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THE PARLIAMENTARY JOINT SESSIONAL COMMITTEE MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART, ON TUESDAY 12 MAY 2026.

RECOMMENDATIONS OF FINAL REPORT OF THE COMMISSION OF INQUIRY INTO CHILD SEXUAL ABUSE IN INSTITUTIONAL SETTINGS

The committee met at 9.31 a.m.

CHAIR (Ms Webb) - Welcome, everyone, to today's hearing of the Joint Sessional Committee inquiring into recommendations made in the Final Report of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.

We have Peter Woolcott and Radha Sharma online with us today as witnesses. I will introduce you to the members of the committee. In the room here, we have Cassy O'Connor MLC, member for Hobart, Marcus Vermey MP, Liberal member for Clark, Cecily Rosol MP, Greens member for Bass; myself, Meg Webb, Independent member for Nelson. Online we have members Sarah Lovell MLC, member for Rumney, and Jess Greene MP, member for Bass; both Labor members. We also have here in the room with us secretariat support from Jenny and from Ally, and Lil on Hansard.

I have a statement to make around the sensitive content that we might cover today. Whenever we have hearings for this committee, we just want to make sure that we recognise that the content of this hearing may be triggering to some members of the committee, the members of the community watching online and others who may come into the room.

I would encourage anyone who is impacted by the content matter in this hearing to make contact with support services. These include the statewide Sexual Assault Support Line, which is 24-hour support from local specialist counsellors, Sexual Assault Support Service (SASS) or Laurel House on 1800 697 877 or 1800 MYSUPPORT; the Lifeline 24-hour crisis support on 13 11 14 or Tasmanian Lifeline from 8 a.m. to 8 p.m. every day on 1800 98 44 34; or 1300 YARN, a 24-hour crisis support for Aboriginal and Torres Strait Islander people, on 13 92 76. Also, Relationships Australia from 9 a.m. to 5 p.m., Monday to Friday on 1300 364 277.

Now, what I'm going to ask you both to do is to state your name and the capacity in which you're appearing before the committee today. Also, can I confirm with you that you've received and read the Information for Witnesses guide sent to you by the Committee Secretary?

Mr WOOLCOTT - Thank you, Chair. Peter Richard Woolcott, I was the lead independent reviewer in relation to the matters we're here to discuss today. Yes, I have read the guidelines and information that you've sent to me.

CHAIR - Excellent. Thank you.

Ms SHARMA -I'm Radha Sharma and I'm part of the review team supporting Peter. Yes, I confirm I read the guidelines and the information.

CHAIR - Thank you both for appearing with us today.

All evidence taken at this hearing is protected by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. I remind you that any comments you make outside the hearing may not be afforded such privilege. This hearing is public, which means members of the public and media may be present. The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available. This hearing is also being broadcast today.

Should you wish for some or all of your evidence to be heard in private, you must make that request to the committee and the committee will consider your request.

On to matters then. Would you like to make an opening statement, Mr Woolcott?

Mr WOOLCOTT - I would, thank you, Chair.

CHAIR - Go ahead.

Mr WOOLCOTT - I want to begin by acknowledging the gravity of what has brought us here, the courage of victim/survivors and the pursuit of justice and the work of this committee.

The Woolcott Review was established by the Rockliff government to examine how the Tasmanian State Service responded to the information and concerns raised by the Commission of Inquiry (COI) into the Government's Responses to Child Sexual Abuse in Institutional Settings. It was work that required the review to go through the records of the commission to see at close quarters how children were failed by the very institutions that should have protected them, and that was a confronting and sobering undertaking.

I'm deeply grateful for the privilege of serving the state of Tasmania in this role. Equally, the review wishes to place on record its gratitude to the many people in government, the parliament, the State Service and in civil society who engaged with the review openly and constructively. The appetite in Tasmania for accountability and for genuine change is real and is a foundation to build on.

The review was conducted independently, confidentially and with a trauma-informed approach throughout. Over nearly two years we engaged in wide-ranging and sustained consultations with key stakeholders. It extends across government departments, regulatory and oversight agencies, the State Service, law enforcement and civil society. We were supported by the Premier and the Attorney-General at every step of the way.

Critically, the review consulted with the commissioners both through their legal representatives and, where appropriate, directly. We are grateful for the insights they shared. I note that we provided all draft chapters to the commissioners for review and comments, and that our recommendations are fully aligned to and built upon the recommendations of the COI.

The review drew extensively on the records assembled by the commission of inquiry. They were held under appropriate arrangements, and both the review records and other records have since been returned or transferred as required. We cannot speak to detailed contents beyond what is captured in the report themselves.

Before turning to the substance of the recommendations, I want to say something about how they should be approached. They are designed and intended to be implemented as a package. Some of the recommendations were challenging and require time and resourcing in a financially constrained environment, but we do not regard them as a menu to be selected from. The recommendations across both parts of this review span structural, legislative and cultural change. They are interdependent. The structural reforms depend on the legislative ones. The legislative ones will not take hold without the cultural ones. To implement some and not others, to address the legislative without the cultural or the structural while leaving the regulatory untouched would limit the very impact that the reform package is designed to achieve.

I note that the great majority of recommendations are either supported or supported in principle by the government. This signals a further commitment to the reform process and the spirit of reform as outlined in the review's report. The government has noted rather than supported the proposal for a new commissioner of the State Service and a possible future public service commission model. It has, however, supported the need to uplift the State Service Management Office, clearly defining its role as system steward, with accountability, capability, culture, integrity and performance. This is important.

The government has also committed to exploring amendments to the *State Service Act* to strengthen the role of the SSMO.

The review accepts that, ultimately, it is up to government, the State Service and the parliament to determine how it wishes to take up the reforms and recommendations.

With that framing, let me summarise the principal focus areas across both parts of the review. Part A is a larger, more complex part of the review's work. It examined the employment and disciplinary framework governing the State Service, and the culture in which that framework operates. The government has supported the substantial majority of Part A recommendations, and the review welcomes that response. The focus area is the code of conduct. The review recommended a package of amendments to the *State Service Act 2000*, all of which the government has supported. These include:

- A clear statement that the purpose of State Service employment is to serve the government, parliament and the Tasmanian community;
- A requirement that employees adhere to all elements of the code of conduct at all times, and not merely during working hours;
- Provisions ensuring that misconduct under the *Integrity Commission Act* constitute a breach of the code; and
- That any reportable conduct of an employee at any time is triggered as a breach of the code of conduct, regardless of when it occurs.

These amendments, currently being prepared for consideration in 2026, will close longstanding gaps that allowed serious misconduct to fall through the cracks.

The second focus is employment directions and disciplinary processes. The review recommended the Head of State Service review and revise the relevant employment directions, particularly those governing the investigation and termination of code of conduct breaches. The government has supported this recommendation. Good progress has already been made,

including through the delivery of updated Employment Direction No. 5 in 2024 and the establishment of the Shared Capability and Centralised Investigations Unit in the Department of Premier and Cabinet, which is improving the quality, timeliness and trauma-informed character of Code of Conduct investigations across government.

The review's analysis of individual disciplinary matters highlights a range of issues with the current suite of EDs. Reviewers provided four revised EDs for consideration by the Head of State Service. These include significant revisions to ED5 including differentiating between preliminary assessments and investigations, providing timeframes for completion of process milestones, and allowing for consideration of unsubstantiated prior behaviour and determining whether or not to proceed with an investigation.

Other key changes proposed by the review to ED4, ED6 and ED26 include enabling immediate suspension without pay for child safety concerns, loss of mandatory qualifications on grounds of being risk to others with clear guidance and timeframes. These changes, along with changes to the *State Service Act* proposed by the review as outlined above, provide a comprehensive blueprint for reforming the employment and disciplinary framework.

The third focus is information sharing. The review identified significant barriers to sharing information about child sexual abuse matters across law enforcement, regulatory bodies and other agencies. The government has supported recommendations to address this through legislation, including targeted amendments to *Personal Information Protection Act* and a direction to the Solicitor-General to provide transparent advice on the interpretation of existing information-sharing provisions. The Department of Justice will identify and progress the necessary amendments as a priority.

The fourth focus area is culture and regulatory oversight. The review recommended that Tasmania Police be explicitly included in the *Child and Youth Safe Organisations Act 2023* as a regulated entity, subject to both the Child Safe Standards and Reportable Conduct Scheme. The government has supported this and is preparing legislative amendments for 2026. The review also recommends strengthened arrangements for the registrar to work with vulnerable people and that scheme, including elevating the status of the registrar and introducing an annual performance report to parliament, is supported in principle by the government.

On culture more broadly, the review recommended mandatory ethics and integrity training for all State Service managers, a framework for engagement with community organisations in the child safety sector and, importantly, that DECYP prioritise the establishment of the role of Executive Director for Aboriginal Children and Young People and the Office for Aboriginal Policy and Practice. The government has supported all of these. Children must have a voice in the system that is meant to protect them, and Aboriginal children in particular deserve dedicated leadership.

Moreover, the review's position is that the stewardship function of the State Service is critical to embedding the cultural changes this reform agenda requires, and that parliament should continue to give this dimension serious attention.

Let me turn now to part B. Part B is narrow in scope but addresses matters of considerable legal complexity and systemic importance. It examines the regulatory and oversight arrangements governing the justice system in Tasmania and how they intersect with the state's response to child sexual abuse, particularly in the context of civil litigation and the role of the

Solicitor-General. The reviewer is pleased that the government has supported or supported in principle, the substantial majority of part B's recommendations.

The commission of inquiry was critical of the state's conduct in civil litigation involving victim/survivors. It documented a technically legalistic and at times adversarial approach to settling claims, a lack of consideration for the trauma, and circumstances of claimants, delays in providing information, and what could be perceived as obstructive approaches that should never have occurred. These failures were not merely procedural; they represent a second instance of harm to people who have already been failed by the state.

The review's work in part B was driven by the same lens that applied throughout: individual and systemic accountability. So justice for victim/survivors is multidimensional. It encompasses accountability, compensation and systemic change to prevent future harm.

The Office of the Solicitor-General is an integral part of that system, and the review examined its role carefully. The review found that the current framework, specifically Treasurer's Instructions FC-17 and the Attorney-General's guidelines, create genuine ambiguity about when the Solicitor-General's advice is binding on agencies and when they retain discretion to act otherwise. In practice, this has meant that departmental secretaries and advocacy heads can feel constrained in questioning legal advice or exploring alternative approaches in the conduct of civil claims, even when doing so, would better serve victim/survivors.

It has also meant that independent oversight bodies, including the Ombudsman, the Integrity Commission, the Commission for Children and Young People and the Implementation Monitor, have faced structural ambiguity about whether they're required to [inaudible] Crown Law for legal advice, which [inaudible] executive. The review made six recommendations in response and it's pleasing to see that the government has responded constructively across all of them.

On model litigant obligations, the review recommended that the Attorney-General reissue the model litigant obligations as formal directions to all agencies and instrumentalities. This has been supported.

The review also recommended establishing a dedicated office within the Department of Justice to oversee and report publicly on compliance with those directions, particularly in civil litigation involving child sexual abuse. The government has noted that recommendation, indicating the existing guidelines already apply as legal obligations. The review acknowledges that position, while maintaining the view that active, independent compliance oversight with published data would meaningfully strengthen accountability in this area, and that parliament may wish to consider it further.

On clarifying the Solicitor-General's role, the review recommended that the Attorney-General commission a review of the guidelines in relation to the Solicitor-General and State Litigator and the Treasurer's Instructions FC-17, to provide clear guidance on when legal advice is and is not binding on the State Service. This was supported.

The review also recommended that the Attorney-General develop guidelines on how the State Service should engage with the Solicitor-General's office during the policy cycle. Also supported.

Together, these reforms should resolve the ambiguity the review identified and provide the State Service with the clarity it needs to act decisively and appropriately in child sexual abuse matters without feeling constrained by legal advice.

On access to external legal advice, the review recommended that Treasurer's Instructions FC-17 be amended to review the current requirements, that all requests for legal advice be referred to Crown Law, and that guidelines be developed for the use of private sector legal services - commensurate with practice in other Australian jurisdictions. This has been supported in principle.

The review also recommended that the Attorney-General's guidelines be amended to explicitly exclude oversight agencies from the general remit of the Solicitor-General and permit them to obtain independent advice. Also supported in principle.

The related recommendations to amend the Treasurer's Instructions to clarify that the Integrity Commission, the Ombudsman, the Commissioner for Children and Young People and the Implementation Monitor are not required to seek legal advice from Crown Law has also been supported in principle.

The government's position is that this option is already available under existing instructions and it's a matter for those agencies to self determine. The review welcomes that position and will encourage those agencies to exercise that discretion actively and without hesitation where their independence requires it.

Taken together, the part B recommendations and the government's positive response to them represents a significant opportunity to reform the legal framework within which the state engages with victim/survivors and manages civil litigation involving child sexual abuse.

The review commends the establishment of the State Litigation Office, which has already addressed some of the structural tensions identified by the commission. But changes in practice and culture require more than structural reform; they require leadership, training, monitoring and a genuine commitment to the model litigant standard in every sense.

The review notes that Tasmania's first State Litigator resigned after a short tenure and that compliance with the model litigant guidelines remains an area requiring sustained attention.

Parliament has an important role to play in maintaining oversight of how these reforms bed down in practice.

The review welcomes the government's commitment to refer supported recommendations to the independent Child Safety Reform Implementation Monitor in accordance with the *Child Safety Reform Implementation Monitor Act*. The monitor's oversight will provide accountability and continuity this work demands. The review understands ultimately which recommendations are referred is probably a matter for the Attorney-General and the parliament, in accordance with the relevant legislation. The review does not seek to pre-empt those decisions.

In closing, justice for victim/survivors is not a single thing. It is accountability, it is compensation, it is cultural change, and it is systemic reform that ensures this never happens again.

The recommendations of this review are designed together as a whole to contribute to that multidimensional goal. Tasmania has demonstrated through the commission of inquiry, through the government's acceptance of all 191 recommendations and through the work already underway, that it is capable of reckoning honestly with the past. What is required now is sustained political will to follow through on the full breadth of the reform package that has been recommended.

The review is grateful to have played a part in that effort and we're very happy to take any questions. Thank you, madam Chair.

CHAIR - Thank you very much for that opening statement. I have an overarching question. It might be you're more of a glass half-full person than I am, Mr Woolcott because when I hear you say so categorically that the recommendations you have made in the review are a package, they are interdependent and are meant to be progressed together to give full effect to them and the impact that we're seeking from them - when I look at the government's response, I see a very patchy response and acceptance of those recommendations, and that concerns me.

I'm interested to hear from you, beyond the comments you've already made in that opening statement, are there any elements in terms of the government's response and their indication that they perhaps only support in principle or support to a limited degree the recommendations made? Are there any elements in that that you feel risk the overall impact and positive progress that the recommendations are designed to deliver?

Mr WOOLCOTT - Thank you, Chair. Obviously, time will tell, but the fact the government has accepted all but four - either it supported them in full or supported in principle. It depends how support-in-principle plays out over time. My understanding is that they have strongly endorsed the overall thrust of the review and what we're trying to do, so we'll see how support-in-principle translates over time. I do come away with a strong sense that government is not backing away from support when it talks about support-in-principle, but it's just looking to allow for nuances and for legislative drafting and how that all plays out.

The four that they have not accepted or they've just noted: again, I think they largely relate to the SSMO and the idea that we put forward of revamped and rebadged SSMO and what central role that will play in terms of stewardship, the development of capability and cultural change within the system. Again, there we've seen the government announce some fairly major machinery of government changes, with the abolition of the Department of State Growth and it's changing into an agency and the movement of some of those functions to DPAC, and we'll need to see, again, how that that plays out.

I think it's important to note that in relation to the changes we recommended in relation to the SSMO that the government has basically endorsed the need to rebadge and support to rebadge and revamp that organisation to play a much more central role and to be engaged in the stewardship of the system. How that plays out we'll need to wait and see.

I was the former Australian Public Service Commissioner and I know that Tasmania had a Public Service Commission, which it abolished about 10 years ago now, simply because, I think, it didn't work at that time. It wasn't funded. And so, the question was: do you move back to that model in a financially challenged environment or do you try to set up a different model that works? We say in the report that one of the reasons that I think Tasmania failed in its duty to the children of Tasmania was the lack of an institution like that, which controlled the central aspects of, basically, accountability and of managing the process that came out of the COI. You had a lot of emphasis on the policy and the structural and legislative aspects, but in terms of the accountability aspects, that was left to each department to manage its own way. They all managed that differently and there was a real absence of central control and drive around accountability.

I would hope that whatever the government comes up with in the end, in relation to the SSMO, that it actually focuses very heavily on ensuring that you do have that central control around accountability issues, around capability issues and around cultural issues.

CHAIR - Thank you. We'll probably have more questions into that area in a moment, but I just want to keep it a bit more general and, following on from that initial question that I had, I note that the government, in relation to your very first recommendation about oversight of the implementation of these recommendations by the Implementation Monitor, that it has only partly agreed to do that in relation to the ones that are supported and the ones that fit with that monitor's remit essentially. Have you been made aware of exactly which of these recommendations the Implementation Monitor will be monitoring in an ongoing way in terms of implementation or not?

Mr WOOLCOTT - No, we haven't. I understand that it's subject to negotiations between the independent monitor and the Department of Justice at the moment.

CHAIR - Right. In terms of the fact that we might anticipate that at least the recommendations that haven't been accepted by government will not be monitored, then, in an ongoing way, and some of the others may not be either because it might be deemed they're not within this remit - what's your concern then, about ongoing monitoring of the circumstances which gave rise to those recommendations and the potential implementation of the ones that fall outside the remit of the monitor? Would your expectation be that this committee should be monitoring that in an ongoing way or there should be other mechanisms to monitor implementation?

Mr WOOLCOTT - There's clearly an important role for the department and this committee in relation to the work of the independent monitor. I would think that that would very much fall to the parliament, once the Attorney-General decides what bits should go to the independent monitor to do so. I think there's, as you say, an important role for this committee to continue to keep an eye on that.

CHAIR - Thank you.

Mr WOOLCOTT - Because it is under legislation, as I read it; it is the parliament's prerogative to also have a major say in terms of what matters go to the independent monitor.

CHAIR - Right. In terms of the remit that's been given to the monitor under the legislation?

Mr WOOLCOTT - Yes.

CHAIR - It's not just a matter of the Attorney-General and the government deciding? You regard that the parliament has a role to be able to refer things to that monitor position as well?

Ms SHARMA - That's right. That's my understanding that the act that establishes the Implementation Monitor has a provision in it that would allow parliament to refer other recommendations to the Implementation Monitor.

The only other observation I would make, Meg, is that the Implementation Monitor, as I understand it, has oversight of the COI recommendations. So, in the context where our recommendations generally build upon the recommendations of the COI, I think, logically a separation, in terms of referral, just from a practical perspective, in our recommendations built on the recommendations of the COI, I would expect that the Implementation Monitor in oversight of the implementation of those recommendations would naturally be taking account of our recommendations because they're progressive.

CHAIR - Right. It'll be interesting to see if that turns out to be the case. I hope it is.

In relation to that, I note that in the government's response document - and I'm not sure whether you both received any more detail than what is in this public document of the government's response to your recommendations - but, at times, the statements that are here in this document next to a recommendation just simply say things like 'supported', 'aligns with the COI recommendation such and such'. Now, to me, that almost sounds like the government is dismissing the recommendation you have made, in the sense that it's already happening because of that COI recommendation. I hope that's not the case. How did you interpret statements from the government in this document that they support your recommendation, but they're really just pointing to a COI recommendation as covering that area?

Mr WOOLCOTT - Well, the way I've interpreted that is that we have obviously sought to build on the work of the COI. Part of the issue that the government and the parliament face is the enormous number of recommendations; not only the 191 recommendations that came out of the COI, but the range of other reports and reviews that have been done on this issue, which the government has also accepted. There's an enormous amount of material that the government has to prioritise and work through and the Independent Monitor has that role, in terms of keeping the government informed of how he thinks it's going. He has an absolutely critical role in the system going forward.

As I said, we've thought to be fairly succinct in what we've said in relation to the number of recommendations. I can talk further about why we broke them up in strategic, operational and the accountability aspects to that, but it's essentially about building on the work that's already been done. So, when I see the government referring to that, I don't see there's anything untoward about the way that they have approached those recommendations. They said they're supported. We've set out clearly what those recommendations are and, yes, we have sought to build on the work of the COI.

CHAIR - Fair enough.

Ms O'CONNOR - I wanted to talk about the recommendation that's specific to defining or redefining misconduct in the *Integrity Commission Act* to make sure that breaches of the code of conduct are considered misconduct. There's an issue here in Tasmania: we don't have a crime of misconduct in public office. There seems to be a limited understanding within some elements of the State Service of what constitutes misconduct. Is there a broader question here about misconduct in public office as it relates to good processes that ultimately protect children and other vulnerable people?

Mr WOOLCOTT - I'm thinking about that. My sense is there's a pretty good clear understanding of what misconduct is and there's a global conduct scheme now as well. The way the code is written, and we have issues around some aspects of the way the code is written, particularly the 'at all times' aspect. I don't think it's the definition of misconduct that is such a problem. It's the processes and the regulatory and legislative arrangements which govern those processes which have been a major part of the problem in handling these issues within the State Service.

Ms SHARMA - The reason that recommendation exists in relation to aligning the two definitions. The *State Service Act* has a definition of what constitutes a breach of the code of conduct. Section 9 sets out in detail a number of ways in which you might breach the code of conduct. The *Integrity Commission Act* uses the words 'misconduct' as opposed to 'a breach of the code of conduct'. In speaking to both the Integrity Commission and more widely we're conscious that those two terminologies don't necessarily align and that they create unnecessary ambiguity in the context of what really constitutes a breach of the code of conduct, whether you call it a breach of the code of conduct as per the SSA act or misconduct. What we have attempted to do is to remove any sense of ambiguity that a breach of the code, regardless, is based upon an assessment of your conduct - a definitional variation in terms of use of words should not drive a different approach to addressing what is poor conduct in the service - as a consequence of having two separate acts that use two different terminologies.

Ms O'CONNOR - Okay, thank you. What about the issue, though, of a deeper understanding within the State Service of what constitutes misconduct, as it applies to the code of conduct, but also as it applies to general ethical principles and principles of good governance? Do you have anything to share about your review's findings on that?

Ms SHARMA - I would respond to that by saying that you have seen over two decades of instances of child sexual abuse in Tasmania -

Ms O'CONNOR - And longer.

Ms SHARMA - In many instances - and longer - and in many of those instances, as the commission of inquiry established, that conduct in the case of some individuals persisted for a long period of time, that those allegations went unaddressed, and that should give you a very clear sense that there was a systemic problem, both in the understanding of what constitutes a breach and also how to handle it.

What the review and, I think, the commission of inquiry, and, I would say now, the State Service and parliament have done is to bring greater scrutiny and understanding, particularly in the context of abuse of children, what that abuse might constitute, how it commences, how it might escalate and, therefore, the need to be ever vigilant in addressing what might start off

as poor minor behaviours and transgressions and might escalate to more serious perpetration of harm to children.

In summary, I would say, yes, there has been a problem in the context of understanding what the impact of child sexual abuse is, what it looks like; what is child sexual abuse? I think the service's handling of that historically has not been up to the standard that one would expect.

Ms O'CONNOR - Thank you. I have just one more question for now and it relates to Strategic Recommendation 6.2, which is the proposed amendments to the *Registration to Work with Vulnerable People Act*, which the government has supported in principle and says that amendments to the act will be considered. Some of them are quite significant reforms, if you like, to how that scheme would have its appointments made, be administered and advised and in its reporting and key performance measures.

Is it a concern to the reviewers that there hasn't been on the part of government a stronger level of commitment to those recommended changes to the registration scheme.

Mr WOOLCOTT - Again, we'll need to see how the government approaches it when it talks about support-in-principle, but I believe they do understand that the registrar has a particularly sensitive job. Unlike other agencies, the work of the registrar is not investigative in nature and is a preventative mechanism that is focused on undertaking risk assessments. The review noted, as of 24 August, a number of risk assessments were still pending.

What we've identified is there have been a number of concerns which lead us to make a recommendation to strengthen risk assessments through activating existing provisions in the legislation that apply to the appointment of an expert advisory body to provide advice to the minister, so that is one of the recommendations. Then the registrar and decision-making processes, particularly related to positive and negative risk assessments, are important things for such a body to look at.

We've also talked about the need of an annual report to parliament. We've also talked about in terms of recommendations raising the status of the registrar for working with vulnerable people, so it's not appointed by the Secretary of Justice, but it's actually appointed by a governance council.

We believe it's a particularly sensitive job. You're absolutely right. I don't get any sense the government is not committed to looking at the work of the registrar and looking very seriously when it talks about supporting in principle the recommendations we have made. There's no doubt it's a particularly sensitive job and, quite frankly, I think the registrar needs some support. It's something of a 'black box' - who does he talk to about difficult issues? It has pretty fundamental consequences for both the child's safety, but for also people in Tasmania who are seeking to be able to work with children. It's a very tricky job and my sense is there's a greater role for the minister through an expert advisory body, and a greater role for the parliament and the need for increased status.

I can't comment on how the government will end up managing this particular issue, but they have supported it in principle and, again, my own sense is that doesn't mean they're looking to back away from this or fudge it in any way. I don't get that sense but, obviously, the parliament will watch that very closely. This is a really big issue.

CHAIR - I might follow up on that, if that's all right?

Again, I hope your optimism there is warranted, absolutely.

Were you given any indication about why it was supported in principle rather than just supported? Were you given any indication of what, if any, element of that recommendation presented an issue that wasn't able to be just outright supported by the government?

Mr WOOLCOTT - No, we haven't had that conversation with the Premier or the attorney.

CHAIR - Okay.

Ms LOVELL - Peter, I had a question about recommendation in part B, Recommendation 1.1 in the Justice chapter. The government has supported the first part of that recommendation which was to reissue the model litigant obligations as directions to all agencies and instrumentalities, but the second part of that which was about establishing an office to have oversight of compliance with those obligations they've noted and they've added a comment there to say: the obligations already apply as they are legal obligations.

I just wondered if you had a comment on how important that second part of that recommendation would be? At my reading, I assume agencies would have already been aware of those obligations. We can reissue them and they become more aware, but, without that level of oversight, what's your comment on why this is an important part of that recommendation and what level of risk do you see that the spirit of that recommendation is not met without that second part being committed to?

Mr WOOLCOTT - Thank you. It's a good question, Sarah. There are a couple of aspects to this. One is the recommendation about the minister issuing them as directions. That raises the stakes of the model litigant guidelines and there's no doubt that this has been a big issue in terms of victims of sexual abuse and the trauma that they've suffered, how they've been managed in the past, and the COI has focused on that extensively.

We still think it has merit to actually have an independent body within the Department of Justice manage those aspects and any complaints that might arise. It's how the Commonwealth handles it. I've been influenced a bit by the Commonwealth in that regard and it's worth looking at the legislation there. The government is saying, no, we think we've got this and we think it's okay, but I still think it's worthwhile that the parliament keep an eye on this, and I still think it has merit as a recommendation.

Ms SHARMA - I would add to that. The intention of that recommendation is really to say, you might have legislation that asks you to do x. Compliance with that is actually really useful and having an oversight mechanism is really useful as a learning opportunity because you might do things over the course of a year that it's helpful at some point in the year to sit down and reflect, to say, have we met fully the intent and the spirit of the law as well as the word of the law? What can we learn from what has transpired over the last 12 months? Where have we not necessarily met the standard that we would expect? So, a compliance reporting mechanism is not just an attempt to say, we want to bring greater transparency. It's also a valuable learning opportunity to say - particularly given that these are new directions, there is a shift. There's a lot of effort and work that has gone into revising these. From our

perspective, we just felt that that mechanism would enable the department to take stock, quite frankly, on an ongoing basis on how it was meeting those obligations.

CHAIR - To follow up on that, I'm very disturbed by this one being just noted and not accepted because in, for example, I believe it was during our Estimates hearings at the very end of last year, I asked the Attorney-General and the department, how do we know how well we are tracking against compliance with model litigant guidelines? How do we capture whether there are complaints, how those are responded to and whether they're instances in which we're falling short. The answer was, we don't do that; we don't capture it. They weren't able to point to a mechanism where they do this already. I wanted to check with you: the fact that they've essentially rejected this Part B of recommendation 1.1 here in Part B report, the detriment of that presumably is significant because if we have a set of guidelines and we have no way in which to know whether we're complying with them or how well we might be complying with them, how on earth would, say the parliament, this committee or the parliament broadly, hold the government to account on that?

Mr WOOLCOTT - Chair, the government hasn't rejected it; it's just noted it. It may amount to the same thing in practice. We will wait and see. And, as we've said, we do think it has merit.

CHAIR - Yeah, I'm, as I said, disturbed by that one and, presumably, if it's only been noted, it won't be monitored in an ongoing way as to whether there are efforts to implement something along those lines, even if it's not that specific recommendation.

Ms O'CONNOR - You might hear when something goes terribly wrong.

CHAIR - Well, we might or we might not.

Ms O'CONNOR - That's the way it seems to be.

CHAIR - I might move on to some other questions unless someone -

Ms LOVELL - I have one more on another matter. Strategic recommendation - same chapter - 1.5, around explicitly excluding oversight agencies from the remit of the Solicitor-General. Again, the government has supported this in principle, but their comment says, that option's already available and it's a matter for those agencies to self-determine if and when they require independent legal advice. Was there a reason that your recommendation was for them to explicitly be excluded from the Solicitor-General or is it enough that they can make that decision themselves?

Mr WOOLCOTT - There was a bit of a sense - it was complex. They would have to seek permission to go outside for external legal advice. So, yes, if they could do that - but did they do it? How complicated was it? How often did they do it? There was just some confusion, some hesitation about how that all worked in the system. Because their independence in the executive is the sort of foundation of their effectiveness, we think it's actually really important, because there is an inherent structural tension particularly when the oversight body may be investigating or scrutinising the very agencies the Solicitor-General advises. So, the government's response, I think, confirms independent agencies can already seek independent advice under existing instructions, and that's good, but we would still reckon that it'd be useful to set it out very explicitly.

Ms LOVELL - I guess the unanswered question would be: how complex is it for them to do that and is that a barrier?

Ms SHARMA - Sarah, I would say that they're required to seek an exemption. That's a threshold step. What we see, in terms of the shift, is the language that says it's self-determination, so i.e. they don't have to seek an exemption. That's the way I would now read it. The fact that that's on the record is actually really helpful. For the agencies that are independent, I would now expect that they can exercise that self-determination or feel confident in exercising that self-determination, and so the ambiguity around wanting to have to seek an exemption in order to go and seek external legal advice in and of itself presents a challenge because that means you're explicitly having to set out what's the matter in which you wish to go externally, why do you wish to go externally? But, what this appears to do is to clarify that a change is not necessary because the path is self-determined when you go externally [inaudible].

Ms LOVELL - That's possibly something that, as a committee, we can clarify further with the government to ensure that that is the case.

Mr WOOLCOTT - Indeed.

CHAIR - That's incredibly useful, actually, to have your interpretation of that statement from the government that, implicit in that is that they do not need to seek permission, they can self-determine without seeking exemption, because that's not necessarily how I'd read it the first time. You've been very clear in the reports about the problematic nature of that ambiguity that existed and the barriers it did present, so very useful to hear that reflection.

I might move on to another area, if I may. One of the things that appeared to me as I read, certainly in the reports about the early stages of your review process, is that there were many things that were falling short in terms of record keeping, in terms of capability, in terms of completeness of datasets and things like that. It read to me - so, I'm looking for your comment on this - as though, in fact, the exercise of this review helped to clarify and progress certain processes that were already in train and probably added to their completeness. Is that a fair enough observation? Would you comment a bit more on what the activity of this review and its efforts to look at data and look at processes contributed to a more successful outcome within our State Service around that?

Mr WOOLCOTT - I have to say, just the very fact that the review was set up was, I think, enormously helpful in the end to the system in the State Service and in Tasmania. We struggled to get access to information at the beginning. As you know, on the basis of advice from the Solicitor-General, we had to return all the records that we'd been given by the State Archivist, and we had to destroy all our notes and essentially start again. Then we, the parliament and the Attorney-General - who was enormously helpful on this - a reiterative process to enable us to access the records. We got everything back in the end, but it was a slow start to our work, and it was symptomatic, we think, of the issues around the sharing of information across agencies who actually need to see that information. I mean, working together collaboratively, understanding what was happening when people moved agencies or when the machinery of government changes or making sure that everything was shared was a significant issue for us and the State Service.

I think a lot of this has actually been clarified. We can talk about this further, when we look now at an institution like the JRRT (Joint Review Referral Team) Justice Department, they have a complete dataset now, and we worked with them to ensure that our interpretation of the matters of concern that came out of the COI matched all the information they had.

They also struggled, quite frankly, on things like Section 18 because on Section 18s, the government was not advised who got a Section 18 notice and would only become aware of it should the person who received the Section 18 notice contact the government about the need for some sort of assistance or help.

So, it became a very collaborative approach in terms of making sure that nobody that needed to be focused on was missing from the JRRT database. All that took quite a bit of time. I have to say it was a slow start. We came in from the outside. They didn't know us. They didn't know what we were planning to do. And most systems are a little bit defensive in those circumstances, but I think in the end it became a very collaborative approach with the State Service and, of course, there's new leadership throughout the State Service as well. I have to say that I think it ended up in a very satisfactory way, and I was very pleased with the working relationship we had with the State Service and its leadership. But it took time to develop.

Radha, did you want to add anything?

Ms SHARMA - I think my reflection, Meg, would be that the big shift that we have seen - so going back, if I think about it, we sought in our early requests for information, datasets from all of the agencies, regulatory authorities, the SSMO. Now, the big shift that I think I have seen is that the individual agencies certainly had, when they provided the information what would be a comprehensive record of the referrals that they would have received over time from the COI. The big shift that I think occurred during the course of the review was the fact that there was a consolidated dataset which combined the information and referrals that were held at individual agency level comprehensively into single datasets.

If you think about the way the COI worked, it made a referral of an allegation to both the employing agency, or what it believed to be the employing agency, and the relevant regulatory authority. Now, what was missing from, I guess, the initial sets of information that we received was an understanding that the same referral might have been issued at the same time to multiple agencies and regulatory authorities and that there was value in being able to combine that and to then assess what you had as a complete picture. That, I think, the service evolved its approach over time.

As I have said in the report, looking at the final dataset that we reviewed in September last year, I think, materially different to, say, such a rich set of information about allegations, individuals, referral points, you know, the work that was underway, and the fact that a whole range of regulatory law enforcement agencies now work off the same dataset, I think that's really invaluable.

There's certainly been a shift through the work of the review, but I think in the sophistication that the service has been able to bring to the combining of information across organisational boundaries.

CHAIR - It's good to hear that, and it's good that the review, in some ways, provided the imperative for that to be progressed and improved as well.

Mr WOOLCOTT - Yes, I think that's fair comment, Meg.

Ms SHARMA - And parliament.

Mr WOOLCOTT - And the work of the scrutiny committee as well.

Ms O'CONNOR - Mr Woolcott, I have a question that's slightly left field, but it relates to future risks in the State Service and therefore future risks to the people the State Service ultimately serves. We've had a statement from the Premier in his state of the state address that he wants to fully embrace artificial intelligence. We've got its growing application within the State Service and whole, sort of, units of government are flagged to be replaced with AI. With your experience in the federal public service, I'm interested in your views on how we guard against the misuse or the misapplication of artificial intelligence, the erosion of protective guardrails which the COI and your review have worked to establish, the erosion of transparency and potentially accountability, because how do you hold an AI system accountable in a functional, ethical State Service?

Mr WOOLCOTT - That is a really interesting question and a really difficult one. What I find is that AI has just moved so fast. In 2019 with this massive review of the Australian Public Service, the Thodey review, which included a whole lot of people who were highly technically competent, and they did not even mention AI in that report. They talked a lot about the importance of data, a lot about the importance of new technologies. It wasn't even mentioned. That was in 2019. I use AI, we all use AI, and it is moving; it is getting better and better.

Ms O'CONNOR - I don't.

Mr WOOLCOTT - Sorry about that. It's a real issue about how, obviously, the private sector manages it, but how the public service manages AI. When we looked at it in terms of the Public Service Commission, and when I was still the Public Service Commissioner, we were focused on a couple of things. One is security, because you want to make sure everything you put in it is data protected. The second is: a human being has to be accountable. You can't just say, alright, it's AI. A human being has to check it, because it does hallucinate, its algorithms remain something of a black box. A human being has to be responsible for all aspects of AI. So, yes, it's a work in [inaudible]. It can be used. It's incredibly good at bringing data together from disparate sources, but someone needs to check it. So, it can lead to real efficiencies and I think the public service has to find a way to adopt it, because that's where the whole world is going, but there need to be structures and frameworks and guidance around how it is used, and people need to be trained on how to use it and understand that they are still accountable for the work that's produced even using AI.

AI is also a real issue in terms of child sexual abuse and child safety. The way AI is being used by nefarious people and paedophiles is a real danger, and there've been quite important studies which we actually reference in our report on this. At the same time, police and the public service and the authorities who are designed to actually look after children and their wellbeing need also to be using AI to actually counterbalance this. It's a really tricky issue. I don't think you can just say, 'we're not going to use it', because that's not possible. The other thing AI can do is it can bring data together very quickly, at incredible scale. It can reach out

and bring things together so it can be hugely valuable in terms of working to ensure children are kept safe in Tasmania.

Ms SHARMA - I would agree and I also use AI, and there's incredible power, if you like, as Peter's describing, in being able to collect, store, and use information. There are also questions. I would point to the NSW AI Assessment Framework, which I think is probably one of the more mature frameworks across Australia and in Australian jurisdictions. What it really asks for is: if you are going to deploy AI is to ask questions in terms of what's the logic or the learning behaviour that is guiding the way that AI is being used; what are the types of decisions you think the AI system is being asked to support; what kind of harm might you anticipate that could occur; to what degree are you expecting the AI system to be able to operate without human intervention; and what level of human sort of intervention and oversight might you include?

In a way, practically, you might think it can crunch huge amounts of data, but the insights that are generated from that, I would still expect are actually being interrogated, deliberated - decision-making is made using those insights by humans and that you expand the consultative mechanism if you're going to shrink the time that you might have spent actually putting humans to the task of collecting, storing, analysing the data. What you do is the critical analysis and it gives you the ability to redirect your resource to put humans to the task that they're best placed to do, which is actually to look at the insights.

Ms O'CONNOR - Thanks, I think that's in the best of all worlds. If we come back to your recommendations around information-sharing between entities and agencies: presumably what we would need here, through a refined and revamped State Service management office - which is another one of the recommendations which the government doesn't seem to be fully committed to - then there would be guidance for all agencies and, perhaps, a set of rules for how they deploy this technology in their processes, particularly as they relate to potential harm to children and other vulnerable people.

Mr WOOLCOTT - That's absolutely right. I don't think it's something you can just leave to agencies to manage itself. I think it's one of those areas that does require a central policy framework and guardrails set by the centre. That again would be something that a revamped SSMO could usefully focus on.

CHAIR - As I was reading the review report, it read to me, in certain areas, that your reflections were that historical investigations on some conduct matters and allegations in times past had been of a poor quality. I think there are some explicit statements in the report where you reflect on that. Then you also talked about the impact of a lack of investigators as a resource here for us, in terms of people who are qualified and free from conflicts of interest and the like, and able to conduct appropriate investigations. One of the things that I was concerned about is, given that a function of the review was to provide assurance that there was accountability and that appropriate investigations had occurred, are you only able to, when you look back at your assessment of the ones that have occurred, give that assurance to the extent that within the context of historically poor-quality investigations and a lack of potentially qualified and conflict-free investigators - did that occur that an appropriate, accountable response was given in some time past?

Mr WOOLCOTT - As you know, we've not had investigative powers. That's the first point to make. But what we were able to do is to ensure that all the matters of concern raised

by the commission of inquiry were essentially in the database of the JRRT. This has led - yes, there were issues around a whole lot of quality issues. There were issues around the employment directions. There were issues which were set out in some detail in terms of the weaknesses of the system and the systemic problems, and that's absolutely right. But I have to say that everybody who was mentioned in the COI is now in that database the JRRT has and that there have been implications that have flown from that. People have left. People have been dismissed. There were also problems not only with the systems and, as you mentioned, investigators. That's a very good example where we did see problems, but there's also the information itself was at times pretty loose, hard to pin down. And so, you have to let the system itself try to manage proper outcomes.

Bit my own sense is that where the State Service is in a much better place now, over the last couple years.

CHAIR - But unfortunately things have to apply as they were at the time. For example, a complaint occurred or an instance that was complained about occurred. I guess, I'm trying to get some nuance around certainly the government statement in their response to your report where they make it very clear, in fact they bold it in their introduction section, that your review found that:

> All matters of concern related to named officers and employees raised by the Commission of Inquiry have been dealt with appropriately by the Tasmanian government.

The nuance around that statement is appropriately according to the limitations of the system that was there within which the actions were taken. And so, if we think about it more broadly, about would the community in general and particularly for example victim/survivors or whistleblowers believe that true accountability had been delivered. That's a separate and different question, isn't it?

Mr WOOLCOTT - Yeah, the government is talking about accountability in terms of the processes. That's right. I think victim/survivors, they will look at [inaudible]. That's absolutely right.

Ms SHARMA - I would say that the report is hopefully really clear about the limitations of the system in multiple respects, not just in the context of the quality of the investigations, but also in terms of record keeping, both historical and otherwise - the timeliness in which action might have been taken or occurred.

Chapter 3, if you like, substantively provides a critique of the response to the handling of those matters of concern and it sets out, I hope at least in great detail, the limitations of the system as it currently exists, including in fact, as we identify, and then make recommendations on in relation to changes to the *State Service Act*, to the employment directions. And so there's no doubt that the accountability mechanisms, such as they exist, are operating, or were operating, at least on the basis of the information that we have interrogated. You know, on settings, whether those are current ED5s or the *State Service Act,* and those are, as we say, they could be strengthened, they could be improved. So the assurance is limited by - have you correctly applied that which exists, not is that best practice? And is it as perfect as it could be, and noting that there's no such thing as perfection, but we do say that there are improvements that could be made and lessons that could be learnt.

Mr WOOLCOTT - I might just add that, of course, JRRT now has the datasets, as does the SSMO, which are accurate. There are still a number of ongoing mechanisms established such as Taskforce Artemis and obviously the work of Regina Weiss, and so, things are still happening. That's a point that's I think needs to be reinforced.

In a way we recognise that without investigative powers, we were also trying to build a system which is going to work better in the future, that children will be safer and a system which misconduct is identified and dealt with more effectively. That's not going to manage the trauma and suffering that victim/survivors have been through, but I think that, in an interesting way, in talking to victim/survivor organisations, they understand that our role was a little bit limited, that we probably are not going to be able to help them and their specific case, but we're going to build a better, stronger system for the future; and they also wanted that.

Ms SHARMA - I think it's really important for those who are listening to this to reference data that 29 of the most serious cases at the time of our writing the report were being taken through the Shared Capability and Centralised Investigations Unit, and Regina Weiss was engaged by the State Service with investigative powers, in fact, to do further work on those cases, and that should provide reassurance that, in fact, the service has paid attention to the issues that we have raised and try to take the most serious cases through that channel and that approach.

I think we referenced in the report, even at the time of writing, as a consequence of that work, there were a number of individuals who were subject to criminal charges, and I think one or two ended up in in court with determinations, so we're hoping that we will see more of those over the next few months.

CHAIR - Thank you for those answers. I appreciate it. Can I go to your recommendation from part B, Strategic Recommendation 1.2, and that's on:

> The Attorney-General commission a review of the Attorney-General's guidelines with respect to the Solicitor-General and State Litigator and the FC-17 to ensure legal clarity and incorporate a requirement for guidance on the nature of advice which is provided and whether it is binding on the State Service or not.

When I look at the government's response to that and they say, 'supported', which is pleasing, but then the comment there is that:

> The Attorney-General's guidelines in relation to the provision of legal services to the government identifies when and in what circumstances legal advice is binding on the State Service.

It sounds to me, when I read that, that they say 'supported' because we're already doing that. Am I interpreting that incorrectly? How do you interpret the government's response there? Are they actually agreeing to do what you're saying in that recommendation or not?

Mr WOOLCOTT - Yeah, I believe that they are. This has been from my extensive discussions with the attorney in the lead-up to producing part B. It's important that the roles of the Attorney-General, as the first legal officer and as a member of the executive, and the role

of the Solicitor-General, the Office of Solicitor-General, as second legal officer, are really clearly articulated. As I understand it, it is the Attorney-General who takes advice from the Solicitor-General, the Attorney-General then determines what the Crown should do with that advice, and, as I understand it, the Attorney-General guides the State Service as the first legal officer on how the State Service instigates the engagement of the Crown Solicitor's Office advice. And the *Financial Management Act*, which is worth talking about a little bit here, deals with the management of the state's finances that clearly may include procurement methodologies and the way lawyers are engaged to ensure value to money.

However, we found that FC-17 caused considerable confusion in the State Service and at the independent oversight bodies, as they believe that it binds them to both take the advice and to act upon, rather than reflect and question that advice and provide independent instructions. Similarly, this does not seem to be any guidance on which advice is binding on whom and when and needs to clarify on the role of the Solicitor-General's office, the way it engages with the State Service and the freedom for oversight bodies to obtain advice without first going to Crown law, and while oversight bodies could of course be subject to the FC if it would need to be focused on procuring the service.

So, what sort of advice is binding on the State Service and how the advice should be implemented? It should also sit within the remit of the Attorney-General as the first legal office and we have suggested there be a new A-G's guidelines for this purpose. My strong sense is that the Attorney-General very much supports that. There's a need for greater clarity on how the whole system works, and it has impacted in this whole area.

CHAIR - It will be interesting to see how that plays out then in practice as they implement, hopefully, that recommendation.

Ms O'CONNOR - If we go to Operational Recommendation 5.2, which is in two parts, and it relates to the State Service Management Office working with the Integrity Commission to roll out mandatory ethical decision making and integrity for all State Service employees in management positions, and further that there be mandatory training regarding the management of conflicts of interest - which I'll editorialise a bit here: we really manage quite poorly - in Tasmania it's not a culture of managing conflicts of interest. What the government said here alongside these recommendations is that it's supported, but it's provided no information or detail on how that recommendation or when it's being implemented and in part it relies on the Integrity Commission being able to do - or equipped, funded to do - that work.

Do you have any line of sight to the government's thinking here, even though they said they've supported the two parts of these recommendations, but it's sort of into a vacuum that will be administered by DPAC where many vacuums go?

Mr WOOLCOTT - No, I don't have any line of sight on the government's thinking of how this could be operationalised. I think it's something that we obviously think needs to be operationalised and it's something that could be done relatively quickly. You mentioned the Integrity Commission and the resources it has, and I think that is an issue, but for example, in the Australian Public Service Commission, particularly since Robodebt and the issues there, there's been a huge focus on integrity training, and we've done a lot of work on that before Robodebt and in the lead-up to Robodebt, knowing what was coming, so there's a whole range of courses that the Tasmanian State Service could look to discuss with the APSC on how that might be rolled out to them and whether that could be done relatively inexpensively because,

again, I know resources are an issue. Then, whether this could be done by the Integrity Commission in partnership with Tasmania University in terms of integrity training, something else they might well think about.

We do think it's pretty important at the management level there's a clear understanding of what integrity means and what integrity looks like. I do believe that the conflict issues that you yourself discussed just then are very real in Tasmania. It's a society in which everybody knows everybody, and to have a clear understanding of what a conflict can look like - and people don't mean to do the wrong thing: most people working in the State Service want to do the right thing, but they need to have a clear understanding of conflicts and a clear understanding of integrity and what that actually looks like in the working environment for them to do the best for the people of Tasmania.

Ms O'CONNOR - Can we take from that, that your review identified some real gaps there in terms of State Service management understanding of ethical decision making and integrity and of the broader State Service's understanding and, therefore, capacity to manage conflicts of interest, because it's certainly something that arises in our work as members of parliament and committee members as an area where attention is required.

Mr WOOLCOTT - That's absolutely right. I think people want to do the right thing but understanding what the right thing looks like in practice is pretty fundamental, and that's what we saw.

CHAIR - That's an area I was interested to ask questions about also, which mimicked ones you've just asked, Ms O'Connor, and also normalising the idea that acknowledging a potential or perceived conflict is a very normal thing to do, and there's nothing wrong with acknowledging that conflict and you manage that conflict in the context of decision making. We seem to shy away as if even acknowledging that there might be a perceived conflict or a potential conflict, as if that's somehow admitting to doing something wrong, which it's not. We certainly have cultural issues. That's my commentary on that.

I wondered about whether you had in any sense assessed the capability of the Integrity Commission to deliver such training that you've suggested in the report on integrity or conflicts of interest. Other than just outright resourcing, did you look at the training that's already delivered by the Integrity Commission on those matters?

Mr WOOLCOTT - I might ask Radha to answer that question because I did not look at that aspect. You may have because you looked at everything.

Ms SHARMA - No, I did not look at the provision of - well - I did look at the fact that they offered the training. I haven't looked at the training materials, Chair, so I couldn't really tell you what quality they are, so, no, I couldn't make a comment on that.

CHAIR - Hopefully, then, as that recommendation may be monitored going forward by the independent monitor, maybe, if it's one that's captured under his remit, we might get a sense of an assessment of that going forward.

The other thing I noted in the report when you were discussing this on page 106 and 107, the review notes that looking at data from the Integrity Commission's annual report of 2023-24, only a relatively small number of public officers have been delivered training on integrity in

that year, for example. Their scope at the moment for the training they deliver is small. As you've described, there's only as few as 75 attendees of a total of 251 attendees that were actually categorised as State Service employees - as you've commented here in the report, a relatively small number of staff for a workforce of 30,000 employees.

When you're making the recommendation there, about training on integrity and training on conflict of interest in decision making, what do you envisage is the scope of that within the full workforce? Is it certain levels of management that you're talking about having that training provided to or a very broad net that captures most State Service employees?

Mr WOOLCOTT - In a way we've taken a somewhat bite-sized approach. It costs money to do training. It's important, but it does cost money. We've focused our recommendation around training initially on managers: people who are supervising other people and, hopefully, what comes out of that is a cascading effect down and over time you can expand that training.

I think in the initial phases, our recommendation focuses very much on the management and that was driven by the number of, as you say, the 30,000 state servants in Tasmania, the need to move relatively efficiently and effectively on this, so let's focus on managers for the moment. That was our thinking.

Ms O'CONNOR - Just back to the conflict of interest question: I'm having a look here at the Integrity Commission's website because there used to be a quite comprehensive set of guidelines, if you like, or a guideline to State Service officers about what conflicts of interest were. There was a guide written by the Integrity Commission back in 2013 or 14, which I can't find anywhere on their website. Maybe I'm not looking in the right place, but I guess it points to a real need to elevate our oversight agencies as well, like the Integrity Commission, so they have the capacity to have an updated conflict of interest guide for state servants and other public officers, but also that they're able to really do that deep training on how to manage conflicts of interest, how to conduct themselves ethically and with integrity, don't they? It's a bit disappointing.

Mr WOOLCOTT - That's absolutely right.

Mrs GREENE - Thank you, Mr Woolcott, for your very thorough review. I really do hope that we see some systemic changes in the State Service based on your work. You've mentioned machinery of government changes on the horizon, particularly State Growth. Are you worried that with those changes on the horizon that we might see a slowing in momentum with commission of inquiry recommendations? What are the things that us as a parliament should be keeping an eye on in the future to make sure we don't lose that momentum?

Mr WOOLCOTT - That's a very good question, Jess. I'm familiar machinery government changes in the Commonwealth sphere and state services do become very focused inwardly and on that. I think it'll be important that momentum is not lost. I think it makes sense in moving all the child safety issues to DECYP, I think there's a logic to that. I think DPAC will get significant resources coming out of this, as I understand, as well. It's a question of how those resources are used and how you maintain momentum and how you build the role of the SSMO, and what they do there. But, you're absolutely right, it's something that you will need to, as a parliament and as a committee, want to focus on. Public servants do get distracted by machinery of government changes.

Mrs GREENE - Well, they do. I'm a bit worried about our budget situation, too, and, will the money be there to ensure that we get these changes in the State Service?

Ms O'CONNOR - To be fair to the Integrity Commission, I dug deeper on the website and I've found a document called 'Conflict of Interest Management Strategies' that advises on when to record, restrict, recruit, remove, relinquish or resign in relation to conflicts of interest. I will note it's still pretty skinny and it was a little bit hard to find on the website, but again, I think it goes to the broader question of how we're not focused enough on managing this and the corrosive effect that it can have on good governance and accountability. Thanks, that was just a comment.

Ms ROSOL - Hello, thank you for all your work on this and for this morning. I have a question that relates to recommendation 4.1, part 4, which was around the recommendation for amendments to the *State Service Act* around reportable conduct. In the government's response, they said they supported this and it aligns with commission of inquiry recommendation 20.3 and that the employment direction No. 5 has already been updated to reflect COI recommendations. I'm just wondering if you could comment on that update that the government did do to the ED5 and what you see it as achieving in relation to the COI. I understand that you've made further recommendations and have put forward some suggested new employment directions and some drafts of those, but just interested in your comment on employment direction No. 5, as it stands now as reviewed in 2024.

Mr WOOLCOTT - I might ask Radha to pick that one up.

Ms SHARMA - The key observations that I would make in relation to ED5 is that we have separated, or proposed a separation between - so, this is post the government making changes to it, I think, in 2024. We are still proposing further changes in alignment with the recommendations coming out of the commission of inquiry. One of those changes relates to the separation between the breach and the sanctions delegate. I think that's really important because at the moment the ED5 proposes that that's one and the same individual. From the perspective of being able to maintain objectivity through what can be a very prolonged exercise, like determining whether a breach has occurred, and then determining a sanction and then, potentially, provision of termination, we'd like a separation in decision making so that the breach delegate is different to the sanctions delegate. Generally, you'd expect the VHR team within the agency is well equipped to deal with determinations of breaches, but that the sanctions delegate is a cohort of potentially deputy secretaries across the service who can determine a sanction and then the determination of termination of employment [inaudible] to sit with the secretary. That is one of the changes that we have proposed to ED5.

I have left my notes at the table, so if you give me 10 seconds, I'm going to grab them and tell you what the other changes are, sorry.

CHAIR - That's fine, we'll wait. We've only got a couple of minutes left, I'm just going to check with members - I've got another question, we can move to -

Mr WOOLCOTT - You'll need to be very succinct, Radha, because there's another question coming.

Ms SHARMA - I think the other one that we have made - and this is back to the recommendation from the COI in relation to the complainant actually having a notification around the determination that has been reached. We have said that that should be made available, but in a manner that does not disclose the identity of either the complainant or the person who is subject to the ED5. Then the final provision that we have suggested needs to be made is: if the complainant is still not satisfied with the determination and/or the process that they have the right through the Commissioner for Children and Young People to ask for that information to be [inaudible] again.

Ms ROSOL - Thank you.

CHAIR - I just wanted to come back to the question I was asking earlier about Strategic Recommendation 1.2 in relation to part B, because I'm still a little bit stuck here on the fact that, when I read it, and we went through this with my question earlier, but when I read it that the government supports your Strategic Recommendation 1.2 but then it reads to me like they say, 'Yeah, that already happens, like that's already taken care of'. Now, you expressed the view that the Attorney-General has a clear understanding of some difficulties that are there and the impact that's had and is intending to address that in some way. I want to be really clear: if the Attorney-General is to address that effectively, what will we see change, if, indeed, he does implement that recommendation effectively, in your view?

Mr WOOLCOTT - This is in relation to the Attorney-General's guidelines, right?

CHAIR - Yeah.

Mr WOOLCOTT - What the review's recommended is the Attorney-General commission a review of the guidelines in relation to the Solicitor-General and State Litigator and the operation of Treasurer's Instructions FC-17. That review should, at a minimum we think, address the following:

- what constitutes a significant legal issue warranting formal engagement of the Solicitor-General;
- the distinction between legal advice and binding instructions and the circumstances in which advice provided by the Solicitor-General is and is not binding on the State Service;
- the minimum standards of formality and transparency required before advice can be treated as binding;
- the relationship between the Solicitor-General and the new State Litigator; and
- the position of independent oversight agencies in relation to both FC-17 and the guidelines.

So that's what we'd like to see the government do in relation to this recommendation. As I said, the Attorney-General has expressed considerable interest in this part B, and it's a matter for him and the government and the Cabinet in the end to take it forward.

CHAIR - Thank you. I appreciate that. I did just want to be clear because I am concerned that there might be fudging going on when there's a sense that, 'Oh yes, yes, we're doing that anyway,' or that's how it reads anyway, when clearly you have it identified enough of an issue to have made a recommendation with some specificity under it there for change.

I'm aware that we've run out of time. In fact, we've gone a couple of minutes past our end time for the hearing, and I'm very appreciative of the time you've given us today. I think we could have kept talking about the report in even more detail, but that's been very valuable input for us, and given us plenty to think about as a committee how we may go forward and scrutinise further the government on these matters, which is great.

I need to also remind you that the evidence you've provided at the hearing today is protected by parliamentary privilege, as I mentioned at the start, and take the opportunity to remind you that any comments you may make to the media or others outside the room, even if you repeat what you've said here, will not be protected. Do you understand that?

Mr WOOLCOTT - I do and thank you for the privilege of appearing before you today. It's been a pleasure and the questions have been insightful. I couldn't be more pleased to be here.

Ms O'CONNOR - We feel quite privileged too, to be able to speak to both of you, so thank you.

Ms LOVELL - Thank you so much. It has been so helpful.

CHAIR - The committee would congratulate you on the depth of this work. It clearly was an enormous project and becomes a repository. I felt it's an educative document in many broad ways around how a public sector should work and could work, so I found that quite useful. Also to mention, I appreciated the comment that you had on page 102 of your report about scrutiny being a responsibility to be engaged in by those who are tasked with it, like this committee, and that that shouldn't be something that is ever construed as inappropriate or in some sense negative. It is a responsibility. Thank you for that comment in the report, too.

On that note, we thank you for your time and we'll bring the hearing to a close.

The witnesses withdrew.

The committee adjourned at 11.04 a.m.