

DRAFT SECOND READING SPEECH**Hon Guy Barnett MP****Commission of Inquiry (Miscellaneous Amendments) Bill 2026****check Hansard for delivery**

Honourable Speaker, I move that the Bill now be read a second time.

The Bill implements important reforms recommended by two independent reviews.

Firstly, it implements further recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the COI).

The Bill also addresses some recommendations of the Independent Review into actions taken in response to COI matters, undertaken by Peter Woolcott AO and known as the Woolcott Review.

The Bill also responds to requests from the Child Safety Reform Implementation Monitor (the Implementation Monitor).

Importantly, this Bill reflects further progress in implementing recommendations to ensure the safety and wellbeing of Tasmania's children, young people and general community.

The Bill promotes child safety in a range of ways as recommended by these reports. It amends six Acts of Parliament. The Bill underwent targeted and public consultation in May and June and I thank all of those who provided submissions. The final Bill was amended to reflect feedback, as I will outline.

Child Safety Reform Implementation Monitor Act 2024

The Bill amends the *Child Safety Reform Implementation Monitor Act 2024* to change the Implementation Monitor's statutory reporting period from 30 September to 31 October in each calendar year. It also provides for the Implementation Monitor and the Minister for Justice to agree to a later date if required. Following feedback on the draft legislation, the Bill improves visibility for Parliament and the community by requiring that if a later reporting date is so agreed, the Minister is to table a statement in Parliament setting out the new reporting date.

The Bill also amends Schedule 1 of the *Child Safety Reform Implementation Monitor Act 2024* to reflect the pending transition from Tasmania's Commissioner for Children and Young People (under existing 2016 legislation creating that position) to the new Commission for Children and Young People (created by the *Commission for Children and Young People Act 2025*, which will commence alongside the appointment of a new Commissioner in the second half of 2026).

Child and Youth Safe Organisations Act 2023

The Bill also creates explicit recognition in the *Child and Youth Safe Organisations Act 2023* (the CYSO Act) that Tasmania Police are subject to the Child and Youth Safe Standards and the Reportable Conduct Scheme. This fulfils Woolcott Review Part A, Strategic Recommendation 6.1.

Tasmania Police was considered subject to the Scheme and Standards until the second half of 2025, when an inadvertent drafting issue in the legislation was identified. Regulations were then made as an interim measure, and this amendment formalises the change in the Act and repeals the subsequently redundant interim regulation.

The amendments apply retrospectively to 1 January 2024, when the Child and Youth Safe Standards and the Reportable Conduct Scheme commenced. The Bill allows the Commissioner of Police to report any such reportable conduct or reportable convictions to the Independent Regulator as soon as practicable. The Bill was amended following consultation to provide these notifications must be provided within 3 months of commencement of the Bill, at the latest.

Personal Information Protection Act 2004

The Woolcott Review recommended amending the *Personal Information Protection Act 2004* (or PIP Act) to enable information sharing about child sexual abuse concerns and reportable conduct across all government agencies, regulatory and law enforcement authorities and entities. Part 6 of the Bill implements Woolcott Review, Part A, Strategic Recommendation 6.3.

The amendments in the Bill clarify and extend existing information sharing provisions. Clause 16 amends Personal Information Protection Principle 2 – Use and Disclosure. The Bill provides a new permission to use or disclose information, being that the personal information custodian reasonably believes this is necessary to lessen or prevent, or to report to relevant persons or authorities, two classes of behaviour.

The first class is reportable behaviour which would or may be reported under the *Registration to Work with Vulnerable People Act 2013* (the RWVP Act) as the behaviour poses a risk of harm whether by reason of neglect, abuse or other conduct.

The second class of relevant behaviour is reportable conduct within the meaning of the CYSO Act. Reportable conduct is defined in section 7 of that Act, and includes relevant offences, sexual misconduct, violence against or grooming of a child, significant neglect, emotional or psychological harm to a child and other prescribed conduct.

These two categories overlap, and both terms are used to ensure we have covered a broad range of activities.

Clause 16 of the Bill makes another change to Information Protection Principle 2 in the PIP Act, to clearly provide for all agencies and state authorities to share information reasonably necessary for a list of reasons.

These include preventing, detecting, investigating, prosecuting or punishing for criminal offences or breaches of a law. Currently, this information sharing provision only applies to law enforcement agencies. This important reform will support the necessary sharing of information across government, to better protect children and young people.

Submissions raised important points about the appropriate threshold for disclosing personal information and information sharing principles such as consent. They highlighted potential abuse of information-sharing systems and the importance of guidance materials.

I am confident that the approach taken in the Bill appropriately implements the recommendations and provides a clear mechanism for personal information custodians to share information where necessary, to protect children and young people. The provision requires a high threshold; the custodian must reasonably believe that disclosure is necessary to lessen or prevent, or to report to relevant persons, reportable behaviour under the RWVP Act or reportable conduct within the CYSO Act. This is entirely reasonable and implements the Woolcott Review's recommendation. Further, this will occur within the existing safeguards of the PIP Act.

Once the proposed amendments are passed, Departments will update their Personal Information Protection Policies to reflect the changes as part of implementation activities.

State Service Act 2000

The Bill amends the *State Service Act 2000* (the State Service Act) to implement recommendations of the Commission of Inquiry numbered 20.1(1), 20.2(6) and 20.3, and Woolcott Review Strategic Recommendation 4.1. These amendments improve the State Service disciplinary framework to better protect children and young people.

While the Bill was amended following consultation, some stakeholder feedback was not included where it would have resulted in legislation being inconsistent with the recommendations of the Commission of Inquiry and Woolcott Review which the Government has committed to implementing in full.

The Bill updates the State Service Principles in section 7 of the State Service Act. The amendments reinforce that the State Service is apolitical, efficient and effective in serving the Government, Parliament and the community, and performs its functions in an impartial, ethical and professional manner.

This is consistent with the Woolcott Review recommendation that the performance agreements of all executives and their direct reports within the State Service include a commitment to stewardship of the State Service.

The Bill amends the Code of Conduct. The Code of Conduct is a cornerstone of the State Service Act and the associated employment framework for the Tasmanian State Service. It articulates the standards of integrity, professionalism and accountability that Tasmanians rightly expect of State Service employees.

In subsections (1), (2), (3), (4), (7), (12), (13) and (15) of section 9 the words ‘in the course of’ are amended to ‘in connection with’ State Service employment. This broadens the extent of relevant conduct requirements, so they apply not just when an employee is performing their duties, but also in relation to matters connected to their employment. This is consistent with some other Australian public service frameworks. Importantly, it addresses the Commission of Inquiry's concern that the application of the existing Code of Conduct is too narrow and doesn't capture behaviour connected to employment, but outside ‘the course’ of it.

The phrase ‘in connection with’ employment, while broadening the extent of relevant conduct requirements, is still confined in some very important ways. Further, this is not a new concept and is used in the Commonwealth Public Service Code of Conduct.

The phrase is intended to cover behaviour with a sufficient or real nexus to the employee's employment, including conduct facilitated by, associated with, or that impacts upon the employee's role, duties, or the integrity and reputation of the State Service. The connection does not need to be causal but must be more than trivial or remote.

So, ‘in connection with employment’ refers to conduct that has a real, substantial or sufficient nexus with an employee's employment, including but not limited to conduct that:

- arises from, relates to, or is associated with the employee's duties, functions, or role; or
- is facilitated by, or makes use of, the employee's position, status, authority, or access obtained through employment; or
- has the capacity to affect, or be perceived to affect, the performance, integrity, or reputation of the State Service.

The connection need not be direct or causal but must not be so remote or disconnected from the employment that it lacks a meaningful relationship to it.

A new subsection 9(5) more clearly explains what Australian law includes and makes clear that decisions about employee compliance are made on the balance of probabilities.

New subsection 9(5A) provides that an employee must not, at any time, commit reportable conduct, within the meaning of the *Child and Youth Safe Organisations Act 2023*. This term is defined in section 7 of that Act and includes relevant offences, sexual misconduct, violence against or grooming of a child, significant neglect or psychological harm to a child and other prescribed conduct.

New subsection 9(5B) states that an employee must never engage in conduct they know, or reasonably should know, poses a foreseeable and unreasonable risk to the safety or wellbeing of a child or young person who is accessing a service operated by, or on behalf of, an agency. The clause was updated after considering submissions, so that it better aligns with the Commission of Inquiry recommendations, and importantly, improves protections for children and young people who are accessing a service operated by, or on behalf of, an agency.

New subsection 9(6A) addresses Commission of Inquiry and Woolcott recommendations to clarify that a breach of a departmental professional conduct policy may be taken to be a breach of the State Service Code of Conduct. It provides that a lawful and reasonable direction may include, but not be limited to, directions that specify an employee's professional conduct obligations.

Subsection 9(7) regarding employee confidentiality and information acquired through employment is amended so it applies at all times.

Part of Woolcott Review Part A, Strategic Recommendation 4.1 was that State Service Act amendments require that employees must adhere to 'all' elements of the Code of Conduct at 'all' times.

The Bill takes a more nuanced approach, after consideration of each component of the Code of Conduct in that context. Using a blanket test of 'at all times' in every subsection would have made some unworkable and risked unintended consequences addressing irrelevant behaviour, for example, receiving a parking ticket on the way to a work-related meeting. The Bill's approach is also consistent with other jurisdictions.

The Woolcott Review recommended that all aspects of misconduct under the *Integrity Commission Act 2009* be captured by the Code. New subsection 9(11A) of the State Service Act implements this by barring employees from engaging in conduct that adversely affects the honest and proper performance of a function, or exercise of a power, by a public officer, or attempting to do so. This introduces the outstanding aspects of the Integrity Commission Act's definition of misconduct that were not already in the Code of Conduct.

Following consultation, a new section 10A was created to make clear that for conduct occurring before commencement, the current Code of Conduct applies; and for conduct occurring after commencement, the amended Code applies. This addresses certainty and fairness considerations.

The Department of Premier and Cabinet will develop guidance material to complement the legislative amendments that the Bill creates so that the statutory change culminates in cultural improvement. The State Service Act amendments commence by proclamation, which will assist in ensuring those guidance resources align with the amended State Service Act.

Tasmanian Civil and Administrative Tribunal Act 2020 and Victims of Crime Assistance Act 1976

Parts 8 and 9 of the Bill implement Commission of Inquiry recommendation 17.7: amending the *Victims of Crime Assistance Act 1976* (the VOCA Act) to create a right of review on the merits by the Tasmanian Civil and Administrative Tribunal (TASCAT) in relation to Criminal Injuries Compensation Commissioner decisions. The decisions are those refusing financial assistance to victim-survivors of child sexual abuse including setting the amount of that financial assistance.

Our Government decided to expand this right of appeal to all victims of crime under the Victims of Crime Assistance Act and this is what the Bill does.

Currently, the only way for a victim to appeal a financial assistance decision is to apply to the Supreme Court for judicial review. The Bill does not create any alternative right of review to the Supreme Court. Instead, as recommended by the COI, it establishes a new, accessible right of TASCAT review for all victims in relation to decisions under the VOCA Act.

The Bill provides that such reviews will be heard in TASCAT's Community, Children and Families Stream of its Protective division. The matters will be determined by way of a 'hearing de novo', which means hearing the matter again from the beginning, without reference to the original decision. This best implements the COI recommendation to 'create a right of review on the merits'.

As is the case with the majority of TASCAT's jurisdiction, procedural matters including timeframes for lodging an application for review, fees and costs would be governed by existing provisions in the *Tasmanian Civil and Administrative Tribunal Act 2020*. Importantly, the TASCAT Act provides that matters can be considered on the basis of documents without the parties having to attend a hearing, if appropriate.

Some stakeholders raised concerns that these reviews should not require a filing fee and that TASCAT should have no power to make a costs order. TASCAT has a structure in place for applicants to apply to have filing fees waived, and that will apply to these reviews. In relation to costs, it is the starting position, as set out in the TASCAT Act, that parties bear their own costs, and it is only in exceptional circumstances that the Tribunal will award costs.

In closing, the changes in this Bill are designed to better protect children and young people, improve information sharing across government, and ensure strong accountability across public institutions in Tasmania.

Honourable Speaker, I commend the Bill to the House.