
Question on Notice

Joint Sessional Committee

Commission of Inquiry Recommendations Scrutiny Committee

Question 1:

1. Can the Premier confirm:

- a) Whether any section 33 notices were issued to any state employee and appointees during the life of the Commission of Inquiry, inclusive of all ministerial offices, and Offices of Statutory Officers; and
- b) Recognising that potentially notices were issued to individuals rather than the workplace, can the government confirm it has checked with State Lawyers whether any state employee and/or appointee they may have represented during the life of the Commission of Inquiry are aware of any section 33 notices issued?
- c) If a s33 notice had been issued to a state employee, would it be a potential breach of the state service Code of Conduct? Would it trigger an ED5 investigation?

Answer:

- a) A letter was sent from the Commission of Inquiry to the State regarding a matter relating to Section 33 of the COI Act. To be clear, this was not in the form of a Section 34A Notice - it was general correspondence in relation to a civil litigation matter.

This correspondence was sent on 7 September 2022 from the General Counsel for the Commission of Inquiry to the Solicitor for the State in the Commission of Inquiry. It raised concerns received by the Commission in relation to the management of a civil litigation matter. On 9 September 2022, the Solicitor-General replied to those concerns in a letter to the Commission's General Counsel. It is the Government's view that the Commission was satisfied with this response, and no further questions were posed by the Commission with respect to the matter.

Given this is a civil litigation matter, it would not be appropriate to make further comment that could identify any persons involved.

It should also be noted that section 33 of the COI Act is not a provision that empowers a Commission of Inquiry to refer certain information to the State in notice form, rather, it is a provision that lists several offences relating to reprisals

against witnesses and employees who may provide, or have provided, evidence to a Commission.

The Commission's primary mechanism to refer matters of concern is through section 34A of the COI Act. If a Commission suspects a breach of section 33, it could issue a Section 34A notice. Section 33 itself does not serve as a mechanism for issuing such notices. As described above, the State did not receive a section 34A notice about the particular civil litigation matter.

Tasmania Police has confirmed they received no specific notices nor laid any charges for an alleged offence under section 33 of the COI Act.

- b) As above, the State has checked and has been able to confirm that a letter was sent from the Commission to the Solicitor for the State relating to section 33 and a civil litigation matter, which was then responded to by the Solicitor-General. It is the Government's view that the Commission was satisfied with this response, and no further questions were posed by the Commission with respect to the matter.
- c) If a Tasmanian Government Agency was made aware of a potential breach of section 33 by one of its employees, then a Head of Agency would assess this information for any required employment action including commencing an ED5 process and investigation.

Question 2:

Please provide a timeline for the delivery of recommendations made in the Watt review.

Answer:

The final report of the Tasmanian State Service Review (TSSR), undertaken by Dr Ian Watt, was publicly released in September 2021. The Government supported or supported in-principle all 77 recommendations.

The TSSR report recommended implementation of the recommendations over a period of five years, in three stages:

- Stage 1: June 2022 - June 2023
- Stage 2: December 2023 - December 2024
- Stage 3: June 2025 - June 2026

Since the report was released, a range of factors have impacted the Tasmanian State Service in progressing the recommendations including the continued response to the impact of COVID-19 and the release of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* (Col), to which the Government has committed to prioritising all 191 recommendations arising from the report.

The Government remains committed to the recommendations from the TSSR and has completed 15 to-date.

The Department of Premier and Cabinet has been tasked with reviewing timelines relating to the TSSR, considering the alignment with Col recommendations and providing a briefing to Government.

Question 3:

On page 10 of the 'Routine Disclosure relating to the Commission of Inquiry matters' – how many of the 32 State Servants suspended have had their WWVP registration suspended?

Answer:

The Registrar, Registration to Work with Vulnerable People (RWVP) is a statutory officer established under the *RWVP Act 2013*.

The Registrar, RWVP continues to progress risk assessments and associated actions in respect to matters raised by the Col, as well as those since the Col, referred directly from agencies as a result of current allegations of child sexual abuse.

Under section 34A of *Commissions of Inquiry Act 1995*, a Commission may refer information that may be relevant to the safety and protection of children to the appropriate authorities. The Registration to Work with Vulnerable People Unit received 71 section 34A notices.

Of the 32 State Servants currently suspended on full pay as at 16 August 2024 due to allegations of child sexual abuse, 4 have had their RWVP suspended or cancelled as a result of risk assessments completed by the Registrar.

Question 4:

How many of the 32 State Servants suspended require a WWVP registration card for their employment?

Answer:

Of the 32 State Servants currently suspended on full pay as at 16 August 2024 due to allegations of child sexual abuse, 27 of these individuals required a Registration to Work with Vulnerable People as per their Statement of Duties.

The Registrar, Registration to Work with Vulnerable People is a statutory officer established under the *RWVP Act 2013*.

Question 5:

Can the Premier provide information to the committee about any advice he has received relating to the requirement for all elected officials (local and state) to hold a WWVP card.

Answer:

General advice regarding a requirement for all elected officials (local and state) to hold a Registration to Work with Vulnerable People (RWVP) has been provided to government, however, regarding the responsibility of councils to ensure that all employees and elected officials retain a RWVP if engaged in regulated activities.

RWVP has been designed to regulate people who intend to work or volunteer in activities which are higher risk, in terms of presenting opportunities for extended, unsupervised contact with vulnerable people, especially children. The regulated activities under the *RWVP Act 2013* reflect this, including childcare, schools and child transport services.

The system is not designed to be used as a general criminal record and good character check.

A person's RWVP can be suspended even where allegations made against them have not been proved – if there is sufficient evidence of risk in the context of the person being engaged in regulated activities. This is appropriate for higher-risk contact with children in regulated environments such as childcare.

Decisions to suspend or cancel RWVP are made by the Registrar, who is an officer of the Department of Justice appointed by the Secretary. The Registrar is subject to the direction of the Minister for Justice.

Constitutional protection of the independence of Members of Parliament is very important to the democratic process. Currently, it is only where a court determines that a person is guilty of a crime with a potential sentence of more than one year's imprisonment, that the person's seat in Parliament is vacated.

Applying the lower risk thresholds that are rightly applied in RWVP to Members of Parliament may raise issues of constitutional validity.

It is also important that resources that have been carefully crafted to increase the safety of children and young people are not diverted to environments that do not justify this high level of scrutiny and regulation.

Requiring a RWVP as a mandatory condition of holding an elected position in local or state government is a significant step and would need careful consideration in terms of the Tasmanian Constitution (as relevant to State Parliamentarians) and for the appropriate role of the regulator.

Question 6:

Please provide a visual map of the organisational structure within DPAC to deliver the implementation of COI recommendations (including all advisory groups, expert panels, working groups, taskforces etc).

Answer:

Refer Attachment 1.

Further information requested by the Committee:

As agreed during the hearing, the Committee would also appreciate a written update on the progress of the remaining recommendations (from Recommendation 19.1 to 22.1).

Following please find a written update on the progress of the remaining recommendations at Attachment 2.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeremy Rockliff', written in a cursive style.

Jeremy Rockliff MP
Premier

Commission of Inquiry Implementation – Department of Premier and Cabinet organisational structure

