



PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

COMMISSION OF INQUIRY SCRUTINY COMMITTEE

TRANSCRIPT OF PROCEEDINGS

with

**THE HONOURABLE GUY BARNETT MP
ATTORNEY-GENERAL**

Wednesday 6 December 2023

MEMBERS

Mr Wood MP (Chair);
Ms Johnston MP (Deputy Chair);
Ms Haddad MP;
Ms Dow MP; and
Dr Woodruff MP

WITNESSES IN ATTENDANCE

Hon Guy Barnett MP, Attorney-General, Minister for Justice, Minister for Health, Minister for Veterans' Affairs

Ms Ginna Webster Secretary, Department of Justice

Mr Ross Smith Deputy Secretary Regulation and Service Delivery,
Department of Justice

Ms Kristy Bourne Deputy Secretary Justice and Reform, Department of
Justice

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THE COMMISSION OF INQUIRY SCRUTINY COMMITTEE MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART, ON WEDNESDAY, 6 DECEMBER 2023

The Committee resumed at 2.45 p.m.

CHAIR - The time now being 2.45 p.m. the scrutiny of the Attorney-General will now begin. Welcome, Attorney-General and departmental staff. Attorney-General, please introduce the people at the table.

Mr BARNETT - Thank you, Chair. It is a pleasure to be here. I would like to introduce Ginna Webster on my left, the Secretary; Ross Smith, Deputy Secretary, Regulation and Service Delivery; and Kristy Bourne on my right, Deputy Secretary, Justice and reform legislation program.

CHAIR - The time scheduled for the scrutiny is one hour and 30 minutes.

Attorney-General, would you like to make a brief opening statement?

Mr BARNETT - Thanks very much, Chair. Today, like yesterday, I want to acknowledge the incredibly brave victims/survivors of child sexual abuse for courageously speaking out on behalf of themselves and others to ensure that Tasmanian children and young people's voices were finally heard. I reiterate the strong and clear commitment of our Government to make significant reform and change will occur, ensuring future generations of Tasmanian children and young people are protected and kept safe from sexual abuse and harm in our institutions.

I spoke yesterday about my personal commitment to taking all necessary measures to ensure that our children and young people thrive in a safe environment. I repeat that commitment today.

As Attorney-General, first law officer and Minister for Justice, I am committed to doing my part to transform government institutions, systems and culture. My own Department of Justice will lead this significant body of work to develop and implement 54 legislative reforms, a huge undertaking, and I look forward to bringing these important law reforms to parliament.

This extensive legislative agenda will further strengthen access to justice, improve protection, streamline processes and improve reporting mechanisms across government agencies to ensure the upmost safety for children and young people. We have already started work on these reforms and I appreciate that there is still a lot of work to do.

My department has already developed new crimes related to child sexual abuse, including failing to protect a child or young person and sexual abuse of a child or young person by a person in authority. We have removed all limitation periods for child sexual offences, including for the summary offence of assault with indecent intent, provided greater support for victims engaging in the justice system through our witness intermediary services and removed limitation periods for victims of crime applications.

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We have helped established the Arch centres in the north and south and are now developing one for the north-west coast. We have supported the rollout of trauma-informed training across the State Service.

Critically, the state's child and youth safe organisations framework and reportable conduct scheme will commence on 1 January 2024 and this follows the successful passage of the legislation through parliament made this year. These reforms have progressed ahead of the commission's report and I'm proud that Tasmania is the third jurisdiction to have both ahead of most other states and territories.

I will soon be announcing the appointment of the independent regulator and under the Child and Youth Safe Organisations Act 2023. We're very pleased we've been able to attract a very high-quality candidate with significant experience working in senior roles in organisations, committed to keeping children safe interstate. The candidate has strong experience in regulatory, investigatory and legal services and will be well placed to lead the important work of the office of the independent regulator, particularly the implementation of the reportable conduct scheme. I look forward to sharing more details about this appointment soon and note they will be ready to start in early January.

In conclusion, we all share the responsibility to deliver the changes necessary to safeguard our children and young people, for now and for generations to come and we approach this task with commitment and compassion. Thank you, Chair.

Ms HADDAD - Thanks, Attorney-General. Many of your colleagues who have been at the table over the last few days have referred questions here to your committee on when the Government became aware of the list of people the commission of inquiry have mentioned in their report as not being able to proceed with in one way or another. Mr Jaensch gave a long explanation about the difference between section 34 notices and what section 18 notices mean. We don't need you to go through that detail.

What I need to know from you, Attorney-General, is, are you aware of the list of 22 names and have you sought a copy of that list for yourself?

Mr BARNETT - Thank you very much for the question. I would like to provide a very comprehensive response to that. Following the Premier's statement on 1 November 2023, my office received a copy of an email between the solicitor for the state and the commission of inquiry in relation to misconduct notices.

Today, I would like to table that email, dated 26 April 2023, entitled Urgent: Department of Health misconduct notices. To be clear, I have tabled a copy of the email as I've received from my department, that is, with the names of the individuals redacted. The only additional redactions to this tabled version, as members can see, relate to the contact details of the addressees.

I advised the Premier of the correspondence the day I received it and the Premier subsequently clarified his statement to the parliament on 2 November 2023. As the Premier said on that date, the commission wrote to the state's lawyers in April, advising of current and former state servants whom the commission had intended or was considering issuing misconduct notices. Again, as the Premier said in the email I am about to table, it clearly outlines the purpose of this information exchange was to ensure wellbeing supports were in

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place for state servants. I want to be clear I'm advised by my department the commission of inquiry did not provide the state with a subsequent list confirming who, in fact, was provided with a misconduct notice.

My secretary, with the indulgence of the committee as appropriate, will go through the actions she took on receipt of this email in April, this year, in detail as soon as possible. Before she does, I want to state I'm being briefed by the secretary of Justice and my secretary of Health in detail in relation to their actions and in relation to this list. I have confidence they have taken all appropriate steps in relation to this information. As is usual, I do not involve myself in individual employment matters and it is not necessary for me to know the identities of those people mentioned in the email. Chair, I table the emails.

Ms HADDAD - That's very interesting, Attorney-General, because as you said, the Premier clarified his statement on 2 November, saying the commission of inquiry had provided that information to state lawyers so wellbeing supports could be put in place for staff. That's a responsibility, presumably, of the head of the State Service as the PCBU.

However, the head of the State Service yesterday said you didn't have information on the list, that you didn't have a copy of the list, that you didn't have information on those staff. How were staff to know they could seek wellbeing supports if the agencies themselves weren't aware of the staff that may have needed to be provided those wellbeing supports, because they've been identified in the report?

Mr BARNETT - I'm happy to pass to the secretary who can assist the committee in answering that question.

Ms WEBSTER - Can I acknowledge the victims/survivors that may be watching here today and acknowledge their courage in coming forward to the commission of inquiry. I just wanted to say that as it's the first time I've been able to acknowledge that.

If the committee is able, I would really like to provide a full explanation on this because it's really important, as the Attorney-General said, to go through some of the actions the Department of Justice took in relation to this matter.

In the final report, the commission say there were 30 section 18 notices issued to 22 individuals. The commission doesn't say if all the 22 individuals are current State Service servants. As has been stated, the commission did not provide to the state a final list of state servants who received section 18 notices, or state servants who were corresponded to about a potential section 18 notice, or state servants who responded to a section 18 notice and subsequently were advised the notice was withdrawn.

What they did provide, as the Attorney-General has just said and he has just tabled, was an email with the names of state servants who have received or who may receive correspondence about a section 18 notice. This was to allow relevant heads of agencies to provide the appropriate support to the individual, as part of their work health and safety responsibilities.

I would like to provide a little more detail about this correspondence because it goes to some of the questions to the Premier and the other ministers over the last two days.

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An email from the commission was sent to the state's lawyer at approximately 6.30 p.m. on 26 April. That correspondence contained a list of 17 individuals who the commission say they had written to in relation to a section 18 notice, and a further five individuals who the commission said they may write to in relation to a section 18 notice. Obviously, 17 and five is 22. None of these 22 individuals were alleged to have abused children. I want to be very clear about that.

Initially, we thought the individuals in the email correspondence related to the 22 individuals in the commission's final report. However, we were subsequently advised by individuals that at least two of these individuals on the list of five that the commission said they may write to did not actually receive a section 18 notice. However, despite this discrepancy I do believe this is what the commission is referring to in relation to the 22 individuals. It's just too much of a coincidence for it not to be the case.

I would like to provide through the Attorney-General a bit more detail about those 22 individuals. At least two of the 22 we understand did not receive a section 18 notice, so that's 20. Three of the 22 we know received a misconduct or other finding in the report, that's 17. A further two of the 22, were not current state servants at the time of the correspondence on 26 April, two of the 22. We are now down to 15. I note one of those three individuals who was the subject of the finding was also not a state servant at the time of the correspondence. One of the three who received the findings -

Dr Woodruff - There's two of 20 who didn't receive a section 18 and three who received a misconduct, now there's 20.

Ms WEBSTER - Correct, that got a finding in the commission's final report, one misconduct findings and two other findings. A further two were not current Tasmania state servants and that includes one of the three who got a finding.

Dr Woodruff - Okay.

Ms WEBSTER - Sorry, I know it's confusing. Since the receipt of the email from the commission, a further eight individuals have left the State Service. So, of the 15, eight have left. That leaves seven. As advised by the head of the State Service yesterday, all those employees have been reviewed by the relevant head of agency. Whilst it is a matter for the Premier, the head of the State Service and other heads of agency, I understand of the seven remaining individuals, six are not in the workplace and the remaining individual does not have a child facing role and is not in the response of implementation of the commission's recommendations.

I would like to reiterate none of those individuals are alleged to have harmed children. I would also like to be very clear the state's lawyer advised the relevant heads of agency about their employees the following day, 27 April, noting we got the email at 6.30 p.m. Heads of agency only received advice about their employees. The state's lawyer - at my request - also sent advice about all the employees from all the agencies to the head of the State Service the following day on the 27 April. I want to state again that none of those individuals have alleged to have abused any children.

I've got some further contacts about section 18 but I know that might come up later.

Ms HADDAD - Thank you for that very through information. I find it quite remarkable that at this table yesterday - she is not here to defend herself - the head of the State Service said she did not have knowledge of the list and she didn't have a copy. It's quite clear that it was provided on 27 April 2022 by the state lawyer. So that is something deeply concerning. I don't expect a response from you, Attorney-General, it's not your agency, but that's very concerning for the Tasmanian public.

Ms WEBSTER - To clarify, I think it was 27 April 2023. Also, my understanding is that the head of the State Service did actually say that she was aware of the wellbeing list; she did receive a copy of that wellbeing list. That was my understanding.

Ms HADDAD - I might have to look at the *Hansard*. Are you able to give a breakdown of the number of those people on that list by agency, or is that not something that can be provided to the committee?

Ms WEBSTER - To be clear, there were no Department of Justice employees on that list, so I think it is a matter for the head of the State Service and the individual agencies to provide that information. The Department of Justice was simply providing that conduit. I don't really feel comfortable providing that on behalf of another head of agency or head of the State Service.

Ms HADDAD - Fair enough. This might go to the other information you have about section 18. When was the Government first informed by the commission about the challenges that they faced with section 18 and section 19 of the act? Was any action taken at that time if indeed the commission did raise those concerns with Government while they were doing their work?

Mr BARNETT - Thank you for the question. Just note, I am still a newish Attorney-General; I think it's been two-and-a-bit months. I'm obviously not the former attorney-general, however Ginna might be able to assist the committee.

Ms WEBSTER - Again, I apologise if these answers are long. When did we first become aware of the issues? State government agencies through the department first became aware that commission staff had concerns regarding the procedural fairness-related requirements of the Commissions of Inquiry Act on 22 February 2023 when the commission provided a draft chapter on establishing the scope and conduct. It is noted that the receipt of this draft chapter coincided with the draft of other chapters and information from the commission.

The commissioners met with the Premier on 27 February to discuss the need for an extension of time. In that meeting, the commissioners advised that they needed additional time to support the process for review of draft chapters for accuracy and legal issues by relevant state agencies and to allow the commission to meet its obligations under the act regarding procedural fairness.

On 3 March 2023, the state responded to that draft establishing the scope and conduct and noted that the provisions of section 18 are a codification of the rules of procedural fairness and suggested that we would like to assist the commission in whatever way we could to meet those requirements. We also referenced the amendments we made in March 2021 giving effect to the recommendation of the TLRI and further noted that the commission was provided with that bill.

So what did the state do about it? We suggested that the commission might wish to seek additional time to complete the inquiry so it could comply with the procedural fairness-related requirements and the commission sought an extension on 27 March. The Premier and former attorney-general announced the extension of time on 4 April. The former attorney-general said at the time that:

The commission had requested more time to finish its important work to give due consideration to the grave matters it is examining and to ensure it complies with its legal obligations.

On the website under the heading of 'Frequently Asked Questions' and 'Why has the Commission of Inquiry been extended?', the commission stated that 'it will also enable the commission to discharge our procedural obligations under the Commissions of Inquiry Act'.

Throughout the period of March and April, the state was regularly liaising with the commission, which included discussions regarding a number of options for complying with the procedural fairness requirements of the act. On 7 June, the commission advised the state that additional hearings were going to be held to ensure that its procedural fairness obligations were met. On 14 June the state's lawyers met with the commission's lawyers to discuss those matters, including when the commission proposed to hold additional hearings. Senior counsel assisting the commission advised that the hearings were proposed for 29 and 30 June 2023 and with further dates available from 24 to 27 July 2023. The purpose of the hearings, we understand, was to address procedural fairness-related matters related to the Department of Health, but it was also understood the commission was considering if additional evidence may need to be heard in relation to Ashley.

On 20 June, the commission's lawyers advised that it would not be holding hearings on 29 or 30 June but was still contemplating hearings from 24 to 27 July. On 11 July, the commission's lawyers advised the state that additional hearings would be held on 20 and 21 July but no further detail was provided. On 13 July, the commission advised that it would likely not be holding hearings on 20 and 21 July. On 1 August, the commission sent the state the draft executive summary which included the information about the procedural fairness issue.

Dr WOODRUFF - There's a lot of legislative reforms that are slated for completion before 1 July next year, many of them in the Department of Justice. Are there additional resources being allocated to DoJ, and in particular to OPC, to achieve those deadlines? Can you outline some details on that for the committee, please?

Mr BARNETT - Yes, I can, and thank you very much for the question. The first thing to say is it is a priority of our Government to implement the 191 recommendations. As you know we have 54 legislative initiatives that we are now progressing. It's a very huge, significant body of work over many years of course, including next year with the independent monitor legislation, and the Commission for Children and Young People establishment legislation in the first quarter also and to have that up and progressing, all being well, by 1 July. We are very much shoulder to the wheel.

In terms of the budget, I will pass to the secretary to respond to that question.

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Ms WEBSTER - There are 13 legislative reforms before 1 July 2024, as I understand it, and Ms Bourne is leading that program of work. There has been \$1 million allocated to the Department of Justice for that process. We've already had discussions with OPC regarding additional resourcing required because we recognise there will need to be resource for OPC as well as for the department. We're taking a somewhat different approach in terms of the department because we actually have the lion's share of most legislation that goes through the parliament. We will do the work in briefing OPC, developing the minutes and drafting instructions based on advice from the particular agencies.

Of course, if it's Department of Justice there will be no issues there, but if it's for, say, Education, Children and Young People or Health, we will get policy work undertaken by that agency and that will be provided through to Ms Bourne's area. We have a dedicated team that will be working on just commission of inquiry legislative reform and we have recruitment under way for that now.

Dr WOODRUFF - Thank you. There's a lot of legislation to balance and obviously much of this legislation is critically important to numbers of stakeholders in Tasmania because it is about setting us up to have a child-safe future. I know that there will be a lot of people who want to engage in this process. If you think you're busy, imagine someone in an NGO or just a person in the community who is following this very closely. Most of them don't get paid to do this work. When will you be providing the consultation time line and the processes for engagement? I would suggest what they're looking for is that there will be XYZ pieces of legislation and on this day we'll open it up. People need to manage themselves. They can't be snowed by trying to follow this on a website. It's too important. Are you planning on doing that work?

Mr BARNETT - That's a really good question. Community engagement, feedback and consultation is really important to the Government and certainly the department will be doing that. I just wanted to indicate that we've already been doing that, particularly in a range of legislative initiatives. In recent times, the state's child and youth safe organisation framework, which is going to commence on 1 January 2024, has already passed and is being implemented, and the reportable conduct scheme likewise.

I will pass to the deputy secretary to answer that question with regard to that engagement and how that works, but we are looking forward to that.

Ms BOURNE - It is a relevant point given the volume of work. A steering committee is overseeing the legislative reform process particularly related to commission of inquiry recommendations, and it met for the first time last week. It includes membership of all impacted agencies including the Department of Justice, Department of Premier and Cabinet, DECYP (Department for Education, Children and Young People) and the Department of Health.

Dr WOODRUFF - So it is all government departments. It is not a community sector?

Ms BOURNE - No, that is right. This is the agency-led steering committee to make sure that there is oversight of this large legislative program. As the Attorney-General and the secretary have said, this is significant reform to the way that we ordinarily progress legislation with the Department of Justice taking the lead for the drafting instructions and taking the bill through the parliamentary process. The consultation process is key to all of that.

Work started on the schedule so we are clear about what needs to happen in the first half of 2024. That steering committee has started looking at the best way to engage existing lived experience consultation networks, noting the volume of reform and not wanting to overload or duplicate effort in going out to relevant stakeholders, particularly victims/survivors, to have input into those legislative processes. Work is well under way to establish the schedule so we can try to manage that as best as possible.

Dr WOODRUFF - One of the points I would make is that people with lived experience are very important. However, they are not necessarily experts in legislation. It is their advocates such as the Women's Legal Service, Community Legal Centres, the sexual violence sector services, Laurel House, SASS, all of those bodies, are the ones that need to have this in advance. They need a time line so they know when they have to dedicate staff and I imagine they would also like to be part of a formal advisory committee. There are 13 pieces of legislation. The expectation from the sector is to have as much engaged conversation in your development of this legislation up-front to make it faster and to help the process. Will you consider convening a sector-wide body?

Mr BARNETT - Thank you for the question and the sensible approach that is underlying your question of engagement, consultation and getting that feedback. Today, I met with Women's Tasmania and the Legal Aid Commission on different matters -

Dr WOODRUFF - Do you mean the Women's Legal Service?

Mr BARNETT - Women's Legal Service. Yes,

Dr WOODRUFF - You said Women's Tasmania.

Mr BARNETT - My apologies for that. Yes, the Women's Legal Service, and the Legal Aid Commission on related matters. We are planning regular meetings. As a heads up, I am looking forward to that and engaging with them and with many others, not only in the legal space but in the justice space. It is an important point. The deputy secretary would like to add to that.

Ms BOURNE - It is something that we really need to continue to think through. You raise a good point regarding making sure that the way we disseminate information about proposed reform is done in a way that it reaches the most people and enlivens the most feedback. We talked about using three existing consultation networks: Children and Young People's Consultation Network; the Tasmanian Aboriginal Consultation Network and the Lived Experience Network

We are still discussing the best way to enliven that work so as to make sure that there is no duplication of effort. The point about round making sure we make the best use of advocates is one that we will certainly explore further.

Dr WOODRUFF - Thank you. Finally, in your response, you did not have consultation proposed for the amendments to the Evidence (Children and Special Witnesses) Act and the Civil Liabilities Act in relation to limitations on apologies. I assume that you didn't write it in there that you were going to do public consultation. I assume that you will be doing all of those ones?

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Mr BARNETT - That's on our list of action and certainly -

Dr WOODRUFF - It's action but not public consultation.

Mr BARNETT - Oh, there will be. I can assure you there will be public consultation with respect to each of those legislative initiatives, be assured. Do you want to add to that?

Ms BOURNE - No, thank you, Attorney-General, that's right.

Ms HADDAD - Just back to the list, I was trying to keep up with the numbers that the secretary was going through. I am not sure if I did but I have a couple more questions on that. One, was it necessary for that list and was that list shared with any statutory officers and their officers? I think what I heard from the list of numbers is that there is one person who is still employed in the State Service only?

Ms WEBSTER - No.

Ms HADDAD - Okay, I did misunderstand. I suppose then there is a general question about how many of those people are still employed in the State Service?

Ms BOURNE - There was one, not front facing.

Mr BARNETT - You've got a couple of questions there, happy to go for every single question. Maybe we will just deal with those first two.

Ms WEBSTER - I'm sorry, Ms Haddad, what was the first question?

Ms HADDAD - Whether the list was shared with any statutory officers.

Ms WEBSTER - No, it was shared with relevant heads of agency and the head of the State Service.

Ms HADDAD - It didn't need to be shared with statutory officers?

Ms WEBSTER - Correct.

Ms HADDAD - Okay. Then how many staff are still employed in the State Service?

Ms WEBSTER - So, that's right. If we take our 15, if you like, after we've got people who were not served with a notice and then the three people where there were findings and then two non-state servants at the time, eight individuals had since left the State Service and of the seven, six are currently not in the workplace for various reasons.

Ms HADDAD - Okay, so eight have left?

Ms WEBSTER - Correct.

Ms HADDAD - Are you able to share with the committee whether they left while there was an investigation on foot?

Ms WEBSTER - Those employees weren't in the Department of Justice so I am not able to -

Ms HADDAD - Okay, it's a DPAC question possibly. The reason that I am going down this pathway is that the commission did express their frustrations with not being able to make adverse findings that they may otherwise have done. I am not making particular suggestions about any of the individuals on that list but they did only make one particular finding which was Mr Renshaw. It has come to light through the parliament, through these hearings, that no-one has been terminated as far as we know as a result of what was uncovered in the commission of inquiry, or had their registration suspended potentially - health practitioners, teachers' registration boards and so on.

I wondered whether you have had advice from your state lawyers about whether section 33 of the Commissions of Inquiry Act has limited the state's ability to terminate people's employment as a result of things that have come to light in the commission?

Ms WEBSTER - Section 33 of the Commissions of Inquiry Act?

Ms HADDAD - Yes.

Ms WEBSTER - I really can't comment on that because I have not had any Department of Justice employees in that situation.

Ms HADDAD - I suppose it is not possible to comment on what the Solicitor-General's Office has been asked to advise on or otherwise in regard to terminations?

Ms WEBSTER - Can I clarify, I think I said that the list did not go to any statutory officers. I want to be clear that as the state lawyer sits under the Solicitor-General, the Solicitor-General would have been copied in on any correspondence but I think I was understanding your question.

Ms HADDAD - Thank you. There is, quite rightly, a real focus on that list and it is good to have some more clarity about it now.

I wanted to ask some questions specifically related to recommendation 12.5, which is the audit of allegations recommendation from the commission. That recommendation has been accepted and it is about looking back at all those other previous processes, the Abuse in State Care Support Service program, the National Redress Scheme, civil claims and complaints.

The commission noted that many of the allegations that came to light as a result of those other former processes were rediscovered, if you like, during their work and related to many of those previous processes that went on. I wondered whether you have commenced work on any of those audits, or whether the work has started on setting up those audits?

I notice it is in phase two of the work but it does strike me as something that is urgent. If that work was rediscovered, those allegations were rediscovered, as a result of the commission of inquiry's work, potentially there could be many people across the State Service who had allegations raised about them in those other things, the national redress and the business state care and others, who may still be employed across the State Service.

I suppose the short question is, have you started those audits and when is the time line for those expected to be done?

Mr BARNETT - Those audit records and the existing databases of complaints are there to ensure that all matters relating to certainly AYDC and out-of-home care and the like is important, but I think the detail around that is best for the secretary to respond to.

Ms WEBSTER - First of all, I will clarify a couple of things in terms of what we have done. One of the things that we did immediately upon receipt of the commission of inquiry report was an initial review of perpetrators, of course - that has already been mentioned - so making sure that anyone who was included in that report was triple-checked, as I would describe it. The Department of Justice chaired that process with the relevant investigatory and regulatory bodies and we went through and identified alleged perpetrators. That was the first step.

The second step of that process was always going to be a joint safety and accountability phase 2 of that review and part of that is the commission of inquiry's audit. I would say if you combine the recommendations of the commission of inquiry and the work that JSAT was already tasked to do, it's a much broader audit of absolutely triple-checking everything we've got.

The other part of that process is that the Department of Justice wrote to all the agencies and authorities asking if they had received a section 34A notice from the commission. As you know, the commission said that they'd referred 230. By receipt of that request we've been able to identify 225 of those referrals. I suspect some of the regulatory bodies, of course, didn't have to share that information with us, so we're going through that with a fine-tooth comb.

Many of the 34A referrals do not identify a victim/survivor, a perpetrator, or both; it's very broad information. Even when an identification is made, it's only by first name. To identify a person from government records we'd need more than - obviously, there's multiple Mr Smiths or Mr Joneses - and we don't have that additional detail to be able to easily cross-check that information. Where we have, we have passed that information on to everyone we've needed to at the time. Those people we've been unable to verify we're still working through.

Even if the commission had a difficulty in making a finding, they would not have had a difficulty in making a section 34A referral and obviously they didn't, they made 234 referrals. They made no referrals to the Integrity Commission at all. I'm sorry it's taken me a really long time to answer your question, but we have already commenced scoping that work.

Ms HADDAD - Thank you for that answer. That work is being done specifically around people where there's allegations of them being perpetrators - right?

Ms WEBSTER - It's much broader than that, so it could be -

Ms HADDAD - It could capture bystanders and people who may have been enablers or turned a blind eye to what they might've seen as going on?

Ms WEBSTER - Yes.

Ms HADDAD - Will that broad audit be continued and done by JSAT or will that be done by someone independent of government?

Ms WEBSTER - It is currently being done by JSAT because the information holdings are actually within the departments and some of that information obviously can't be shared easily. We're trying to work through all of that to make sure we can scope and assess the work we need to do under stage 2, if you like. That has already commenced and JSAT stage 2 has already started working on that and scoping that.

Ms HADDAD - It sounds like that work's substantially commenced so why is it sitting in phase 2 of the commission of inquiry implementation plan? I think those audits are urgent. I know there's been a lot of focus on the 22, but there could be state servants who have been identified through those previous processes, like the abuse in state care process, who are still there. I feel like those audits should be really an urgent matter for the Government to tackle first up but it's in phase 2. It sounds from what the secretary shared with the committee that work has already commenced to an extent. Can you bring it forward and make that a first order of business?

Mr BARNETT - I understand where the question is coming from and I think the secretary has outlined the priority that we're placing on it and the work that's been done. You might wish to add to that, Ms Webster.

Ms WEBSTER - I think that work will be completed well in advance of 2026. That was the commission of inquiry's time frame and, to be honest, they realised how broad some of those records are and we are talking about some paper records in some cases. We've already commenced the critical scoping work. The team is meeting on a weekly basis and then we need to scope out where all those records are and how we audit them, and then we'll move into the auditing phase completely. What I can say is that I expect it will be completed in advance of the commission's time frame. I don't want to give a hard deadline because of some of the practicalities of the paper audit we will need to do. We won't wait until the end and package all that up and provide it. It will be flowing through to the relevant authorities in real time.

Dr WOODRUFF - Attorney-General, recommendation 17.4 on page 76 includes specific requirements for an apology and the response that the Government has given is to extend the 'direct personal response framework used as part of redress to victims/survivors who are participating in civil litigations'. Some of the examples of inadequate apologies occurred after the redress scheme was implemented.

Let's be clear the commission of inquiry talked about inadequate apologies and they were after that redress scheme had been implemented, so we've got reservations about whether extending the existing framework is going to fully address the concerns raised by the commission. What will you do to improve the apologies that are given? Will you, for example, provide training to secretaries? Are you considering quality control processes that would be in place to identify from victims/survivors whether they felt that the apology was adequate and hear from them about suggestions how it could be remedied if that was the case?

Mr BARNETT - There were many questions in there and your last comment or observation I concur with in terms of getting feedback from victims/survivors. We want to engage, consult and get that feedback. It's fair to say that the apologies should include that opportunity to meet with the senior institutional representative, information about their time in

the institution and to provide information about what the institution is doing to prevent further sexual abuse and making it authentic and meaningful. The completion date is by 1 July next year, as you know, and we are taking it seriously. I ask the secretary to add to that and we can flesh that out.

Ms WEBSTER - Certainly we would be interested to hear where that apology process hasn't worked for victims/survivors because we want to make sure that we listen to them in terms of what has worked and what hasn't, so we'd be very happy to hear.

Dr WOODRUFF - There is a lived experience advisory panel that may be able to provide that sort of advice. I understand that they haven't been acknowledged yet by you as the new Attorney-General. They've provided some important work on a piece of legislation already and it's quite a degree of effort for victims/survivors to be engaged in that process. Reaching out to them and considering engaging with them as one place would be a good idea.

Mr BARNETT - Maybe I can jump in there and thank you for sharing that. I'm concerned to hear that. I will follow up on that. I might have to talk to you directly offline about that and if so, I am more than happy to do so, but we take it seriously and we appreciate their involvement - not only appreciate it, we need to have that involvement and engagement to make this authentic and meaningful.

Ms WEBSTER - Through you, Attorney-General, that lived experience advisory panel sits within the Department of Justice. I am aware of that and absolutely they would be the best place. We do get feedback from them. They have worked on the Child and Youth Safe Organisation's framework quite considerably. We have had a lot of feedback. I met with them about two weeks ago.

Dr WOODRUFF - I don't doubt that you have.

Ms WEBSTER - It's an excellent place to go to ask for support.

In terms of the management of apologies for civil litigants, work has already commenced with the new State Litigator to work with the team who have been responsible for delivering those direct personal responses under the National Redress Scheme around making sure that we have a framework that is right for victim/survivors in terms of that apology process. The team had a meeting last week to work through how we can make sure that everyone receives the right training and the right understanding about how that framework operates.

I think the apology, and the recommendation from the commission, is that it should come from the secretary. I am aware that secretaries and deputy secretaries have received training. It may be that on the advice of the Lived Experience Advisory Panel they need to receive more training. I have gone through three different trauma-informed practice training programs. We are very happy to take onboard any feedback around that process not working because it has to work for the person that receives the apology.

I will finally say that there has been a lot of work and I have been aware of making sure that the victim/survivor is asked about what sort of apology process is going to work for them. I have signed off on a number of things where it has been quite bespoke. It is not about what we think is going to work, it is about what they think will work for them.

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Dr WOODRUFF - Thank you. Again, on 17.4, that recommendation was not to be confined to apologies as part of redress or civil litigation. It was to be for anyone who requests an apology to receive one and to offer an apology to victims/survivors who make contact in relation to their abuse. What is going to be done, specifically, to make sure that anyone who requests an apology receives one, regardless of whether they are going through a redress or litigation process?

Ms WEBSTER - Through you, Attorney-General, I really can't speak for how other agencies are going to undertake that process. What I can say is that I know that all secretaries have apologised at the commission of inquiry hearings and have made themselves available to undertake to meet with victims/survivors whenever victims/survivors have requested.

From our perspective, we are establishing a central complaints management approach so that I am aware of anything that comes through the agency where we might need to work with victims. Through what we have learnt from the commission of inquiry and what we have learnt through other victims of crime more broadly, we accept that there is a long way for us to go in terms of how we respond as a system to victims and victims/survivors. The best way to do that is to involve them in our processes where they wish to do so. There is a long way for us to go but I think that we have started those first steps.

Mr BARNETT - Finally, on that one, you have the National Redress Scheme, civil litigation and 'other'. I think you are referring in that last question to the 'other'. I think the secretary has answered that we do take it seriously. Thank you for your question.

Ms HADDAD - Still on that same line around the audit and review of those cases that were rediscovered by the commission, from former ones you have just named - redress, abuse and state care and others. In their report the commission talked about a table that they were provided by CARCRU by the Department of Justice with 127 historic claims of child sexual abuse of named and unnamed staff. They said they were concerned that there may still be people working with children who are the subject of child sexual abuse allegations.

Importantly, what they noticed is that they recognised that those former processes, particularly the abuse and state care program was centred on being restorative for claimants, which is important. The point they were making is that the focus was on restoration and redress, rather than as a basis for action in relation to alleged wrongdoing and disciplinary action for staff; broader than perpetrators, bystanders, others who might have enabled wrongdoing. They said they don't consider it in the public interest to have a situation where the department holds potentially credible information alleging serious abuses against current staff and carers and does not act on that information. For that, they were speaking specifically about youth justice and out-of-home care, but it could be much broader across the State Service more generally.

What I'm wondering is with the initial work that's been commenced, Attorney-General, do you have an idea of how many people we might be talking about, how many staff might have been involved in those previous cases that were focused on redress for victims/survivors that may not have resulted in disciplinary action for staff?

Mr BARNETT - I don't know those numbers. I'd need to seek advice from the secretary and/or others at the table and I'll do so now.

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Ms WEBSTER - Thank you, Attorney-General. Ms Haddad, I don't have that information. I think the difficulty with that is going to be that, as you mentioned, the three abuse in care rounds of compensation, the information was, quite rightly, claimant and victim focused and that level of information that those claimants, victims provided was not particularly, and didn't need to be, particularly fulsome, in terms of the detail that we might need to crossmatch an employee, for example.

The same with the National Redress Scheme, which is run by the Commonwealth: a victim/survivor might provide a lower threshold - and I don't mean any disrespect by that whatsoever - and if we're going to match it to a John Smith in an agency, there'll need to be a lot of work to make sure that we match dates and locations. How we match that information across the years, with paper records, is the work that we're currently scoping.

Ms HADDAD - It does point to the possibility that through those previous processes, there may well have been people who didn't face disciplinary action or police action or anything of the sort as a result of the things that they raised through those processes.

Mr BARNETT - I think, in terms of where you're going, we can answer and the secretary can respond as best as possible, but I think you're touching into the DECYP area. I'm not the minister for DECYP.

Ms HADDAD - I can go to a specific question. What I raised was probably a bit too general, but I do think that they're important distinctions to make in terms of the work of those audits needing to make sure that any missing disciplinary action or any staff who have been identified, through those previous pieces of work who haven't been identified again now, that that work does get done.

But on DECYP, I asked a question of minister Jaensch earlier and he said it was a matter for you. It's specifically around information that's shared with the Working With Vulnerable People Unit. The commission of inquiry report referred to somebody who worked or works at Ashley Youth Detention Centre and they used a pseudonym of 'Stan'. What they said about Stan is that he had multiple allegations of child sexual abuse, including rape, made against him, which had been reported to police. The commission said that as of 11 August 2003, 'Stan', continues to hold registration to work with vulnerable people. Do you know whether he still holds that registration?

Mr BARNETT - Thank you for the question. Can I just indicate Ross Smith is Deputy Secretary, Regulation, and Service Deliveries covers working with vulnerable people. I'm pretty confident we can assist the honourable member.

Mr SMITH - My understanding is that the person referred to as 'Stan' is currently undergoing a risk assessment with RWVP. We're currently assessing that and seeking further information from relevant agencies. My understanding is that he is not in the workplace.

Ms HADDAD - Do you know when that risk assessment started?

Mr SMITH - I don't have that date.

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Ms HADDAD - There's another person referred to by a pseudonym which is, I think, 'Ira,' who also had a working with vulnerable people card, a current one as of that same August date. Do you know if that person is also undergoing a risk assessment?

Mr SMITH - I don't quite know who 'Ira' was, but what I can say -

Dr WOODRUFF - Ira, in the commission of inquiry report. There were two people who were still -

Mr SMITH - about the matters that were referred through the commission of inquiry is that all of them, where we can identify and match them to a current registering, have been through an additional risk assessment which would involve us seeking further information from relevant agencies.

Ms HADDAD - How long do those risk assessments usually take.

Mr SMITH - It can vary because it depends on the information we need to seek. It depends on the initial information we get and the severity of that information. As the secretary has mentioned, some of it can be quite patchy and we would seek say either through Child Safety, police or DECYP further information. It would be making sure we have exhausted every avenue in relation to information we can get from the relevant agencies and them being able to assess and weigh that up.

It is very difficult to be able to give you an indicative time frame because it depends on the information we have, the reliability of it and how long it takes us to receive the information from relevant agencies.

Ms HADDAD - What DECYP shared with the table is that when they begin an investigation, they share that information with the registrar and then again at the end to explain what that is. Does that information sharing happen in reverse? Is that information on the risk assessments, a card has been suspended or there are conditions and so on, put on it. Is that shared in reverse with the agencies and with others who might be employing that person?

Mr SMITH - Yes, we would pass on relevant information if we are able to, to the relevant authorities and the same. In the case of say somewhere like DECYP, we have set up a regular kind of catch up with that agency to be able to make sure we are keeping a track of where each other is at with regard to our different processes.

Ms WEBSTER - If I may add, the Register to Work with Vulnerable People is not an investigative body. It can only receive, as you know, information and then undertake assessments based on their legislation. That is why the importance of meeting with those authorities is crucial -

Ms HADDAD - Who might be able to do those investigations.

Ms WEBSTER - Who might be able to do those investigations? It is really only as good as the information that comes through. The other thing I would say is the reportable conduct scheme that will be implemented from January next year, will be able to be broader and be focused on children. That is why it is so important with regard to implementing that reportable conduct scheme.

Ms HADDAD - On the reportable conduct scheme, I have some questions. We have three categories here. We have regulated activity where someone needs a Working with Vulnerable People card. Then we have entities the child safe standards apply to, who will need to comply with the child safe standards. Then a narrower group of entities who have to comply with and be part of the reportable conduct scheme.

The definition of 'worker' in the Child and Youth Safe Organisations Act is very broad and basically includes anybody who is employed by anyone, or volunteers or provide services to anyone, regardless of the fact the job relates to children. Quite rightly, it captures a very broad category of person who might be working anywhere with or without children, they are going to be subject to the reportable conduct scheme.

Where are people expected to make allegations to and who is actually going to do the work of investigating when allegations are raised relevant to the reportable conduct scheme, once it is up and running?

Ms WEBSTER - That will be the role of the Independent Regulator, the Office of the Independent Regulator.

Ms HADDAD - The regulator. I have an example about a volunteer who was a volunteer with the state government, a volunteer wildlife rescuer. He attended a family home in 2022 to help with an injured bird. After the bird died, he went with three young girls and a boy and sexually assaulted the three girls. That ended up with police and he has faced court with that. He was a volunteer wildlife rescuer who presumably would not have required a Working with Vulnerable People Card for the jobs as a volunteer role that he holds, yet he still found a way to access and abuse those children.

How are these schemes going to marry up? There will be people who do and don't have Working with Vulnerable People cards. There will be organisations with workers who do have to comply with the reportable conduct scheme and then a much broader group of organisations that need to comply with the child and youth safe standards. This is serious and ends up with police. There would be other things that get raised that wouldn't meet the threshold for police involvement.

Is it the regulator who will be doing those investigations for someone who may be an employee or volunteer across any broad range of organisations who have to comply with the child safe standards?

Mr BARNETT - Things are kicking in on 1 January with the reportable conduct scheme and the Independent Regulator. This is for the secretary to flesh that out.

Ms WEBSTER - There will be regulation and compliance officers and investigation officers within the Office of the Independent Regulator. Because I don't want to give you the wrong information, it might be best for us to take that on notice and give you an opportunity, give an overview of how that might work. Certainly, the Independent Regulator would be doing that work on reportable conduct.

Ms HADDAD - I'll finish this off. Sorry, Rosalie, I have been a bit waffly.

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Is the regulator's job going to be to be actually doing that individual investigation into that particular allegation of a breach of reportable conduct scheme or a breach of the standards? Or is their job to assist organisations to do those investigations? There is also an expectation the organisations are going to be in power to be able to do investigations into their workers and volunteers. The community needs to be really clear on where these lines of responsibility lie.

Ms WEBSTER - From my understanding the relevant organisation, let's say it was me making a report of inappropriate behaviour under the child safe framework. I would be required to do that investigation, but it would be overseen by the regulator and they would monitor compliance.

Ms HADDAD - The regulator won't be doing investigations themselves into individual people? That would be their employer or the entity for whom they work or volunteer?

Ms WEBSTER - That's correct. I would have to confirm this and don't want to put the deputy secretary on the spot, but I can provide that level of detail for you. Similar to the Integrity Commission for example, where the organisation would do the investigation and the Integrity Commission would say we've done an audit and we think there are some problems with the way you did this, and we would make these recommendations.

Ms HADDAD - They have an educative role in helping organisations to do those investigations themselves.

Ms WEBSTER - Correct, so regulation compliance and education. I suppose WorkSafe is the best example I can give there, but of course WorkSafe can also do investigation.

Ms HADDAD - Investigations, but the regulator won't be doing individual investigations into person x, y, z?

Ms WEBSTER - No, that is my understanding. I will get that confidently confirmed for you.

Dr WOODRUFF - Attorney-General, recommendation 18.13 on page 85 includes introducing legislation or regulations to require Tasmanian Civil and Administrative Tribunal provides support for tribunal members who review decisions under the Registration to Work with Vulnerable People Act by providing them with the knowledge, skills, experience and aptitude they need to deal with each matter, specifically including child sexual abuse, neglect and family violence. It also requires TASCAT to have sufficient funding from your Government to make sure this happens.

The Government's response to the commission of inquiry to that part of the recommendation is that:

The DOJ will continue discussions with TASCAT to ensure tribunal members hearing such matters have the right knowledge, skills, experience and aptitude.

That is not what the commission has recommended. Why aren't you intending to legislate this as a requirement, which is what they recommended? For example, the forest practices

stream and the resource and planning stream has skills amendments for tribunal members who are legislated. Why would it be different for RWVP matters?

Mr BARNETT - Thank you very much for the question. I think it is in two parts. The first part recommends the administrative appeals from decisions made under the registration for working with vulnerable people scheme be heard by TASCAT. Of the recommendations currently being progressed through a bill being developed by my department, it's one of the 54. The bill will confer jurisdiction on TASCAT for a range of administrative appeals that currently lie in the Magistrates Court, including a review of decisions made under the Registration to Work with Vulnerable People Act 2013.

The second part of the recommendation is to ensure the tribunal members hearing these appeals have the appropriate knowledge, skills, experience and aptitude to deal with each matter. This aspect of the recommendation has not yet commenced. These changes will ensure registration decisions can be challenged in a forum that provides trauma-informed support for victims/survivors of sexual abuse. The commission's time line to complete is 1 July 2024.

The Government's implementation of the recommendation is in progress and the recommendation is partially funded. TASCAT is funded to provide supports to tribunal members. However, any further funding requirements will be considered during implementation. I should add as a concluding note that I had an excellent tour of TASCAT yesterday and that went very well; it's an excellent institution.

Dr WOODRUFF - I know that. You're slightly gliding over my question. I'm not disagreeing with the intention of what you're saying but that's not what was recommended. You could have a conversation today with TASCAT and they say they will provide education and training, et cetera. They specifically say 'legislate or regulate to require' that TASCAT provides it.

Mr BARNETT - I'll ask the deputy to add to that answer.

Ms BOURNE - Certainly the department has had initial discussions with the president of TASCAT, and as the Attorney-General has alluded to, part of the next steps that our strategic legislation and policy team will undertake is to work with relevant stakeholders, including TASCAT, about the most suitable wording for the legislative instrument to ensure that tribunal members have the necessary and appropriate skills, knowledge and aptitude.

Dr WOODRUFF - So you are going to do the legislative -

Ms BOURNE - That's certainly the intention, subject to formal approval through the Attorney-General.

Dr WOODRUFF - I want to clarify whether you're on the same page as the commission in relation to recommendation 16.17 on page 170: the recommendation after a conviction to ensure that preventive programs for adults who are at risk of abusing, or have abused children, are available beyond the custodial setting.

Your response says there's further scoping activities being done to determine the best approach to managing 'community-based sex offender treatment', but the commission's recommendation specifically calls for preventive programs for adults who are at risk of

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abusing, as well as those who have abused. It's not just about offenders. It's about people who are identified as being at risk of offending. Can you clarify what you specifically mean about scoping activities? You said further scoping activities are required to determine the best approach. To me that doesn't read as a commitment to providing what the commission has recommended.

Mr BARNETT - Thank you very much. We support the recommendation and we take it seriously. The actions to progress this have actually commenced, but I think it's best for the deputy to respond to your question, which is quite detailed.

Ms BOURNE - The recommendation implementation has commenced, so Community Corrections has received funding under the third Family and Sexual Violence Action Plan to appoint a complex and high-risk offender specialist within the team, which is fantastic. That position was filled earlier this year and provides intervention between a number of high-risk sexual offenders who aren't otherwise able to access treatment in the community and that has traditionally been a gap in service delivery.

Dr WOODRUFF - Important.

Ms BOURNE - There's certainly more work to be undertaken by the agency with regard to further preventative programs. Certainly, the filling of that position has been a very important first step to try to address conduct that may otherwise draw individuals into the justice system.

Dr WOODRUFF - Thank you, that confirms my reading of your response that you're not focusing on the moment on the implementation of the full recommendation, which is about the people who aren't high-risk offenders because they haven't offended yet. Will you be engaging not with Community Corrections, who can only deal with people who have offended, but with the sexual violence sector and other many other organisations such as TasCOSS, to get their advice on how to develop and fund programs to prevent abuse, which is the recommendation?

Ms WEBSTER - I think the answer is yes; you're absolutely right, Community Corrections can only take on those offenders that have been sentenced, of course, but their knowledge around potential risk factors and the expertise in that area can be used to advance that second part of that project.

Dr WOODRUFF - Would you see yourself as providing in your schedule of activities, which I understand all agencies are going to be providing now that the Premier committed to that yesterday, quarterly updates and a plan over the next period of time about the actions for each agency? Could we expect to see something in there about formally engaging with the community services sector and other relevant sexual violence sectors about that particular part of this recommendation?

Ms WEBSTER - Yes.

Dr WOODRUFF - Great; thank you.

Ms HADDAD - Attorney-General, one of the recommendations from the commission was changing the Treasurer's Instruction to allow for agencies across the State Service to seek

external legal advice without seeking the approval of the Office of the Solicitor-General first. Can you give us a time line on when that will happen and how you believe the Treasurer's Instruction will be amended?

Ms WEBSTER - I don't actually have the number, I'm sorry.

Ms HADDAD - Perhaps while you're looking up the index, I can put a bit more context around it. The recommendation was that the Treasurer's Instruction be amended so that agencies could seek external legal advice when the matter related to child sexual abuse. I wondered, first of all, how you anticipate the TI to be amended and, secondly, whether that would create some anomalies and inconsistencies, and perhaps it should be broader in allowing State Service agencies to get external legal advice on other matters as well.

Ms WEBSTER - Ms Haddad, the State Litigation Office, as you know, has really only just commenced with the new State Litigator, so we have had discussions about that and he has met with heads of agency to talk about that. Also, we have to work with Treasury around the Treasurer's Instructions and the guidelines that are going to be issued. The Attorney-General will obviously be issuing new guidelines in relation to that.

The State Litigation Office has been focused on the issues of trauma-informed and civil claims and making sure that we're addressing those key issues. I'm not saying this isn't a key issue, but ones that are related to the claims we have before us. In the first part of next year we will take that forward. The State Litigator has met with heads of agency as a collective and, as I understand it, has met with a couple of heads of agency separately and we have discussed that, so that is absolutely something for early next year.

Ms HADDAD - I'm anticipating that the recommendation probably came out of a matter that the former attorney-general intervened on, where there was pretty inappropriate language used by the former solicitor-general around an implication that victims/survivors could consent to sexual abuse. There is still at least some anecdotal evidence that civil claimants are still having their matters really pushed back on, and having information used such as examples of previous sexual activity that that claimant might have had that's irrelevant to the abuse or offending behaviour that the victim/survivor might have later engaged in that's unrelated to the abuse and, indeed, as a result, trauma potentially may have led them to that kind of behaviour.

I'm wondering whether you're expecting that culture change to be very widespread in that new office? Do you have any comments on whether people are still having their civil claims pushed back on in that way with information that the victim/survivor would certainly see as irrelevant? Whether or not they have engaged in sexual activity, pre- or post-sexual abuse is pretty irrelevant, but it is still being used in some settlement matters. It is not the case in other states and territories that state lawyers are using things like someone's offending behaviour or their sexual activity to push back on a claim for compensation for sexual abuse.

Mr BARNETT - Noted. I'll kick that off and I can indicate my level of confidence with the Office of State Litigator. It is off to a flying start since 9 October. I congratulate Mark Rapley on his appointment. He is a very senior and experienced lawyer in complex civil litigation. It is all part of the plan to being a model litigant, responding in a victim-centric way, with a trauma-informed approach. When I announced the appointment, I outlined the importance of a more sympathetic approach and the use of language, culture, is all important. Certainly, there are some guidelines for the management of that litigation as well. I look

forward to ensuring that those principles, protocols and policies are implemented. I am very confident that through the State Litigator that will occur. I will see if the secretary would like to add to that.

Ms WEBSTER - The new State Litigator has been very forthcoming in the way he intends to drive the leadership and the trauma-informed practice in that office. I meet with him on a fortnightly basis and we probably speak much more regularly than that. He is very committed to implementing the recommendations of the commission of inquiry and is wanting to 'walk the walk'. Finally, I would say that if there are specific matters - and we don't want to get into specific cases - but if there are instances where you feel there is information that we should be aware of, myself and the State Litigator, then we welcome that feedback.

Ms HADDAD - One last question regarding the seeking of external legal advice and the amendment of the Treasurer's Instructions. Will that extend to agencies like the Ombudsman, the Integrity Commission and other statutory authorities that seek legal advice sometimes I'm assuming through state lawyers, whether or not they will be able to seek external legal advice too when you change that Treasurer's Instruction?

Ms WEBSTER - I think that is something we would be looking at as part of those guidelines. It is a matter for the Attorney-General and the State Litigator but I would say that those other entities would be in that scope.

Mr BARNETT - I will confirm that I definitely want to be working with the Treasurer directly to ensure the Treasurer's Instructions are consistent with the guidelines, which we support.

Ms HADDAD - One last one adjacent to this and I do have the numbers this time, 12.37 page 52:

The Ombudsman should develop written guidelines for its staff on managing complaints containing allegations of child sexual abuse involving children in youth detention or other youth justice facilities or in out-of-home care.

That's a commendable recommendation. I believe that work should be done and those Ombudsman's staff should be provided with guidelines on how to manage allegations, including how to deal with a person making the allegations in a trauma-informed way and to provide them with supports that are needed. Why might this recommendation be limited to the Ombudsman's Office? Can these types of guidelines be developed for anyone likely to receive or be exposed to complaints containing allegations of child sexual abuse of any type across statutory authorities and State Service agencies?

Mr BARNETT - I will check with the secretary. Regarding the Ombudsman and with my Health hat on, dealing with the systemic issues in the Health Services sector, monitoring and overseeing unregistered health workers and coordinating with other regulation and oversight entities in relation to child safety, is important. That is only part of the answer, I think it is a broader answer and I will check with the secretary.

Ms WEBSTER - I have spoken to the Ombudsman, an independent statutory officer, and I understand that he's extremely committed to implementing that recommendation. I think a number of the commission of inquiry's comments go to the system as a whole and talk about

the new Commission for Children and Young People being a leader in developing some of those guidelines. That's really important that it isn't ringfenced in the Ombudsman at all. It's about working with the Commission for Children and Young People and them developing and being a leader in those sorts of complaints management processes.

The department is developing our own complaints management system with the trauma-informed victim-centric lens, but when the Commission for Children and Young People commences, we would like to get feedback from them on how they meet their expectations. I think they would be the leader in that area, in particular, but definitely covering other areas as well.

Dr WOODRUFF - The commission of inquiry's report was very clear that trust is best to be restored from Tasmanians in our government institutions through transparency and accountability. The Right to Information Act review is a critical part of that and was mentioned many times by the commissioners. Will the review of the Right to Information Act be done independently of Government? Will it be given to the Tasmanian Law Reform Institute?

Mr BARNETT - As a government, we support the review of the Right to Information and also the PIP Act and that rolling out by July 2026. We support that. In relation to who would be undertaking that work, I think it's best for the secretary to respond to that question. I'm happy to say that the TLRI does some very good work and I've had contact with them and they're doing a review, which you might be aware I initiated some month or so ago. I'll pass to the secretary.

Ms WEBSTER - The Department of Premier and Cabinet had commenced some work in uplift in relation to RTI, in particular, so that has started. Any role to change the RTI Act or Personal Information Protection Act sits within the Attorney-General's portfolio. As you mentioned, it's due in July 2026 and part of our role now is in consultation with the community, with State Service agencies and other stakeholders. We would then provide advice to government on how to progress that and that could be one option that's provided in reviewing the legislation, but we haven't got to that point as yet.

Dr WOODRUFF - I'm not clear about the deadline. Was the deadline to have a review done but not to have the amendments ready?

Ms WEBSTER - The recommendation itself is July 2026.

Dr WOODRUFF - I thought you said next year.

Ms WEBSTER - No, sorry.

Dr WOODRUFF - That's great and I think there would be much concern if it wasn't something that was independent. The Government has a huge role to play in providing advice and expertise, making the changes and bringing forward the bill that they consider is the best bill. However, if it's reviewed by an independent body, the TLRI would be the obvious one and would be highly respected in the legal community to do that work. Would you make the terms of reference for that public?

Mr BARNETT - If we were to go down that track, I'm sure we would be very open to making that public. I think there is more work to do, that is what the secretary is saying.

1 July 2026, it's quite a complex area, there's more work to be undertaken before a decision can be made.

Dr WOODRUFF - Will you provide the time line? In your time line that you're going to roll out between now and July 2026, will you provide quarterly snapshots of actions about when you will be making that decision and when it will be going out to a review or whatever?

Ms WEBSTER - We are very focused on the first half of next year as a priority but that doesn't mean to say that we are losing sight of 2026 because it will be 2026 soon. We will be doing all of that work, but as the Attorney-General said, it is too soon to say exactly what the option will be but there will be options provided to government for consideration.

Dr WOODRUFF - Recommendation 16.9, page 71, is about the position of authority offence. The royal commission did in fact, push to introduce the position of authority offence. That is recommendation 29 of the royal commission. It sets out that governments may consider including a so-called aged offence. The offence that is introduced by your Government did not include a similar age defence. Unlike other sexual offences against children and young people, that offence applies only so long as one person is over the age of 18 and the other one is under. They could be one day, one month apart in age but as long as one party is in a position of authority, consent is not legally possible.

We recognise that is slightly out of step with how power and consent is reflected in other parts of Tasmania's legislation for young people. Will you consider recommendation 29 of the royal commission when you are amending the legislation?

Mr BARNETT - Thank you for that. I will certainly take that onboard. It is due by 1 July next year. I am advised that policy work to develop the bill is already underway. We are looking at that in the first half of next year as a legislative initiative, one of many and as it is part of the strategic legislation and policy area, I will pass to the Deputy Secretary.

Ms BOURNE - Through you, Attorney-General. As you would see, there are a number of suggested amendments to the Criminal Code to ensure that the terminology used is contemporary and elements are capable of capturing the conduct as intended. Certainly, the changes to which you refer are captured in that initial tranche, if you can call it that, of Criminal Code amendments for the first half of next year.

Dr WOODRUFF - So you will look at recommendation 29 of the royal commission and give consideration to that in your preparation?

Ms BOURNE - Yes, through you, Attorney-General, definitely.

Ms HADDAD - I wanted to raise some community concerns about the responsibilities organisations have to be ready by 1 January to comply with the child safe standards and be ready for the Reportable Conduct Scheme. I know there are only a few minutes left. Can you talk us through what support can be provided to those organisations, recognising that the Office of the Independent Regulator is not up and running yet.

We are hearing from local government areas, from individual organisations and also from peak bodies like Volunteering Tasmania that they are being asked for a lot of support to help

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organisations get up and running. People are feeling pretty nervous about what is next and how they can do the right thing to make sure they are complying and understand their obligations.

Mr BARNETT - It is a good question. I acknowledge the feedback you are getting and I have had some as well. The Office of the Independent Regulator has an important role to do, which is the education as well as regulation and inquiry. I will pass to the secretary because that department has been doing work in this space already.

Ms WEBSTER - Through you, Attorney-General. The idea is that we have an educative role. There's a reason why certain organisations will start to comply from 1 January and then others from 1 July. One of the bits of feedback that I have had from a community organisation is the material we have on our website has been really good but they still have some questions about the how. That is a question for the Independent Regulator.

If people have specific questions, I can say to them at the moment that they could put them through the department and there is a website that they can go through. There is a lot of material on that website but I stress that the Independent Regulator will be gearing up as well.

Ms HADDAD - I will also put on the record one of the concerns is that not all organisations have a lot of capacity to do stuff like that online, particularly from peak bodies. There will be organisations that will need someone to meet with them; they will need human contact, not referral to website. With respect to the materials, I understand that they are detailed, but small organisations in particular will need personal assistance. I know that work is being done internally but I am assuming it will all transition. At the moment it feels like government regulating government when really it should be the office of the regulator doing that work.

CHAIR - The time for scrutiny has expired thank you very much.

The next minister for scrutiny is the Minister for Police, Fire and Emergency Management. We will have a five-minute break while we swap over.

The committee suspended at 4.15 p.m.