



2017

PARLIAMENT OF TASMANIA

SOLICITOR-GENERAL

REPORT FOR 2016-17

*Presented to both Houses of Parliament pursuant to
section 11 of the Solicitor-General Act 1983*

In accordance with section 11 of the *Solicitor-General Act 1983* ("the Act"), I submit to the Acting Attorney-General my report on the performance and exercise of the functions and powers of the Office of Solicitor-General for the relevant period, namely the twelve month period which commenced on 1 July 2016.

1. THE OFFICE OF SOLICITOR-GENERAL

The functions of the Office of Solicitor-General are set out in section 7 of the Act in the following terms:

"7. Functions of Solicitor-General

A person holding the Office of Solicitor-General has and shall exercise the following functions:

- (a) to act as counsel for the Crown in right of Tasmania or for any other person for whom the Attorney-General directs or requests him to act;*
- (b) to perform such other duties ordinarily performed by a legal practitioner as the Attorney-General directs or requests him to perform; and*
- (c) to perform such duties (if any) as are imposed on him by or under any other Act."*

A direction dated 3 November 2015 was given under s 7(b) to me by the Attorney-General, by which I am responsible for and control the State's functions in respect of civil proceedings.¹

In addition to s 7, s 8 of the Act provides for the delegation to the Solicitor-General by instrument in writing by the Attorney-General of:

"...responsibility for the performance or exercise of such of the functions and powers (other than th[e] power of delegation) which may be performed or exercised by the Attorney-General under the laws of Tasmania as may be specified in the instrument of delegation..."

No delegation pursuant to s 8 of the Act was in force at any time during the relevant period.

A brief history

The Office of Solicitor-General has existed in Tasmania since 1825. At that time and consistent with the practice in the United Kingdom, the Office of Solicitor-General was a political office² – both the Attorney-General and the Solicitor-General being members of most of the early Cabinets following the introduction of responsible government in Tasmania.³ However, in 1863, following the report of a Royal Commission to inquire into the accounts, and *"...the nature and amount of the business transacted in the several Departments of Our Government whose offices or places of business shall be and lie to the southward of the Town of Campbell Town..."*, the decision was made that the Office of Solicitor-General should henceforth be a non-political and non-ministerial office. Perhaps unsurprisingly, the decision appears to have been based more upon financial rather than prudential considerations.

¹ Except for proceedings under the *Crime (Confiscation of Profits) Act 1993*.

² i.e., an office filled by an elected member of the Parliament.

³ In the United Kingdom the Attorney-General has rarely, and the Solicitor-General has never, been a member of the Cabinet; the prevailing view being that membership of the Cabinet is inconsistent with the duty to act as truly independent legal advisors to the Cabinet and government departments [See generally, *The Law Officers of the Crown*, Edwards, Sweet & Maxwell, 1964, Chapter 9].

From 1863 the Solicitor-General's Office was the core of the legal administration of the government until, in 1934, the Attorney-General's Department was created and assumed responsibility for the administration of legislation. Thereafter the Solicitor-General's Department functioned as the Crown Law office advising and assisting the Executive Council, Ministers and agencies in legal matters affecting them. This position remained virtually unchanged until the enactment of the Act which, for the first time, established the Office of Solicitor-General as an independent office under statute.

Today, the office is accurately described in the following passage about Australian Solicitor's-General.

"The most familiar of their roles is the argument, on behalf of the executive government of their respective polities, of the most important cases affecting the interests of the government and the governed and between the governments of the federation in the highest courts in the land. No less important, however, are the duties performed by these officers in ensuring the observance of the rule of law by advice given to the governments they serve on issues of constitutional, administrative and even commercial law."⁴

2. ADMINISTRATION

My office consists of two sections: the Office of the Solicitor-General (Advisings) and the Office of the Solicitor-General (Litigation). As reported last year, the merger of these sections occurred in November 2015. There were, at the time of the last report, some structural issues outstanding. Neither has been resolved during the relevant period although I am pleased to report that considerable progress has been made.

The first issue relates to the amendment of the *Crown Proceedings Act 1993*, ss 13 and 14 to provide that service of certain civil process on the Crown is to be made on my office. There is also a transitional provision in s 24. Amendments to that effect were made by the *Crown Proceedings Amendment Act 2016*, s 4, however, the Act has not yet commenced.⁵

The second issue relates to physical location. The Litigation section is presently on level 5 of the Executive Building. The Advisings section is on level 8 of that building. Before the advantages of the merger can be fully realised, it is necessary for both divisions to share the same physical space. The optimum outcome is to relocate both offices to share a larger space with the Office of the Crown Solicitor. This will mean that the whole of the budgetary output of Crown Law (apart from the DPP) will be located together, with opportunities to develop a more diverse practice and to share work and resources.

Moving the OSG (Advisings) from level 8 will also provide better accommodation options for the Office of the DPP.

At the end of the relevant period plans to achieve this move were quite well advanced, though not complete. There were a number of contingencies, including the completion of the office accommodation at Parliament Square, that will have an effect on the space available in the

⁴ Keane P A in the Foreword to *Public Sentinels: A comparative study of Australian Solicitors-General*, Appleby, G, Keyzer, P and Williams, J M (Eds) Ashgate, 2014, page xi

⁵ Section 2 provides that it is to commence on a day to be proclaimed.

Executive Building. I am hopeful of reporting of the completion of the accommodation project in my 2018 report.

Litigation

Another challenge to the Litigation section related to the structure of the established positions in the office. During the relevant period, a number of opportunities became available in the Litigation section, which have resulted in what I am hopeful will move to a more streamlined structure.

First, there were two vacancies created, as a result of the retirement of Mr HT Foulds, as he then was, to become a judge of the Supreme Court of Papua New Guinea, and the appointment of Ms Lucy Wilkins as a Workers Rehabilitation and Compensation Commissioner.

In addition, as a result of a funding arrangement by a number of agencies, the Litigation section has been able to create two positions for a two year period to enable the long tail of Workers Rehabilitation and Compensation cases to be addressed.

As at the end of the relevant period the Litigation section has a more streamlined profile, with a level 3 and level 2 practitioner taking up the functions relating to workers compensation and a new level 3 and level 2 practitioner mostly undertaking other litigation in the office.

As at the end of the relevant period, there remained a further vacancy for a level 1 practitioner, to be recruited. That position will be offered on the basis of a 2 year contract. That period will be sufficient to allow the practitioner to obtain valuable training in legal practice generally, as well as exposure to other opportunities to practice law in the State Service, should those opportunities arise. This is in part the implementation of a recruitment process that will hopefully broaden the pool of legal practitioners in Tasmania who have some experience in public law. At present there are precious few.

Advisings

One of the advantages that was identified during the merger process was the increased opportunities for practitioners to broaden their skills. As its name suggests, the Advisings section gives advice, written and verbal. However, there have been opportunities for practitioners in Advisings to appear in a range of matters in the Supreme Court and in coronial proceedings. I am anxious to promote these opportunities and firmly believe that they will increase with the co-location of the offices.

Staff

As at the relevant date the Advisings section consisted of:

- Frank Neasey, the Assistant Solicitor-General (Advisings)
- Sarah Kay (LP4)
- Jenny Rudolf (LP3) and
- David Osz (LP1)

The Litigation section consisted of:

- Paul Turner, the Assistant Solicitor-General (Litigation)
- Marica Duvnjak (LP4)
- Gretel Chen (LP3)
- Kirsten Hodgson (LP3)
- Louise Brooks (LP2) and
- Lisa Kelly (LP2)

I extend my thanks to each of them for their continued dedicated work.

I also extend the thanks of the office to our Executive Assistant, Ms Melissa Xepapas, for her considerable assistance, support and contribution throughout the year. I also thank Pam Cawthorn, Scott Stalker and Lindsey Reed for their assistance to and hard work for the Litigation section. Pam has also been of great support to the Advising section when Melissa has been absent. I also acknowledge the assistance we have been given by administrative officers from the Business Support unit of the Office of the Director of Public Prosecutions when needed from time to time.

As I have mentioned, during the relevant period, Mr H T Foulds retired from his long service to the State Crown, to take up an appointment as judge of the Supreme Court of Papua New Guinea. Now the Hon Justice Harold Foulds, Terry was somewhat of an institution in the Crown Law Office, having first joined it in the 1980s. He left the office to hold various positions in government, including a period as Solicitor-General of Norfolk Island. He also spent time in private practice. He returned to the Crown in 1996 where he remained a senior practitioner in civil litigation until his departure.

I wish Terry all the best for this challenging step in his long career.

Lucy Wilkins commenced her appointment as a Commissioner for the Workers Rehabilitation and Compensation Commission on 6 February 2017. Lucy commenced work in the private profession in 1991, and eventually joined the Crown in 1998. She then practiced in the Crown's civil litigation division until her appointment to the Commission. She is well known and respected in the profession. I thank Lucy for her service to the Crown and wish her well in her new career.

Frank Neasey resigned shortly after the relevant period, but I will include his contribution to the Crown in this report. Frank gave extraordinary service to the Crown and was universally loved and respected by all at Crown Law. I particularly note and thank him for the support he gave me during the first years of my appointment, until his departure.

Frank graduated from the University of Tasmania in April 1977. He commenced work as a legal practitioner at Dobson Mitchell and Allport, but soon after joined the Crown Solicitor's Division in January 1984. He was appointed as permanent in 1985 and became Assistant Crown Counsel in the DPP's office in 1986. After a brief sojourn in private practice between 1987 and 1990, Frank returned to the DPP as Senior Crown Counsel. In 1997 he was appointed Principal Crown Counsel, where he remained, mainly in charge of the Summary Prosecution Division, until 2005, when he joined this office. He then carried with him a vast amount of knowledge about all kinds of statutes and, more generally, the Crown.

His contribution to this office was immeasurable. He was appointed Acting Solicitor-General on two occasions, from 17 September 2007 to 18 January 2008 and from 19 May 2014 to 31 August 2014. He held the position of Assistant Solicitor-General from 26 May 2011. He was appointed a Criminal Injuries Compensation Commissioner in 2016 and continues in that role.

Frank pointed out in a speech to mark his "retirement" that he has demonstrated that a practitioner can build a long, varied and satisfying career as a legal practitioner in government employment. Practitioners of Frank's knowledge and enormous experience, particularly in the Tasmanian environment are rare, which is a subject that government needs to address. But for now, it is important to recognise Frank's long and dedicated service to the Tasmanian Government.

Our legal practitioners in both sections work long hours, well beyond the strict requirements of their positions. They have an unswervingly professional approach to their work, with comparatively limited resources. I thank each of them. I note the particular strain placed on the Litigation section with the almost simultaneous departures of Terry Foulds and Lucy Wilkins. I particularly thank Paul Turner, Marica Duvnjak and Kirsten Hodgson, along with Pam Cawthorn, Scott Stalker and Lindsey Reed for their forbearance during that time.

Michael Varney continues as our Director Crown Law. As was the case last year Michael's greatest challenge has been to extract the best performance from our practice management software, which is presently an on going project. He has implemented a number of programs, including events for the health and well-being of staff. I record my thanks to him.

The Office of the Solicitor-General is fully funded from the Consolidated Fund and accordingly does not charge agencies and other entities for the use of its services.

3. PROFESSIONAL

Advisings

A summary of the formal advice prepared by this office during the relevant period and categorised by reference to the agencies and other bodies which requested those advices is annexed as Schedule 1 to this report. For ease of comparison the same details for the immediately preceding 12 month period are also included.

There is a cautionary note that must be added. The number of files opened does not reflect the number of pieces of work done. One file may consist of a number of written advices, and on occasions discussions for the purposes of implementing the advice given. To that extent, the statistics mask the full extent of the work done.

As was the result last year, the number of advice matters opened during the reporting period shows a considerable increase from the previous period. This continues an upward trend. All members of the Advisings section continue to notice the increased workload. Given the legislative program of government, the trend is more than likely to continue.

I add that a considerable amount of advice of a less formal nature is also given during short telephone, or email attendances.

Section 78B Notices

The number of notifications given to the Attorney-General pursuant to section 78B of the *Judiciary Act 1903* (Cth) of matters involving the Commonwealth *Constitution* or its interpretation was reduced during the relevant period when compared with the previous year.⁶ However, it can be expected that the number of constitutional cases that are notified each year will fluctuate.

Litigation

The practice of litigation for the Crown requires skills and knowledge which are not required by private practitioners. An understanding of the unique position of the Crown is essential as is a level of knowledge of public law and institutions of government. The Crown is a model litigant and practitioners in my office are acutely conscious of the bundle of obligations which attaches to that role.

The Litigation section undertakes all civil litigation for the State. Civil litigation is defined in the Attorney-General's written direction to me as:

"civil proceedings" includes actions, applications, appeals, claims, proceedings or suits of any nature in the civil jurisdiction of any Federal Court or a Court of any State, or in the jurisdiction of any commission, tribunal, arbitrator or other body.

It can be seen that the functions of the office are extremely broad. Nearly all litigious matters in which the State is a party, or is otherwise concerned, are dealt with by the Litigation section, the notable exception being matters which involve the Commonwealth *Constitution* or its interpretation. Those matters are generally dealt with by the Advising section.

I have attached in Schedule 2 a list of civil files opened and closed during the relevant period. The number of files opened represents a small decrease of files opened during the previous period.⁷ However, during the relevant period, the number of files closed was considerably less than the number closed during the previous period.⁸ This may be the product of a number of factors, including the lead up to the incorporation of new practice management system software, but it can also be attributed to the lack of administrative support with which the section is presently required to function. I will attempt to address this during the coming year.

I acknowledge the hard work of practitioners in the Litigation section. I am hopeful that with the merger of the section with Advising and the physical location of both sections in the same office space there will be better opportunities to share work, and to develop a more diverse practice for practitioners.

Interventions and other Appearances in Constitutional Matters

During the relevant period, the State appeared as respondent in the High Court in *Brown & Anor v State of Tasmania*. This matter involved a challenge to the validity of the *Workplace (Protection from Protesters) Act 2014* (Tas) ("the Act") on the basis that it impermissibly

⁶ See schedule 1

⁷ In the previous period from 1 July 2014 to 30 June 2015, the number of files opened was 388.

⁸ In the previous period from 1 July 2014 to 30 June 2015, the number of files closed was 386

burdened the implied freedom of political communication arising under the Commonwealth *Constitution*. The case was heard by the Full Court of the High Court in Canberra on 2nd and 3rd May 2017. The Commonwealth, New South Wales, Queensland, Victoria and South Australia intervened in support of Tasmania. There was an application by the Human Rights Law Centre to intervene on behalf of the plaintiffs, Dr Brown and Ms Hoyt. The Court received the Centre's written submissions, but it was not otherwise heard.

The plaintiffs' case was that the Act infringed the implied freedom because it targeted political speech and applied to a broad range of business activities so as to prevent even minor, or inconsequential political protest activity.

The case on behalf of the State was that the legislation was directed to the legitimate protection of business activity and public safety and that the regulation of protest activity in areas where lawful business activity is being carried out has a rational connection with those purposes. It was argued that the Act is a proportionate legislative response to ensuring those protections and does not prevent protest activity being carried out in areas not connected with lawful business activity.

Apart from the State's immediate interest in upholding the legislation of its Parliament, the case is likely to have considerable influence on the development of the law relating to the implied freedom. Tasmania and the interveners all made submissions to the Court concerning the proportionality test that a majority of the High Court had introduced in *McCloy v New South Wales*.⁹ That test is structurally similar to the test for the proportionality of laws under European systems of law, which do not closely resemble the Australian constitutional setting. In the form explained in *McCloy*, the test may widen the application of the implied freedom and, by doing so, curtail State legislative power to make laws that operate in areas where the implied freedom is also in question.

The Court reserved its decision. At the time of writing this report the decision remains reserved.

During the relevant period, the Attorney exercised the right to intervene under section 78B of the *Judiciary Act 1903* (Cth) in respect of the following matters.

- *NSW Aboriginal Land Council v Minister Administering the Crown Lands Act* [2016] HCA 50; (2016) 91 ALJR 177. This case was heard in October 2016. The Court's decision was handed down in December 2016, before the departure of French CJ from the Court. The case concerned the prerogative rights of the States to lawfully use and occupy Crown lands. In the result, the prerogative rights of the State remained unaffected.
- *Rizeq v The State of Western Australia* [2017] HCA 23 (2017) 91 ALJR 707. This case was heard in February 2017. The Court's decision was handed down in June 2017. The case concerned the correct application of the criminal law of a State by a court exercising federal jurisdiction, by reason of the accused being a resident of another State. The Court held that the relevant offence provision remained a law of the State, and did not become a law of the Commonwealth by reason of the exercise of federal jurisdiction.

⁹ (2015) 257 CLR 178

- *Graham & Te Puia v Minister for Immigration & Border Protection* [2017] HCA 33. This case was heard in March 2017. The decision was published in September 2017 (not during the relevant period, however, I will record the result here.) The case concerned provisions of the Commonwealth *Migration Act 1958*, which purported to withhold from the High Court, or the Federal Court certain information that was taken into account by the Minister when cancelling a visa. The Court held that s 503A(2) of the Act was invalid to the extent that it would apply to prevent the Minister from being required to divulge or communicate information to the Court for the purposes of the Court reviewing an exercise of the Minister's power. The Court rejected wider arguments to the effect that there were limits on Commonwealth legislative power to withhold admissible documents from judicial proceedings.

During the relevant period there was one decision handed down in the Magistrates Court relating to the Commonwealth *Constitution* and the State *Constitution Act 1934* directly involving the State.

- *Preston and Ors v State of Tasmania*,¹⁰ a challenge to the *Reproductive Health (Access to Terminations) Act 2013* (Tas), under the implied freedom of political communication in the Commonwealth *Constitution*, and religious freedom under s 116 of the Commonwealth *Constitution* and s 46 of the *Constitution Act 1934* (Tas). The matter is presently on appeal in the Supreme Court.

During the relevant period the Attorney-General also appeared as intervener in the Federal Court in:

- *Corneloup v Launceston City Council* [2016] FCA 974.

The matter was heard in Hobart on 19 and 20 July 2016 before Justice Tracey. His Honour concluded that the impugned decision of the Launceston City Council to refuse Mr Corneloup a permit to preach in the Launceston City malls was affected by jurisdictional error and should be quashed. It was therefore unnecessary for the Court to decide the constitutional questions as to whether there was a contravention of the implied freedom of political communication or of s 46 of the *Constitution Act 1934* (Tas).

Other Litigation

During the relevant period, practitioners from my office appeared in a number of cases in the Supreme Court which have been reported,¹¹ including,

- *Tarkine National Coalition Inc v Minister Administering the Mineral Resources Development Act 1995* [2017] TASSC 36.
- *Holden v State of Tasmania* [2017] TASSC 39.
- *Tasmanian Perpetual Trustees Ltd v Attorney-General* [2017] TASSC 32.
- *Foss v Guardianship and Administration Board* [2017] TASSC 4.

¹⁰ *Avery v Preston and Ors* [2016] TASMIC delivered 27 July 2016.

¹¹ A total of 6 out of 67.

- *Stanwix v Police Review Board* [2016] TASSC 59.
- *S v Mental Health Tribunal* [2016] TASSC 34.
- *Knowles v Attorney-General* [2016] TASSC 25.

Practitioners from my office regularly appear in a range of matters in the Federal Court and State courts and tribunals.

Hague Convention

This office continues to act on behalf of the State Central Authority in Tasmania (being the Secretary, Department of Health and Human Services) under the *Hague Convention on the Civil Aspects of International Child Abduction*. However, during the relevant period, no requests to act were received.

Special Committee of Solicitors-General

The Special Committee of Solicitors-General (SCSG) which is comprised of the Solicitors-General of the Commonwealth and of every State and Territory (and by invitation, the Solicitor-General of New Zealand) met on three occasions during the relevant period; in Brisbane in August 2016; Perth in November 2016; and Melbourne in March 2017.

The SCSG is a subcommittee of the Standing Committee on Law and Justice (or "SCLJ", formerly the Standing Committee of Attorneys-General) and is periodically requested by SCLJ to provide joint advice to it in relation to various matters usually involving more or less contentious *Constitutional* issues.

The SCSG also routinely reviews and discusses the implications of any recent decisions involving the Commonwealth *Constitution* or its interpretation together with all pending and reserved cases in Australia in which a constitutional issue has arisen or is thought to be likely to arise.

The meetings of the SCSG also provide a valuable opportunity for the exchange of information and views regarding proposals for law reform and legislative amendment which may have come from other jurisdictions.

The Whole of Government CLE program

I am extremely pleased to report that the CLE program commenced with two pilot seminars conducted in October and November 2016. Those seminars were:

- Crown Law 101: Working with the Solicitor-General and Crown Solicitor;
- Legislation 101.

The program was officially launched by the Attorney-General in February 2017 and has continued during the year.

- February – Responsible Government and the Role of Executive;
- March – Memorandums of Understanding (MOUs), Heads of Agreement and Intergovernmental Agreements;
- May – Section 69 of the Criminal Code : The Green Case;
- June – Rerun: Memorandums of Understanding (MOUs), Heads of Agreement and Intergovernmental Agreements;

Some parts of the program have been repeated for the benefit of individual agencies. In all cases, the presentations have been extremely well received.

I will not repeat in this report the obvious advantages of legal education, particularly in government. From the cross-section of people who have attended sessions, it is readily apparent that there is considerable interest at all levels of the State Service in the matters presented. The program has been focussed, as it should be, on those matters which are of significant interest to government, rather than the wider profession.

The program is overseen by a Steering Committee, made up of Alan Morgan (Crown Solicitor), Tim Bullard (Deputy-Secretary, DoE), Rowanne Brown (Legal Policy Officer, DHHS), Heather Clayton (Legal Practitioner, Crown Solicitor's Office) and me. I particularly thank my colleagues on the Committee for their work and contribution to this important program.

Heather Clayton also acts as the program's administrator. She is to be applauded for her hard work and organisational skills.

I also thank the Training Consortium for its considerable assistance in the development and presentation of the program.

There is also a reference group made up of senior representatives from Agencies, who assist the Steering Committee in identifying relevant topics to be delivered. I thank them for their participation.

My office has also commenced meeting once a month to discuss topics of relevance to our practice. We propose to use this as a forum to distil matters for presentation at whole of government seminars.

Other activities

I remain a member of the Board of Legal Education. During the relevant period I became a Fellow of the Australian Academy of Law. I continue to maintain contact with the Faculty of Law.

The Attorney-General: Hon Dr Vanessa Goodwin MLC

During my first two years in office and for most of the relevant period I have been fortunate to have worked with the Attorney-General, Dr Goodwin. The devastating news in April 2017 came as a severe shock to me and the rest of my office. She has remained constantly in our thoughts.

The reaction of everyone in government, and the wider community attests to the high regard in which the Attorney is held. I will always value highly the privilege of having worked beside her as her second law officer.

The development of the Crown's Legal Services

In previous reports I have noted the Crown's position as a moral exemplar and its duty to obey the law. This is, of course, fundamental to the rule of law. It is important for the Crown to be ready and able to participate at a high level in all facets of the law that affect it and which impact on citizens. This presents continuing challenges for the State and its legal practitioners.

A profile of cases in the Supreme Court will demonstrate that most of the Court's business is in criminal litigation. This area of the State's legal activity is, of course, in the province of the Director of Public Prosecutions. However, the legal rights and obligations of the Crown extend well beyond the boundaries of the criminal law. The Crown must participate in commercial transactions at every level of complexity as well as the whole range of civil proceedings that confront a government. For example, the size of the State's workforce dictates that the State will continuously encounter a significant number of workers compensation cases. The very same phenomenon, that is, the size of the State's undertaking, inevitably generates civil litigation in the courts and other tribunals for a range of different reasons.

Further, the very existence of the State exposes it to judicial review proceedings in relation to administrative decision making, a field in which private sector decision makers are not exposed. Judicial review provides a good example of the necessity for a strong legal service. Some proceedings could be avoided and the risk of losing others could be significantly minimised if there is legal intervention or support available at the time the process in question is in operation, or a decision is made.

In the advice section of my office we have recently noticed a trend of Agencies labelling as urgent many more requests for advice. This may in part indicate a perception in Agencies that, because of our significant workload, there will be a delay in the preparation of important legal advice to government.

Moreover, the State must take its place in the federation, take an active interest in constitutional matters and jealously guard its sovereign powers from encroachment. It is for that reason that I have encouraged and very thankfully been supported in increasing the State's interventions in High Court cases. This has two important consequences. First, as mentioned, it means that Tasmania is taking the opportunity to ensure its place in the federation, keeping watch over important constitutional issues. Secondly, as a participant in constitutional litigation in the High Court, the State is building on its exposure to and experience in matters that are of the highest legal importance to it as a State.

All types of legal work at the high level and quality expected of the State requires that it has skilled practitioners available to it, without the present need to engage private sector firms, at considerable expense, in all matters other than those that require very special expertise. My concern is to ensure that at all levels Tasmania has available the necessary pool of legal practitioners, equipped with a profound knowledge of the legal issues that confront the State and properly prepared to represent the State's interests.

I welcome the recent recognition by government that legal practitioners are indispensable to rationalisation of the States' exposure to the long tail of workers compensation matters. I would hope that recognition to be transposed in due course to one of early legal intervention to resolve cases before the tail otherwise inevitably has a chance to increase. But workers compensation is merely one issue that needs to be addressed.

There is a constructive discussion to be had about how better to ensure the development of a strong State legal service for the future. I intend to generate this discussion during the coming year. Part of that discussion will involve an analysis of the adequacy of the legal resources available to my office and Crown Law more generally.

Acknowledgments

I record my thanks to the Crown Solicitor, Mr Alan Morgan and the Director of Public Prosecutions, Mr Daryl Coates SC, and also to their staff for their comradery, support and guidance.

Dated: 27th September 2017

A handwritten signature in black ink, consisting of several loops and a long vertical stroke, positioned above the printed name.

Michael O'Farrell SC
Solicitor-General of Tasmania

Schedule 1

SCHEDULE OF ADVISINGS

	2015-16	2016-17
Department of State Growth	75	48
Department of Education	18	44
Department of Health and Human Services	60	61
Department of Justice	187	210
Department of Police and Emergency Management	4	7
Department of Premier and Cabinet	100	80
Department of Primary Industries, Parks, Water and the Environment	131	95
Department of Treasury and Finance	26	17
Tasmanian Audit Office	0	2
Retirement Benefits Fund Board	2	4
The Public Trustee	0	1
Other bodies and offices	61	39
TOTAL ADVISINGS	664	608
Section 78B Notices	194	150

Schedule 2

CIVIL FILES OPENED AND CLOSED AS AT 30 JUNE 2016

Work type	Opened	Closed
Administrative appeals – Magistrates Court	18	8
Administrative appeals – Supreme Court	10	5
Anti-discrimination	10	14
Appeals – Full Court of the Supreme Court	3	0
Charity	0	0
Children's matters	0	0
Civil Other	0	0
Contract	3	0
Coronial	8	9
Debt recovery	0	0
Documents	0	0
Employment – contract	10	6
Employment – damages	0	0
Employment – workers compensation	236	162
Guardianship and administration	0	0
Industrial dispute	0	0
Mining	0	0
Miscellaneous	46	19
Miscellaneous advice	7	0
Negligence – medical	27	29
Negligence – miscellaneous	0	0
Negligence – mis-statement	0	0
Negligence – motor vehicle	3	2
Negligence – occupier	0	1
Negligence – school	10	33
Opinion	0	1
Planning	24	0
Revenue	21	5
Subpoena	1	0
Tenancy	8	0
Valuation – acquisition	0	0
Valuation – rating	4	0
Total	449	294

Schedule 3

SOLICITORS-GENERAL OF VAN DIEMEN'S LAND and TASMANIA

9 May 1825	5 May 1832	Alfred Stephen
1832	1833	Hugh Cokeley Ross (acting)
Jan 1833	Sep 1837	Edward McDowell
23 Mar 1838	1841	Herbert C Jones
15 Jan 1841	Dec 1843	Thomas William Horne
Jan 1844	1848	Valentine Fleming KC
1848	Dec 1853	Alban Charles Stonor
1854	1854	Francis Villeneuve Smith
1854	1855	Edward McDowell (acting)
19 Dec 1855	Feb 1857	John Warrington Rogers
25 Apr 1857	1 Nov 1860	Thomas James Knight
1 Nov 1860	Feb 1861	William Lambert Dobson
1 Jan 1864	1867	John Compton Gregson
Dec 1867	14 Mar 1887	Robert Patten Adams
Jun 1887	Apr 1901	Hon. Alfred Dobson KC
Apr 1902	1 Sep 1913	Edward David Dobbie KC
1914	1930	Lloyd Eld Chambers KC
Sep 1930	Aug 1938	Philip Lewis Griffiths KC
1939	17 Oct 1944	Rudyard Noel Kipling Beedham KC
18 Oct 1944	13 Mar 1946	Marcus George Gibson KC (acting)
14 Mar 1946	1 May 1951	Marcus George Gibson KC
14 Jun 1951	21 Mar 1952	Malcolm Peter Crisp KC
26 May 1952	1 Sep 1956	Stanley Charles Burbury QC
27 Sep 1956	27 Feb 1968	David Montagu Chambers QC
6 May 1968	1 Mar 1984	Roger Christie Jennings QC
2 Mar 1984	10 Apr 1986	Christopher Reginald Wright QC
11 Apr 1986	3 Aug 2007	William Christopher Robin Bale QC
18 Sep 2007	18 Jan 2008	Francis Counsel Neasey (acting)
3 Mar 2008	16 May 2014	Geoffrey Leigh Sealy SC
19 May 2014	31 Aug 2014	Francis Counsel Neasey (acting)
1 Sep 2014		Michael Ernest O'Farrell SC