THE LAW SOCIETY OF TASMANIA

3 November 2026

Chair
Inquiry into Tasmania Police responses to allegations of officer misconduct

By email: policeinquiry@parliament.tas.gov.au

Dear Chair

Questions on Notice

Thank you for your letter of 19 October. With apologies for this response being one day late, the Society provides the following responses.

1. Does the Criminal Law Committee have a view on the current complaint referral and internal investigation process for allegations of police officer misconduct? (see p. 3 of the hearing transcript)

Complaints made against Tasmania Police can cover many and varied allegations of misconduct. Some complaints will be vexatious or frivolous whilst others are of significant misconduct or criminal conduct. The Committee is of the view that all complaints should have a degree of independent oversight, and all complaints should have appropriate reasons provided for either the rejection or acceptance of a complaint. Committee members are keenly aware that many community members believe that there will be negative consequences for them if they lodge a formal complaint to police, and choose not to do so because they hold that concern. Oversight and transparency are critical in the complaint process to ensure that community members are confident that their complaint will be dealt with appropriately and without consequences. By way of example, a committee member dealt with a matter where a complaint against police was clearly warranted, however the 18 year old community member was worried that the police would charge them with an offence as 'payback' for making the complaint, and so chose not to complain. These perceptions are impacted by the general lack of independent oversight. A committee member has also acted for police who have been charged with criminal offences and served with family violence orders, and generally notes that the processes and procedures for Police who are the subject of FVO's are not the same as general members of the public, and there is a perception amongst those officers that they are being discriminated against because of their position. It is a nuanced area.

2. Can you provide examples where resourcing limitations have affected the Integrity Commission's oversight of Tasmania Police? (see p. 3 of the hearing transcript)

28 Murray Street Hobart TAS 7000
P (03) 6234 4133
info@lst.org.au
www.lst.org.au ABN 79 607 763 856

The Committee cannot provide specific examples.

3. Can you provide examples, from Tasmania or other jurisdictions, where the resignation of a police officer has undermined accountability or affected the outcomes of an investigation into misconduct? (see p. 6 of the hearing transcript)

A committee member has an example of a serious complaint that was made against a serving member of Tasmania Police in relation to their conduct whilst on duty. The member of the public who made the complaint has given their consent for the example to be used but has requested that it be deidentified as they are concerned about possible ramifications. In general terms, the subject officer made false complaints in relation to a former romantic partner, and those complaints were able to be proved to be false. The member of the community made a formal complaint to Tasmania Police in relation to the conduct of the officer, but that investigation came to an end when the officer resigned. That was a particularly unsatisfactory outcome because the impact of these false complaints on the person who was the subject of them was extremely significant, including a period of time spent in custody on remand. The perception of the community member was that the resignation of the subject officer almost felt like a 'relief' for Tasmania Police, so they did not have to actually address the serious conduct in any meaningful way. That subject officer was interviewed and resigned at the conclusion of the interview. The community member who made the complaint should be able to view that interview and should have been advised if any admissions were made to the conduct the subject of the complaint.

The committee member who was professionally involved in the matter the subject of this paragraph is also firmly of the view that the resignation of the subject officer completely brought to an end any accountability of extremely serious misconduct, and the subject officer is free to go about their life without any consequences.

4. Does the Law Society of Tasmania have a view, and any recommendations, for a review of the Right to Information (RTI) framework in relation Tasmania Police information, including who should undertake the review, and what Tasmania Police information should be accessible outside of the RTI framework? (see p. 8 of the hearing transcript)

This is a very broad question that is somewhat outside of the scope of this response, however the Committee is of the view that transparency and the release of information is particularly important when it comes to complaints against Tasmania Police. Having to go through the RTI process in and of itself can be a roadblock to community members progressing complaints, particularly those without access to a computer or with literacy difficulties, or those who are in custody. For lawyers, in order to assess whether a complaint is warranted it is sometimes necessary to obtain information through the RTI framework, such as Body Worn Camera footage or custody logs. Anything that can make accessing that information easier would have the full support of the Committee.

5. Are there any jurisdictions where there is a robust framework to protect whistleblowers who disclose allegations or evidence of police misconduct? (see p. 9 of the hearing transcript)

28 Murray Street Hobart TAS 7000
P (03) 6234 4133
info@lst.org.au
www.lst.org.au ABN 79 607 763 856

The Committee cannot provide a specific example.

6. Has the Law Society of Tasmania raised its view with Tasmania Police that it be mandatory for body-worn cameras to remain turned on during all interactions with members of the public? (see p. 11 of the hearing transcript)

The Police Manual outlines that Tasmania Police officers ought to activate their body worn cameras for all interactions with members of the public where a police power is being exercised. It is not up to individual members of Tasmania Police to determine whether that interaction might be covered by alternative recording methods. An example of this recently raised has been a drink driving matter, where the officer turned off their body worn camera at the Police Station because they were of the belief that interactions in the Station are recorded on the station CCTV. The difficulty with that is that CCTV is not logged and uploaded in the same was as Body Worn Camera footage is, and the suggestion that the interaction might have been covered by CCTV footage was only made by the officer during cross examination, at which point it was too late to have that footage disclosed. Had the whole interaction been captured on body worn camera footage, as it should have been, a lot of court time would have been saved because the footage would either have aligned with the officer's in which case the matter would not have required a hearing, or it would have aligned with the defendants in which case equally the matter would not have required a hearing.

Yours faithfully



LUKE RHEINBERGER
EXECUTIVE DIRECTOR

28 Murray Street Hobart TAS 7000
P (03) 6234 4133
info@lst.org.au
www.lst.org.au ABN 79 607 763 856