

Legislative Council

Hansard

Thursday 20 June 2024

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read prayers.

[excerpt...]

STATE LITIGATOR (CONSEQUENTIAL AMENDMENTS) BILL 2024 (No. 8)

Second Reading

[11.27 a.m.]

Ms WEBB (Nelson) – Mr President, I have a short contribution with a couple of questions that perhaps can be responded to by the government. Thank you to the member for Hobart for outlining the model litigant rules there. It is incredibly pleasing to see this new way of dealing with civil litigation from the state government.

It is an interesting example of a reform that was brought in during the passage of the commission of inquiry in response to evidence and clear issues that were being raised in that context and put into place by the government during the course of the commission.

Interestingly, in relation to the bill we had yesterday, this may have been one of the things that will not be captured, for example, under the child monitor as being monitored for its implementation and that perhaps it should be in some way.

One of my questions relates to that. While we are all very pleased with the intention of having this state litigator with a trauma-informed approach complying with model litigant rules, being responsible for civil matters for the state, I wonder how we will know that, in fact, that is what is transpiring.

Is there any mechanism that we will be assessing or monitoring that over time? It is still relatively new but we know there is going to be a reasonable amount of work for this role in this office over the next little while as a result of the fallout from the commission of inquiry. How will we in this place and also in the broader community - particularly amongst people who may have to come into contact with civil matters relating to the state - have confidence? How will we know that we can trust that this is a model playing out as intended? I would appreciate an answer on that.

I will put another question now which could be put during committee stage. I will put it now because it is probably a broader issue about oversight as well in relation to the state litigator. These questions come from the member for Elwick who is not able to put them herself directly here yet, not having made an inaugural address.

Ms Thomas - It will not be long.

Ms WEBB - I am going to take the liberty of putting them on on her behalf and also add my interest in the answers.

One of the things this bill does is to exempt the role of the state litigator from the Ombudsman Act and the purview of the Ombudsman. That is explicitly there in section 11. It

also exempts it from the Right to Information Act as well, noting that is also explicitly in the bill. Then there is a question about oversight, transparency and accountability. Is the state litigator a public authority or recognised as a state agency for the purposes of the Integrity Commission Act? Therefore, is the oversight mechanism available through the Integrity Commission for this role in this office. When I read the Integrity Commission Act, it looks like it might be, but if it is not, who are they then accountable to and by what mechanism can we regard oversight to be applied to this role?

Those are the areas of question myself and the member for Elwick had in relation to the bill. I thank her for that. It is always important to ask about oversight and accountability in this place. It is a point of focus for this House.

Other than that, I am pleased to see the bill, that we are formalising the arrangements put in place administratively within the department last year. I support the bill.