

**Legislative Council**  
**HANSARD**  
**Tuesday 14 November 2023**

*[excerpt]*

**MOTION**

**Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings**

**Consideration and noting**

**Ms WEBB** (Nelson) - Mr President, I move -

- (1) That the Legislative Council notes that:
  - (a) statements by the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings that amendments made to the Commissions of Inquiry Act 1995, (the Act) in 2021 and the Government's interpretation of the procedural fairness requirements in the Act, meant the Commission was unable to make some findings it might otherwise have made (see the Final Report of the Commission of Inquiry into the Tasmanian Government's Response into Child Sexual Abuse in Institutions: Who was looking after me? Prioritising the safety of Tasmanian Children, Vol 1, 5.1, p.25); and
  - (b) the Commission issued 30 Section 18 notices to 22 persons (refer to the above-mentioned Final Report, Vol 2, 2.3.4, p.14), ultimately finalising only one finding of misconduct, resulting in a lack of clarity on which of the remaining potential findings of misconduct were abandoned or resolved.
- (2) Further, the Legislative Council calls upon the Government to establish an independent review to inquire into all interactions between the Tasmanian Government and the Commission of Inquiry in relation to:
  - (a) impediments identified and experienced by the Commission due to the interpretation and operation of the Commissions of Inquiry Act 1995, including amendments made to the Act in 2021; and
  - (b) all matters surrounding the issuing of the 30 section 18 notices to 22 persons, and reasons for the lack of finalisation of those processes by the Commission; and further
- (3) This Council agrees that such an independent review is to:
  - (a) be undertaken by a person, or persons, who has not been previously employed by the State of Tasmania; and

- (b) have its report published upon finalisation, and tabled in the Parliament at the first available opportunity.

Mr President, I rise to speak on this motion in my name. The motion has two parts. First, it notes the unfinished work of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings -in particular, the inability of the commission to make findings it may otherwise have made.

Second, it calls on the Government to establish an independent examination or review of the circumstances of that unfinished work; the impediments experienced by the commission; and the matters surrounding the issuing of 30 section 18 notices to 22 people, from which only one finding of misconduct was able to be finalised in the report.

Before I begin my contribution in detail, I acknowledge that today is National Survivors' Day - a day to acknowledge and express support for those who are survivors of sexual assault, systemic and institutional abuse. I wear these coloured ribbons today as an acknowledgement of that day. I stand with survivors on this day and offer and extend my heartfelt support, not just today but every day. There may be survivors here today or watching online, and please know that I recognise your strength, resilience and bravery.

In bringing this motion today, it is the experiences of, and impact on, victims/survivors that is at the forefront of my mind. I am mindful that we are here discussing the commission of inquiry because of the bravery, persistence and pursuit of justice undertaken by many Tasmanian victims/survivors of abuse in Government institutional settings, and also by their families and supporters - and in conjunction with the bravery and determination of whistleblowers.

The Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings was established as a result of the advocacy and campaigning of these brave Tasmanians, even in the face of considerable personal vulnerability and harm. It was established by the Government - admirably - in response to those efforts.

That is one reason that the outcome and impact of the commission of inquiry process matters. It is not just a matter of producing useful, well-informed recommendations for systemic reform and improvement to better protect Tasmanian children within Government institutional settings in the future.

An essential and expected outcome of the commission of inquiry was also the provision of public accountability and justice. Before I go further, I note that the Government has made some new, detailed announcements today. I will briefly speak about those later in my contribution; but I will continue with the contribution I would make on this motion anyway. It is my expectation and hope that we have arrived at a very pleasing place today in discussing this motion. I will reflect on that at the end, in speaking about new information brought forward today.

The final report of the Commission of Inquiry titled *Who is looking after me - Prioritising the safety of Tasmania children*, was expected to deliver accountability on both the systems and also individuals where appropriate who had allowed and in some cases enabled abuse of children to occur in Tasmanian institutions over decades. Unfortunately, that has not proven to be the case.

The work of the commission in important ways remains unfinished with the report presenting a bewildering absence of clear accountability. Incredibly, as was immediately noted by many, the final report contains only one finding of misconduct against one individual and none of its 75 findings are specified as adverse. This is in direct contrast to what was promised at the establishment of the inquiry to victim survivors, their supporters and state whistleblowers. These are the people who were advocating for meaningful action and justice. These are the people who were asked to provide evidence, to be witnesses and to trust the commission to deliver meaningful justice through acknowledgment and accountability.

When we now reflect on the ultimate outcome of the commission of inquiry, it is hard to imagine any greater betrayal of these vulnerable Tasmanians to be left feeling that its work, especially in terms of accountability, remains unfinished.

On that note I would like to mention some comments provided to me and she has provided me with permission to identify that they are from Katrina Munting, one of the victim survivors who were involved in the commission and have provided evidence and has been incredibly brave and forthright in her involvement in these matters. I asked her for her reflections on how it felt at the close of the commission of inquiry to find that it seemed to fall so far short in terms of accountability and here are some of the comments that Katrina provided and provided me with permission to mention today. She said this:

This Commission of Inquiry report is not what we were promised, not what we bared the darkest parts of our past for. This is not accountability. This is a continuation of passing the buck. Denial of personal responsibility, keeping entities' reputations intact, all under the guise of procedural fairness.

She went on and also said:

Recommendations to improve child safety are immensely important if and when they are implemented fully to which I keenly await to see these actions. However, the lack of findings against individuals and entities is a slap in the face. They are still protected, despite an independent inquiry. How is that even possible?

And further from Katrina:

We placed our trust in the Commission of Inquiry process. We were finally heard loud and clear in the public domain. The community was outraged. Finally, they were outed for their atrocious behaviours and we felt like we were finally getting accountability. That was until the report was released and almost all the people and entities who were exposed in the inquiry process have been given a leave pass on a technicality. No findings against them. How is that even possible after all we heard and we read in the bulk of the report?

She also said:

The Commissioners truly heard us. The time they invested into us and our evidence was immense. They had so much to say. However, they were

bound and gagged at the last hurdle, publishing their findings. So many people, so much wrong doing, all left unsaid. Throughout the Commission of Inquiry hearings and the media coverage that ran alongside it, apologies were being thrown out left, right and centre. They are also sorry for what has happened and continues to happen. However, no one is being held directly responsible in print. That is appalling.

And her final comment:

The Commission was about exposing some of the most horrific acts and cover ups by the state and to gain accountability. Without the second half, our pain and retraumatisation has been for nothing. It has left us more damaged than we already were. When will I learn?

I wanted to put those comments on the record, the direct voice of somebody who was affected in this way by abuse in Government institutional settings and then also through her experience in the commission of inquiry which has ultimately been felt as a negative experience. What I hope is that we still have an opportunity to remedy that situation to the greatest extent possible by continuing efforts and actions, both by government, by our government agencies and also by the parliament in its scrutiny and its responsibility to hold to account that government and those agencies.

The commission did gather and interrogate a significant and valuable body of evidence. They made referrals of more than 100 people to police and other authorities for further appropriate investigation. However, a key tangible output of its investigations and findings presented contained what I would say is a glaring lack of specific accountability for the extensive, egregious and protracted failures that are presented when you read the body of the report.

Beyond referring alleged perpetrators and other criminal matters to police and regulators for investigation, the key focus of the inquiry process was how the state systems within our Health, our Education our Youth Justice and our Out Homes Care systems failed to identify, to respond to, stop or prevent such sexual abuse of children in the state's care. Systems are not just structures that exist in a vacuum. Systems are operated by people. When examining the failure of systems, it cannot simply be about policies, processes and structures. It also has to be about accountability for those people who operate within the system, operate the system itself and for the human culture that is pivotal when it comes to the outcomes delivered by any system.

On this front, the commission's attempts to pursue adverse findings and findings of misconduct in relation to individuals and perhaps state entities were complicated by the legislation it operated under and, more particularly it would seem, by interpretations of that legislation, apparently insisted on by the state's lawyers.

I make that statement from my reading of the various comments to that effect made by the commission in the final report. For example, in relation to the legislative amendments made in March 2021, in Volume 2, section 2.3.1, page 11, the commission notes:

These amendments created additional requirements to provide procedural fairness where a witness to a commission of inquiry or other person may be subject to finding of misconduct or other adverse finding.

Further in Volume 1, section 5.1, page 25, the commissioners note this:

The way these requirements were drafted enabled various parties, including the state and lawyers acting for some individuals, to adopt interpretations which had practical consequences for the way we approached our work. We heard arguments that any adverse comment about an individual's behaviour could constitute misconduct, for example because it was a breach of the very broad State Service Code of Conduct. This interpretation made it difficult and, in some cases impossible for us to make some of the findings we might otherwise have made.

The commissioners then went on to explain in further detail and they described the difficulties they faced and what had caused that and they had three dot points listed in reference to what had been the cause of some of those difficulties in making the findings. The first dot point said:

We received evidence or information that implicated people after our public hearings, or very close to finalising our report, which meant we did not have the time or ability to follow the required statutory process.

The second dot point said:

Our proposed adverse findings may have resulted in victim/survivors and their families or whistle-blowers, many of whom had already provided evidence, being recalled and cross-examined, potentially exacerbating their distress and trauma, something we considered it was appropriate to avoid, given our primary focus was on making recommendations for systemic reform and not testing the veracity of individual accounts.

The third dot point:

Pursuing an adverse finding would have been time-consuming, expensive, lengthen the life of our inquiry and diverted us away from other important activities, such as designing recommendations for the future that could be implemented as quickly as possible.

They then went on to say this:

As a result, we had to make some difficult decisions about how we wrote our report and framed our findings. This involved balancing the public interest in holding individuals and systems to account with the public interest in prioritising effort and funding to tangible changes to protect children. Given our grave concerns about Ashley Youth Detention Centre we felt we could not afford to delay or findings and recommendations. As a result, we could not pursue some issues in detail.

That's the end of the quote and when I read these comments in the report I was alarmed by them, because I believe that the commission should never have been put in a position to make these choices; between making findings and delivering accountability on the one hand and bringing the inquiry to a conclusion due to the urgency of risks that the commission has identified exists currently at Ashley Youth Detention Centre in particular, on the other hand.

The report contains further explanations on the specific ways that section 18 and 19 of the act, but also crucially, the interpretation of those sections of the act, impacted on the making of misconduct and adverse findings.

In volume 2, section 2.3.4, the commission says this:

During our inquiry, various interpretations of sections 18 and 19 of the Commissions of Inquiry Act, and the relationship between them were presented by the state and lawyers acting for individuals. In relation to state servants, some have argued that the interpretation of these provisions has the effect that if our commission of inquiry wishes to make an adverse comment about the conduct of a state servant, this may effectively be a finding of misconduct against that person and require the specific processes under section 18 to be followed. Further, we understand that lawyers would adopt the most beneficial interpretation for their clients and seek to minimise any adverse findings, or findings of misconduct, but note that the state also advocated for the interpretation that had the effect of combining adverse comment and misconduct in relation to a person's conduct.

Additionally, this:

To avoid drawn out legal argument and dispute, we adapted our procedural fairness processes to align with this interpretation and avoid making adverse findings against individuals where they may have been considered findings of misconduct."

The picture of the difficulties faced by the commissioners is further outlined in volume 8 section 3.1. It states this. I am going to quote a number of particular statements from that same section separately. First:

In a practical sense, these specific requirements make it more difficult to make such findings. Where these findings may be unnecessary and indeed counter-productive to appropriately protecting the rights and interests of those who might be affected by such findings.

They also said:

One of the practical challenges of the specific procedural requirements for the findings of misconduct in the Commission of Inquiry Act is that it limited the ability of our inquiry to determine how we conducted ourselves.

And then further:

The practical challenge is that the rights in relation to responding under section 18(3) could allow the person to effectively control the commission of inquiry's processes.

Further:

We consider section 18 in particular imposes requirements that are unnecessary, counterproductive, onerous and not in the public interest.

I know that was a lot of material to quote from the report, but they exist in the report in different volumes, and it is important to bring them together because it does paint quite a striking picture. There is no question the commission of inquiry felt hindered to some extent, by both amendments made to the Commission of Inquiry Act in March 2021, and by the state's legal interpretations of that act.

I also believe that if my understanding of that, or interpretation of that when reading the report is incorrect from when I look at the statements from the commissioners, then we need to clarify that that is incorrect. Others would be reading it that way too, and if question marks remain over those matters, and any suggestion that my interpretation might be true, these are the things that we need to clarify independently and transparently, among others.

The commissioners make the point that they think the Commission of Inquiry Act should be changed to make it less onerous to make adverse findings, or a finding of misconduct against an individual. They point that out quite clearly in the report, and it is positive that we have already seen that suggestion from the commission about reviewing the act has been picked up on by the Government. In an announcement made in the ministerial statement on 17 October, the Government is seeking to have the TLRI - the Tasmanian Law Reform Institute - undertake such a review. That is a positive announcement, and I said so at the time. It is a forward-looking, future-looking announcement, and hopefully it means we will not find ourselves in a similar situation should another commission of inquiry be undertaken in the state.

It is a positive and sensible announcement. However, it does not resolve the issues and concerns relating to the commission of inquiry which we have just had and the failure to deliver adequate accountability in the eyes of the public. While the report gives insight into misconduct findings that may have been intended by the commission - and it does state that 30 section 18 misconduct notices were issued to 22 people - it seems those findings, largely, were unable to be finalised. We know that because the report contains only one finding of misconduct against one person.

It is worth putting on the record further detail about that because people have asked me about it and there might be others who are wondering, on the face of it you may wonder how the commission managed to make that one finding of misconduct if it was impeded from making others. On my reading, and I stand to be corrected, I suspect it is likely this one finding of misconduct made it through into the final report due to practical circumstances. I do not believe it got caught up in the legal wrangling that was occurring over procedural fairness processes in other potential findings of misconduct.

That is because the actual misconduct finding in the report that is there against Peter Renshaw, which is listed in the summary of findings on page 203 of volume 1 of the report says:

## Misconduct finding - Dr Peter Renshaw misled our Commission of Inquiry about his state of knowledge

It is fairly clear the misconduct in this finding is that Peter Renshaw misled the commission. It does not relate to any of his main actions or inactions outlined in the evidence presented and discussed in the body of the report. It is the only misconduct finding that the commission perhaps could readily make because it related to factual misleading of itself, the commission. Presumably, the commission had access to clear evidence of that; and making the misconduct finding would not have necessarily have triggered Peter Renshaw being able to run the clock on other procedural fairness responses, or provide him with the opportunity that they had identified with some of the impediments in other ways - such as, requiring hearings to be re-held or other witnesses to be re-examined.

It may be that other misconduct findings were being contemplated against Peter Renshaw. In the summary of findings, on page 200 and again on page 202 of volume 1, there are five other findings that refer to actions of Peter Renshaw, but they are not labelled adverse or misconduct. We left to infer their level of accountability, in terms of what they present.

As I have said, the commission was impeded or prevented from finishing some of its work, in terms of accountability.

We are left with no conclusive indication in the report as to the identity of the 21 other people who might have received section 18 notices, or whether the findings of misconduct against them would have been finalised, if the commission had not been unable to complete the task.

Any questions hanging over the people or entities with responsibility for implementation or oversight of recommendations from the commission of inquiry must be answered with as much transparency and confidence as possible.

Victims/survivors and their supporters; whistleblowers; other witnesses; the broader Tasmanian community - not to mention this parliament - have a reasonable expectation that the commission of inquiry process would furnish findings that would deliver justice and accountability; not just in relation to systems, but also individuals.

After all, we have invested more than two years, millions of dollars and a great deal of pain in what has been , in the end, a not entirely acceptable outcome - especially for those who were encouraged to trust and participate in the process.

It cannot be emphasised strongly enough that public confidence and trust in the commission of inquiry process and the outcomes it has delivered must be restored to the greatest extent possible.

Mr President, how can this be made right?

The Premier's statement of 17 October 2023, promised that anyone identified in the report, as needed to be held to account, would be held accountable. However, it is now clear that that such simplistic reassurances are far from sufficient. The state needs to be held to account, particularly for any actions taken by its lawyers to prevent legitimate findings being

made by the commission. The actions announced by the Premier on 17 October 2023, to pursue matters relating to potential section 18 misconduct findings by the commission, are internal Government processes: a review by heads of agency; and therefore, on my estimation and the estimation of others, not suitably independent and not guaranteed to be entirely transparent.

In saying that, I am focusing on the announcement that related to potential section 18 misconduct findings issues raised in the report, that the commissioners had clearly been looking at.

Other matters that the Premier committed to, in the ministerial statement of 17 October 2023, covered other aspects, and no doubt positive investigations or reviews to be done - such as the TLRI Review of the act and the announcement of an independent review of the legal assistance provided to some public servants as part of the process and the examination of whether there was acting in good faith in terms of that. There were some other positive announcements of those sorts. They were not material to the essence of the findings issue here. I do not mean to dismiss them or their value, but I am focusing on the one announcement that did relate to this, which was an internal review by heads of agency.

A briefing was provided on Friday 27 October to members of parliament who wished to engage with it, about the various announcements made in the ministerial statement of 17 October. That briefing was provided by the Secretary of DPAC and questions were asked about the various matters that were outlined in the ministerial statement. I asked about this internal review to be done by heads of agency, of people who are mentioned in the report who may have had adverse or misconduct findings considered in relation to them. That review was then going to investigate whether there were state service code of conduct misconduct matters to be investigated as a result.

However, I did not find the answers to be sufficiently detailed or convincing, in terms of transparency appropriateness. For example, when I asked about who would be reviewing the heads of agency themselves, the answer provided in the briefing was that it would be the Premier who would consider and undertake assessment to form reasonable action. That was a verbal answer to the question. I did leave questions on notice to be answered. I have not received answers to those questions on notice from that briefing at this point in time, so I cannot clarify whether there was further information to be provided there.

At the time, I was concerned that there would still be this internal review, including of the heads of agency. It still was not clear to me, if we are following up on matters raised in the review and potential issues that may have gone towards adverse findings, or findings of misconduct, related to statutory entities or office holders, who would be reviewing them? I did not see at the time how that could be captured by an internal heads of agency review or even by the Premier's review of heads of agency.

There remains significant vagueness on detail and a remaining sense that internal reviews of any sort would not cut it and instead would compound people's legitimate concerns and continue to erode the hope, trust and patience of victims/survivors. On that basis that I continued to ask questions in this place and to table this motion we are debating today. I was interested to pursue more discussion and more attention to these matters, and to have more definitive answers provided.

The Tasmanian community deserves and is owed much better than what has been delivered so far. The Premier had the opportunity to make this right by establishing an independent examination of the commission's unfinished work on the issue of findings of misconduct - including full scrutiny which is needed of the way the state's lawyers may have interacted and influenced that work of the commission.

There have been consistent calls from community members and also from parliamentarians, including me, for a suitably qualified external and independent reviewer to assess these outstanding matters as raised by the commissioners' report. That call, for example, was also made by former Social Inclusion Commissioner, now UTAS Professor David Adams, when he published an opinion piece a couple of weeks ago in the *Mercury* newspaper. The piece was titled *Inquiry Cloud Must be Lifted - There Needs to be an Open and Transparent Process to Clear the Air*. I will quote from that piece by Professor Adams:

... the consequence according to the commission was it was unable to properly investigate people for their actions in a transparent manner - the basic role of the commission. The cloud was formed then and there without a satisfactory resolution for anybody and while there has been a subsequent exchange of correspondence between the Premier and the Commission, at no point including in the Premier's statement in parliament on Wednesday has there been an open and transparent process mooted by the Government to lift the cloud to demonstrate accountability, to clear the air.

In making my calls for a more independent review and transparency process, the sorts of questions that would hopefully provide the opportunity to answer included these: what was the commission's intended outcomes of those apparently unresolved 30 section 18 misconduct notices? Are any of those section 18 notices recipients potentially involved in or responsible for implementing the recommendations of the Commission of Inquiry's final report, which we know is imminently coming to us and public for consideration.

Another question was whether and to what degree actions such as legal arguments and interpretations by the state and its lawyers impacted on the commission fulfilling its role as it saw fit, including the possible prevention of additional misconduct or adverse findings being made? How does this align with the state acting as a model litigant in these sorts of matters? I have questions on that remain to be answered.

Those questions generated by the revelations contained in the commission's final report leads to the further crucial query, how do we secure credible, trustworthy and transparent answers for the community? To be credible, answers need to be derived from a process which is independent and arm's length from those involved in either the commission's misconduct and/or adverse findings processes or the state's responses to those commission processes. Importantly, such process needs to be responsible to the Tasmanian Parliament rather than just to the Government of the day. Reporting to parliament.

The appropriate vehicle to address those crucial questions of the commission's apparently incomplete process on misconduct findings should include looking into all interactions between the Tasmanian Government and the Commission of Inquiry in relation to any impediments identified or experienced by the commission and the matters surrounding the issuing of the 30 section 18 notices to 22 people and the reasons for a lack of finalisation of those processes.

For complete independence, this process should be undertaken by a person or persons who has not previously been employed by the state of Tasmania . For the greatest public transparency, it should be any report published upon finalisation of such a review, should be tabled in parliament at the first available opportunity.

That is speaking to the content of the motion today, which is calling on the Government to take such steps towards that sort of independent accountability review.

It is a fairly simple proposition. A fresh pair of eyes needed to provide a clear and credible assessment of why the commission was unable to adequately complete critical aspects of its job. The community, the victim/survivors and other participants in the commission process need and deserve to see an examination process unequivocally arm's length of Government, for any outcomes to be considered trustworthy and build confidence.

On new developments today, some brief remarks to conclude my contribution on the motion. My reading of announcements put into the public domain today from the Premier and the Government is we are seeing really positive progress on these matters. I have not had time to fully examine the proposals made. There are two reviews been suggested, building on previously announced things in the ministerial statement of 17 October. Building with more detail and with additional processes that have not been clear from those previous announcements.

I regard this as positive progress, very much in keeping with the intent of the motion before us. While I personally might believe it does not fully align with all aspects of the motion before us, I am explicitly acknowledging it is very positive progress towards that. I would see it as a satisfactory response in advance of what the motion is asking this Chamber to call on from the Government. I hope the Government hears and can acknowledge that is what I am saying here quite explicitly of positives here.

Processes announced by the Government today, I am sure the Leader's contribution will go into more detail. If I make some broad descriptive remarks and any are incorrect or not fully understanding, it is because of a brief opportunity to look at what is proposed. I am sure the Leader will be able to correct me. The way I see it is, we have two independent processes now more fully announced in the public domain from the Government.

One is going to be specifically undertaken to be an independent assessment of conduct of heads of agency as identified in the final report of the Commission of Inquiry into the Tasmanian Government Response to Child Sexual Abuse in Institutional Settings. This is not just current heads of agency but previous heads of agency, or heads of agency of departments that may no longer exist in the same form they did at the time of the commission's evidence taking. This is an important element, because this was not clear from previous announcements, that heads of agency would be reviewed in an independent way of Government for things that are raised in the commission's report. It is being undertaken by Mike Blake who many of us are familiar with here, previous Auditor-General for the state and has held many other hats. That is a process which again, in its terms of reference, it does state it is being reported back to the Premier.

I believe the Government will also make a commitment to provide a public reporting opportunity for that too in some form. I like to hear more from the Government about that and

the detail. There is more to be looked at in the terms of reference. It is a positive, further detailed outline of a process that was previously not sufficiently independent.

The other independent review being announced is a positive move in the right direction is an ultimate review by an entirely external person. The Government has engaged Peter Woolcott AO, the Australian Public Service Commissioner from 2018-23, to do this independent review. This is going to be of all actions undertaken since the commission of inquiry in terms of responses. It is going to be an examination and analysis of the policy and legislative framework relevant to matters of misconduct in the State Service. It is going to provide a chronology and response of the concerns and information raised by the commission and then what has been done in response to that, decisions taken, actions taken, the timeliness of which concerns and information were considered and acted on, the timeliness and accuracy of referrals made. A whole range of detailed matters are going to be fully independently reviewed, which is positive to see.

What public accountability will be of the final report that comes to parliament? It is not entirely sure what the timeline will be of that independent review. It is going to be undertaken as required. There will apparently be, according to the terms of reference, status reports on a three-monthly basis and an ultimate final report with findings when all the matters to be reviewed are completed and reviewed as part of the process.

I have endeavoured to describe those accurately, but stand to be corrected on matters I may have misconstrued or misrepresented.

Positives - there are external, independent people undertaking these reviews explicitly in the terms of reference. It provides for each of the reviewers under each of these terms of reference to liaise with the commissioners who were engaged in the commission of inquiry, process with resources available to do that. My understanding is it will potentially, facilitate access to relevant commission of inquiry records, materials and documentation, although the details of how that will work are yet to be determined.

I note that in each instance of each review submissions will be sought or made, or available to be made, where relevant to the terms of reference of the reviews. That is a really pleasing level of detail to now see in both those spaces.

In reflecting on the announcements of today, I look to the Government to confirm that reporting on these matters would come back to parliament, so that we would have the transparency and accountability in that way in that mechanism.

I wonder about, and look forward to more information to answer my questions about whether we are going to see an examination of the interactions between the commission of inquiry and the state's lawyers, which resulted in the findings not being made that might otherwise have been made. Will there be some accountability of how that process played out and how we were placed in this position? It is not clear to me that these reviews would go to that, but we may get there, or get closer to that, through these reviews.

I am also interested to know how statutory officers and other entities will be dealt with in these reviews. It is not clear that they will be included in those processes. I look forward to hearing more about that.

One other comment I would make, and it may be something that can be resolved, is of the reporting time frame, particularly for the review being undertaken by Mr Mike Blake, on matters raised in the commission about heads of agency. That reporting time frame is the end of March next year.

In this place today, we tabled a motion to establish a committee for estimates-style hearings to occur in the last week of March, but those estimates hearings would occur before this review reports, as it is described now in the terms of reference. It will be pleasing if we were able somehow to be able to incorporate matters learned through that review into further review in estimates-style hearings here in this place, around the commission.

On behalf of people who had raised concerns, including victim/survivors and other participants in the commission of inquiry, I suggest that it is probably reassuring to see those concerns that have been raised in recent times, beginning to be taken seriously and responded to more fully.

Time will tell how effective these processes announced today - including those previously announced - will deliver the appropriate transparency and accountability on these matters. However, for now, we have arrived at a point of shared acknowledgement that the restoration of public confidence and trust on this must be delivered. When an expectation of accountability has been established on a matter as sensitive as this, justice must be seen to be done.

I thank members for the opportunity to consider the motion that I have put forward today. The motion is in keeping with what the Government has now come forward and announced today and I have tried to be very explicit about that. I received the announcements today very positively and see that it touches into many of the questions and spaces that were part of the concerns being raised.

There will be more conversations to be had, but this looks like positive progress. I hope that we will continue to see that sort of positive receptivity regarding transparency and accountability. I encourage members if they wish to contribute to this debate, to add their comments to the motion and I encourage members to still support the motion. I believe it is in keeping with the steps the Government is already now taking and has made public today.

[...]

[5.52 p.m.]

**Ms WEBB** (Nelson) - Mr President, I thank members for engaging with the motion. I appreciate that very much. We are at an interesting spot. I would point out to members the motion calls on the Government to establish independent reviews and there is a limited amount of detail. To pick up on comments about the level of detail in the motion. I will explain.

It was not my intention to fully outline the full terms of reference and what a review should look like, because it is not my job to determine that. The intent of the motion is to call on the Government to act in this area, to put something in place that is an independent review towards some of the matters described here. It is an intent and, as we know, any motion that passes this place of this nature does not compel the Government to act anyway. We might pass it. It does not compel. It does not mean it is going to happen. It is a statement of intent to the Government. It is a call on them on the principles that are there.

In explaining the level of detail I went for was enough to make it clear what the intent was and what the outcome should be from such a review that was being called for. This was without being prescriptive about what that needed to look like or take it upon myself to tell the Government exactly what that review might look like. I hope members will consider when they are thinking about supporting the motion, will consider it is an intent. It is a call towards an intent and as I said in my contribution at the beginning and the Leader has confirmed, pleasingly, the Government has responded already to that intent.

It has made announcements today that are complementary and aligns with the intent so I do not see that as a reason to not support the motion. I hear the Government stating that they do not support the motion. I hope it does not mean that they block the motion or attempt to vote against the motion necessarily. We have come to a positive point of shared intent and shared acknowledgment of the importance of the various aspects of independent review which until today had not been delivered. We have seen announcements today that take us a number of steps forward towards those being delivered.

It does not obviate the content of the motion or the fact that our Chamber might like to support that the intent is good and also does not stop us from recognising steps taken today by the Government in alignment with that.

A couple of other things I wanted to pick up on in relation to the contributions from members. I mentioned some matters about the detail. There has been some mention about my previous contribution two weeks ago in this place on adjournment. I note the member for Murchison read in responses from various statutory authorities. The Leader for the Government also read those in on Thursday two weeks ago so we have had those well and truly put on the record here. I do not intend to engage with them with that thoroughly.

The two things I will say about that though are that those releases in different places talk about assertions made by me or allegations made by me in my contribution on adjournment two weeks ago. I absolutely refute that I made either assertions or allegations. To be very clear, the second thing and final thing that I will say reflecting back on that - and I only do so because it was brought up in members' contributions here today - is that the two things I did in that adjournment speech was to identify that there were difficulties expressed by the commission about making findings and I did that in some detail.

I reflected on matters which we have also reflected on today from the commission's report. Then I pointed to particular citations made in the report. All I did in that was point to the way those citations were made and to the questions that arose in relation to them. In naming people, all I did was name the people who are cited in the report in that particular way and therefore that questions might relate to.

I still point to the fact that I mentioned those citations directly from the report and they were cited as *Procedural Fairness Response*, with a capital letter on each word, in italics, as what appeared to be a title of a document. While I accept the information provided in responses, in media releases from some of the state entities or authorities afterwards who spoke about providing feedback on chapters or providing extra information or witness statements and those sorts of things, I do not dispute that they provided that information but also the commission saw fit to cite in a footnote a Procedural Fairness Response from those entities and those individuals. I stand by pointing that out and the questions that I believe it raised and

many questions that still remain in relation to that, some of which will be much better answered through the processes that have now been committed to by the Government.

It may be that those entities did not regard what they were providing as procedural fairness responses but my point was that was how they were cited in the report. Specifically, with capital letters in italics.

Thank you to the members for Hobart and Mersey for the comments in support of the motion that they made. I appreciate your reflections on that and again I acknowledge the Government and thank them for outlining today's announcements, building on previous announcements which align well with the motion. I do not believe they stop us from supporting this motion in its intent. There is pleasing alignment there and recognition of the need for the independent review of these matters. I also pick up on and take to heart the Government's comment - and it has been made a number of times now in the public domain - that it will leave no stone unturned on these matters in delivering confidence and answers to the community.

I intend to continue to hold the Government to account on that but also invite the Government to continue discussions on that. Already today I have pointed to a few - and no doubt I will continue to point to a few gaps that might still be there in terms of accountability beyond the announcements from today and the scope of the independent reviews that have been announced. There may still be some areas we might like to find further ways to provide transparency about and to clarify as part of that 'leaving no stone unturned'.

I invite the Government that when matters are raised potentially about those gaps or further potential opportunities, I would hope there is a receptivity there from Government to engage in that discussion productively. We can all now agree that our intent - and that is a shared intent - is to see transparency and accountability here and to deliver that public confidence, particularly to people in the community who have found themselves distressed by what they have seen as the insufficiencies to date. We all want to rectify that.

I hope that in the future when I raise matters on this again and ask questions about it or point to gaps about it, I would invite the Government to interact and speak with me and others who are doing that and let us look for shared ways forward. Today is a demonstration that that could happen and there is no need for particularly defensive reactions or for taking exception with people who are engaging in legitimate scrutiny.

Members, I encourage you to support the motion. I do not believe there is a reason to not support it. Its intent is clear. The motions from this place of this nature do not compel anyway. They are not establishing a particular detailed inquiry. They are calling on the Government towards action from the Government itself. We have seen the Government respond to that in a way that is very positive and genuinely goes to many aspects that are called for. So I think we can safely say that that has been a call that has been fruitful and I look forward to working together on this even more in the future.

**Motion agreed to.**