

TASMANIA
LEGISLATIVE COUNCIL

SESSION 2023

NOTICE OF MOTION

7 November 2023

I (**Ms Webb**) give Notice that tomorrow I shall move —

- (1) That the Legislative Council notes that:
 - (a) statements by the Commission of Inquiry into the Tasmanian Government's Response 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 Governments 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.

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Signed