

QUESTION ON/WITHOUT NOTICE

Legislative Council

ASKED BY: The Hon Meg Webb MLC

ANSWERED BY: The Hon Leonie Hiscutt MLC, Leader of the Government in the Legislative Council

QUESTION:

With regard to the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings, a specific question I placed on the record in this place on 31 October 2023, asked when the Premier first became aware, *"...of the Commissioners' concerns that sections 18 and 19 of the Act, including the State's interpretation of those sections, was impeding their capacity to make the adverse and/or misconduct findings they felt necessary. In response, the Premier's statement tabled on 1 November this year said, "The concerns were first referenced at the Final Hearing of the Commission of Inquiry, and this was further clarified when the Premier read the Final Report." which, I note, did not answer the question: -*

- (1)
 - (a) Was 30 August 2023, the Final Hearing of the Commission, the date on which the Premier first become aware of the Commission's concerns that sections 18 and 19 of the *Commissions of Inquiry Act 1995*, including the State's interpretation of those sections, was impeding their capacity to make the adverse and/or misconduct findings they felt necessary; and
 - (b) if not, when did the Premier first become aware of these concerns?

- (2)
 - (a) Was 30 August 2023, the Final Hearing of the Commission, the date on which the Office of the Premier first become aware of these concerns held by the Commission; and
 - (b) if not, when did the Office of the Premier first become aware of these concerns?

ANSWER:

1. Yes. The first time that the Commission formally raised that the additional time provided had not allowed it to meet all the procedural fairness requirements of the Act for all matters, was during its final hearing on 30 August 2023 and upon the release of its final report.

This is consistent with the Premier's statement in Parliament. While the Commission met with the Premier on 27 February 2023 to discuss the need for an extension of time, the Commission did not advise the Premier on this occasion or any time prior to 30 August, of concerns that section 18 and 19 of the Act, including the State's interpretation of those sections, was impeding their capacity to make the adverse and/or misconduct findings they felt necessary.

2. Yes.

APPROVED/NOT APPROVED



Jeremy Rockliff MP
Premier

Date: 15/12/2023