policy, legislative and practical aspects of enacting and implementing this recommendation, as well as how the new mechanism will best fit with the current reporting obligations, and investigations by reporting bodies that the registrar relies on. This work is being undertaken by a dedicated project team recruited since the last hearings, which is also progressing regulations to expand the scheme to protect broader cohorts.

I will pause there and see if the acting secretary has anything further to add to the work that's being undertaken by the department to progress this recommendation.

Ms BOURNE - Adding to what you've said around the ongoing work that the department will undertake, this work will fit within the broader Working with Vulnerable People expansion project, which you've already noted on, to inform the development of a bill to give effect to this particular recommendation - to make sure that it works effectively with the broader reform that's happening in this space.

Ms WHITE - Can you explain to me the process now: if somebody made a complaint or raised concern about behaviour of an individual and reported it to the police, and it related to their behaviour as it might impact on a young person - is there an automatic notification then provided to their registrar. If the registrar is in receipt of something like that, what action is taken? Is it possible for us to better understand the process that is followed?

Mr BARNETT - Yes, absolutely possible, I will go through the acting secretary to Tim Vaatstra.

Mr VAATSTRA - We have an automatic notification process with Taspol. Our systems talk together. When there is an identified risk to a vulnerable person, their system will tell our system that is present. Then we will request further information from Tasmania Police on what that information is. Following the receipt of that initial information, then we would determine where else might we go to seek further information that might inform a risk assessment. That is when our information requests go out back to Tasmania Police. If there is any employing agency relevant, we might go to them. If there is a relevant volunteer organisation we might ask them, we might ask the individual themselves. We start gathering information at that point to inform our assessment.

Ms WHITE - With this change where you can make a report directly to the registrar, how would that information then be shared with Tasmanian Police if it was necessary to do that?

Mr VAATSTRA - This is an important point because we do receive information directly from the public at the moment. People can notify the registrar, although that is something that's going to be clarified through this recommended change.

We would basically go back to police and do the same process we do. If we received information, we would go and ask police what do you know about this matter and our other information and reporting bodies about what they are aware of. Our standard process around information gathering would kick in at that point.

Ms WHITE - The response earlier was that the process was automatic between police and the registrar, but it sounds like it is a bit more manual going back the other way. Are there improvements that need to be made there for the technology to work better?

Mr VAATSTRA - Yes. There is an automatic process for us to receive information and then there is a process of manual requests that go on after that. We do have a project to improve our IT technology. As part of that, we are looking at how can we better establish connection points with Tasmania Police, other agencies and reporting bodies who have obligations to report to us. That is more support technology-wise for making that a seamless process.

Ms WHITE - Is that funded Attorney-General?

Mr BARNETT - Good question.

Ms BOURNE - Please Tim, correct me if I am wrong, but it is an existing project currently funded within the agency that is on foot.

Ms WHITE - Yes, thank you. Further Attorney-General, there has been a lot of discussion publicly about the need for public officials to have Working with Vulnerable People checks that came up through the council elections. It is not a mandatory requirement for members of parliament. Do you foreshadow that it may become a requirement?

Mr BARNETT - It depends on the circumstances. Again, it is a good question and understandable one and depends on the circumstances of the person concerned, whether it is a member of parliament, local government and the circumstances for that. Those matters have been considered and will remain under consideration depending on the circumstances.

Ms WHITE - Are you aware of any circumstances where a Tasmanian member of parliament, current or former, has made an application for Working with Children or Vulnerable Persons Card and has not been approved? Or has had one and it has been revoked?

Mr BARNETT - No, I indicate these things have to go through, obviously the Registrar of Working with Vulnerable People and not something I would be privy to in any way, shape or form as an Attorney-General, so I cannot answer that question.

Ms WHITE - I appreciate that. Is there any public reporting of that type of detail anywhere; if someone who has a public facing role like we do as elected members, is unable to get a card or has had their card suspended or revoked?

Mr BARNETT - I'll pass to Tim to discuss some of the notification arrangements under the act and how that works.

Ms WHITE - Sure.

Mr VAATSTRA - Thank you, Attorney-General. They're very clear notification arrangements under the act, which dictate who and when we're allowed to notify people about matters under the act, so they largely relate to the individuals themselves and their employer. The person or the entity who's engaged in regulated activities obviously needs to know if there's a change in their registration status and the individual themselves need to know. But outside of that, more broadly, there's very other little sharing of that type of information.

The only other way in which we might share that information relates to a situation where we would share it with another licensing or registering authority and usually in the interests of protecting vulnerable people, but outside of those instances we don't and are not allowed to share information more broadly with anyone.

Ms WHITE - It might be a question for the Premier: given that we're employed by the people of Tasmania, perhaps there should be a mechanism for publicly elected officials to have a process by which people could see whether or not they hold a card or the reason why they

might not hold a card. I am not sure if that level of detail is necessarily appropriate to share, but it strikes me that there might be a gap. Is that something you've thought about at all, Attorney-General.

Mr BARNETT - Thank you very much. I believe it's probably a matter for the Premier and it's a policy position obviously. But the whole point about the Registration to Work with Vulnerable People is to protect vulnerable people. That's the objective of it in terms of ensuring monitoring and screening of those people to ensure that there are the protections that are relevant to ensure they are best protected vulnerable people, children and young people. We're looking at expanding the scope of that at the moment, as I mentioned earlier in terms of aged care, people with disabilities, perhaps others -

CHAIR - Isn't it fair to say while following on from Rebecca's question a little, that members of parliament frequently engage in a one-to-one situation, like in electoral offices and places like that, with vulnerable people, including young people as well as people who may not be children but are vulnerable nonetheless. So, wouldn't you think that would be a consideration as part of this process?

Mr BARNETT - I think they're all considerations that should be given to the importance of these matters and obviously it's relevant to each individual person and I appreciate where you're coming from and it's a fair question.

CHAIR - That's not a consideration you need to make; it's the Premier who needs to make that consideration.

Mr BARNETT - I think it's a policy position that the Premier can shed light on in due course.

CHAIR - He'll probably say that you should but, anyway, we'll see what he says when he appears before us. You are the highest law office in the land, I'm just saying.

Mr BARNETT - That's okay, and I appreciate that. I can see where you're coming from and those matters are maintained under careful consideration.

CHAIR - Have you finished?

Ms WHITE - Yes, I don't think we're going to get much further there, Thank you.

CHAIR - Any other questions on that one? Otherwise we'll move on to what I think is 19.06. Oh, we've just done that. Have we done 19.06?

I can't find the Premier's update on 19.07.

Mr BARNETT - I can give you an update on 19.07.

CHAIR - You have talked a little about some of this in previous commentary, but is there anything else you want to add?

Mr BARNETT - Sure. It's phase 3. It's due for delivery in July 2029. We're progressing work that's aligned with the recommendation. Any reforms that can be made prior to 2029 will be made.

A core response to overcoming any real or perceived barriers to information sharing occurred as a result of the enactment of the *Child and Youth Safe Organisations Act 2023* last year. The act requires significant information sharing between regulatory and employment entities and removes many information sharing barriers for the purposes of the act, being the promotion of and monitoring of the safety and wellbeing of children. With this important reform in mind the Office of Independent Regulator, which oversees the Children and Youth Safe Organisations Framework, continues its work in the community and government education to ensure that practice and approach shift for these issues and that the culture of our institutions moves to one of openness and transparency, particularly when it comes to the safety of our children. The commission of inquiry has made several recommendations in its final report to improve information sharing and cross-agency coordination for child safety.

There are legislative barriers I can refer to. There are cultural barriers and next steps, but we certainly commit to that recommendation. Through you, Chair, I'm happy to add if you wish.

CHAIR - Anyone have any further questions on that?

Ms WHITE - Sorry, I was still writing on the last one. What was this one?

CHAIR - This was 19.7.

It's a phase 3 or stage 3; whatever we're calling it.

Ms WEBB - Presumably it's being done in conjunction with the other things being looked at around the PIP Act (*Personal Information Protection Act 2004*).

Ms BOURNE - That's correct, Ms Webb, similar to previous information provided to the committee, the department continues to work with DPAC and other agencies to make sure that the various project streams and reviews come together and that there's no duplication. I think it goes without saying that the examination of the PIP Act will be fundamental to this work, so we can formally identify those legislative barriers that exist and work through how we address those, both culturally and legislatively, and noting the TLRI's recent privacy law review is very helpful in that regard. Similarly, I think the RTI review, as previously mentioned, the outcome of the Woolcott review as well, will, I'm sure, provide very relevant information to inform the department's work on trying to address this recommendation.

Ms WEBB - Can I ask about things lining up here then, because when we go back and look at, say, recommendation 17.8, which also involves reviewing and reforming operation of the *Right to Information Act* and the PIP Act for various purposes, I won't read the whole thing out. That's a phase 2, delivered by 2026 measure. The one we've just read is a phase 3, delivered by 2029. They both involve looking at the PIP Act. This goes back to the question I asked earlier about how - are we doing this in a comprehensive way? Bringing together not just, hopefully in a comprehensive way, the recommendations from the commission that relate to, say, the PIP Act, but also those external processes and reviews as well? They're looking beyond the matters in the commission. It doesn't look like we're doing it comprehensively and

cohesively if they're looking at the same act but are due at different times. There's also uncertainty about the external processes playing out. Can you give us some more understanding about how you're making sure that there's a comprehensive, cohesive approach here?

Mr BARNETT - Thank you very much for the question. I think you've made reference to the PIP Act and the earlier TLRI privacy review that's being undertaken and now delivered. My department is providing further advice on that in terms of options for further reforms to address those measures. And, yes, it is true, 19.7 does provide a broader framework for information sharing that likely requires further reforms, including legislative reforms.

I'll see if the acting secretary can add to that.

Ms BOURNE - The phase 3 recommendation 19.7 is related, as you've highlighted, but goes beyond the RTI Act and the PIP Act. I think the department's advice to date is that there are probably more than 200 pieces of legislation that in some way restrict the sharing of information across agencies, law enforcement and the like - from vehicle registrations to adoption records. Each of those has been implemented for a potentially different policy reason. So, there's a great deal of work to unpick those with the ultimate aim of removing unnecessary barriers where it's necessary to keep children and young people safe.

On the point around making sure that we're all in alignment and there's no duplication of effort. The whole-of-government legislative program, which the Attorney-General has referenced, to look at the 54 legislative recommendations coming out of the commission meets monthly and has essentially a work plan that we're working to, but provides the opportunity for all agencies to come around the table and talk about where particular pieces of work are at but also what work might not be picked up by the legislative agenda but may impact on a particular project. That's one of the ways we're trying to make sure there is oversight of all the different pieces of work that do in some ways overlap.

Ms WEBB - Could I clarify then, because it made sense to me what you just said there about 19.7? It does say 'including the PIP Act', but you've just said that to achieve this recommendation there's a vast number of acts that would need to be looked at. Would it be fair to assume, though, that the PIP Act elements of delivering on this recommendation will be done in conjunction with the other work being done on the PIP Act, say under recommendation 17.8? The thing I'm trying to get at is that we're not tweaking a little this year and coming back and tweaking a little next year, but we're being comprehensive and cohesive about those key pieces of legislation.

Mr BARNETT - They are very relevant points and I can understand where you're coming from. Perhaps if Bruce Paterson could respond, it might assist the committee.

Mr PATERSON - Thanks, Attorney-General. Very briefly, that is a good point and is part of our plan to address the PIP-related restrictions in the phase 2 work and if we can more generally bring that phase 3 recommendation forward in time we'll do that as the government's responses, as previously said.

Ms WEBB - Thank you.

CHAIR - Okay. I think that's the end of the responsibilities the Department of Justice has the lead for in terms of recommendations.

Ms WEBB - For phase 1.

CHAIR - And phase 2 and there was some phase 3. That last one was a phase 3.

Mr BARNETT - We've got phase 2, which is 20.15, and 21.05.

CHAIR - So if you can go to those, then - this is 20.15.

Mr BARNETT - Recommendation 20.15 relates to the training for the Tasmanian Industrial Commission and that's a phase 2 recommendation. The commission recommended that the government fund the TIC to enable its members to attend training on child sexual abuse. The Department of Justice will arrange such training options for the TIC members. The commission suggested a time frame of completion: by 1 July 2026. Funding for recommendation 20.15 will be considered as part of the 2024-25 Budget process. The Department of Justice will explore appropriate training options for the TIC members to raise awareness about the nature and impact of trauma and child sex abuse, its prevalence and how to apply trauma-informed principles in judicial decision-making settings.

I'll just check if there's anything else the acting secretary would like to add that relates to 20.15.

Ms BOURNE - We're currently exploring options, as the Attorney-General has said, around appropriate training for TIC members, as has been undertaken in relation to some of our other statutory officers. I know that some training has been provided by the Honourable Robert Benjamin when he visited the state previously, but we're making sure that it's made available for TIC members as well.

Ms WEBB - You touched on it, I think, but I just want to clarify. We've got recommendations relating to training on these matters to be delivered to various judicial officers in different settings and now the Industrial Commission. Are we ensuring that that training is being delivered in an aligned, cohesive way so that it's essentially the same training they're receiving relevant to their context. I had that same question about across our departments here internally. That's a different setting to ask that question, but here across our different judicial officers and tribunal-type settings, is it cohesive training?

Ms BOURNE - It's a very good question. The benefit of the role of the agency, whilst noting the independence of the statutory officers, is to provide assistance in trying to ensure that the training is as like for like as possible, noting the differences that exist between the statutory officers. For example, there's a recommendation around professional development of judicial officers, and the Supreme Court currently has a number of professional development opportunities, often run through the National Judicial College. There are opportunities for that to be offered to other statutory officers. Similarly, there is work occurring between the office of the DPP and the Law Society to make sure that trauma-informed training provided to legal practitioners is as consistent as possible. I think we're doing pretty well in making sure that the most appropriate training is being made available to independent statutory officers to inform the decisions they make about what best suits their particular setting.

Ms WEBB - Is there a quality assurance process occurring on that training they are sourcing? Noting that you've said given their independence we're letting them source their own,

what is the quality assurance there from the state's point of view? I think you were referring back to recommendation 16.16, which is about judicial officers and it does say for the Tasmanian government to fund that training, so as a government and therefore as people we are funding it, but how are we ensuring that the quality is what it needs to be and is it consistent?

Ms BOURNE - Without being able to - nor should there be an opportunity for independent judicial officers to be explicitly directed in light of their independence - there is certainly through discussions that we have with registrars and administrators the opportunity for the department to share advice around what has already been provided and what we're aware of that may be best placed for their organisation.

Coming out of recommendation 16.16 is the ongoing consideration of a legislative provision to enable the Chief Justice to direct the professional development of training for judicial officers. That quality assurance, in one sense, is the discussion that the commission's report has enlivened amongst agencies as well as these officers about making sure they source the best training. I think we've mentioned Blue Knot today, Justice Benjamin providing continuing professional development to Tasmanian-based legal practitioners and agency staff and the work that the State Litigators Office is doing for the work in October. There is an awareness of what each entity is doing and advice provided about appropriateness or otherwise, without explicitly being able to instruct a particular office to undertake certain training.

Ms WEBB - I understand the sensitivities there; it's a hard one to tiptoe around. I might have missed this and I apologise, but back on 16.16 when we were talking about those judicial officers and training that you've just been describing, that's phase 2, but has it commenced? Can you report back on whether there is any training for judicial officers that has commenced and where that was sourced from?

Ms BOURNE - The court and its individual judicial officers already undertake training. They're certainly currently considering the appropriateness of further professional development programs in Tasmania specifically focused on the dynamics of child sexual abuse and the need to be trauma informed. I understand there is a planned conference for March 2025 that the National Judicial College of Australia is convening on managing sexual assault hearings, which is coming to Hobart to be delivered to our judiciary. I also understand that recently there have been some opportunities utilised by judges in Tasmania through a national justice forum on sexual assault, so it certainly is happening. Judges fairly regularly avail themselves of opportunities, particularly through the National Judicial College. This work really continues that discussion, particularly about how we can potentially look to other jurisdictions and their approach about how they formalise this framework.

Ms WEBB - Thank you, that makes sense. That suggestion in 16.16, which relates to potential legislation dealing with the responsibility of the Chief Justice being able to direct - whose decision is it as to whether that legislation is progressed? Noting it does sort of impinge into that independent space, how does the decision-making about progressing that work?

Mr BARNETT - Thank you. I think this is a good one for Bruce Paterson.

Mr PATERSON - Thanks, Attorney-General. Through you, the government has committed to implementing that recommendation, which involves considering making that legislative change, and that it changes actively under consideration and might proceed in the

nearish future. The change gives the Chief Justice the ability to direct training. That aspect of it preserves the independence of the court as an institution.

Ms WEBB - But there's not an impediment to legislating that the Chief Justice can do that?

Mr PATERSON - No. There are already explicit provisions in the Magistrates Court similar to this particular recommendation for the Supreme Court.

Ms WEBB - On the training of judicial officers, do we expect to see that reported on in annual reports, for example, of the courts, so that we can see what's transpired in any given year?

Mr PATERSON - The Secretary may have a better memory than I do. I think the Magistrates Court would report on training. Perhaps the Supreme Court already reports on training that it's doing at the moment.

Ms WEBB - I seem to have something in my mind that they do as well. I wondered if it's always there - if it's met an expected part of reporting processes or not. Now that we're looking at these sorts of recommendations and implementing them, I would imagine we'd all like to see them being reported on. Thank you, Chair. Thanks for that leeway.

CHAIR - That's right. You've got a couple of others you wanted to go to?

Mr BARNETT - They had 21.5. That's the Victims of Crime counselling service. This is a phase 3 recommendation. Work to action this one is commenced. The commission suggested a time frame - I've got by 1 July 2026.

Mrs PENTLAND - That's phase 2.

Mr BARNETT - That's phase 2. Thank you, very good pickup. It is 1 July 2026, definitely. I said phase 3 and 1 July 2026; that was a very good pickup by the honourable member. We're committed to supporting victims of crime. We've already expanded the Victims of Crime Service well ahead of the July 2026 deadline. The expansion of the service supports victim/survivors, in particular survivors of child sexual abuse. Additional funding was allocated to my department to manage and mitigate the impacts of the release of the commission report, and to provide crucial support to victim/survivors who were impacted by the important work of the commission of inquiry. This included the allocation of \$321,850 for the Victims Support Services counselling and support services. As a result, an additional counsellor commenced with the Victims of Crime Service in Hobart on 23 October last year. In fact, I think I met with them in Parliament House during a function, soon after their appointment, if my memory serves me correctly. Further, a part-time counsellor based in Launceston has increased their hours from two days to five days a week, which commenced on 16 October 2023.

In addition to this funding, the Victims of Crime Service received fixed-term funding from DPAC of \$160,000 per annum until 2026-27, under Tasmania's third Family and Sexual Violence action plan 2022-27. As a result of this funding, the Victims of Crime Service has been able to recruit a number of part-time fixed-term counsellors across the state. The counsellors have expertise in the provision of trauma-informed support. Ongoing funding will

assist to expand the number of counsellors in the Victims of Crime Service across the state. The funding to increase counsellors and the Victims of Crime Service has enabled work to progress the implementation of recommendation 21.5A in 2023-24, well ahead of schedule. The Victims of Crime Service is implementing a communication engagement plan that encourages and facilitates early engagement of clients and informs victim/survivors about support services delivered by the department and other service providers. It's important work and provides direct support to victim/survivors in all regions of Tasmania. I'm happy to pass to the acting secretary if you'd like, Chair, to outline the next steps with this particular counselling service.

Ms BOURNE - Through you, Attorney-General, the Victims Support Services has been actively promoting the increased capacity of the counselling service to victim/survivors of sexual abuse by further collaborating in addition to what they already do with Tasmania Police, Tasmania Legal Aid and importantly the Arch centres.

Picking up on some of the discussion the committee had earlier today, the Victims of Crime Service engages with victim/survivors at a time appropriate to their needs, given the team's experience in coordinating services for victims of crime - again, to make sure that service is providing in a consistent way. Following on again to some further comments earlier, the team is also looking at how best to monitor, given the very much welcome increase in resources and counsellors, ensuring that the growth of the service best meets the needs of victims of crime.

Ms WHITE - I suppose you just touched on it then, through you, Attorney-General, that there's a growth in the need, which is sad.

Are you able to elaborate on the number of occasions the Victims of Crime Service is utilised? It sounds like there is an upward trend.

Mr BARNETT - Thanks very much, to the acting secretary.

Ms BOURNE - Thanks, Attorney-General. The figures I have show the number of client contacts by the Victims of Crime Service. For the period 1 July 2020 to 30 June 2021, there were 1955 client contacts, including 347 new clients within that period.

Ms WHITE - Sorry to interrupt you, but is this for a variety of different crimes or a type of crime?

Ms BOURNE - All crimes.

Ms WHITE - Thank you.

Ms BOURNE - For comparative purposes for the period 1 July 2023 to 30 June 2024, there were 2848 client contacts with 408 new client contacts in that period.

Ms WHITE - Attorney-General, do you have information that helps you understand the type of crime we're talking about? There's obviously been a significant increase in the number of contacts with the service.

Do you have any way to break that data down - de-identified, of course?

PUBLIC

Mr BARNETT - Thanks for the question. I'll check with the acting secretary.

We'd be happy to get back to the committee, through the Chair, with that answer if we took it on notice.

Ms WHITE - Thank you. That's to ask for you to provide a breakdown maybe for the same time periods that were shared with the committee of the type of crime.

Mr BARNETT - I'd be happy to do that, through you, Chair.

Ms WHITE - May I also ask, because this particular recommendation talks about additional resourcing by a region, is it possible for us to have that information provided to us by region?

Mr BARNETT - We'll certainly endeavour to do whatever we can to assist the committee.

Ms WHITE - Thank you, I appreciate that.

Ms WEBB - Can I have a question on that?

CHAIR - Yes.

Ms WEBB - Thank you. With this recommendation about increasing the counselling services through Victims of Crime Service - which is a really good thing to do - I'm very supportive of that, the thing I'm very aware of though is when you promote actively and again part of this is about promoting availability of the service and if you can't then meet the demand that flows from that, then you can leave people in quite a vulnerable position because you've suggested there is a service and support available. Then if there aren't the resources there to provide it to them, they're left in limbo. Will this increase described here meet need?

Mr BARNETT - Thank you very much for the question. Before I pass to the acting secretary, I can understand where you're coming from. My understanding is that there is monitoring, review, assessment and evaluation of the framework and how it's working, but providing further and better particulars for the committee we'll see if we can assist the committee accordingly so I'll just pass to the acting secretary.

Ms BOURNE - Thank you. Certainly, the increasing counselling resources is something that the department's monitoring and evaluating the best use of those resources to make sure that we meet that need.

At this stage I'm not hearing anything in terms of being unable to meet that need, noting that the need is high, something that the department will certainly monitor, noting the broader work that's happening and being led by the Department of Premier and Cabinet and the additional funding that's been provided to a range of services, including community-based organisations to ensure that victims of crime, victims of child sexual abuse have access to those services. It's something we'll keep an eye on. It's an area that is often very high demand and with the welcomed extra resources, it's about making sure that the way that we're utilising them is getting the most out of the time that they can spend with victims of crime.

Ms WEBB - I'm going to be particularly interested to keep monitoring this because of that very dynamic that you described where, if there's a government-delivered service and there's unmet need there and then that unmet need flows out to community-based services, community sector services and they become overwhelmed and they haven't been funded additionally to an extent to meet the need, then that's where the pressure is going to be felt, not in the government-delivered service. I believe it's a potentially problematic dynamic.

CHAIR - I'll take that as a statement, unless you have a question to follow up.

Ms WEBB - Have those community sector organisations in this same space provided advice to you on whether this increase will meet demand from their perspective?

Mr BARNETT - Thanks very much for the question. As I think I indicated earlier, and I'll pass to the acting secretary to give you the detail, but we have provided funding support additional to our already existing relationship with both those organisations. We do value them greatly, Laurel House and SASS, and they do a wonderful job. I'm sure others around this table would agree with that, but we had provided further funding support. I'll ask the acting secretary to outline accordingly.

Ms BOURNE - Thank you, Attorney-General. I'm advised that since the commission of inquiry ended on 31 August 2023, the government's provided additional funding to services and community groups such as SASS and Laurel House, Relationships Australia, a range of other organisations including the Multicultural Council, Council of the Ageing, Migrant Resource Centre, Working It Out, Tasmanian Aboriginal Centre, Tasmanian Aboriginal Legal Service and 13 organisations in that category. I understand that the head of the State Service has been asked to consider ongoing support options, both in terms of services that are currently funded but, very importantly, the extension of direct supports that were provided to victim survivors who took part in the commission.

CHAIR - That's a five-year contract for some of these service providers. Will that be considered?

Mr BARNETT - I'm not sure about five-year contracts, but certainly the relationship is valued and appreciated.

CHAIR - Just on that Attorney-General, the Premier did make a statement around consideration of this at a previous briefing, not in this place, but out in the community about looking at five-year contracts.

Mr BARNETT - Yes, he has and he's made it publicly I think during the election campaign as well but the exact details, I think, it's best for the Premier to answer.

Ms BOURNE - Thanks Attorney-General, that's right, and the work that we're doing with DPAC really is to provide input into that consideration about that more consistent, longer-term approach for ensuring that victim/survivors are supported across the range of government and non-government services.

CHAIR - Anything else on that?

Ms ROSOL - No.

CHAIR - Is that the last one from your perspective?

Ms ROSOL - I'm on -

CHAIR - 21.5?

Ms ROSOL - Are we only looking at phase 1 and 2 or -

CHAIR - We have covered some of phase 3. Did you want to -

Ms ROSOL - I've got a question about a phase 3, if that's possible.

CHAIR - Yes.

Ms ROSOL - Just a question about recommendation 9.36.

Ms BOURNE - Did you say 9.36?

Ms ROSOL - 9.36 in phase 3, which is to do with introducing legislation to allow for review of decisions made by DECYP relating to custody or guardianship powers. I understand that this is a phase 3 recommendation for implementation down the track, but the distress that many people go through relating to decisions made by DECYP is very real and current. I'm wondering if any action has been taken to start to address this recommendation.

Mr BARNETT - Thank you for the question. It's phase 3 as you've correctly noted and the answer is yes, the work has started. Recommendation 9.3 provides for TASCAT to be empowered to hear appeals against certain decisions made by the Department for Education, Children and Young People - DECYP - which relate to children under the custody or guardianship of the secretary. These will usually be decisions made about children in out-of-home care. So that work has commenced.

The work to implement this recommendation crosses over with other recommendations and with legislative reform projects that are currently underway. Great care is being taken during these preliminary stages to ensure that related reform projects are aligned legislatively and that implementation occurs in a way that will result in the best outcomes for children and young people.

Given the complex reforms which our government's undertaking to enhance the safety of children and young people, I'm advised it will be important to understand how these reforms operate and interact. Related TASCAT reforms and reforms in out-of-home care must all work together harmoniously in creating a cohesive system as a key priority. In the interim, TASCAT Additional Jurisdictions Bill 2024 establishes new streams for TASCAT's jurisdictions. I've touched on it earlier. The draft bill is open for public consultation until 21 August this year. It is anticipated the bill be tabled in September. The draft bill creates an administrative stream of jurisdiction within TASCAT for various administrative appeals that currently lie in the Administrative Appeals division of the Magistrates Court. It also creates a new community, children and family stream where matters relating to children will generally be located.

Provisions have been drafted to ensure that TASCAT members hearing certain matters within this stream have relevant knowledge, expertise or experience in relation to the matter, including, but not limited to, expertise or qualifications in the prevention or identification of child sexual abuse, neglect or family violence. Similar provisions will be considered for TASCAT members hearing matters related to children under the custody or guardianship of the secretary.

A further bill will be developed to implement recommendation 9.36. The commission's recommended timeframe for implementing the recommendation will enable the current set of reforms to be completed first, putting TASCAT in a better position to manage demand and its resources. This time can also be used to ensure that the model that is settled genuinely supports children to express their views and participate in proceedings, and is fully trauma informed.

Subject to those principles, we will work to commence the bill sooner if appropriate. This recommendation is not yet fully funded, however, elements of capacity expansion are being considered as part of the 2024-25 budget. There's some information on next steps if you have an interest in that.

Ms ROSOL - I'm curious about the child advocate in the current, like, the TASCAT legislative changes at the moment. Like, 1(c) would give the child advocate power to apply for a tribunal review. Is that something that would be addressed sooner or later, with the fuller legislation?

Mr BARNETT - I'll just check with the acting secretary. I know that Bruce Paterson on my left, who has reviewed the recommendation, will be consulting with stakeholders, TASCAT, DECYP, Commissioner for Children and Young People, and child advocates to gather information on practical and operational issues. A legislative review will be performed to examine the provisions in the Queensland law that the commission of inquiry suggested this reform be modelled upon. A bill will then be drafted to implement the recommendation, but in terms of the specificity of the question I'm not sure if Bruce Paterson could add anything further.

Mr PATERSON - Thanks, Attorney-General. I think the commission was referring to the child advocate that it recommended be part of the new Commission for Children and Young People, so yes, we would be considering this as a package of recommendations, of course and by that time, the new Commission for Children and Young People would be established along with the child advocate.

CHAIR - Any other questions on that one?

Mrs PETRUSMA - Minister, I note that 54 recommendations involve some sort of legal reform. Just based on your answer there, it sounds like some may be able to be delivered quicker than phase 3 and that the timeframes might change, but it might be to the benefit of the legislative reform agenda?

Mr BARNETT - Yes, it is a good point because as you say there are 54 legislative reforms across government and obviously the Department of Justice is absolutely involved in all of that. They are putting their shoulder to the wheel to progress that. My department is implementing 36 of 191 recommendations, but 54 overall across government so we do have to

take a holistic approach looking at phase 1, 2 and 3 and if we can bring it forward we will. We have taken that view as a policy and approach to legislation and are progressing the reforms.

I have already introduced a number of bills this year, as you know, but there is a lot more to do. I will check if the acting secretary might wish to flesh that out.

Ms BOURNE - When we spoke about this rather innovative approach late last year, it was quite new in terms of a whole-of-government legislative program. So far it has worked incredibly effectively to embed a really collaborative structure across government agencies to make sure that the 54 legislative review recommendations from the commission are progressed on time. As has been alluded to, to make sure that where there are opportunities to bring forward reform or fit it within an ongoing or existing project, we are able to do that based on advice from the relevant agencies who have the lead on the policy development of that particular reform.

There are 14 recommendations in phase 1 which the Attorney-General has talked to, the phase we are in now, the second phase, there are 26 legislative projects and 14 in phase 3. We are really starting to be able to see, potentially subject to the advice we provide to the Attorney-General, what projects may be able to be looked at earlier as I have suggested. Overall the project is working incredibly well by bringing together each agency to provide advice on each project.

Ms WHITE - I had a question on different recommendation, which is recommendation 12.11, which is the age of criminal responsibility to 14 years and also working towards increasing minimum age of detention to 16 years. In particular I want to ask the Attorney-General about the age of criminal responsibility being lifted to 14 years. This would require a piece of work from your department I presume. I am wondering if you could update the committee on the timeline for that and when consultation might commence?

Mr BARNETT - Thank you very much for the question. The government is committed to all the 191 recommendations and taking them very seriously. In terms of the commitment to the minimum age of detention of 14 and undertaking work on the minimum age of criminal responsibility, which is a phase 3 recommendation through to 2029, we are progressing those and looking at how best to deliver the commission of inquiry's recommendations by that timeline. These include raising that minimum age of criminal responsibility and having programs and services for children under 14 and working towards raising the age of detention to 16. There is a crossover, obviously, with minister Jaensch with respect to the latter, which you would understand. The timeline allows us to consider the experience of other jurisdictions which have started those reforms by first raising the age to 12 with the intention to later progress to 14. This progressive implementation is certainly one possible approach and all options should be considered.

It's a very complex matter. These important issues go far beyond the change of the age in our Criminal Code. For example, removing children aged 10 to 13 from the criminal justice system and those aged 14 and 15 from detention and remand means developing and resourcing a range of alternative responses to fill that gap so that those children and the community are safe and have their needs met.

As the recommendation states, we must develop and provide a range of community-based health, welfare and disability programs and services that are tailored to meet the needs of

children under 14 engaging in antisocial behaviour and to address the factors contributing to that behaviour. We must also develop alternatives to detention for children aged 14 and 15 who are found guilty of serious violent offences and who may be in danger to themselves or the community. As I say, that's a matter for minister Jaensch and no doubt the Minister for Police, Fire and Emergency Management as well, so we'll be working on these matters across government. They are very important and getting that balance right ensuring that community safety and ensuring better outcomes for our children remain our top priority.

Ms WHITE - Thank you, Attorney-General. I am keen to understand what your timeline is for the consultation on the legislation that falls within your responsibility of raising the age, and is it your expectation that Tasmania would move to an interim age of 12, lifting it from 10, before moving to 14?

Mr BARNETT - We've got a long way to go to phase 3. That's our commitment as a government and it's a very important matter. As I say, we'll be looking at other jurisdictions in terms of their experience. Some of those are moving faster than us and other jurisdictions, so there's a lot to learn. This is a very complex matter. We need to develop community-based health, welfare and disability programs to provide support for children in that situation. It's a very complex matter and we'll be taking all those matters into account as we consider very carefully this major reform.

Ms WHITE - You've been dealing with some other stage 3 recommendations and that's why I thought it would be appropriate to ask you about it. You've also mentioned in your response to some of those that you are hoping to bring some of those forward on a faster timeline where possible. I get the sense from your answer that this is not a priority for you and there are other things you're focused on ahead of this. Is the government still committed to raising the age of criminal responsibility to 14?

Mr BARNETT - The answer is yes. We support all 191 recommendations. We support the criminal age of responsibility being increased to 14 by phase 3. It's a very complex matter. It's not simple. You cannot click your fingers and solve this problem overnight, so there's a lot of work to do. We do take it very seriously and that's why we need to consider all the terms and conditions in and around the health and welfare of our children, our young people and those with disabilities in that age group, as well as ensuring that we provide safety for our community.

Ms WHITE - Who's leading that work? I expect it will be quite complex. It doesn't sound to me like your agency is leading that work and if you're not doing that, who is?

Mr BARNETT - The Department of Justice is leading that work with respect to the minimum age of criminal responsibility. I'm happy to pass to the acting secretary.

Ms WHITE - Thank you. I'm keen to know that because there is a lot of work and it's important that we understand as a committee when that work is starting, which is why I asked when the consultation would commence on the legislation. There's other work that needs to take place too. It would be useful for the committee to understand what steps the agency's taking now regardless of the fact it's a phase 3 recommendation, because there is a lot to get through. It would be helpful if we could understand what's happening now to support the progress of this recommendation.

Mr BARNETT - I think I've outlined many of the factors in terms of the complexity of this, but I indicate we take it very seriously. I'll ask the acting secretary to outline further steps that we are taking.

Ms BOURNE - Thank you. I note that Bruce may also have some further detail to share with the committee. The department has commenced officer-level engagement and consultation within government. You would appreciate, and the Attorney-General has noted, a lot of the work that other jurisdictions have done. We have been part of a national officer-level age of criminal responsibility working group underneath the Standing Council of Attorneys-General. This is to try to ensure consistent approach and the sharing of information in relation, particularly in jurisdictions that have moved already.

The Department for Education, Children and Young People is also responsible for the work around some of the youth justice diversion services, and that framework that the Attorney-General has mentioned. As we've discussed, these are critical to make sure that when the minimum age is raised, there are appropriate supports or alternatives for children and young people. There's also the work of the Youth Justice Reform Taskforce under the leadership of the Department of Premier and Cabinet. This seeks to accelerate this work and a number of other actions under the Youth Justice Blueprint that's been released. We're working very closely with that taskforce to make sure that this particular piece of legislative reform is appropriately progressed at the same time as the other important pieces of work under the General Youth Justice Strategy.

Mr BARNETT - Thank you, through you Chair. I indicate it has been raised from time to time through SCAG, particularly in terms of the Aboriginal community across Australia -

CHAIR - SCAG, for the purpose of *Hansard*, people may not know what it is.

Mr BARNETT - It is the Standing Council of Attorneys-General.

CHAIR - Terrible name, but there you go

Mr BARNETT - It is a slightly dodgy name, isn't it? I concur with that. Bruce Paterson can probably assist the committee further with the work that we're doing as a department.

Mr PATERSON - I was going to add to what you were saying earlier that the legislative is a relatively simple one - simple in a sense, but complex in the sense of its interaction with the support services that need to be in place for youth. The Department of Justice is actively engaged with whole-of-government taskforce on youth justice, which has a number of recommendations within its remit. That taskforce is particularly interested in the service adjustments that would need to be made over time in order to implement this legislative change. One of the working groups is a diversion working group, which involves various agencies to discuss the kind of systems and supports that would need to be in place as part of planning how and when to bring in this recommendation of the commission.

Ms WEBB - I have a question that follows on from that. It's about how these things line up as steps into each other. When I look at recommendation 12.14 - which is a Department of Justice allocated one, although under the Minister for Children and Youth, but the work of the department might be relevant here to comment on - that's about maximising opportunities for children and young people to be admitted to bail. This will minimise the number of children

and young people on remand. That and the diversion one, which is 12.13, above that - you mentioned there's a diversion services framework and work being done by that working group.

We have them all as phase 3 to be delivered by 2029, and yet the closure of AYDC is a phase 2 measure. I would have thought these were all building blocks toward the ultimate model we're moving to, with the closure of Ashley. I don't understand why we would be leaving the diversionary services framework and the legislative measures to minimise bail availability, and to minimise the number of children and young people on remand. Why we wouldn't be doing those as a stepping stone towards AYDC close and the new model of youth detention, rather than leaving them until afterwards. Can you comment on the sequencing of those from a legislative point of view?

Mr BARNETT - Thank you, Chair, through you, acting secretary.

Ms BOURNE - Thanks, Attorney-General, through you. Certainly my understanding is that is one of the primary aims of the Premier's Youth Justice Task Force is to make sure that all these pieces of reform are done in a sequential manner and way to make sure that the appropriate supports are in place.

Once legislative change occurs around raising the minimum age and certainly bail for young people, and bail reform generally is a key part of that, and that's why the importance of the task force is to make sure that those separate pieces of work happen at the right time to make sure that legislation is not changed in the absence of appropriate frameworks to support that.

Ms WEBB - I was more concerned about closure of AYDC in the absence of appropriate frameworks to support that, given that that's due to occur prior to the Diversionary Services framework and prior to the bail reforms, so that's the question we can put to the Premier and to the Minister for Children and Youth, I imagine. But on recommendation 12.14, is the Department of Justice which is tagged there as responsible, is there any work underway towards that bail legislation measures to be reformed? Or is that still down the track from now?

Mr BARNETT - No, it's progressing positively with the intent to table a bail reform bill before the end of this year. That's the current plan. It is a matter that I'm responsible for, as the Minister of Justice. As the acting secretary's indicated, it is complex because there's a crossover obviously with youth justice measures. There is a multi-agency task force, there is a monthly meeting across departments but, specifically, that's the current intent to table a bill right towards the end of the year. There's still more work to do. There's a lot of work involved in getting that right, but the department's already done a lot of work in that space.

Ms WEBB - That legislation is to deliver 12.14, just for absolute clarity?

Mr BARNETT - I think it's a bit more complex than that. We're not going to solve all the problems of the world in terms of bail in the one bill. I'll pass to the acting secretary to outline the nature of that complexity and how this will progress towards meeting recommendation 12.14. There's still more work to do and there will still be more reform required.

Ms BOURNE - Thank you, Attorney-General, through you. Certainly we're in that policy development stage at the moment to provide advice to the Attorney-General around options as the Attorney-General has flagged.

It's likely, I suspect, given the nature of bail law in the state that reform could be progressed in two tranches. A lot of existing bail law in Tasmania is common law not provided for in legislation. I think there is great need for a consolidation of the common law framework into a legislative framework so that it's very clear and potentially amendments regarding youth bail could be incorporated into a new bail act. That's one of the options we're working through to provide to the Attorney-General at this stage, noting, as the Attorney-General has already commented on, considerations around particular youth justice, bail facilities and the like are part of the youth justice framework considerations and the responsibility of another agency and minister, but making sure that we are aware of where that work is at so that we can inform the Attorney-General about potential legislative changes under his purview under the *Bail Act*.

CHAIR - You have something to provide to the committee?

Mr BARNETT - Yes, I have. I want to provide to the committee an answer to a question on notice regarding the Criminal Injuries Compensation Commissioners.

In Hobart one full time commissioner, manager, also part-time commissioner, one sessional commissioner - in Hobart the current active total is three out of five. One commissioner recently tendered her resignation on 5 August due to her judicial appointment to the Federal Court. Another's appointment has expired.

In Launceston: one sessional commissioner. Burnie: two sessional commissioners. An expression of interest in June 2024, the government called for an expression of interest for appointment to the sessional commissioner role in June 2024. Recruitment is underway. In summary, the number of current active commissioners is three in Hobart, one in Launceston, and two in Burnie.

Ms WEBB - In relation to recommendation 12.15. That is not allocated to the Department of Justice, but I believe there's legislative implications I wanted to check. It relates to the review of the *Youth Justice Act*.

The Tasmanian Legal Aid has made advocacy statements about the need for a specialist children's court in Tasmania. From your perspective and the perspective of the Department of Justice, when we do review the *Youth Justice Act* as per the recommendations, whether there's going to be consideration of arrangements in terms of a children's court.

Mr BARNETT - The first thing to say is it's primarily in Mr Jaensch's area. My understanding is it is a phase 3 recommendation. I'll pass to the acting secretary to speak to that matter, I know it's an important matter.

Ms BOURNE - The recommendation to establish a new division of the Magistrates Court to hear and determine child protection matters and criminal charges against children and young people being constituted by at least three dedicated full-time magistrates is something we have had very initial discussions with the court about. Certainly, it's part of our task force work on making sure we progress that recommendation ahead of time in terms of the thinking behind it.

Given the nature of it, it will have a large impact in terms of changing the way the court currently operates. Noting there already is a stand-alone youth justice division of the Magistrates Court, that ordinarily is overseen by the same magistrates, including the chief magistrate. Certainly, albeit being a 2029 recommendation, we're progressing discussions to commence that planning to inform options to government about how to give effect to it.

CHAIR - Right, with no pressing questions, before I thank you for your appearance and wrap up, I want to make a statement unrelated to your appearance.

Closing this hearing, I wish to refer to a series of questions raised during the hearing when Mr Ellis was before the committee where the identity of a victim/survivor was identified. On behalf of the committee I apologise for this occurrence. I reiterate that all witnesses to the commission of inquiry must be protected and a trauma informed and respectful approach taken. I'm sure we all agree.

The committee will seek to avoid any direct reference to any person who has engaged with the commission of inquiry on any other process to avoid that, and also note and thank all victim/survivors for their courage and commitment to ensure their experiences are heard, believed and appropriately responded to.

I'd like to remind anyone listening who may feel that some of the content today has been distressing in any way to reach out to the support services available in the state. As I mentioned earlier, the Statewide Assault Support Line on 1800 697 877 or 1800 My Support. Lifeline 24-hour crisis support, 13 11 14. Tasmania Lifeline from 8.00 a.m. to 8.00 p.m., 1800 98 44 34. 13 Yarn, which is the 24-hour crisis support for Aboriginal Torres Strait Islander people on 13 92 76 and Relationships Australia Tasmania open from Monday to Friday 9.00 a.m. to 5.00 p.m. on 1300 364 277.

Having said that, Attorney-General, I thank you and your team for appearing before the committee. There are a few questions we'll send to you in follow up, but we appreciate the time and effort you put into appearing before the committee today. Thank you.

Mr BARNETT - Thank you, Chair, and the committee. Thank you to the members at the table who provided support to me today. It's appreciated.

THE WITNESSES WITHDREW.

The Committee adjourned at 4.15 p.m.