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## 5. Output Group 2: Legal Services

Crown Law provides a framework for the provision of legal services to the State of Tasmania. It provides support to the independent statutory officers, the Solicitor-General and the Director of Public Prosecutions, and encompasses the Office of the Crown Solicitor.

Together with the independent statutory officers, it ensures that Government is provided with accurate, timely and effective legal services.

### Solicitor-General

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The Solicitor-General is an independent statutory officer responsible for providing legal advice to Ministers, departments and other government instrumentalities, and undertaking constitutional litigation on behalf of the Crown.

The Solicitor-General reports annually to Parliament on the exercise of his functions. Find the Solicitor-General's annual report and other information at <https://www.crownlaw.tas.gov.au/solicitorgeneral>

### Director of Public Prosecutions

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The Office of the Director of Public Prosecutions is responsible for the:

- conduct of all criminal prosecutions on indictment in the Supreme Court of Tasmania;
- prosecution of some regulatory offences;
- conduct of appeals from the Magistrates Court to the Supreme Court on behalf of the State; and
- conduct of all child safety legal matters on behalf of the Secretary of the Department of Health and Human Services.

The Director of Public Prosecutions reports annually to Parliament on the exercise of his functions and is funded through a direct appropriation. Find the Director of Public Prosecutions' annual report and other information at <https://www.dpp.tas.gov.au>

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## Crown Solicitor

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The Office of the Crown Solicitor provides commercial law and conveyancing services to the Crown, including services related to:

- property acquisition and disposal;
- leases and licences of Crown land;
- procurement of goods and services including tendering;
- Government grants;
- financing transactions;
- major infrastructure projects; and
- other Government contracts.

This year 1741 new matters were opened, which is largely consistent with last year (1,809).

The Office of the Crown Solicitor, in addition to providing routine transactional legal services, continues to provide high quality legal advice and services for major procurements, contracts and projects including the Royal Hobart Hospital, Parliament Square, Project 2018 (new passenger service contracts), CH Smith projects, the Theatre Royal Redevelopment Project, Justice Connect and the Hobart Airport Interchange Project.

In 2018-19, the Office of the Crown Solicitor also continued to provide legal work for the Department of Police, Fire and Emergency Management in relation to the Tasmanian Government Radio Network (TasGRN) Project. The TasGRN Project aims to deliver an integrated radio network for users in the emergency services, land management and electricity industries.

The Procurement Project also continued in 2018-19. The purpose of the Project is to consolidate Crown Law's existing procurement documentation. It aims to make the procurement documents easier to use so that agencies can clearly capture the relevant commercial details upfront (including the specification) on which potential suppliers can base their quote.

The Office also continues to provide legal assistance for major infrastructure projects such as the Northern Prison, the Southern Remand Centre and other Government infrastructure initiatives.

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## Strategic Legislation and Policy

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The Office of Strategic Legislation and Policy develops and reviews legislation for the Attorney-General and Minister for Justice and provides strategic policy advice in relation to law reform and the administration of justice.

The Office assists the Attorney-General and Minister for Justice in discharging their Parliamentary, Ministerial and constitutional duties, including:

- Commonwealth and State meetings such as the Council of Attorneys-General (CAG) and the Legislative and Governance Forum on Corporations; and
- administering cooperative legislative schemes established by Inter-Governmental Agreements such as Corporations, Defamation, Uniform Evidence and Classification Laws.
- The Office is also responsible for copyright administration for the whole of Government for Tasmania other than Education.

In 2018-19, the Office participated in two CAG meetings and provided advice and support to law enforcement, family violence and community safety projects agreed to by the CAG and monitored through the CAG Senior Officials Group.

### Bills introduced or passed

The following bills were developed through the Office and either introduced into, or passed by, Parliament in 2018-19:

- Corrections Amendment Bill 2018;
- Corrections Amendment (Prisoner Remission) Bill 2018;
- Crime (Confiscation of Profits) Amendment Bill 2018;
- Criminal Code Amendment (Bullying) Bill 2019;
- Electoral Amendment Bill 2019;
- Family Violence Reforms Bill 2018;
- Justice and Related Legislation (Marriage Amendments) Bill 2018;
- Justice and Related Legislation (Miscellaneous Amendments) Bill 2018;
- Justices of the Peace Bill 2018;
- Legal Profession Amendment Bill 2018;
- Mental Health Amendment Bill 2018;
- Motor Accidents (Liabilities and Compensation) Amendment Bill 2019;
- Right to Information Amendment (Applications for Review) Bill 2019;
- Sentencing Amendment (Assaults on Off-Duty Police) Bill 2018;



## Our White Ribbon Accreditation journey

A call went out in August for staff members to become involved in White Ribbon Working Groups. Two groups were formed, with one focused specifically on the Tasmania Prison Service, to help the Department respond to the results of the initial survey.

- Sentencing Amendment (Assault of Certain Frontline Workers) Bill 2019;
- Supreme Court Civil Procedure Amendment Bill 2018; and
- Terrorism (Restrictions on Bail and Parole) Bill 2018.

### Policy development

During 2018-19, the Office progressed policy development on a range of issues, including:

- development of and consultation on an Interim Report on the Electoral Act Review; and;
- contributing to national policy development in a range of important areas including family violence and a national response to elder abuse.

Stakeholder and community consultation was also undertaken on a range of matters, including:

- Amendment to Part 9 (Unexplained Wealth) of *Crime (Confiscation of Profits) Act 1993*
- Civil Liability Amendment Bill 2019
- Criminal Code Amendment (Bullying) Bill 2019
- Electoral Amendment Bill 2019
- Family Violence Reforms Bill 2018
- Magistrates Court (Criminal and General Division) Bill 2019
- Neighbourhood Disputes about Plants Amendment Bill 2019
- Section 194K Evidence Act 2001 Discussion Paper
- Supreme Court Civil Procedure Amendment Bill 2018
- Workplaces (Protection from Protesters) Amendment Bill 2019

More information about community consultation undertaken by the Department can be found at <https://www.justice.tas.gov.au/community-consultation>

### Regulations made and remade

Section 11 of the Subordinate Legislation Act 1992 provides that subordinate legislation is automatically repealed on the tenth anniversary of the date on which it is made. If the regulations are still required, they need to be re-made.

The following regulations were either made or re-made in 2018-19:

- Corrections Regulations 2018;
- Court Security Regulations 2018;
- Criminal Procedure (Attendance of Witnesses) Regulations 2019;
- Justices of the Peace (Code of Conduct) Regulations 2019;
- Legal Profession Regulations 2018;
- Motor Accidents (Liabilities and Compensation) (Tribunal) Regulations 2019; and
- Sentencing Amendment Regulations 2018.