

DRAFT SECOND READING SPEECH

HON GUY BARNETT MP

State Litigator (Consequential Amendments) Bill 2024

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

This Bill makes minor consequential amendments to several Acts to support the establishment of the Office of the State Litigator, which commenced operations in late 2023.

The Bill serves to reintroduce the same amendments that were passed by the previous House of Assembly in 2023 but lapsed due to the calling of the election.

Our Government established the Office of the State Litigator as a separate office within Crown Law, with the sole responsibility for the management of civil litigation for the State of Tasmania. The purpose of this important initiative was to contemporise the management of civil litigation and ensure an understanding of the impact of trauma and harm is embedded in all areas of the State's legal system.

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

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

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

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

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

Clauses 7, 8 and 9 of the Bill amend the *Crown Proceedings Act 1993*. Clauses 7 and 8 substitute existing references to the Solicitor-General with references to the State Litigator, reflecting the State Litigator's assumption of certain functions that have previously been associated with the Solicitor-General.

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

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

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

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

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

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

Finally, clause 19 of the Bill amends section 194G of the *Supreme Court Civil Procedure Act 1932* to add the State Litigator as a person who may make an application for the Supreme Court to declare a person to be a vexatious litigant.

Madam Speaker, I am pleased to progress these amendments to support the Office of the State Litigator in the essential work that it undertakes on behalf of the Crown.

I commend the Bill to the House.