

# UNCORRECTED PROOF ISSUE

Thursday 6 June 2019 - Estimates Committee A (Archer)

## HOUSE OF ASSEMBLY

### ESTIMATES COMMITTEE A

Thursday 6 June 2019

#### MEMBERS

Mr Shelton (Chair)  
Mr Tucker (Deputy Chair)  
Ms O'Connor  
Ms White

#### SUBSTITUTE MEMBERS

Mr Bacon  
Ms Haddad  
Ms Houston  
Ms O'Byrne  
Ms Standen  
Dr Woodruff

#### IN ATTENDANCE

**Hon. Elise Archer MP**, Attorney-General; Minister for the Arts; Minister for Corrections;  
Minister for Environment; Minister for Justice; Minister for Racing

#### Ministerial Office

**Patrick Clancy**, Chief of Staff  
**Tim Mills**, Senior Adviser (Justice)  
**Sean Hollick**, Senior Adviser (Justice)  
**Rebecca Ellston**, Adviser (Corrections)

#### Justice

**Kathrine Morgan-Wicks**, Secretary, Department of Justice  
**Nick Evans**, Deputy Secretary, Department of Justice  
**Kristy Bourne**, Deputy Secretary, Department of Justice

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**Dale Webster**, Deputy Secretary, Department of Justice  
**Gavin Wailes**, Acting Director Finance, Department of Justice  
**Brendan McManus**, Assistant Deputy Registrar, Supreme Court of Tasmania  
**Roger Illingworth**, Deputy Administrator, Magistrates Court of Tasmania  
**Ann Owen**, Registrar, Births, Deaths and Marriages  
**Catherine Edwards**, Manager, Victim Support Services  
**Vincenzo Caltabiano**, Director, Legal Aid Commission of Tasmania  
**Susie Winter**, Acting Director, Legal Aid Commission of Tasmania  
**Aneita Browning**, Registrar, Guardianship and Administration Board  
**Kim Barker**, Public Guardian  
**Vanessa Fenton**, Registrar, Mental Health Tribunal  
**Sarah Bolt**, Anti-Discrimination Commissioner  
**Andrew Hawkey**, Electoral Commissioner  
**Michael Varney**, Director, Crown Law  
**Brooke Craven**, Director, Strategic Legislation and Policy  
**Wayne Johnson**, Director, Monetary Penalties Enforcement Services  
**Amber Mignot**, Director, Child Abuse Royal Commission Response Unit  
**Daryl Coates SC**, Director of Public Prosecutions  
**Richard Bingham**, Chief Executive Officer, Integrity Commission  
**Richard Connock**, Ombudsman  
**Ross Thomas**, Registrar, Anti-Discrimination Tribunal

## Corrections

**Nick Evans**, Deputy Secretary, Department of Justice  
**Ian Thomas**, Director of Prisons Designate, Tasmania Prison Service, Department of Justice  
**Neale Buchanan**, Director, Community Corrections, Department of Justice

## DPIPWE

**John Whittington**, Secretary  
**Wes Ford**, Deputy Secretary, EPA Tasmania  
**Sophie Muller**, Director, TCCO & Policy (Tas Climate Change Office)  
**Janet Carding**, Director, Tasmanian Museum and Art Gallery  
**Jacqui Allen**, Deputy Secretary, Cultural and Tourism Development  
**David Sudmalis**, Director, Arts Tasmania  
**Alex Sangston**, Executive Manager, Screen  
**John King**, General Manager, (Office of Racing Integrity)  
**Louise Wilson**, General Manager, Natural & Cultural Heritage  
**Diedre Wilson**, Deputy Secretary, Office of the Secretary DPIPWE

### **The Committee met at 9 a.m.**

**CHAIR** (Mr Shelton) - Welcome everybody to this last day of the Estimates process. I welcome the Attorney-General to the table and all the officers as well as committee members.

A reminder also, when it comes around to *Hansard* be careful when you are moving things around the table, not to make too much noise and scuffle things about. It makes it very hard for

*Hansard* to pick-up what is being said. At the same time, could you please not interject on each other because that also makes it very difficult for *Hansard*. I understand that is difficult at times, but I will make the plea early on.

We normally have a break at 11 a.m. but Justice goes for two-and-a-half hours. I presume the committee would want to keep going until 11.30 a.m. before we have a break to save that swap-over so we will have a break for morning tea at 11.30 a.m.

Attorney-General, I will give you the opportunity to make an opening statement, then for the benefit of *Hansard* could you please introduce the officers you have at the table please.

## **DIVISION 6**

Department of Justice

### **Output group 1**

Integrity Commission

**Ms ARCHER** - Thank you, Chair. To my right I have the Secretary of Department of Justice Kathrine Morgan-Wicks, to my left I have Kristy Bourne, Deputy Secretary Department of Justice. To the right of Ms Morgan-Wicks I have Mr Dale Webster, also a Deputy Secretary, and to his right Nick Evans, Deputy Secretary as well across the spectrum of Justice and Corrections but there is a bit of overlap as well.

For an overview, I will run through a few highlights and features in this budget. I won't take up too much of the committee. As I said last year, it is an honour and a privilege to serve as the Attorney-General and indeed Minister for Justice of this state. Over the last 12 months I have been very proud to progress a lot of law reform with a very big agenda still ahead of us.

As members would be aware, the Justice portfolio is diverse. It includes the courts, various tribunals, legislative reform and policy development, Crown Law which includes the Office of the Director of Public Prosecutions, Births, Deaths and Marriages, monetary penalties, enforcement service and a number of independent agencies as well. It is challenging work across a range of complex issues and I acknowledge the professionalism and dedication of all the people who work across our justice system.

Access to justice is a priority for our Government and I am pleased that the state Budget supports a number of key initiatives in this portfolio, including prioritising a package of initiatives aimed at reducing court criminal case backlogs in both the Magistrate and Supreme courts. The Budget continues the additional funding for the Legal Aid Commission of Tasmania and Community Legal centres to make up the shortfall in funding under the final year of the current national partnership agreement which is that Commonwealth arrangement.

I was also pleased to see that in the recent Commonwealth budget the issue of ongoing funding to this sector will be the subject of further discussion between the Commonwealth and the states and territories as the next agreement is negotiated. Our allocation for this financial year is \$1.3 million for the Legal Aid and Community Legal Centres.

The Budget also includes funding for an additional full-time magistrate in the north-west, also an additional magistrate in the south which is a new position and we also have provided continuation of funding for three acting judges of the Supreme Court. We also provide funding to both Legal

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Aid and the Office of the Director of Public Prosecutions to ensure they are appropriately resourced to meet the extra demand and there is the appointment of a seventh judge to the Supreme Court as well in this budget.

An amount of \$10.5 million has been set aside for these initiatives in the budget which are critical to address: increasing criminal case backlogs in both the Supreme and Magistrates court as I have recognised and together with substantial legislative procedural reform that is being undertaken in both courts and indeed the management of the courts listing which is the purview of each of the chiefs in those courts.

We do have a heavy legislative agenda as members will be well aware. Some highlights of what we are still yet to bring on but will be very soon, include the one-punch reform; furthering our reforms in relation to persistent family violence orders; the electoral reform; the criminal and general division of the Magistrates Court to modernise and streamline processes in the court, together with procedural and jurisdictional changes for both the magistrates and supreme courts to assist with the criminal backlogs that I have mentioned; and reforming bail laws and the prosecution of serious cases of cyber bullies and bullying.

A further \$24.5 million has been provided from the digital transformation priority expenditure fund over the next four years to enable the Department of Justice to finalise the detailed requirements and proceed to the award of a tender for Justice Connect. The design and development will commence in mid-2020; that is something that I think is going to be a game changer for our justice system and across agencies.

The department will also reprioritise existing retained revenues and recurrent retained revenue sources to maintain the existing levels of service for the Eligible Persons Register, fund additional resources within the Guardianship and Administration Board to address service demand over the next four years. In addition to Justice Connect, there's \$15 million by way of the capital program that's allocated to the upgrade of the Burnie Magistrate and Supreme Court complex. Not only will this enable both courts to continue to operate over the long term, in Burnie it will ensure that there's appropriate access for people with disability, improving safety and amenity generally, and of course to ensure that the building is fit for purpose, which at the moment it is an ageing infrastructure.

Additionally, further Reserve by Law funding of \$2.5 million per annum has been provided to meet the increasing costs of victims of crime compensation under the Victims of Crimes Assistance Act. The department has no control over the award of compensation under this act as all decisions are made by independent Criminal Injury Compensation commissioners.

Finally, and certainly not least, the Office of the Ombudsman has also received additional funding of \$245 000 for two additional staff members to review Right to Information matters referred to that office. I am confident this funding will enable the Office to undertake reviews of RTI decisions made by public authorities referred to the Office in a more timely manner.

I welcome questions, Chair, on this broad portfolio.

**Ms HADDAD** - You've touched on backlogs in both the Magistrates Court and Supreme Court, particularly in the criminal divisions, and it is acknowledged that the extra judge, extra magistrates and funding for the DPP will have somewhat of an impact on that backlog. However, representations that we've received indicate that there is a whole other range of reasons that add to

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backlog - some of them you touched on yesterday in the Legislative Council: complexity of cases, increase in lodgements, and changes in use of evidence, and so on.

One of the main reasons that we've heard from lawyers is that Magistrates Court cases, in particular, having to be postponed because lawyers haven't yet received instructions from their clients because their clients are housed at Risdon and phone appointments are routinely cancelled and postponed for various reasons within the prison. We can touch on that later in the Corrections output. I would like to know what other measures you are taking to address those other fairly major reasons for backlog? The way that it has been described by lawyers is that it is all very well to have extra court lists running but if they can't get their clients into those courts, the backlog won't be addressed.

**Ms ARCHER** - As I have acknowledged, and I acknowledged this last year, there is no one cause of the backlog and therefore there is no one solution to the backlog. It is across managing the courts' work and listing which I don't interfere with but I do have regular meetings with the Chief Justice and the Chief Magistrate with respect to each of their courts. I know that they do everything possible to increase the number of listings. Although we have a small state, we have courts across the state and our legal practitioners tend to travel where the cases are, particularly when we are talking criminal cases because of their expertise. Sometimes a cause of a backlog will be the fact that legal practitioners are not available for hearing.

I acknowledge that in recent times, sometimes there may be an issue with prisoners having access to their legal representation. As you have acknowledged that is in the Corrections portfolio, but I will note that where there is difficulty with face-to-face meetings the prison tries to replace that with telephone access. We will go into that in more detail in relation to the measures that are taken in both Risdon Prison and the Launceston Reception Prison.

The Government's response to backlogs is to provide resourcing, as we have acknowledged and done in this Budget and in the outer years, as well as an increase in funding a seventh judge. I will note that the seventh judge has been called for from a number of different sources, from a number of different parties, from the profession, from the chief justice, consistently for a number of years since the 1990s. This Budget delivers on that call, and an additional magistrate as well. There also needs to be the support staff to go with those appointments. We fully funded that as well.

It is a multi-pronged approach. I don't shy away from the fact that criminal backlogs exist. Even with the intensive period of listing last year, the figures have remained substantially the same. We have an increase in lodgements, but our clearance rate is very good at the same time. We are tackling that. I am confident these additional resources and additional judicial officers will make a significant difference to the backlog. As I have acknowledged it's a multi-faceted approach.

There is another measure, of course, and that is the legislative framework that sits around the courts. The magistrates package reform will go a long way to ensuring that those processes are streamlined and we don't see matters going back and forth between courts. We are also looking at preliminary proceedings procedures in consultation with the chiefs and the DPP, to ensure we are all on the same page and that we can streamline that process.

We are taking a number of different significant measures.

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**Ms HADDAD** - Just on that, you mentioned consulting with both chiefs. One of the other issues that has been raised with us is the frequent number of times people have to reschedule Magistrates Court listing dates. The Magistrates Court sets down its dates many months in advance, because the Supreme Court date which operates only one month in advance, comes up and takes precedence. Is there any appetite to moving the Supreme Court to a docket-style system like the Magistrates Court?

**Ms ARCHER** - Justice Connect will have the courts matching up their procedures. It will be a fully electronic system. At the moment, the Magistrates Court is operating much as it did when I first started practicing, so everything is done by paper, everything is filed by paper. There are some very hard-working people there who have a lot of paperwork to get through. That sometimes causes some human error. We have to reduce that, and reduce it for them, as well. We don't want it to have to go through seven different people before something gets finally processed.

Not only will it streamline, it will ensure that both courts have access to what is happening with a particular case. The beauty of Justice Connect is that it connects those two systems. It will be able to be accessed across agencies for other purposes. We did take into account the docket system in Western Australia, in terms of enveloping that within Justice Connect. We need to take the views of both chiefs into account in that regard.

**Ms HADDAD** - Still talking about the court's time. In Launceston lawyers are often not able to access their clients at the Launceston Reception Prison because of the ongoing upgrades in this building. We have heard reports that this prevents lawyers and clients from having face-to-face contact before defendants appear in court. Magistrates have been accommodating those things as best they can by closing courts to give lawyers time with their clients as well as letting them speak in courts that are not in use, which is only possible when security guards are available. I am interested in your thoughts about whether shutting down to allow lawyers time with their clients is a waste of the court's time? It adds time to the hearing and to the backlog. Do you know when the renovations are to be completed?

**Ms ARCHER** - I will check that but I believe the renovations have been completed, or are about to be. The Launceston Reception Prison will be finished on 20 June and the courts are finished. I think you referred to stage 2 of the works, which included upgrades to the visits area and correctional offices necessitating the closure of the visits. That did result in face-to-face interview facilities not being available and legal representatives having limited access to their clients. Tasmanian Prison Service communicated the closure of the visits area with the legal sector and did so since 3 March this year. They put in place alternative arrangements, including video conferencing and using the interview room at the Launceston Supreme Court. TPS and the Law Society continue to work collaboratively to ensure access to clients at the prison can be maintained. I met with the Law Society this week on this issue to ensure that lawyers are getting appropriate access at all of our facilities, whether they are having redevelopment works done or otherwise.

**Ms O'CONNOR** - Under your key deliverable statement, budget paper No. 2 vol 1, it is noted that additional workplace inspectors, Guardianship and Administration Board and quad bike safety plan will all be funded through existing budgets and there is no funding for Chatter Matters which, as you know, has delivered an important literacy and self-confidence service in the prison. Four of your 14 key deliverables, almost 30 per cent of them, have no funding attached. How do you expect your agency to be able to absorb those extra costs, which were election commitments?

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**Ms ARCHER** - That quad bikes matter - it gets awfully confusing when it is the one agency - does fall within Workplace Standards, which is not my area. It is Building and Construction which is Ms Courtney. I can confirm that Chatter Matters is being funded again this year. It is in my Corrections portfolio. I am happy to address that further.

**Ms O'CONNOR** - It is funded this year but not in the out years.

**Ms ARCHER** - I can address how we do budgets. I am sure from your times as a minister, Ms O'Connor, that quite often there may not be funding in the outer years. That doesn't mean that in each budget year we don't put in a fresh bid. We continue funding for many good programs and plans that a government will see through to a certain date and then renew those plans. It is not an unusual budget feature. It features in all budgets.

**Ms O'CONNOR** - It's a skinny looking key deliverables. Minister, did you know in advance about your colleague Kristy Johnson's Legislative Council election ads that linked birth certificate law reform with mandatory sentences for paedophiles under the heading 'protecting children'. If so, did you do anything to stop these ads from being published?

**Ms ARCHER** - Here we go, we are going to have a bit of a political stunt for a while.

**Ms O'CONNOR** - It is not a political stunt. This issue has been raised by representatives from the trans community and LGBTI.

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - I would ask the member to remain respectful of this issue.

**Ms O'CONNOR** - I have - pretty rich coming from you.

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - I will say at the outset that it was disappointing that the House chose to deal with this in my absence. I have had carriage of this matter as Attorney-General on behalf of the Government the whole way through the debate and then, all of a sudden, the House pulled a bit of a stunt and decided to -

**Ms O'CONNOR** - No, we used the Standing Orders to make sure the legislation was debated.

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - debate something in my absence, which was completely unavoidable due to the death of a family member. I will put on the record that I think it was terribly unfortunate that the House chose to do that.

**Ms O'CONNOR** - The amendment bill wouldn't have been debated if we hadn't brought it on.

**Ms ARCHER** - What I will say in relation to gender recognition on birth certificates is that we have had this debate in the House. Labor and the Greens got their position through. As a Government, we are now working through what we need to in terms of the Registry of Births, Deaths and Marriages. As to what other candidates do in campaigns, I don't run their campaigns, I

am not a campaign manager. They are not under my direction or control, nor do I produce their advertisements or know what they are doing throughout their campaigns.

**Ms O'CONNOR** - Attorney-General, you are responsible for Equal Opportunities Tasmania and therefore for upholding the Anti-Discrimination Act. It is unarguable that these advertisements caused harm to transgender people, therefore it is a matter of your portfolio concern. The question I am asking you is, do you think it is appropriate that Liberal candidates are marginalising and demonising transgender children for political gain?

**Ms ARCHER** - There are two things there. I am not in any way making any judgment on the impact of any of these actions on our transgender community, but Equal Opportunities Tasmania is there for people to register their complaints. If people are impacted by certain behaviours in our community across all of the matters that the Anti-Discrimination Act covers for direct or indirect discrimination, I would encourage members of our community to make their complaint to that independent body and go through that process.

**Ms O'CONNOR** - As the Attorney-General, weren't you concerned about the impact on transgender people?

**Ms ARCHER** - I'm struggling to find the reason for these questions being asked in this committee when it is legislation that has gone through the House -

**Ms O'CONNOR** - Because it's your legislation and your Equal Opportunity Commission.

**Ms ARCHER** - I have said what candidates do in their campaign is not something that I have had any involvement in, certainly not as the Attorney-General and the first law officer of this state. I have also just urged Ms O'Connor to refer people who wish to make a complaint about any matters which have caused them direct or indirect discrimination to refer a complaint to the appropriate body.

**Ms O'CONNOR** - I remind you that you were the lawyer for the Liberal Party in the case that Martine Delaney brought before the commission.

**CHAIR** - Order, Ms O'Connor.

**Mr TUCKER** - The Hodgman Liberal Government has long been a supporter of the legal assistance sector in Tasmania. How does this Budget continue that support?

**Ms ARCHER** - Thank you for that question, Mr Tucker, because it gives me an opportunity to clarify a few things that were raised yesterday through the media, of all things, while I was appearing in the Legislative Council Estimates. I was disappointed that the shadow attorney-general yesterday used this topic as a bit of a political issue, because our Government has been a strong supporter of Tasmania's legal assistance sector. We have filled that gap in funding in relation to the national partnership agreement for some years now, and we are doing so again this year.

I do not want to see the sector used in this way in an attempt to score cheap political points. If people are going to issue media releases, they need to get their facts straight. It was particularly galling to see Labor talk of underfunding in their release. The fact remains that the Government has provided a record amount of state funding to the legal assistance sector and significantly more than was provided by the previous government.



This Budget continues our record state funding to the sector with a \$1.264 million injection provided to address the shortfall in the Commonwealth funding under the national partnership agreement. This means that since 2017 our Government has provided more than \$3.7 million to the legal assistance sector to ensure there has been no reduction in core funding either for Legal Aid or any of the Tasmanian Community Legal Centres subject to the NPA.

However, as with so many areas, it is never simply about providing resources and in recognition of this and following similar exercises undertaken in other jurisdictions, an evaluation of Tasmania's legal assistance sector was undertaken to ensure it is equipped to provide assistance to the greatest number of Tasmanians. There is, and has been, no secrecy that we have undertaken this evaluation. The work has been led by the Department of Justice and I thank them for that. It had a steering committee that included members nominated by Tasmania's Community Legal Centres and the Legal Aid Commission of Tasmania

The evaluation undertook an extensive program of consultation, with 39 stakeholders contacted for feedback, 19 written submissions received and interviews with seven organisations undertaken, spanning government, Legal Aid, Community Legal Centres and others with an interest in the Tasmanian legal assistance sector. The final paper that resulted from the evaluation, which the Government had always intended to release today, contains a number of recommendations regarding service delivery by the legal assistance sector and, where it is possible, to improve its efficiency.

To suggest that the report has been sitting on my desk for the past six months is a blatant lie, or to suggest that there has been a refusal to release it is, quite frankly, ridiculous. Since being provided with the report, the Government has been giving careful consideration to its contents and, importantly, working on its response to the detailed recommendations. The \$1.264 million provided in this Budget responds to the evaluation's main recommendations to ensure there is no drop in the sector's funding for 2019-20. I take this evaluation very seriously. It needs to be treated very seriously and it presents a fantastic opportunity to provide certainty for the future to all staff in the sector and ensure the legal assistance sector reaches the maximum possible number of Tasmanians.

**Ms O'CONNOR** - Chair, point of order.

**Ms ARCHER** - I would like to finish the statement.

**Ms O'CONNOR** - There is a three-minute limit on answers.

**CHAIR** - Order. I ask the Attorney-General to wind up.

**Ms ARCHER** - I want to finish with one statement, and this is the crux of it. It would have been very easy for me to simply release the report yesterday in response to Labor's questioning in the other place to head off the inevitable politicking that followed, but it needed to be dealt with properly. I still had to provide notice and pre-briefs ahead of the report's release today with interested parties and that has now been completed. That has always been the state of play. I am also aware there is a meeting taking place tomorrow and that is the reason for releasing the report today, not earlier.

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**Ms HADDAD** - I will clarify the point we were making yesterday in that media release the Attorney-General refers to. It was not to suggest there was secrecy around the review itself or the process - not at all. It was to ask for the release of the review, which is what we are hearing from community sector stakeholders working in the legal assistance sector. They are nervous about the content -

**Ms ARCHER** - I always intended to release it today, which I have answered in that last question.

**Ms HADDAD** - Releasing it today does not give the opposition parties the opportunities to sufficiently absorb the recommendations and question them during this Estimates process. It does seem somewhat disingenuous that it would be released on the day - I haven't seen it - that we have the opportunity to question you here.

**CHAIR** - Ms Haddad, do you have a question?

**Ms HADDAD** - I do. What we are hearing from the sector is that they are nervous about ongoing funding. The \$1.264 million for legal assistance which is going to the community sector bodies to recognise the shortfall in the NPA funding will be spread across five community legal services but as of today, they still don't know what proportion will go to each of their services. It is extremely unsettling. Having worked in the community sector I know that is unsettling when you have staff to pay and overheads to cover. Will you confirm today how much of that \$1.264 million will be going each of the five community legal services?

**Ms ARCHER** - They were advised last week by letter from the Department of Justice. There is certainty around that. I want to clarify, the report needed to be released today because those who contributed and people who required pre-notice prior to release and also prior to a meeting that is being held tomorrow within the sector, so that they have the opportunity. Members will have an opportunity in this place next week to ask questions. I don't shy away from answering questions in this place. Our obligation in relation to this work is the legal assistance sector. They have been thoroughly consulted and we will continue to consult with them on the release of this report. That will be very detailed work to come as well.

**Ms HADDAD** - Thank you. Would you agree that in terms of the NGOs that the Government funds, the community legal assistance sector is very much out on its own now in terms of NGOs receiving indexation on their base grants? Will you confirm that the amount of money that has been provided to those five community legal services hasn't received indexation for at least the last two, three or five years? Will you consider adding indexation to their base grants next year, the top-up funding?

**Ms ARCHER** - The top-up funding I'm advised has been indexed. In relation to your earlier observation of this funding going for one year, it is intended for it to go for the one year because the Commonwealth needs to state what their position is in relation to the National Partnership Agreement and what happens from here on in. It would have been foolish of us to put in future budgets what -

**Ms HADDAD** - Indexed base grants.

**Ms ARCHER** - Exactly. We are hoping that the release of this report and the discussions that the Commonwealth will have with states and territories will create more certainty for the sector.

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**Ms HADDAD** - How confident are you in the Commonwealth's contribution when the MPA is renegotiated? The Budget figures drop from around \$16 million to around \$8 million over the forward Estimates. My assumption is that means the state is hoping there will be at least an \$8 million commitment from the Commonwealth. How confident are you that MPA, once renegotiated, will be at that level?

**Ms ARCHER** - We are talking hypotheticals here.

**Ms HADDAD** - More than hypothetically, the budget statement drops significantly by \$8 million over the forward Estimates.

**Ms ARCHER** - It does and on that basis, it makes that assumption. But as I have said already in this committee - and will continue to say as it is drawn to our attention - this Budget is no different to other budgets and of previous governments. Each year we look at the budget again and afresh and if there is a new set of circumstances or a different set of circumstances then we look at the state of play as it is in that financial year. We have done the best we can on the basis of what we know to date. I am hopeful through the Commonwealth's consultation with states and territories that that produces a positive outcome for all parties.

**Ms HADDAD** - Thank you. What contingencies do you have in place if that MPA, once renegotiated, isn't at that level that you expect? Will it mean cuts across other parts of the sector or the agencies?

**Ms ARCHER** - I can confirm on 1 May this year the federal government announced it will provide an additional \$30.5 million over three years for legal assistance services.

**Ms HADDAD** - In Tasmania?

**Ms ARCHER** - No, that is national. That is what is going to be the discussion between states and territories as to -

**Ms HADDAD** - So there is a \$30.5 million pool to spread around the country?

**Ms ARCHER** - The \$30.5 million is additional.

**Ms HADDAD** - What is the Commonwealth's contribution over this coming financial year?

**Ms ARCHER** - The total Commonwealth funding to be received through the MPA for 2019-20 will be \$7.561 million. Of that, the Legal Aid Commission will receive \$5.945 million and there is a breakdown if you would like it for the CLCs: Hobart Community Legal Centre, \$471 396.26; Launceston Community Legal Centre, \$343 663.95; North West Community Legal Centre, \$263 372.96; Tenants Union of Tasmania, \$42 323.66; and Womens Legal Service Tasmania, \$495 243.17; which totals \$1 616 000.

In addition to the funding that we have provided for that top-up funding for the CLCs we do provide funding of various sources to some of the CLCs through the Solicitor's Guarantee Fund.

**Ms O'CONNOR** - I wanted to follow up on Ms Haddad's line of questioning about community legal centres. The obvious missing CLC there is the Environmental Defenders Office. As you

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would be aware, the EDO provides a really important service for people who are concerned about something that's happening in their place or a potential development and need some guidance with the planning system but can also take enormous pressure off the planning system because they can help people to make a sensible decision about the path forward. Why does the Government not provide resources for this CLC?

**Ms ARCHER** - Ms O'Connor, you would aware from the Department of Justice and the Department of Primary Industries, Parks, Water and Environment, in equal shares, we provided the Environmental Defenders Office with \$8750.

**Ms O'CONNOR** - That will pay the power bill for a year maybe.

**Ms ARCHER** - And that does tend to get rolled over. The EDO does not receive any funding under the MPA because Commonwealth funding priorities do not include environmental law and as a result of public donations, service generated income and the state's contribution, the EDO does continue to deliver its services. That is the state of play in relation to the Environmental Defenders Office.

**Ms O'CONNOR** - Do you acknowledge that it provides a really important service and it can take enormous pressure off the planning system?

**Ms ARCHER** - We are crossing into other portfolios here and other departments. I think that any service in our community that provides our community with legal service that there are obvious benefits to that. Ms O'Connor's line of questioning is always asking me for an opinion on something. We are here for budget Estimates. I am providing you the factual status of the Environmental Defenders Office. There is some state funding there and you are not happy with the answer. I understand you want more money. That's your position. I have a difference of opinion on that. There is some funding and I can't shed any more light on that.

**Ms O'CONNOR** - I am not going to ask your opinion on it. Why has the Government taken a position that the Environmental Defenders Office should be treated differently from other organisations in the legal assistance sector and chosen not to provide it with a sustainable level of funding?

**Ms ARCHER** - That was a decision made before I became Attorney-General.

**Ms O'CONNOR** - Which you've maintained.

**Ms ARCHER** - That has been a position of our Government and it has remained the same.

**Ms O'CONNOR** - Why wouldn't you take it out of the Solicitors Guarantee Fund? Why not provide at least a measure of sustainable funding to this important CLC?

**Ms ARCHER** - Any body or organisation of a community nature can apply to the Solicitors Guarantee Fund and it's assessed and contributions are made accordingly in the limited funds available.

**Ms O'CONNOR** - It is clearly an ideological position because you people are anti-environment.

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**Mr TUCKER** - The Government has already done a lot of work implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. Can the minister inform the committee of recent developments?

**Ms ARCHER** - I can, thank you, Mr Tucker. This is a really important issue, as I know all members acknowledge. Perhaps the most visible aspect of the royal commission's recommendations has been the creation of the national redress scheme, to which the Government has committed \$70 million in support of our involvement. As members will be aware, the scheme offers successful applicants a monetary payment, access to counselling services, and a direct personal response. As I have said in the House before, no amount of money will compensate a survivor for the trauma and the abuse they have experienced since they were a child, but the scheme is there, coupled with a personal response, should they wish, to provide them hopefully with some closure. Indeed, the counselling service part is important in this process and I will get to that in a minute.

As a community, we are all increasingly aware of the impact child sexual abuse can have on its victims, and for this reason the delivery of counselling is a very important aspect of the scheme. Indeed, it was a key recommendation of the royal commission's redress and civil litigation report, which forms one component of the whole 409 recommendations over, I think, 21 volumes.

The scheme provides national service standards for the provision of counselling and psychological care and it is those standards that have been adopted by jurisdictions delivering counselling under the scheme. The standards require such services to be collaborative, available, accessible and high quality and inclusive of Aboriginal and Torres Strait Islander healing processes.

I am pleased to announce that yesterday the Government has opened an expression of interest process to establish a register of providers to deliver counselling for those who receive redress under the scheme. To be placed on the register, providers will need to be able to satisfy the requirement that they can deliver counselling in line with the national service standards. This register will ensure that practitioners who have the appropriate capabilities to provide counselling and psychological care to people affected by child sexual abuse will be readily identifiable and accessible to survivors.

Importantly, providers wishing to be placed on the register will be required to declare any conflicts of interest, and those with a conflict, such as responsible institutions or those affiliated with them, will be excluded. I would also like to make clear that this register is not intended to limit survivor choice, and if a survivor already has an established therapeutic relationship with a counsellor who isn't on the register, the model can still facilitate the survivor counselling to see them through, using funds awarded under the scheme.

As important as Tasmania's involvement in the scheme is, it is only part of the work we are undertaking in response to all of the 409 recommendations but it is a vital component of our response. We are also publishing progress reports on the implementation of the recommendations annually. The next progress report, for members' information, is due in mid-December this year and will be available publicly on the Department of Justice website.

As I have said, the Government recognises that nothing can undo the suffering and damage caused by institutional child sexual abuse, however through the work we are undertaking in response to the royal commission's recommendations we acknowledge the failings of the past and strive to ensure they will never be repeated.

**Ms HADDAD** - Just going back to the extra funding that has been provided in this Budget to recognise the NPA shortfall - I assume that's what it is - there is an extra \$361 000 for the Legal Aid Commission rising to \$546 000 per year over the following three years as a separate line item in table 6.1 on page 136, Legal Aid Commission additional resourcing. No-one would argue against additional resourcing for the Legal Aid Commission of Tasmania but I am wondering if that extra funding is anticipated specifically for the expected increase in demand for services as a result of the extra magistrate and judge that we have talked about.

**Ms ARCHER** - That is what I referred to in my opening statement. To support the additional court resources, we need to ensure the other parties involved in that process, because if we increase judicial resources that is going to have an impact not only on the DPP but also Legal Aid. They are the ones that appear the most in criminal cases or have the most involvement, either through their own services or private practitioners through grants of aid. That additional funding is to support that additional judge and magistrate.

**Ms HADDAD** - How did you arrive at those figures and are you confident they will be sufficient to meet that expected extra demand?

**Ms ARCHER** - We have done the best we can in estimating those additional resources. The additional funding I received for this portfolio was needed to address backlogs and be spread across those that were most impacted by the criminal backlog - the funding of the additional judge and magistrate and the funding available for the other services. I am confident that these measures, with the other measures I have mentioned in detail before in relation to the legislative reform and framework that is going on and the continued reform, will tackle this backlog and we should start to see some reduction.

There are a number of factors, as I said, and not least of all, there is more crime being detected as well because there are more police resources now under our Government. That can have an impact as well.

**Ms O'CONNOR** - You are filling the prisons.

**Ms ARCHER** - We are responding to all sorts of things that are impacting across our criminal justice system, including the national trend to which Ms O'Connor refers, to which we are not immune, so our prison population is increasing as a result of greater crime detection and the types of crime now being committed, which unfortunately are crimes of violence and crimes related to drugs.

**Ms HADDAD** - I acknowledge what you've said and I am sure the Legal Aid Commission will be very grateful for that extra funding in anticipation of increased demand for services. For those who do not qualify for Legal Aid funding and who can't afford a private lawyer, many end up in that community legal setting with representation from the NGOs we have already talked about today. Was there consideration of the anticipated extra demand on their services in this Budget?

**Ms ARCHER** - As I have said, we have put in unprecedented funding to the legal assistance sector, which I note the previous government didn't. There is additional funding we have committed in this Budget. Albeit a tight budget, the Department of Justice has additional funds and those resources are there to tackle these longstanding and increasing backlog issues.

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For the legal assistance sector, we have carried the funding on for another 12 months. If we didn't, my opponents across the table would be complaining about that, and even though we have maintained the funding, they are still complaining. We have provided that funding. We will have a discussion with the Commonwealth as to how the funds are going to be distributed under the NPA and we will continue to work with them, as we do in so many areas, and continue to work very well with them. I am hopeful our community legal centres will continue to be well supported. They certainly are well supported by this Government.

**Ms O'CONNOR** - Except for the EDO.

**CHAIR** - With respect Ms O'Connor as Chair I need to be able to argue a case that I have allowed the distribution to be right. I am throwing to Ms O'Connor now because Ms Haddad does not have any more. The reality is that the proportion of questions is supposed to be three to Labor, one to the Greens and one to Liberal. I am indicating to Labor that if you throw to Ms O'Connor then do not complain to Chair at the end of the day if the Greens have had as many questions as you. Ms O'Connor.

**Ms O'CONNOR** - The legislation to remove the immunity of priests under the Children, Young Persons and their Families Act and to make priests or religious practitioners' mandatory reporters for the purposes of the act and to make members of parliament mandatory reporters - I was surprised to read that we were not - has been sitting on the table of parliament for many months. Are you able to update the House and to survivors of child abuse when that legislation will be brought on? Will it be brought on in this final sitting week of parliament before the break?

**Ms ARCHER** - I do not believe we have set the date. Next week we have to deal with budget Estimates reply speeches. They have to take priority with Government business. I am not sure if there will be other time available in Government business time next week. I can confirm that it will be dealt with very soon. It is on my priority list for debate. We have had other things that have been interposed. Gender on birth certificates is one of them in terms of what I would have planned to deal with in my portfolio area. It is certainly not a deliberate attempt to delay.

**Ms O'CONNOR** - No, I am not suggesting that.

**Ms ARCHER** - I want to make it very clear that I am committed to that legislation. The Government is committed to that legislation. We have tabled it and we will be debating it very soon, as soon as we possibly can.

**Ms O'CONNOR** - Is it fair to say you have come under intense pressure, particularly from the senior leaders in the Catholic church, over this legislation?

**Ms ARCHER** - I said when we were about to introduce this legislation, when we were about to table it, that I recognised it would be challenging, particularly for those in the Catholic church because they are most affected by the legislation. At the same time I said we don't shy away from the responsibility of what the recommendations in the royal commission have been. We believe that this is the best way to respond to ensure that this never happens again. It is a very bold and brave move on our part.

**Ms O'CONNOR** - It is a recommendation of the royal commission so -

**Ms ARCHER** - It was not a direct recommendation.

**Ms O'CONNOR** - It was.

**Ms ARCHER** - Not all states and territories are moving to do what we have done. Only a few. South Australia, I believe, has done what we have done. I do not think New South Wales will be. There will not be entirely national consistency on this, although I am encouraging my counterparts in other states to follow suit. We are leading the way on this particular issue in terms of the confessional.

**Ms O'CONNOR** - Will it come to parliament when we return from the winter break pretty quickly?

**Ms ARCHER** - Well, it is tabled.

**Ms O'CONNOR** - Will it come on for debate soon after we return from the winter break? As you would be aware there are survivors who are following this issue very closely and that bill has been sitting on the table for some time.

**Ms ARCHER** - As I said there is certainly no attempt to delay. There have been other things that have come up throughout the course of the parliamentary year in terms of the business load brought on by other parties as well. We all have a responsibility in that regard. I will bring it on as soon as I possibly can.

**Ms O'CONNOR** - Do not put the delay on us, please. That was unnecessary.

**Ms ARCHER** - I am dealing with the facts here and the simple fact is that I had planned to bring this on earlier. It hasn't been able to be debated. It will be debated as soon as I can.

**Mr TUCKER** - Attorney-General, given this Government is putting more police on the frontline, we know the Magistrates Court is coming under increasing workload pressures. What is in the Budget to address that?

**Ms ARCHER** - Thank you, Mr Tucker. I will use this opportunity to explain in a bit more detail what is happening in the Magistrates Court, because this is a really important thing to note.

We are committed to an efficient and effective criminal and civil justice system in which litigants are able to finalise court proceedings in a timely manner. Criminal lodgements in the Magistrates Court have been increasing for the last five years, and remain high. Adult criminal matters represent the greatest proportion of the court's work. That is why this Budget provides for the recruitment of a new magistrate for southern Tasmania, with funding of \$172 000 provided in the 2019-20 year to allow them to commence in early 2020. We will begin recruitment virtually straight away for that.

Currently there is recruitment underway because of the retirement of a magistrate. Recently we appointed a full-time magistrate to the north west, in Leanne Topfer. That was previously a 0.8 position, so we have also increased that allocation. Additional funding of \$921 000 per annum will be provided from 2020-21 to ensure the appropriate administrative support and court security is provided to maximise the efficiency of this new magistrate. The new magistrate will be stationed in Hobart where the majority is located, but will also be required to travel state-wide in order to assist in other registries where the caseload is also very high.



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The 0.8 full-time equivalent magistrate on the north west has retired and has been replaced with a full-time magistrate. Funding of \$496 000 per annum has been provided in support of this. That is to ensure the appropriate administrative support and court security is also provided to maximise the efficiency of this replacement full-time magistrate.

As I have previously noted, and Ms Haddad did note, the additional funding for Legal Aid Commission. That is additional resourcing in recognition of this additional magistrate and the judge as well.

We have also provided additional resourcing to the Office of the Director of Public Prosecutions to help meet the cost impacts of this initiative. This will go a long way to helping us deal with the criminal backlog we have. We don't see it in the civil jurisdiction so much. Magistrates have quite a broad range of specialty and Magistrate Topfer's extensive civil experience means we have quite a few magistrates able to deal with civil matters in the north west. We have a really good spread across the state, in my view.

**Ms HOUSTON** - Attorney-General, are you aware that children are being processed at the reception prisons and being held there while waiting for transfer to Ashley Youth Detention Centre? Are you aware that these children are being strip searched?

**Ms ARCHER** - Chair, that is a question for the Corrections portfolio, when I have all of the correct departmental staff around me for that particular allocation, from 11.30. I don't refuse to answer the question. I will answer it if you want to re-ask it in Corrections.

**Ms HOUSTON** - I thought that children weren't covered by Corrections, because they are still under youth justice.

**Ms ARCHER** - They do, but anything to do with the prison facilities, I can answer that as best I can.

**Ms HOUSTON** - These are children coming out of court, and then being processed there.

**Ms ARCHER** - In relation to processing and personal searches, that is Corrections.

**Ms HADDAD** - The Women's Legal Service receives an extra separate allocation of \$200 000 from the state Government for a family violence unit run predominantly out of Launceston. The Commonwealth also contributes \$175 000 to that service. I understand that particular parcel of funding is to expire in December this year so I am curious to know whether that will be refunded from January 2020.

**Ms ARCHER** - We are currently negotiating the terms. That falls under the new Family Violence Action Plan which comes under the jurisdiction of the Premier. Obviously there is cross-departmental involvement in relation to that plan and I and the secretary provide input and advice in relation to that plan. That is all something to be negotiated as part of that new plan.

**Ms HADDAD** - So at departmental level there is influence in how that DPAC family violence money is distributed?

**Ms ARCHER** - Yes.

## UNCORRECTED PROOF ISSUE

**Ms HADDAD** - Is it possible to give some comfort to the Women's Legal Service in Launceston that that particular service is a priority of the Government?

**Ms ARCHER** - I can give that comfort. I have just been told the department is meeting with them today and tomorrow.

**Ms HADDAD** - Okay. My understanding is without the state contribution that office won't be able to continue so I wanted to put that on the record today, and hopefully it will be a priority in renegotiating.

**Ms ARCHER** - I did open that office.

**Ms HADDAD** - So I know you would want to see it continue as much as all of us.

**Ms ARCHER** - Yes. We have taken that on loud and clear and it certainly is something I know the Premier would like to see as well.

**Ms HADDAD** - Thank you for that assurance. Jumping around a bit now, regarding the tenders for the redevelopment and upgrade of the Burnie Court complex, I note that the upgrade has been delayed by a year. I think you touched on that in your opening statement and you recognised that the building itself is not fit for purpose. The first-year agenda of the Government committed to inviting tenders by December last year. Have the tenders gone out at this point or are they due to go out soon?

**Ms ARCHER** - I can give you a rundown of what has happened in this regard. I touched on this as well in relation to speaking on the Budget. For the purpose of this committee and that question, we have allocated \$15 million for the upgrade of the Burnie Court complex which encompasses Supreme and Magistrates courts. That is to improve the building services, the public areas, addressing key safety and security needs and providing better facilities for all court users.

GHD Woodhead has been appointed as the architects for the upgrade project and the development of concept designs are well underway. They identified a range of issues during their early planning that need to be resolved - and this is what I informed the House - including the age of the building, the extent of asbestos, the constraints at the site, the unique design elements of the building and how to achieve the best outcome for the court within those constraints.

It is important to mention here that the court remains open because of the significant throughput of people who require access to justice on the north-west coast. Devonport is still operational and will be in the long term; there are no plans in any way, shape or form to not have both services. The department will also be consulting with all key stakeholders to ensure the upgrade addresses the needs of court users. However, in order to facilitate a carefully considered and thorough approach to issues identified during GHD's early work, I requested the department spend additional time planning on how it achieves the upgrades to the court while still making sure that essential court services are delivered during the period of construction.

It will take a fair amount of coordination. The only reason for the delay in the project is because of those issues that have been identified and it encompasses a broad range of issues. I can confirm and provide comfort that work is progressing well, it is just that we need to ensure all of the plans are put in place appropriately before they commence construction.

**Ms HADDAD** - Are correctional officers still transporting prisoners in the northern courts?

**Ms ARCHER** - They are in the north-west. Again, I can answer that in more detail when I have the information in front me in Corrections and I can provide you with a proper update at that point, so if you would like to come back to that later I can give you a progress update on that. Police officers are out of Launceston and we have correctional officers doing that.

**Ms HADDAD** - Regarding the Southern Remand Centre work, that tender was also due to be awarded in December 2019.

**Ms ARCHER** - Chair, these are all Corrections questions.

**Ms HADDAD** - That is fine, I will move that one across. Thank you.

**Ms O'CONNOR** - Minister, the departments of Health, Education, Police and Communities have all established LGBTI reference groups or liaison groups with the LGBTI community, and such a group has been sought by community representatives in the Justice Department for a very long time but it has not been established. This is despite ongoing issues for LGBTI people in the Corrections system and under various statutes dealing with discrimination, relationships and the expungement of historical criminal records. Will you commit to establishing an LGBTI reference group in your agency?

**Ms ARCHER** - I am advised that we already liaise with them. Perhaps I will get Ms Bourne to explain the process we currently have.

**Ms BOURNE** - The Department of Justice in 2018 initiated a diversity and inclusion project which has a project officer who manages that very large body of work. It is overseen by a steering committee represented by members of the agency executive and other members including Ms Sarah Bolt, our Anti-Discrimination Commissioner. Given it is such a big body of work, that group has had to identify subgroups to focus on for its 12-month action plan. One of those is LGBTIQ employees and the diversity of services that the department provides to people from that community, and it is about to go to the steering committee that that internal group be expanded to include external representatives. We are thinking we will do an expressions of interest process for external participants to sit on that group so it will essentially be a reference group for the Department of Justice that is not just inward-facing.

**Ms O'CONNOR** - Thank you. It can't be inward-facing in order to deal with some of the challenges that discriminated-against groups experience. For that representative body, will you be seeking representatives from the LGBTIQ community, multicultural communities and people living with disability?

**Ms BOURNE** - That detail has not been settled but we certainly want it to be a diverse group. I should mention the other three focus area for the department are Aboriginality, gender and people with disability, so we have groups working on all of those areas to try to progress actions in that space.

**Ms ARCHER** - Given you have mentioned multicultural communities, that might be something for us to consider as well.

**Ms O'CONNOR** - I would think so, Ms Archer.

**Ms ARCHER** - You know I have a particular focus in that area as well, so I am very happy to consider that.

**Ms O'CONNOR** - It's something we share, as you know. Minister, why did you seek advice from the Solicitor-General on the powers of councils in relation to development applications on reserve lands, and who asked you to seek that advice?

**Ms ARCHER** - What I will say, you are talking about the Lake Malbena issue?

**Ms O'CONNOR** - I certainly am, and you know I am.

**Ms ARCHER** - These proceedings are ongoing. It's not appropriate for me as Attorney-General, given I am now a party to those proceedings, to provide any sort of commentary regarding the conduct of matters or specifics relating to it. I will say that this appeal raises important issues relating to the validity of Tasmania's laws and the interpretation of the state's statutory framework. It is one of the non-political roles of the Attorney-General as the first law officer to intervene in such proceedings to seek clarification from the courts on the proper interpretation of Tasmania's laws.

**Ms O'CONNOR** - Did the Minister for State Growth ask you to ask the Solicitor-General for advice?

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - Ms O'Connor knows how this works in government. I do not propose to provide any commentary on the to-and-fro of legal advice which is subject to privilege. What I am doing is acting -

**Ms O'CONNOR** - Chair, I am just trying to explain something to you and not interrupt. I am trying to not interrupt by going through you, Chair.

**CHAIR** - On a point of order -

**Ms O'CONNOR** - Through you, Chair, I just need to make it really clear to the Attorney-General that we asked these questions of the Minister for State Growth the other day, and he referred us to the Attorney-General.

**CHAIR** - That is not a point of order, Ms O'Connor, and you know it. You are just using the opportunity.

**Ms O'CONNOR** - No, I am not.

**CHAIR** - What I will say to you again, as I have said to you every day this week, please allow the Attorney-General to finish her answer. You are on a rotation and if you haven't finished your questions, if you have another question for her after she has completed her answer, then I will allow you to put that. More often than not, the rest of the answer answers the question that you interject on.

## UNCORRECTED PROOF ISSUE

**Ms ARCHER** - What I will say is, I am acting on legal advice in my capacity as first law officer. I cannot and will not be providing a running commentary on the nature of that legal advice or any matter surrounding that legal advice, particularly when proceedings are on foot and I am a party to those proceedings. It would be entirely inappropriate for me to do so. Ms O'Connor knows that. The Minister for State Growth did the right thing in making the observation that this matter comes within my purview but I cannot comment on a matter that is pending.

**Ms O'CONNOR** - Attorney-General, as you'd be aware, this jurisdictional question over the powers of councils on reserved lands with management plans in place has been a jurisdictional question for the last 20-odd years. What we are trying to get to the bottom of is why suddenly the state has joined as a party to an appeal when, should that appeal be upheld, the powers of councils over reserved lands with management plans in place would be removed? Do you agree that would be the result of the appeal being upheld?

**Ms ARCHER** - I congratulate Ms O'Connor on rewording her question but it still requires me to comment on my legal advice which is subject to legal professional privilege which I can't discuss and I won't be discussing before this committee. A very good approach to try to re-ask the same question -

**Ms O'CONNOR** - It's not the same question because earlier I asked you if the Minister for State Growth had asked you to seek that advice from the Solicitor-General.

**Ms ARCHER** - I can't provide that advice to you.

**Ms O'CONNOR** - Can you confirm then, that if the appeal is upheld, and this would appear to us to have been the intent, that all development applications in reserved lands will not be dealt with by local government, they will be dealt with internally. That includes the Hobart City Council's jurisdiction over the proposed cable car to kunanyi.

**Ms ARCHER** - It is subject to court proceedings and the court will determine a decision and Ms O'Connor's is asking me a hypothetical question.

**Ms O'CONNOR** - No, I am not. You know exactly what the outcome will be.

**Ms ARCHER** - I am sure we will all await -

**CHAIR** - Ms O'Connor, it is a hypothetical question.

**Ms ARCHER** - We will all await the court's judgment and examine the judgment at that moment in time to see what the impact -

**Ms O'CONNOR** - Why are you trying to remove the planning powers from council? Well, you are.

**CHAIR** - Ms O'Connor, order.

**Ms HADDAD** - The Brain Injury Association of Tasmania reports that the prevalence of acquired brain injury in the criminal justice system is disproportionately high in comparison to the general population. People incarcerated are believed to have about one third of the prison population with a brain injury compared to an estimated 2.2 per cent of the general population.

At this point in time there are three specialist brain injury services across Tasmania that were block-funded by government to provide several outreach programs. Amongst these services, they were dealing with clients who had been sentenced to a diversionary order through the Mental Health Court list in the Magistrates Court. My understanding is that the Brain Injury Association of Tasmania worked very collaboratively with government in allowing for people with acquired brain injury to be heard on that Mental Health Court list.

Those organisations will lose their block-funding pretty soon in the full rollout of the NDIS. There is a fear amongst that cohort of the population that that will prevent them from being able to access the Mental Health Court list. Certainly, they might be able to be on it but there won't be services to refer into to divert them from a custodial sentence in the way there are for drug treatment orders and other mental health conditions.

Is the agency aware of this and preparing for that cohort of people to still be able to receive services?

**Ms ARCHER** - I acknowledge the question. It is a difficult area because as you have asked the question it crosses into Corrections, into Justice and back to Health. Ultimately, it is a matter for the health portfolio, mental health. Acquired brain injury is a condition which affects a number of prisoners as well, so I acknowledge that. Again, we are blurring the portfolios here which -

**Ms HADDAD** - It's inevitable.

**Ms ARCHER** - It didn't happen last year.

**Ms HADDAD** - It's inevitable for this client cohort, I would say.

**Ms ARCHER** - It's difficult. The Tasmania Prison Service has, at officer level, discussed participating in a project led by the Tasmanian Health Service, which is of course in the health portfolio, which would provide support to all staff including from the NDIS, the Alcohol and Drug Service, Correctional Primary Health and Tasmania Prison Service who work with these prisoners. Matters relating to the funding of Brain Injury Tasmania for the project are a matter for the Health portfolio.

**Ms HADDAD** - I understand that, and it's not funding to that peak body. It will create a direct problem for courts and I acknowledge what the Attorney-General has said about blending portfolios. However, for this cohort of defendants, it's impossible not to because they touch on the courts, they touch on the health system, they touch on corrections. Admittedly, it's funding that is provided not through the justice portfolio but it is potentially going to have a direct impact on the work of the Mental Health Court list if they continue to hear matters where the defendants do have an acquired brain injury or cognitive impairment and don't have services to refer them into. I needed to raise it in this output for that reason.

**Ms ARCHER** - I don't think I can add anything further to the question about that. Suffice to say that one thing I did mention yesterday before in the other place was our pilot project around intermediaries. Members may or may not be aware of what I announced yesterday but that was the pilot project in direct response to the Royal Commission which dealt with child sexual abuse. It did shed light on the fact that we have many vulnerable people who are in our court system and other jurisdictions have moved to an intermediary system.

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I am very pleased to say that our pilot program is up and being piloted now and I envisage that those with acquired brain injury will be able to access that type of service where they are provided with an intermediary. The intermediary will be - it's not for legal advice but it's to lead them through the justice system and also to those types of support services that can be available. I mention that just as an aside. I know it doesn't directly answer your question but I think it is worth noting the enormous benefit that that will have to open justice and to also our Disability Justice Plan which has had its second annual report released with input from the Premier's Disability Advisory Council. That is to ensure that those with a disability, including those with acquired brain injury, have access to our justice system.

**Ms O'CONNOR** - I want to go back to the question of whether or not LUPAA applies to councils in relation to reserved lands. As I said earlier, this is a jurisdictional question that has been raised within the Parks Service and by the Tasmanian National Parks Association for the past 20 years. Parks has always reassured people who are concerned that LUPAA does apply - this is the Land Use Planning and Approvals Act - to reserved lands that have management plans on them. Why did you seek Solicitor-General's advice in relation to a jurisdictional question that has been hanging around for two decades off the back of a crushing defeat for your Government's expressions of interest process?

**Ms ARCHER** - Can I just outline that the intervention in these proceedings by the director of Parks and his reasons for intervening is a separate issue. My intervention as Attorney-General, as I have pointed out, is as first law officer to deal with an important question of law. Ms O'Connor is just trying to ask the same question. I cannot go into any more detail. I am not going to talk about advice.

**Ms O'CONNOR** - I am not asking you about the court process. I am asking you why you sought the advice?

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - I am not going to provide a running commentary about advice or the intervention. Suffice to say that it is a normal part of a first law officer's role to intervene to get clarity on an issue of law.

**Ms O'CONNOR** - What gave you the idea? Why?

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - You will note that I intervened on proceedings that already existed.

**Ms O'CONNOR** - That is right.

**Ms ARCHER** - I did not take the proceedings.

**Ms O'CONNOR** - No, you conveniently joined the appeal by a developer proponent.

**CHAIR** - Order, Ms O'Connor.

## UNCORRECTED PROOF ISSUE

**Ms ARCHER** - We have an important issue of law that needs to be decided. The court will make that decision and we will all await the outcome of that decision.

**Ms O'CONNOR** - The question I am asking you -

**CHAIR** - Order, Ms O'Connor.

**Ms O'CONNOR** - Okay, thank you. The question is why did you seek that advice from the Solicitor-General?

**Ms ARCHER** - I have just said that -

**Ms O'CONNOR** - I did not ask you about details of the advice. I said, why did you ask?

**Ms ARCHER** - these proceedings were on foot. I have now intervened in my capacity as first law officer to get clarity on an important issue of law.

**Ms O'CONNOR** - At the behest of the Minister for State Growth?

**CHAIR** - Order, order.

**Ms ARCHER** - An important issue of law.

**Ms HADDAD** - In April 2018 the Tasmania Law Reform Institute made a number of recommendations and highlighted risks posed to community safety by repeat drink drivers, the limitations that the traditional criminal justice system poses for dealing with repeat offenders in this cohort and that this cohort of repeat offenders add significantly to the existing backlog issues that we have covered already in detail today. Do any of the funded initiatives in the Magistrates Court in this Budget seek to implement the recommendations of the Tasmania Law Reform Institute related to problem-solving recommendations for dealing with that cohort of repeat offenders?

**Ms ARCHER** - The department is currently considering the recommendations of that report. As you will appreciate the department is considering a range of sentencing matters and options. I will draw members' attention to home detention as an alternative sentencing option, which is one response to matters like that. It is the Corrections area but in some of those cases it is an appropriate alternative sentencing option to imprisonment because it is not a violent or sexual offence, which immediately means you are not eligible for home detention.

You would have otherwise have gone to prison, so it is with a particular cohort, particularly if they live in an environment where they are supporting their family, they have employment and the judge or magistrate feels that it is appropriate that they not serve that period of imprisonment but have home detention, then it is a really appropriate alternative sentencing option.

The department is considering a range of different measures in relation to those recommendations.

**Ms HADDAD** - It is encouraging to hear that those recommendations from Tasmania Law Reform Institute are being considered. In that mix of thinking, is there an appetite to extend the ability of the court-mandated diversion to be able to sentence for alcohol-related offending?



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**Ms ARCHER** - Again, that is Corrections. I recall mentioning last year that we have introduced the court-mandated program. We have increased, I am going on memory here, from 80 to 120 state-wide. We have it in the south, the north-west and the north. We increased capacity in the north and the north-west. We have not yet reached the 120 capacity, we were nine off on the figures as at yesterday. Having said that, we need to see how it is operating in relation to drug treatment orders.

**Ms HADDAD** - Before considering alcohol-related offending?

**Ms ARCHER** - Yes. It is not a pilot program but it is a program that is new. We are seeing how that is operating. I can confirm to the committee that it is having great success in those who are currently undertaking the program.

First of all, they need to be suitable for it. They need to voluntarily have that commitment to get clean, to get off drugs. In the process of complying with all of the requirements of the court mandated drug program, they have various assessments, urinalysis, and they keep passing all of that for a period of up to two years.

**Ms HADDAD** - It is a hard program.

**Ms ARCHER** - It is a really hard program. It is not getting off scot-free, but if they successfully complete it, it turns their life around. I have been to a number of graduations already and it has had enormous success. We would be open to looking at, down the track, extending that. Again, it is looking at how that has gone and funding further places in the program.

**Ms HADDAD** - Can you confirm how many alcohol and drug counsellors are employed to work specifically with CMD clients?

**Ms ARCHER** - If I can add to alcohol-related offences, it is being considered as the next stage of phasing out of suspended sentences. You will remember home detention and other things were introduced as part of a package of phasing out suspended sentences.

**Ms HADDAD** - You have given me some pretty good indications that you might consider adding alcohol-related offending to CMD in the future. Will you commit to a review of the program at some point to evaluate what is working and what can be improved? The question you asked me to repeat was, how many alcohol and drug counsellors are employed to work with CMD clients?

**Ms ARCHER** - Again, it is a cross-over area because we have the Sober Driver program within Corrections because the community corrections part of our service provides that as well as other drug -

**Ms HADDAD** - But those counsellors don't work with CMD clients, do they? Those community corrections alcohol and drug workers?

**Ms ARCHER** - No. CMD is drugs. Through the secretary, do you want to explain the numbers?

**Mr EVANS** - The number of alcohol and drug counsellor specifically for CMD, is that the question?

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**Ms HADDAD** - Yes, alcohol and drug counsellors working with CMD.

**Mr EVANS** - There are well-trained and qualified people who work as the case managers of those people in the CMD program. There is one alcohol and drug counsellor who works in Community Corrections who does -

**Ms ARCHER** - We are really going into Corrections here which I am loath to do in this -

**Ms HADDAD** - It is a court list, a court issue. It is hard to know where to place these questions because it is a sentencing option for those magistrates.

**Ms ARCHER** - Yes, but they are employed by Community Corrections and we are dealing with the Budget and how things are funded. The person who runs Community Corrections is not here at the table until 11.30 a.m.

**Ms HADDAD** - All right, I am happy to return to these questions. The workers that Mr Evans just spoke about, are they Community Corrections employees or Department of Justice?

**Ms MORGAN-WICKS** - Corrections is part of the Department of Justice.

**Ms O'CONNOR** - Since the beginning of the process that was initiated under your Government for commercial development inside Tasmania's protected areas including the Tasmanian Wilderness World Heritage Area, we have repeatedly been told by the Premier and Minister for State Growth that all the EOI proposals would go through the proper planning processes. Now we understand that you have initiated a process before RMPAT to undermine that proper planning process. Do you agree that should the jurisdictional question be answered in your favour, councils will lose their powers over reserve lands and that the proper planning process will no longer exist?

**Ms ARCHER** - It is the same question being asked but it is directly relevant to the Planning portfolio because RMPAT is under the Minister for Planning, and Local Government is under the Minister for Local Government. I am the Attorney-General and all I have to say about the Lake Malbena proposal is that my intervention is not unusual. It is part of my role as first law officer to intervene on matters to provide some clarity in Tasmanian state law and that is what I have done.

**Ms O'CONNOR** - Will you categorically deny then that the process of joining the appeal was in part motivated by your Government's passionate advocacy for a cable car on kunanyi?

**Ms ARCHER** - That is really clutching at straws.

**Ms O'CONNOR** - It is not. It is a logical thought sequence.

**CHAIR** - Order.

**Ms ARCHER** - In my role as first law officer I have said that my intention in intervening in proceedings is to provide clarity in Tasmanian law.

**Ms O'CONNOR** - Did it just pop into your head?

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**Ms ARCHER** - That is my role and certainly my motivation of my role as first law officer is provide clarity in Tasmanian law. It is a non-political role to do so.

**Ms O'CONNOR** - Rubbish. In this instance, minister, it is hard to see it as an apolitical action because it is designed to prop up the policies of the government of the day.

**Ms ARCHER** - The Greens can run these conspiracy theories but it is the first time in the context of Lake Malbena that the cable car has been mentioned.

**Ms O'CONNOR** - You know it's not a conspiracy theory.

**CHAIR** - Order.

**Ms O'CONNOR** - Minister, can I ask my third question?

**CHAIR** - As long as it is not the same question again, Ms O'Connor. If it is I will move straight on to Ms Haddad.

**Ms O'CONNOR** - Minister, if you are merely clarifying the law, is it your intention to amend the law to ensure these developments can go through planning processes?

**Ms ARCHER** - As I have said to the committee, I will see what the court judgment says. Nobody knows what the judgment will be. At that point, as with any court judgment, I will consider it and I imagine it will be quite a complex judgment, as they usually are from the Supreme Court, so it will need to be taken into very careful consideration.

**Ms O'CONNOR** - You can't accuse us of conspiracy theories when it is so obvious what you're up to.

**CHAIR** - Order.

**Ms HADDAD** - I have a question about the operation of the Administrative Appeals Division of the Magistrates Court in respect of a future point in time when it will inevitably deal with consorting orders. My understanding is that there have been at least 15 consorting orders issued so far by Tasmania Police since the legislation passed, and they are right now reviewing the costs of administering those orders. They still sit within the Police budget no doubt, but the next available step for appellants would be to seek review, if they wish, in the Administrative Appeals Division of the Magistrates Court. Do you have an anticipated idea of the cost of administering those cases when and if they do reach the court?

**Ms ARCHER** - I appreciate the premise of the question but we have not received anything of this nature yet to even consider that.

**Ms HADDAD** - I thought that might be the case.

**Ms ARCHER** - I know it was inserted in an amendment to the bill that there be some reference to the Attorney-General but we haven't had to deal with a matter yet.

**Ms HADDAD** - I can understand that. They have all been quite recently issued so they would be within Police. As you would know, the law when passed actually changed the operation of the

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Administrative Appeals Division of the court so it will not operate the way it usually does in terms of a layer of administrative review of a decision made by government. I understand there are often reasons to withhold evidence from applicants for review across the AAD across the country when evidence concerns ongoing criminal investigations, but I have received some representations from the community now that there is a perception that the AAD will not be operating with all of its usual functions when it comes to considering consorting orders.

Acknowledging the heavy burden on the Magistrates Court with the backlog issues, albeit in the criminal division - I understand this would be in the civil division - is there the possibility of those reviews, which are really reviews of procedural fairness, being conducted in another jurisdiction such as the Ombudsman and empowering another jurisdiction to hear those administrative appeals?

**Ms ARCHER** - Obviously that would pass through the Minister for Police, Fire and Emergency Management but if it does seem to have an impact on any of the workload of the court, we would of course look at it at that point of time, but it is very difficult when we are dealing with hypotheticals to say how we might respond to something that hasn't actually happened. You are seeing puzzled faces because it is certainly not something that has been contemplated, but should there be a concern we would look at it and review it at that point in time.

**Ms HADDAD** - Thank you, because what is not hypothetical is that change in the operation of the Administrative Appeals Division. That was made very explicit by the Government in that amending legislation and that goes directly to the kind of evidence that applicants for appeal would be provided with. I wonder whether you foresee any future changes that might result in the Administrative Appeals Division functioning in a similar way in terms of altering the way the division operates?

**Ms ARCHER** - You referenced backlog issues. The backlog only exists in relation to the criminal jurisdiction of the court, there is no backlog issue for civil. The AAD component is civil, so at this point in time it looks like any workload would be well catered for within the capacity and particularly with the additional judicial officer. As I said, we will look at it if it becomes an issue but I am not envisaging that.

**Ms HADDAD** - I might come back to that line of questioning next year if and when the cases have been heard in that division. My concern is that because of changes parliament has made to the operation of the division there really won't be an administrative appeal, in the true sense, possible for either the applicant or the magistrate in the civil division to be dealing with so in effect it will be a bit of a waste of the court's time -

**Ms ARCHER** - Why wouldn't there?

**Ms HADDAD** - My understanding is that in the usual process of an administrative review, applicants are provided with evidence as to the reasons for the decision made about that member of the community. That is the case with administrative law across all layers of administrative review, be they state or Commonwealth. The parliament made the decision to make it very clear in legislation that applicants for review under this law will not be provided with the evidence about the reasons for decision. We talked about that at the time and I acknowledge then and now -

**CHAIR** - Order, Ms Haddad. The minister has a limit on what she can answer. There is also a one-minute limit on questions.

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**Ms HADDAD** - The Attorney-General did ask me to clarify. I will finish clarifying by saying that I acknowledge that there are times when evidence can't be shared with applicants for review.

I do wonder, fear in fact, that the changes to the administration of the AAD division will mean that when these do reach that division for appeal, they won't be able to be heard in the true sense of an administrative appeal.

**Ms ARCHER** - I think we can largely treat that as a hypothetical unless it eventuates.

**Ms O'CONNOR** - Attorney-General, can I seek some clarification on your previous answer?

**Ms ARCHER** - Where I said Supreme Court instead of RMPAT. I meant RMPAT. I realised afterwards.

**Ms O'CONNOR** - But is it not the case. Two scenarios here. One is that RMPAT finds in your favour on the jurisdictional question to remove the powers of council and therefore public input over EOI processes, or RMPAT will not find in your favour. I wonder if this is a Freudian slip, because it is clear that -

**Ms ARCHER** - It was accidental. I am so used to saying Supreme Court because that is what we are dealing with in this output, not RMPAT, because that is not my area.

**Ms O'CONNOR** - Okay. If RMPAT finds against you on the jurisdictional question, will you take it to the Supreme Court?

**Ms ARCHER** - Again, it is a hypothetical. When RMPAT makes its decision, at that point in time, the decision will need to be looked at. Ms O'Connor knows that at that point, I can seek advice, as I would do from second law officer, the Solicitor-General, and that advice is subject to privilege also. I am not going to start talking about hypothetical situations. I will consider the judgment at that point in time.

**Ms O'CONNOR** - I understand the way these processes work internally, and I understand you wouldn't have just had an idea to seek information from the Solicitor-General on a jurisdictional question that has been hanging around for two decades. I understand that it is one of your Cabinet colleagues who has initiated the process where you sought advice from a Solicitor-General in order to get through as many as possible of the expressions of interest developments without public input. Also, to remove Hobart City Council's powers over the cable car -

**CHAIR** - Do you have a question?

**Ms ARCHER** - You are referring to a minister for State Growth. My understanding is that it is the Minister for Parks that -

**Ms O'CONNOR** - Did he suggest that you seek advice from the Solicitor-General?

**Ms ARCHER** - You are all over the place in reference to different ministers on this issue.

**Ms O'CONNOR** - Nice try. No, I am not.

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**Ms ARCHER** - I am stating for record of this committee that the Minister for State Growth referred it through to me, appropriately, that anything to do with the -

**Ms O'CONNOR** - Thank you.

**Ms ARCHER** - No. To this committee. To me on this committee.

**Ms O'CONNOR** - Because I am pretty sure the Minister for State Growth gave you the idea, frustrated as he is by democratic public input processes.

**Ms ARCHER** - No, Ms O'Connor. The Minister for State Growth appropriately, at his committee during these committee hearings, referred this particular question through to me as the Attorney-General -

**Ms O'CONNOR** - Yes, which you are not answering.

**Ms ARCHER** - I have told you. The limit of the answer that I can give when there are proceedings pending. I am not going to keep being repetitive. I have made myself very clear on this. I think Ms O'Connor should move on. It is the same question being asked and delivered in about 15 different ways. I am not going to continue to entertain wasting time on the same question.

**Ms O'CONNOR** - It is not wasting time. I am not going to be accused of wasting time when I am asking questions on behalf of the Tasmanian National Parks Association, the Wilderness Society, and other advocates for Tasmania's wilderness.

**CHAIR** - Ms O'Connor, that's a statement again. Do you have another question or will move on to Ms Haddad?

**Ms O'CONNOR** - I do have another question. I just note that the Attorney-General is refusing to take responsibility for a move which will remove public input from planning decisions over the reserved lands.

**CHAIR** - Order, Ms O'Connor. The Attorney-General has answered your question.

**Ms ARCHER** - I will respond to that because it is my role as first law officer to do so and Ms O'Connor should respect the fact that that is my role. It is not unusual to intervene -

**Ms O'CONNOR** - Yes, I have been a minister; I understand the way these things work.

**Ms ARCHER** - Well, you have not been Attorney-General.

**Ms O'CONNOR** - No. Minister, page 154, the notionally chargeable time for Crown Law was at 68 per cent in 2017-18 and the budget papers note that the target of 60 per cent is based on the normal expectation in private practice, presumably to ensure that Crown Law has ample time to execute their other duties.

Have you considered stopping wasting Crown Law's time with matters such as defending your unconstitutional legislation that was smacked down in the High Court, causeless eviction of vulnerable public housing tenants, and finding legal loopholes for your developer mates in order to bring this performance measure down to 60 per cent?

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**Ms ARCHER** - Well, that is a political question, isn't? If Ms O'Connor wants to refer to sensible measures that we are doing by providing funding to Crown Law through the DPP to reduce the criminal backlogs -

**Ms O'CONNOR** - No, I am talking about the kind of work you make them do.

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - Ms O'Connor knows that the matters that she has given examples on, particularly the housing matter, was extensively examined through the appropriate output earlier this week, or yesterday, whenever it was, with the Minister for Housing -

**Ms O'CONNOR** - The question is the use of Crown Law's time.

**CHAIR** - Order, order.

**Ms ARCHER** - I am quite prepared to answer questions that are relevant to this Budget Estimates committee in relation to the measures we are taking to reduce backlog.

**Ms O'CONNOR** - Point of order, Chair.

**CHAIR** - On a point of order and it will want to be a point of order.

**Ms O'CONNOR** - It is a point of order. The Attorney-General is misrepresenting the question which was specifically about the use of Crown Law's time. It is not about other portfolios. It is about the use of Crown Law's time.

**Ms ARCHER** - And the civil jurisdiction of the Supreme Court, there are no backlogs. There are no backlogs in the Magistrates Court.

**Ms O'CONNOR** - The numbers speak for themselves. Notionally chargeable time 73 in 2016-17, 68 in 2017-18 and your target is to bring it right down. Does that mean you will stop abusing Crown Law in order to look after your developer mates and your minister who wants to evict tenants without cause?

**Ms ARCHER** - The premise of that question is really unbecoming because it is just this political assumption that it is being driven by me. I am sure that all those cases and the relevant ministers involved have pursued various cases for various reasons and I am not going to comment or reflect on other decisions -

**Ms O'CONNOR** - So they can evict Housing Tasmania tenants without cause?

**Ms ARCHER** - made by other ministers that are not relevant to this output.

**Ms O'CONNOR** - Well the use of Crown Law's time is relevant to this output.

**CHAIR** - Order.

**Ms ARCHER** - Ms O'Connor is just trying a political stunt. It is just a political stunt.

**CHAIR** - Order, I will not have you arguing across the table. We are going to move on.

**Ms O'CONNOR** - Before we do, Chair.

**CHAIR** - Ms Haddad.

**Ms O'CONNOR** - No, this is about the use of Crown Law's time and she can accuse me of playing politics over it but it is a straightforward question at its foundation.

**Ms ARCHER** - Okay, I will talk about the figures then. It is actually improving. The notionally chargeable time for Crown Law for 2016-17, the actual was 73. In the year 2017-18 it was 68, so it is improving and the target for 2018-19 is 60.

**Ms O'CONNOR** - You have to stop asking them to stop doing your ideological work though, do you not, to bring it down to 60?

**Ms ARCHER** - That is a comment, Chair. Treat it with the disdain it deserves.

**Ms HADDAD** - Attorney-General, can I ask when the Justice Connect project first began?

**Ms ARCHER** - It has had previous incarnations but certainly when my secretary came on board in 2017 that is when it commenced in the current form.

**Ms HADDAD** - With that name or did the previous incarnations have different names?

**Ms ARCHER** - I think so, yes. It has had that name.

**Ms HADDAD** - This is a bit of a funny one, but we have received representations from a community legal service or a not-for-profit legal service in Victoria with the same name. They are concerned that being a not-for-profit legal service based in Victoria but who provide services across Australia that it is confusing for clients there and here when they look for that name and see something Tasmanian Government-related. They think that, that not-for-profit legal service is somehow connected with the Tasmanian Government. Their argument is that it makes it confusing for clients in understanding their legal service options. I see Justice Connect as a long and multifaceted project but it is mostly an inward-facing project in terms of dealing with the operations of the courts and other intersections across the justice system.

Would you take on board those concerns of that community legal service provider in terms of that confusion over naming and perhaps consider a renaming of our Justice Connect project here in Tasmania?

**Ms ARCHER** - I am advised that we are aware of that. I will ask the secretary to explain the measures that have been adopted in relation to it. That is what it has been named internally as a government program. The secretary will explain the measures taken.

**Ms MORGAN-WICKS** - Those concerns have been directly raised with the department. This is an internal-facing IT project. We don't have a website that misleads or misrepresents exactly what this project is going to do in terms of any kind of confusion or potential that people might think they might be accessing some type of legal assistance service through an IT project. It has



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only been used internally in budget papers and in our request for proposal, for example, which was published. There is no intention that the actual solution that we end up going to as part of a request for tender will be called Justice Connect.

**Ms HADDAD** - Thank you. That was my next question.

**Ms MORGAN-WICKS** - Our attempt in renaming the project was to also recognise that this is not only about the courts in terms of their systems. It is also reaching into Community Corrections and Corrections systems, so it is trying to connect right across our Justice department and replace these really critical 20- to 28-year-old systems. We are very pleased in the department to receive this funding to properly go out to tender on this project.

**Ms HADDAD** - So you imagine that once it goes to tender it may not have that name. Indeed, when those solutions are reached the project itself won't really need to exist anymore, will it?

**Ms MORGAN-WICKS** - No, the project itself will probably go on for probably the next three to five years, if not longer.

**Ms HADDAD** - But potentially with a different name.

**Ms MORGAN-WICKS** - It is an internal project name which we will continue to use.

**Ms HADDAD** - Okay, thank you. I also want to ask about the Magistrates Court (Criminal and General Division) Bill that you have foreshadowed in your overview statement will be tabled sometime this year. Can you explain to us the consultation processes around the development of that bill, not so much since it has been released for public comment but in the development? I understand it has been a huge amount of work, 10 years in the making, to redesign how that court jurisdiction will operate. I would like to know about the community consultation around the development of the bill.

**Ms ARCHER** - I presume this is particularly in relation to the media coverage about the Law Society who I met with this week.

**Ms HADDAD** - Yes.

**Ms ARCHER** - There has been a change-over of presidents in that regard quite frequently throughout this process. This is a project that has been in the works for 17 years all up in various iterations. It has required, as you have acknowledged, a lot of work and a lot of consultation, however I will be the Attorney-General who gets to deliver it and we are determined to table that this year.

We are in the final stages of consultation. I confirm that there has been a steering committee of interested stakeholders across Police, the DPP and the courts and I thank them for their contribution in that regard. The Law Society was previously consulted in 2017. At the moment there are discussions about some of the residual issues they may have and we are attempting to resolve that but we are certainly all ears in that regard because we want all parties to embrace this framework.

As I said at the outset of my overview, it should be a game-changer in terms of how the Magistrates Court operates procedurally and for the outcome for defendants as well. Both sides of

the equation need to be taken into account in terms of prosecution as well as defence, so there has been consultation with the Tasmanian Bar Association as well and that work has been extensively carried out. We are in the final stages now and a meeting has already happened with the Law Society, so if any future meetings are necessary before the final package comes before us we will do so. It is an important piece of reform so we don't want this played out in the media because it needn't be. It is integral and procedural and will require quite a bit of cultural change as well, because when you go from a complete change from the Justices Act 1959 to this package, it will require some significant changes but also increase efficiency.

**Ms HADDAD** - I agree. That's precisely why I raised the issue because while those end-users of the court system, both prosecution and defence, are no doubt grateful for the opportunity to comment on a bill, it may have been a more consultative project had they been at the table with their experience of using the court system at the time the bill was developed. Is there any specific money allocated within the Magistrates Court budget for implementation of the changes once they reach finalisation?

**Ms ARCHER** - That needs to be subject to future budgets while we bed down the final procedures and what those changes might be that are still being fine-tuned and then we will look it at at that point. All along on the steering committee has been a delegate of the Chief Magistrate and certainly there has been significant input by the administration of the court as well in relation to that, so none of it will be a shock or surprise and from their perspective also it has been well planned.

**Ms HADDAD** - I understand that implementation will not be in this budget year because the bill is still under consideration, but can you commit today, in an effort to make sure it is implemented in the best possible way, to directing resources to the implementation of that bill?

**Ms ARCHER** - It is a bit of a hypothetical because we don't know what the final format will be but as I have just pointed out, the steering committee has been incredibly useful in the input and they are the ones that have been driving the reform and in doing so have been preparing for this along the way as well. If there was any massive reform that required it of course we would need to look at that in the usual course of a budget submission, as we always would, but I am not expecting any shock surprises simply because there's been that involvement from the court from day one.

**Ms HADDAD** - I just know how frustrating it is to get to the end of a project and then not have the resource allocation to implement it fully, so I wanted to put that on the record today.

**Ms ARCHER** - Sure.

**Ms O'CONNOR** - Minister, is the Right to Information Act 2009 administered by you? It comes under Attorney-General and Justice.

**Ms ARCHER** - I think so, yes.

**Ms O'CONNOR** - So you would be aware that as of April last year, Tasmania had the lowest percentage of right to information decisions made within the statutory time frame by government departments of any Australian jurisdiction, with only 63 per cent receiving decisions within a 20 working-day time frame. Would you agree that departments need additional RTI officers to process these applications within the statutory time frames and that the current processing time is not satisfactory? I know you have allocated extra resourcing to the Office of the Ombudsman of

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\$245 000 but it is actually less than what was recommended by Rick Snell. What is your response to Tasmania's appalling record on right to information compliance by your Government?

**Ms ARCHER** - I will just correct you on the Ombudsman funding and encourage you to read the Ombudsman's contribution in the other place yesterday, because he welcomed the funding and said it would go a long way to addressing his RTI workload -

**Ms O'CONNOR** - Of course he welcomed the funding -

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - So that's how I'm responding to that issue. I noted yesterday to the committee in the other place that I am fully supportive of a more collaborative approach to training RTI officers, so we have consistency across departments in terms of them doing some training within the Office of the Ombudsman. It is ensuring that heads of agencies see that's my strong desire that it occur. It will go a long way into addressing some of these -

**Ms O'CONNOR** - Manifest failings.

**Ms ARCHER** - No, ensuring we have RTI officers that are fully supported in that capacity to make their decisions. I have every faith in their ability to do so. It is not an easy job. All members would acknowledge that. The RTI officers do an incredibly important job because it is matters of public interest that are subject to those types of applications.

**Ms O'CONNOR** - We are seeing a worrying trend of less information being released by this Government. Seventeen per cent of cases during 2015-16 were refused, an increase from 12 per cent in the previous year, your first year in Government. We also saw the extraordinary refusal to release the details of the Coordinator-General's diary with State Growth's excuse being, 'detailed diary entries would provide an incomplete picture for meaningful assessment of effectiveness', that is of the Coordinator-General. Can you point me to where in the act it says detailed diary entries would provide an incomplete picture? This is not an exemption that I am aware of or that on any interpretation of the act exists. It sounds like a fob-off from someone in your Government. What is your response to that particular RTI?

**Ms ARCHER** - I will correct Ms O'Connor. I will remind her that RTI officers' decisions are made at arm's length from government.

**Ms O'CONNOR** - You can say that with a straight face but no one who applies believes it.

**Ms ARCHER** - This is a conspiracy theory that the Greens like to run that there is some interference there.

**Ms O'CONNOR** - I have been in parliament for 12 years, three different administrations. Yours is the worst.

**Ms ARCHER** - I have nothing to do with RTI requests that come through any member to any department. I am not going to reflect on the work that our RTI officers do, our non-political department RTI officers.

**Ms O'CONNOR** - I am just asking you to reflect on the data.

**Ms ARCHER** - Our Government pushes out into the public domain via websites more information than any previous government. That is a fact.

**Ms O'CONNOR** - Hugely redacted material.

**CHAIR** - Order, Ms O'Connor. If you keep interjecting.

**Ms ARCHER** - We release information more readily without there being requests.

**Ms O'CONNOR** - Minister, I will go to a *Mercury* newspaper article from 9 April this year and it starts with the facts -

Right to Information requests are being refused by the state Government more often, with the state's performance in the 'bottom half of the league table' for access to government information compared with the rest of the country. Requests for access to information were refused in 17 per cent of cases during 2015-16, an increase from 12 per cent in the previous year.

Minister, we also have the lowest percentage of RTI decisions made within the statutory time frame. What is your response to the facts on your Government's Right to Information release record and its response generally, which is to provide vastly redacted materials when anything is released at all?

**Ms ARCHER** - Chair, the question presupposes that there is some interference by ministers or their offices in the making of decisions by RTI officers who are apolitical and based in departments. They are made at arm's length.

**Ms O'CONNOR** - Departments understand the culture of the government of the day.

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - Ms O'Connor thinks there is some interference. There is not. She is now reflecting on the decisions that our RTI officers make.

**Ms O'CONNOR** - Can I ask on a Right To Information question, as you are aware, there is a capacity for ministers to delegate decisions under the act and those decisions are then not subject to internal review. In 2015 we asked the Premier about this at the table and he made a commitment to ensure there would be no getting around the internal review processes, which under the act when you can't see an internal review, you can't seek an external review. Last year, in State Growth Estimates, we heard that the Minister for State Growth delegated a decision to his secretary, which cannot be subject to internal review, around Ian Johnson's plans to commercialise the South Coast Track.

Have you made any internal inquiries with your Cabinet colleagues or are you concerned about this continuing abuse of the Right to Information Act where decisions are delegated and therefore not subject to internal review or external review? I note at this point that Ms Haddad has a bill on the table to deal with just this issue. We sought to have it fixed through our own bill in the last term of the parliament, you voted it down. Will you support the legislation when it comes before the House to fix this loophole in the Right to Information Act?

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**Ms ARCHER** - There is a Supreme Court decision that has been made and that decision clarified the situation. As a result, the Government is considering the full implications of that decision. We will be responding in due course to that. The Government is fully aware of the situation and considering that. There are a number of flaws in the Opposition's bill that impact on the internal review process, so it is not just a bill that deals with this particular issue.

**Ms O'CONNOR** - Will you work with the Opposition and other parties to get it right?

**Ms ARCHER** - I will be able to fully advance what our position will be after we have fully considered that decision and what our next step might be.

**Ms O'CONNOR** - A final question on the Right To Information issue. Do you think your Government's record on Right To Information, just on the data, is good enough?

**Ms ARCHER** - Ms O'Connor is asking that same question. She is asking me to reflect on RTI -

**Ms O'CONNOR** - Are you concerned -

**CHAIR** - Order.

**Ms ARCHER** - She is assuming that the Government has influence and control over RTI officers who are apolitical, that is non-political, within departments. I am not going to reflect on their decision.

**Ms O'CONNOR** - I am asking you if you are concerned about the data?

**Ms ARCHER** - It is a difficult job -

**CHAIR** - Ms O'Connor, constantly interjecting is considered highly disorderly. You have asked the question, the Attorney-General is answering it. Please do not interject on her.

**Ms O'CONNOR** - Thank you, Chair. I was clarifying that I wasn't asking for her opinion, I was asking if she is concerned.

**Ms ARCHER** - That is an opinion and Ms O'Connor is asking me to reflect on the decisions of apolitical RTI officers within Government on the assumption that we have some influence or exercise influence or control, which we don't.

**Ms O'CONNOR** - The fact that we're at the bottom of the league table.

**CHAIR** - Order.

**Ms HADDAD** - On that line of questioning, considering Ms O'Connor brought up my private member's bill, I would welcome the opportunity to work with the Government on that bill and alter it accordingly. The Supreme Court decision that the Attorney-General refers to arguably limits the jurisdiction of the Ombudsman's Office even further from his current operations in reviewing decisions of ministers and delegated authorities. I will put on the record, following that line of

questioning, that I would welcome the opportunity to work with the Government on my suggested legislative change.

I would like to see that legislation supported and to clarify the jurisdiction of the Ombudsman in reviewing RTI decisions of ministers -

**Ms O'CONNOR** - Are you feeling a little bit uncomfortable?

**Ms ARCHER** - No, I'm not uncomfortable -

**Ms O'CONNOR** - Ms Haddad is extending the hand of cooperation to you and you have gone all funny about it.

**Ms ARCHER** - We can have this conversation offline. You will complain when we get to 11.30 and you haven't asked all of your questions.

**CHAIR** - Order. Ms Haddad has the call. I will ask you to go back over that question, Ms Haddad.

**Ms HADDAD** - It is on the record now for the community and the parliament that I will welcome the opportunity to work together on that legislation to clarify the jurisdiction of the Ombudsman in reviewing decisions of ministers.

My question is on the comments that the Attorney-General made at the beginning of today's session around the release of the evaluation of the Tasmanian legal assistance sector final report. The Attorney-General is correct in that the report was released this morning at 10.15 a.m. It was received by stakeholders by email. There are several recommendations and I can see that a lot of work has gone into this piece of work by the department.

I will go specifically to the recommendations on page 12 around funding methodology and seek the Attorney-General's assurance that she will consider these recommendations. There should be a gradual departure from the historic allocations of funding methodology and seek the Attorney-General's assurance that she will consider these recommendations going forward.

They are that there should be a gradual departure from the historic allocations of funding as it is not reflective of legal need, that a competitive tender process should not be pursued and that a formal grants framework should be established as well as clear eligibility criteria. These recommendations have considered in detail the current design of funding to both Legal Aid and the Community Legal Services sector. I seek the Attorney-General's assurance that those recommendations, particularly around funding methodology will be taken on board.

**Ms HADDAD** - The Attorney-General is reading the report, for *Hansard*.

**Ms ARCHER** - Ms Haddad, I have read the report. What I am trying to turn up for you is my comments that I have noted in relation to each and every recommendation which I can't turn up quickly in my folder, so I am seeking advice from the deputy secretary.

**Ms HADDAD** - That is fine. I welcome the release of the report, thank you.

**CHAIR** - Ms Haddad, order.

**Ms ARCHER** - So that you can have your own cheap shot.

**Ms HADDAD** - It is not a cheap shot to ask if -

**CHAIR** -Ms Haddad.

**Ms O'CONNOR** - You are so brittle. Don't take it personally.

**Ms ARCHER** - It is a personal attack on the fact that I am seeking advice at the table.

**Ms HADDAD** - I am not attacking you.

**CHAIR** - Order. The minister is answering.

**Ms ARCHER** - Grant applications with appropriate key performance indicators could be considered for future funding allocations. We will consider all of that.

As you have highlighted, a lot of work was done to this across all of the different community legal sectors and the report is comprehensive in nature. The input that was provided by the community legal services was incredibly valuable and it also concluded that there is not a lot of duplication in the services that they provide which actually shows the value of services we do have. This is part of the reason why we have continued to fund them in this stopgap period as well. We recognise the value of the services that they provide the community.

We will look at future needs and we need to be considering all of this in the context of the Commonwealth funding as well, which I have already covered in this committee.

**Ms HADDAD** - I am curious to know whether you consider access to justice and the justice system generally, as an essential service of government?

**Ms ARCHER** - Of course it is an essential service. Access to justice is exactly that, as I said when I was responding in relation to a lot of the infrastructure that we are proceeding with in terms of access from a number of different abilities and to ensure that the safety of those who work in Justice as well.

**Ms HADDAD** - The reason I ask is that the Treasurer has set a \$450 million savings target for Government. I am concerned by his comments around frontline services, frontline workers, essential services versus non-essential, simply because there has been no definition of what that means from the Treasurer.

I seek some assurance from the Attorney-General today that those involved with frontline services across the justice system won't be affected by, or in other words, might be quarantined from having to contribute to that savings target.

**Ms ARCHER** - The Treasurer has said this. It has been quite clearly stated this week and I will state it again that Treasury will work with agencies to identify the savings part of that very modest efficiency dividend of 0.75 cents for every \$100 of expenditure, that is 0.75 per cent.

**Ms HADDAD** - That is this year.

**Ms ARCHER** - He has also identified the areas of expenditure which they will be looking at. As I said at the outset, Treasury will be working with the heads of agencies in that regard, looking at things such as consultants, travel and advertising, together with natural attribution and targeted vacancy control.

**Ms HADDAD** - I understand that and I understand those things as well having gone through that style of efficiency dividend in the 2014-15 budget from within the public sector. Recognising that Justice is one of the smaller agencies of government they are arguably least able to contribute to that efficiency dividend. Travel consultancies, advertising - I doubt that any agency will be able to go to zero in those outputs.

My point to you is that it would be ambitious to expect a department the size of Justice but also those parts of the department that deliver an unarguably frontline service to contribute to that savings target. I wonder whether you have requested from the Treasurer the ability to quarantine your department from having to contribute to those cuts?

**Ms ARCHER** - This is actually a question for the Treasurer but I am happy to say it again that Treasury will work across agencies to identify these savings. An efficiency dividend is not an unusual thing in a budget; it is certainly not unusual in any state or territory around Australia.

**Ms HADDAD** - But will your department have to contribute?

**Ms ARCHER** - In fact, our figure is one of the lowest across the country. We think that this is a modest efficiency dividend and Treasury will discuss this and work with heads of agencies to identify those savings. It will be up to heads of agencies to identify within their own areas where those savings can be made.

**Ms HADDAD** - So there will be savings to be found in your department?

**Ms ARCHER** - The Treasurer has confirmed that it is across agencies.

**Ms O'CONNOR** - Attorney-General, the object of the Right to Information Act 2009 is:

- (1) The object of this act is to improve democratic government in Tasmania.
  - (a) by increasing the accountability of the executive to the people of Tasmania;
  - (b) by increasing the ability of the people of Tasmania to participate in their governance; and
  - (c) by acknowledging that information collected by public authorities is collected for, and on behalf of, the people of Tasmania and is the property of the state.
- (2) This object is to be pursued by giving members of the public the right to obtain information held by public authorities and ministers.



## UNCORRECTED PROOF ISSUE

- (3) This object is also to be pursued by giving members of the public the right to obtain information about the operations of Government.
- (4) It is the intention of Parliament that this act be interpreted so as to further the objects set out in subsection 1; and
  - (b) that discretions conferred by this act be exercised so as to facilitate and promote promptly and at the lowest reasonable cost the provision of the maximum amount of official information.

Attorney-General, it is clear that your Government is not following the spirit and intent of the objects of the Right to Information Act 2009. Do you agree?

**Ms ARCHER** - Ms O'Connor is reflecting on RTI officers who make these decisions.

**Ms O'CONNOR** - No, I am not.

**CHAIR** - Order.

**Ms ARCHER** - This is an arms-length process.

**Ms O'CONNOR** - I actually find that insulting.

**Ms ARCHER** - I find it insulting for the RTI officers that make the decisions.

**Ms O'CONNOR** - Do not deflect. You are deflecting.

**Ms ARCHER** - No, I will reflect and it is a direct reflection on the ability of apolitical officers and I just will not make that reflection. Go right ahead, you have made yourself very clear in that regard. I am sure they are all pretty disappointed with the statements.

**Ms O'CONNOR** - You can do better than that, Attorney-General. That is a pathetic response.

**CHAIR** - Ms O'Connor do you have another question?

**Ms O'CONNOR** - My question is simply, do you, given that we know requests for access to information were refused in 17 per cent of cases - and when it comes to Greens' requests they are refused in almost 100 per cent of cases during 2015-16 and increased from 12 per cent in the previous year - on all the statistical metrics Tasmania is lagging the nation in the public access to information. Do you believe your Government is following the objects of the Right to Information Act? The spirit and intent of the Right to Information Act?

**Ms ARCHER** - What Ms O'Connor fails to acknowledge is the information that Government routinely now releases into the public domain - that no previous government did. That is in the spirit of the act. That has reduced the need for members and members of the public to make those routine RTI applications that are regularly made. That is all in the spirit of the act and as I said in my previous answer on the ministerial delegate issue, the result of that decision is currently being considered by the Government as well. We are acting on these things in the spirit of the RTI Act. The member needn't have read it out because we are all fully aware of the spirit and the intention

of the act. The Government is fully aware of it as well and we are acting on that and have acted on that.

**Ms O'CONNOR** - Minister, can you respond to concerns that there is a culture of secrecy and an aversion to accountability that has created a climate within government agencies of not necessarily fulfilling the objects of the Right to Information Act 2009 and that RTI officers feel under considerable pressure at times to fulfil the political wishes of your Government?

**Ms ARCHER** - Again Ms O'Connor is making these reflections about RTI officers.

**Ms O'CONNOR** - The data tells the story.

**Ms ARCHER** - The Greens like to say the Government has a culture but they have a conspiracy on every issue, it seems, and this is another conspiracy that is unfounded.

**Ms O'CONNOR** - The statistics tell a story. It is not a conspiracy. You just can't acknowledge the statistical evidence of your Government's corruption of the RTI Act.

**Ms ARCHER** - It's not corruption at all.

**CHAIR** - Order. We will go to Mr Tucker.

**Ms ARCHER** - Point of order, Chair. The member can't get away with making those types of allegations. If she wishes to make those allegations she can do so on the floor of the parliament by way of a substantive motion. She should withdraw that allegation of corruption. There is no corruption at all.

**Ms O'CONNOR** - I am saying it is corruption of the act. I am not accusing you personally of corruption. The spirit and intent of the act has been corrupted by your Government.

**CHAIR** - Okay. Mr Tucker has the call.

**Mr TUCKER** - The legal fraternity has been lobbying successive attorneys-general for a seventh Supreme Court judge for decades. Can you advise how this Government has responded?

**Ms O'CONNOR** - Mr Tucker, you need to read the budget papers. It's all there in the budget papers.

**Mr TUCKER** - I'm doing it for your benefit.

**Ms O'CONNOR** - I've read the budget papers, unlike you.

**Ms ARCHER** - Thank you, Mr Tucker. You haven't asked that many questions and as a member you are entitled to ask questions. I can provide some more detail around that announcement. It is important and something that has been called for since the 1990s. It is a very welcome commitment, I am sure, from a number of different areas. The judges, both permanent and acting, deal with an annual case load of approximately 575 criminal trials and guilty pleas, 356 bail applications and 605 civil lodgements. The judges of the Supreme Court publish approximately 120 written judgments per year, so they are very busy indeed.

Supporting our commitment to create an efficient and effective justice system we have provided an additional \$1.4 million to support the judiciary by not only the additional judge by way of a seventh judge but also the appointment of three acting judges for a further two years until that seventh judge commences. It is important to note that ongoing consideration of the number of legislative amendments will also assist the Supreme Court's case load and the significant criminal case load we have.

We currently have six Justices of the Supreme Court, there are three acting judges and we also have an associate judge as well who exercises limited jurisdiction in civil matters only and certainly goes a long way into keeping that case management up to date as well.

We have made sure we have taken the responsible approach in resourcing this when it comes into force in the long term, with all of the wraparound support required in terms of administrative support, court security, an associate for the new judge, ICT component and juror expenses.

Additional funding is being provided to the Legal Aid Commission and the Office of the Director of Public Prosecutions to meet the cost impacts. I note that the legal profession has been advocating for a seventh Supreme Court judge for decades and has welcomed this announcement. I thank you, Chair, for the opportunity of explaining that further.

**Ms HADDAD** - I know we only have a couple of minutes remaining but I am interested in your view on the recent Supreme Court decision of Justice Brett concerning the Ombudsman's jurisdiction to review RTI decisions made by ministers or their delegates. We touched on it earlier and Ms O'Connor has gone through in detail the appalling rates of RTI backlogs in the Ombudsman's office for review.

The reason my bill goes to removing internal review is in recognition, not just by applicants but by the community generally and by departments, that internal reviews rarely if ever lead to anything tangibly different being released to the applicant. That is my reason for that suggested legislative change. The other part of the decision arguably limits the Ombudsman's jurisdiction further. We have talked about working together on my private member's bill and if you would consider that, but what are your views on the potential change to the Ombudsman's jurisdiction as a result of that Supreme Court decision?

**Ms ARCHER** - As I said, the Government is currently considering that and the measures that might need to be taken in that regard. I note that you have a bill that has been tabled. There are some issues we have identified that, although there is a clear policy intent, I don't believe that the bill responds to that policy intent in terms of the way it is drafted. I note your offer to engage in that regard, but it does show that when conducting things like this in an important area like RTI, as we all acknowledge, there needs to be detailed policy analysis around the drafting of bills and in relation to the internal review process as well. There are a number of issues we have with that bill.

**Ms O'CONNOR** - So will you bring in your own amendment bill?

**Ms ARCHER** - As I said, the Government is currently considering its options in relation to its response to that Supreme Court decision. As I have said to a number of responses to questions today, we always have to consider decisions that impact on the law and indeed on any issue that impacts on legislation and how we might best deal with that in terms of legislative reforms. We are currently considering the response that is needed in that regard.

## UNCORRECTED PROOF ISSUE

**Ms HADDAD** - Last year at Estimates we talked about the difference of opinion between the Government and the Ombudsman's office as to external review of decisions made by ministers and ministerial delegates. Has your view on that difference of opinion changed in the last 12 months?

**Ms ARCHER** - The ministerial delegate issue is contained in that judgment and we are considering that judgment that has been made by the Supreme Court, which is a clear judgment that we need to consider to where we go from here.

**Ms HADDAD** - Would you be happy for your decisions made either by yourself or a delegate in the RTI area to be reviewed?

**Ms ARCHER** - As I have said, we are currently considering that and we will respond in due course as to what our response is to that particular judgment.

**Ms O'CONNOR** - We look forward to your amendment bill that strengthens the RTI Act.

**Ms HADDAD** - That is also another option.

**Ms O'CONNOR** - What's the other option?

**Ms HADDAD** - Support my bill.

**Ms O'CONNOR** - Yes, work constructively in our balance-of-power parliament to strengthen the Right to Information Act 2009.

**Ms ARCHER** - I have responded as best I can. We are currently considering that and the options available to Government.

**Ms O'CONNOR** - So you're considering delivering an amendment bill?

**Ms ARCHER** - We are considering our options, plural.

**Ms O'CONNOR** - Would you strengthen the objects of the act so governments of the day follow them?

**Ms ARCHER** - Sorry, I am waiting for the Chair to give the call. I am not sure if I should keep answering Ms Haddad or Ms O'Connor.

**Ms O'CONNOR** - Tell us when you are going to bring some amendments.

**CHAIR** - Order, Ms O'Connor.

**Ms ARCHER** - I have said I am considering them.

**CHAIR** - Ms O'Connor, do you have a question?

**Ms O'CONNOR** - Yes, thanks, Chair. Minister, it seems pretty clear as a result of the Supreme Court decision and the data and concerns that have been raised by academics like Rick Snell that there are problems with the way the Right to Information Act is being interpreted and applied by

your Government. Are we likely to see the Government's own amendment bill come to the House or are you prepared to work with Labor and the Greens to deliver a stronger piece of legislation?

**CHAIR** - I understand the question Ms O'Connor but the time for Justice is now concluded. It is now 11.30 a.m. We need to swap over to Corrections but we will have a five-minute break.

**The committee suspended from 11.30 a.m. to 11.38 a.m.**

## **DIVISION 6**

(Department of Justice)

### **Output group 3 - Corrections and Enforcement**

**CHAIR** - Minister, you have the opportunity for another opening statement but first of all please introduce the officers you have at the table.

**Ms ARCHER** - Thank you, Chair. Again I have the secretary of the Department of Justice, Ms Kathrine Morgan-Wicks, deputy secretary Nick Evans, Ian Thomas, Director of Prisons, and Mr Neil Buchanan, Director of Community Corrections.

In this Budget the Government continues to look at strengthening our Corrections system and implementing a broad program of cultural change. There are a range of funding commitments to respond to the changing and increased demand on the corrections system and certainly in relation to the national trend of an increasing prison population. Tasmania is the lowest in that trend but we are not immune from it. Rather than just provide funding to address some of the existing issues our Government has planned for our future strategic prison infrastructure investment in Tasmania.

The funding in this year's Budget builds on recently commissioned projects such as the establishment of the mother and baby unit at the Mary Hutchinson Women's Prison, which we named after the late Dr Vanessa Goodwin. I am sure she would be very proud of that honouring her legacy to our correction system.

As of 3 June 2019 the Tasmanian Prison Service is anticipating a nine-month-old baby boy and an 18-month-old boy arriving in the unit in the next week. Sometimes we assume it is just babies born in prison but there are mothers who may already have young infants and can apply to bring them into that facility.

I am advised that the TPS also has two pregnant prisoners in custody, one of whom will give birth before release. Is that our first birth? I think it might be or is it our second one? They are not born in the prison, they get taken to hospital for that purpose. After that they are housed in the facility.

The funding initiatives in the Budget will allow the correction system to respond more flexibly to changing demand with further support for the successful implementation of the change program that is already well underway. Funding is provided for multiple infrastructure projects, for alternative sentencing options, for therapeutic programs and increased operating costs related to the growth in prisoner numbers.

## UNCORRECTED PROOF ISSUE

We have a significant number of infrastructure projects not least of all the \$270 million northern prison project. In the two-stage project, stage one will house 140 prisoners with the allocation for \$150 million and in the second stage \$120 million will be spent to house 130 prisoners, totalling \$270 million. That will ultimately provide accommodation for a variety of security classifications, for remand facilities and a women's prison as well. It will not only relieve pressure on our Risdon facility but also provide increased opportunities for prisoners to find meaningful work on release and, importantly, provide improved family connections for northern prisoners. Currently in our prison population 46 per cent reside or come from the north of the state and their families obviously live up north.

I look forward to the community consultation period commencing in the next few months for northern prison site. I can go into further detail on that. Additional funding of \$16.8 million is being provided to the Tasmanian Prison Service to assist with cost pressures resulting from increased prisoner numbers. That is relating to staff, court, hospital and other escorts, energy, water, food, clothing, bedding and other prisoner-related consumables. Increased demand for prisoner reintegration activities, education and therapeutic support services will also be funded. We are on track to deliver the new southern remand centre by the end of 2021. This is key to relieving pressure on our southern Risdon Prison complex. It also separately houses our remandees. That is a \$70 million project.

In addition to that there is \$9.34 million to enhance services at the Risdon Prison complex, which are the shared facilities so that we do not have duplication services with the remand centre. It gives us an opportunity to have a new kitchen facility. I am being wound up over there by Dr Woodruff. I was on my last sentence.

**Dr WOODRUFF** - It has another page to go.

**Ms ARCHER** - No, I don't actually.

**Dr WOODRUFF** - I was just wondering how long you were going to take since we are here for questions?

**CHAIR** - Order. Dr Woodruff. There is opportunity for an introductory statement. When the minister has finished then we will continue. Have you completed that now, minister?

**Ms ARCHER** - I have. I was on my last sentence.

**Ms HADDAD** - We might start by going over some of the areas that were referred to this output in today's earlier questioning on Justice and Attorney-General.

When I spoke to lawyers about backlog issues in the Magistrates Court in particular but also the Supreme Court, they are routinely having trouble getting face-to-face and phone appointments with their clients. They tell me it is because when they have booked phone calls with clients they are routinely, roughly half in their estimation, cancelled because of issues at the prison. Not just lock-down but sometimes prisoner movements, staff shortages and other reasons. In other words, overcrowding has an impact on access to justice. They point out that if an inmate on remand or otherwise can't get access to the lawyer, court dates get cancelled which has a flow-on effect and impacts on those court backlogs that we were talking about this morning.

## UNCORRECTED PROOF ISSUE

Could you confirm for the committee what days phone visits and face-to-face visits with professional services can occur at Risdon Prison and how many professional appointments are available each week?

**Ms ARCHER** - I can go into the specifics in a minute, but it is important to note, as I said to the committee in the earlier portfolio, that the prison service makes every endeavour to provide that access to legal representation. There is a constant dialogue between the prison service and lawyers, particularly through the Law Society which has raised this issue with me personally. We are endeavouring to ensure that where face-to-face meetings may need to be cancelled because there's lock-down for whatever purpose, if it's for security and that appointment can't be kept then the telephone advice is still available.

With the Launceston Reception Prison situation, lawyers were notified in advance because there were planned works and alternative arrangements were made. The other thing that the southern remand centre will enable is not only a separate facility but increased access to legal representation, specifically all types of mechanisms such as video conferencing. Increasingly it's going to be a lot faster for lawyers to do it that way than have face-to-face visits. That would be preferable.

As to the number of appointments available, or the specifics, are you able to repeat that so Mr Thomas can perhaps shed some light on that?

**Ms HADDAD** - I was curious as to what days face-to-face and phone visits can occur for inmates, specifically for those professional appointments? Not so much prisoners or inmates being able to phone family members and others but those booked professional appointments. How many professional appointments are available each week?

**Ms ARCHER** - Because that is operational, I will throw that to Mr Thomas, who is the director of Prisons.

**Mr THOMAS** - Thank you, minister. The best way to explain that is that it varies by prison. If you take Ron Barwick Minimum Security Prison, visits and access is every day. Professional visits won't occur every day. Predominantly at the weekend they don't occur although access is available on Saturdays if required.

At Risdon Prison the days vary depending on the classification and the area that the prisoner is in. It is a multi-faceted facility. Depending on the classification of the prisoner and their status - remand or sentence - will depend when they get access to visits, both professional and with their families.

In the remand centres - Hobart and Launceston remand centres - domestic visits are only at the weekend but we facilitate our professional visits throughout the week.

**Ms HADDAD** - If I can ask through you Attorney-General, in your estimation how often do phone visits specifically need to be rescheduled? We hear stories about, particularly defence lawyers being told that all of next week's appointments for example, are booked up. That led me to understand that there was a schedule of bookings available for inmates to book professional visits either by phone or in person.

## UNCORRECTED PROOF ISSUE

**Mr THOMAS** - There is a schedule. That said, we recognise that as prison numbers increase and our prison numbers fluctuate every day, both remand and sentence, we will aim to meet everybody's needs. Whilst there is a schedule, if the need is there we will try to accommodate it rather sticking strictly to the schedule. Some days that schedule of bookings may be more than is required and other days it might not meet the demands. We certainly aim to meet everybody's needs and if we can't we will notify them when the next appointment is available.

**Ms HADDAD** - Does that happen very often, in your experience?

**Mr THOMAS** - It will happen from time to time. It is not easy to manage on a day-to-day basis because of the fluctuation in prisoner numbers. The staff work hard and are flexible to make sure that any restriction on a lawyers' access to their clients is minimised.

**Ms HADDAD** - Thank you. The Custodial Inspector in his annual report stated that the staffing allocation at the prison is not adequate. He said that capacity is reported at 95 per cent but that in his view, almost all of the state's prisons are over-crowded in the sense that they hold more people than they were designed to hold at construction. This is because cells that were intended originally to house one person, now hold two and cells that were designed to hold two inmates now hold three. Sometimes inmates are sleeping on mattresses on the floor, although I have seen some of the extra bunks constructed in rooms as well.

Yesterday in Estimates in the upper House you confirmed that the current capacity of the prison, correct me if I am wrong, is 742 and the current population is 666. When it was first constructed how many inmates was the prison designed to hold by division versus today's capacity figures?

**Ms ARCHER** - I am not sure if we have that historical figure but it would not be an accurate reflection of all the works that have been undertaken at the prison because we have recently had works at the Ron Barwick Minimum Security which has increased our bed capacity by an additional 40, and various other works. There is an increase in capacity in the women's prison because of the mother and baby unit with the minimum security as well.

To provide information on the original design, and I am not quite sure what you asking for, because the original one affectionately known as the 'pink palace', didn't even have the rest of the complex that we have currently got.

I can give you current design capacity.

**Ms HADDAD** - Current design capacity but perhaps if you could confirm that those cells that the Custodial Inspector talks about that were originally designed for one and now house two and those that were originally designed for two that now house three, excluding the extra renovations and extra capacity through new buildings.

**Ms ARCHER** - I will ask Mr Thomas to explain the difference in a minute. What we have endeavoured to do with some of the cells, in allowing for greater capacity, is to deal with surges in the prison. It is important to note that we have acknowledged that the prison population has increased. This is why we have put more money into more staff with 107 additional correctional officers since May 2016 with another course due to commence on 8 July.



## UNCORRECTED PROOF ISSUE

That is why we have put a massive expenditure into our infrastructure program. It is why in the short term the Southern Remand Centre is the priority to help relieve pressure as well. I want Mr Thomas to explain what has happened in the redevelopment of the older parts of the prison in terms of how they are utilised and for what purpose. Also, the full compliance that now exists as a result of our upgrades and quite significant expenditure, millions of dollars have been put into the ageing infrastructure of the prison as well.

**Mr THOMAS** - Through you, minister, the current design capacity of the prison system is 720.

**Ms HADDAD** - Is that all at Risdon itself?

**Mr THOMAS** - No, that is across all five prisons.

**Ms HADDAD** - Can you break those figures down if that is there for you? If not, I can put it on notice.

**Mr THOMAS** - I can break it down for you. Hobart Reception Prison is 36; Launceston is 26; Mary Hutchinson is 63; Risdon Prison Complex is 299; and Ron Barwick is 296.

**Ms ARCHER** - I was going to get him to explain because you were saying some have two, some have three.

**Ms HADDAD** - It is more about temporary beds. I am interested to know the numbers of temporary beds installed in the last two years.

**Mr THOMAS** - In addition to that we use what we term the operational capacity of the prison, noting that across those 720 they are broken down into different classifications and male and female. We will get surges from time to time as to where we need to accommodate prisoners. To manage those surge pressures, we have installed bunk beds into cells across the estate so every prison now has bunk beds installed. If you add the bunk beds to the original design that gives us the operational capacity.

**Ms HADDAD** - Is the surge capacity in use right now or frequently in use?

**Ms ARCHER** - I don't believe it is frequently in use.

**Mr THOMAS** - It is not frequently in use and if it is used, a good example of it would be on a Saturday evening we get a number of arrests in Hobart and they go into the Reception Prison so we need a bed for them, hence why we installed the bunk beds. Come Monday morning those prisoners will be moved on and moved into single cell accommodation across the estate.

**Ms ARCHER** - It is important to add here, as I said, our Government is responding to an increase in prison numbers which we are seeing across the country. Tasmania is not immune. We are also the lowest prison population. I am not downplaying the figures. They are still high. This is why we have put the significant investment we have into the prison service which quite frankly hadn't received funding for a long time. We have ageing infrastructure. We have inappropriate infrastructure.

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I don't know if you have had an opportunity to visit the Launceston Reception Prison but when we have the northern prison facility up there, that will no longer be used as a prison, other than by the police as holding cells. Currently it needs to be used to house those shorter term. We are recognising it is best to have a facility, not only up north for the purpose of rehabilitation and reintegration and the family attachment issues that I have mentioned, but because there is an increase in prison populations in Australia and we are responding to that.

It is not that popular spending money on prison infrastructure but it is needed. It is needed to ensure that we keep up with the demand and that is why we have put more staff on as well. It is a direct response to the fact that we have higher prison populations. I understand that people will complain about that and have their gripes.

It is essential that we build the Southern Remand Centre, which we are doing and it is on track. We are doing that in consultation with staff as well so it best suits everyone's needs because it is a workplace as well as housing prisoners. First and foremost, it needs to be a safe working environment for our correctional officers as well. I know all members will agree with me, they do an exceptional job.

We are putting the funding into our prison infrastructure and our services by way of staff and other services that are provided because of the need, and I don't shy away from that.

**Dr WOODRUFF** - Minister, the need is growing because of your Government's tough-on-crime policies -

**Ms ARCHER** - That's not correct, but you can make your assumptions.

**Dr WOODRUFF** - and things are getting worse in the prison system by almost every measure since 2013-14 when there was a Greens corrections minister who had substantially turned around the things that really matter, the hard data that we have. This Budget is a devastating underspend on the staffing and the -

**Ms ARCHER** - What, \$16.8 million additional?

**Dr WOODRUFF** - Can I finish my question? This Budget is a devastating underspend on the staffing and the prison programs that are shown to reduce stress, harassment and bullying in the prison system. Can you confirm that prisoner-on-officer assaults have increased by 78 per cent since 2013-14 and 2017-19? They are now 2.94 per 100 prisoners. What are you going to do in this financial year to have an impact on that within Risdon Prison?

**Ms ARCHER** - I am wondering about the source of that information so I can verify the figures.

**Dr WOODRUFF** - The information is from ABS data from 30 June 2014 to -

**Ms ARCHER** - It's just for the record of the committee. There are a number of things in Dr Woodruff's opening statement which I cannot let pass. She said that the prison population is a direct result of our Government's policies. That is not correct. As I have said, there is a rising prison population across the nation; it is a national trend.

I am endeavouring to find statistics in relation to the two highest increases in crime, and they relate to drug offences and violence offences. We have put more money into police resources and

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we are investigating, detecting and charging more people for crimes. That, again, is a trend across the country driven by the types of offences that seem to be prevalent in our community. That is one of a number of factors.

It is important to also dispel this myth or hypothesis or theory that Dr Woodruff seems to have in relation to a gross underspend. This is a mammoth spend in the Corrections area -

**Dr WOODRUFF** - No, you've just moved things around in the Budget.

**CHAIR** - Order, Dr Woodruff.

**Ms ARCHER** - I am endeavouring to get to the assaults figures but, as is always the case, Dr Woodruff delivers these incorrect falsehoods in her statement before she leads into a question and I need to correct the record. It is not at all correct to say that there is an underspend in Corrections. As I identified in my opening statement, there is a massive infrastructure spend. There is an additional \$16.8 million to provide to staffing and resources in recognition of the demand, so I really don't know how Dr Woodruff can make that statement.

As to assaults, in the current financial year there have been no serious assaults against staff. There have been 19 assaults resulting in injuries to staff and 64 other assaults on staff.

**Dr WOODRUFF** - Are you saying there has been no increase in assaults?

**Ms ARCHER** - I said there have been no serious assaults. There is a difference between how we define serious assaults and assaults.

**Ms HADDAD** - What is the definition?

**Ms ARCHER** - There have been no serious assaults recorded against staff.

**Dr WOODRUFF** - You can ask that question in your time, Ms Haddad, but I know the answer so I would like -

**Ms ARCHER** - We can tell how the day is going to roll out with the Greens, they are going to be argumentative again and not interested in the facts.

**Dr WOODRUFF** - The facts are I talked to the -

**CHAIR** - Order. The minister has the call. When the minister has completed her answer you may have another question but until the minister finishes please don't interject.

**Ms ARCHER** - I would have otherwise in my answer told the committee how these are defined because it is really important to note that. Serious assault is defined as requiring overnight hospitalisation, ongoing medical treatment, or any sexual assault. Additional injuries that result in stitches or broken teeth are automatically classified as serious. As I said, there have been no serious assaults against staff. An assault is defined as an act of physical violence resulting in physical injuries which may or may not require medical treatment. Other assault, that category that I gave as 64, is defined as an act of physical violence that did not result in physical injuries or require any form of medical treatment. It is important to understand the difference between those three classifications rather than look at raw statistics.

**Dr WOODRUFF** - The raw statistics are telling us that everything is going down under your Government, minister. There has been a 78 per cent increase and there has also been a 50 per cent increase in serious prisoner-on-prisoner assaults and a 60.5 per cent increase in prisoner-on-prisoner assaults since 2013-14 to 2017-18. These figures are from the Australian Productivity Commission's Report on Government Services 2019. My question is, how is your Budget this year going to be doing the things that have been shown to work in prisons, which is to put resourcing into the programs in prisons and working with staff in prisons to improve the prison environment?

**Ms ARCHER** - It is important for this committee to have the right facts before it as well. As to prisoner-on-prisoner assaults for the current financial year, serious assaults were 12 and last year, eight; assaults 78, last year 79; and other assaults are currently 93 and last year there were 107. Quite a few of those figures are fairly consistent so I dispute the premise of what Dr Woodruff was saying.

Getting to the crux of her question in relation to what we are doing, yesterday I announced a number of initiatives in relation to further education for prisoners. We know that when they are occupied and given the opportunity of training and employment, their post-release prospects are much better and it reduces recidivism as well, which has an overall impact not only on the community outcome, but in getting their lives back on track so they don't re-enter our prison system.

That has to be looked at holistically, and the reason I mentioned the new TasTAFE campus that I announced yesterday before the other place in the relevant committee, is that it is a wonderful initiative. Any involvement with TasTAFE was axed by the previous government. It is going to involve a three-year memorandum of understanding with TasTAFE and the Department of Justice.

I can go into more detail on that but I am conscious of time on this committee being quite short. It is a wonderful initiative offering a range of full qualifications and training which can be continued post-release. There can be employment placement whilst still in prison so there are employment prospects outside of prison. That will go a long way to changing prisoner behaviour within our prison system, coupled with therapeutic programs we offer by way of the EQUIPS programs, which I spoke about in last year's committee in relation to programs we offer.

There will also be increased availability because of the southern remand centre when that comes into operation. As I said in my opening statement in relation to the northern prison facility, that gives us an opportunity to also offer the range of services needed in relation to therapeutic services and education and training. We are doing a lot in that space and I welcome the opportunity to explain all of that.

**Dr WOODRUFF** - Minister, did you meet with United Voice before you prepared this Budget to understand their concerns and to put the money where it is needed in the Budget?

**Ms ARCHER** - There has been ongoing dialogue with staff and unions in relation to the southern remand centre and the design of that. It is important for staff to be involved in that process.

**Dr WOODRUFF** - In relation to the Budget in particular?

**Ms ARCHER** - It is a large component of the Budget, Dr Woodruff. It is a \$70 million component. The \$16.8 million, I would imagine, would be welcome by staff for their additional resourcing.

**Dr WOODRUFF** - Yes, but staff are telling me -

**Ms ARCHER** - If it was less funding I would understand.

**Dr WOODRUFF** - People are ringing me in distress talking about a broken system and a minister who is not listening.

**CHAIR** - Order. The minister is answering the question. Please do not interject.

**Ms ARCHER** - If it was less funding I would understand the premise of the question, but members seems to complain even when I announce additional funding.

**Mr TUCKER** - I notice you have touched on this, Attorney-General. Could the Attorney-General please provide advice as to what steps this Government has taken to help support offenders and get their lives back on track?

**Ms ARCHER** - Yes, I would like the opportunity to explain this TasTAFE initiative in more detail and mention Chatter Matters, although I might mention that in a later opportunity. Education and learning remains a critical aspect of the Tasmanian Prison Service's work to assist prisoners to reduce their risk of future offending and to get their lives back on track.

I said at the outset, and certainly at the start of this term of Government, that I had a commitment to the rehabilitation and reintegration aspect of this portfolio. It has been a strong focus of mine in previous years before becoming the minister responsible. The late Dr Vanessa Goodwin had that focus as well. It is a really important component because we don't want to see the same people back in our prison, which we do see time and time again. Part of that is causing the increase in prison population, so we need to look at education pathways to ensure that prisoners are well supported on their release in relation to a number of components. Education is a key to that and to the Breaking the Cycle strategy.

The prisoner education and training unit facilitates delivery of a number of both accredited and non-accredited courses and educational programs across the TPS. TasTAFE will operate a campus at Risdon as part of a three-year memorandum of understanding between TasTAFE and the Department of Justice. Transition to the new arrangements start in July this year, with the full transition plan for early 2020. TasTAFE teachers will be based at the campus delivering a range of courses catering for a variety of sentence lengths. This will include full qualifications, short courses and industry-focused qualifications and skill sets. That is working closely with industry.

TasTAFE currently runs successful training at Risdon Prison and has engaged more than half of the Risdon Prison inmate population in some form of training over the past three years. This new model will take this training to the next level, allowing TasTAFE to provide a coordinated approach to a student's training in Risdon Prison and upon release. There will be strong linkages between an inmate's sentence plan and training plan. Education options will take into account in-prison work as well as a pathway to continuing with vocational education and work options on release from prison.

Vocational programs offered by TasTAFE at the campus will also include literacy and numeracy assessments and increased emphasis on transferrable skills and life skills to build inmates' confidence and self-esteem.

Like all TasTAFE campuses the Risdon Prison campus will focus on practical training with strong job outcomes. Training programs will be developed in conjunction with industry and Risdon Prison jobs and TasTAFE will work closely with a range of stakeholders, including Libraries Tasmania, jobactive providers, industry bodies and community support organisations. Existing prisoner education training areas will be refurbished to better reflect a TasTAFE campus and more classroom space will be developed as part of the ongoing development at the Risdon site.

A dedicated TasTAFE campus at Risdon Prison will allow more focused individual learning plans for prisoners, higher participation rates and more relevant outcomes that support inmates' reintegration back into society upon release. It is a great partnership between Department of Justice and Department of Education. I thank the Deputy Premier and Minister for Education and Training in that regard.

We have been in talks for some time as to how we can get more of a focus on education training through TasTAFE back into our prison system, offering more courses, that is. We think that this dedicated campus will provide those learning pathways and increase the number of inmates participating in our vocational training.

**Ms HADDAD** - In your last answer to Dr Woodruff's question you indicated that there had been no serious assaults on staff, 19 general and 64 other, and you described the definitions around serious assault requiring hospital stay. Are there instances, to your knowledge, of correctional officers being released to go home after an injury that might be defined as outside the parameters of a serious assault who later require hospital treatment. In other words, had that been identified at the time they had gone home after the assault, it would have been defined as a serious assault?

**Ms ARCHER** - I have just conferred with the director and he said, not to his knowledge.

**Ms HADDAD** - Have there been charges laid on any inmates after having committed an assault on a correctional officer or prisoner on prisoner assault? Are charges routinely laid?

**Ms ARCHER** - Police are called when they are required to investigate. As to statistics in that regard I am not sure if they are kept. I might refer that to the director.

**Mr THOMAS** - Any assault on a staff member or prisoner, particularly serious assaults, are automatically referred to the Tasmania Police for investigation.

**Ms ARCHER** - And that's ultimately a matter for Tasmania Police as to whether or not charges are laid. That's not the Tasmanian Prison Service purview.

**Ms HADDAD** - No, of course I understand that. In your estimation, the kinds of assaults that occur, albeit understanding that prisons are often violent workplaces, would police be called in the same set of circumstances in the public or do you think there is a higher threshold to be met before police are called to attend an assault?

**Ms ARCHER** - Mr Thomas just explained that routinely they are called in cases of serious assault. I don't know what more you want out of that question but they are routinely called. That's how seriously we take serious assaults on our staff.

**Ms HADDAD** - Thank you. Yesterday, in the upper House Estimates you spoke about the number of people who had left the prison service in the last 12 months. There were some figures originally given and I think then the record was corrected. I may have misheard but I think you said 90 had left since 2016-17. Is that number correct? How many of those people who left in 2016-17 were correctional officers, and how many of those leaving were resignations?

**Ms ARCHER** - We might need that on notice.

**Ms HADDAD** - I will put that on notice.

**Mr TUCKER** - Can the minister outline how the Government will provide support to prisoners through the Chatter Matters program?

**Ms ARCHER** - This is an important opportunity to explain what is happening with Chatter Matters. Ms O'Connor in the previous portfolio raised it and said we weren't funding it. I can confirm we are. It is something that was developed by the 2017 Australian of the Year, Rosie Martin. I know she is well-known to most of us. This is her Just Time program through her Chatter Matters Tasmania, which is a not for profit organisation that provides services to develop communication skills in men and women in prison and those recently released and those at risk of prison in the future. It is wonderful work that she carries out and she has a very high success rate.

Chatter Matters uses evidence-based practices to improve literacy, support for positive interpersonal interaction and communication skills and teaches participants skills for developing secure attachment with their children. A vital and important component is the literacy and numeracy component. Our prison population has a high percentage of illiterate and innumerate prisoners. This program targets exactly that. We know that early intervention also breaks generations cycles of crime in at-risk children. That is important and therefore of course we must include appropriate support for parents.

The Government has provided an additional \$150 000 to continue delivering its program to prisoners in Tasmania. The Government has increased staffing at prisons significantly and this additional investment demonstrates our commitment to continually training and supporting our TPS staff because they are involved in this program as well.

The delivery of Chatter Matters' Just Time program will support prisoners to reintegrate and rehabilitate successfully reducing the likelihood of reoffending, and like I said, even with long-term prisoners, once they complete this type of program they may then be able to move on to more vocational-type or practical training that can be offered now with the greater program provided by TasTAFE.

We are looking at this quite holistically. Chatter Matters is a really important program. It is a start, if you like, for some of our prisoners. The family attachment component is a really important key to rehabilitation which has a strong focus on our mother and baby unit. There will continue to be that strong focus in the northern prison facility as well, by delivering programs there. Being located near to family members is a huge benefit to prisoners.

**Dr WOODRUFF** - Minister, a person called Dean Maddock was a recipient of the Winston Churchill Memorial Trust of Australia Award, and he travelled to the United States. He is a prison officer and he travelled in his own capacity under the Churchill Fellowship to explore the effects of nature-based programs in prisons and why those programs have been so successful in reducing

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prison offences, prison violence and lowering recidivism by up to 40 to 60 per cent in the people who have used them. This has been a wildly successful approach that has been undertaken. He looked at 16 prisons and four providers. Minister, I believe Dean Maddock sent you a copy of his Sustainability in Prisons project report. Did you respond to him?

**Ms ARCHER** - I certainly recognise the name and the content of what you have been saying and the study. As to the exact nature of my response, I have a lot of correspondence and I have many drafts that may not have been currently settled to send out, so I wouldn't like to say with any great certainty whether that has yet gone out. I will endeavour to follow that question up. I can come back after lunch and see the status of that, if you would like

**Dr WOODRUFF** - To revise your memory or perhaps to clarify, he set a copy of report on 6 or 7 November last year. There was a large conference here in Hobart. You probably got an invitation to that - I certainly did as a member of parliament - to the Churchill conference, where he made a significant presentation. This is a seriously substantial body of work Mr Maddock has done. It shows demonstrated improvements at very small costs. Is it really true that you haven't investigated the contents of it?

**Ms ARCHER** - I think I spoke at that conference.

**Dr WOODRUFF** - Yes. I would like to know if you have responded to Mr Maddock because I think he would probably like to hear from you about what you think about the results of his work.

**Ms ARCHER** - My approach on these matters, to make it crystal clear, is that I don't like to talk about individual's correspondence unless I have their direct authority to release information about that. If members are referring to publicly available documents that is a different matter, but we are talking about an individual here. I know that the department is considering that body of work as part of renewing our Breaking the Cycle plan.

**Dr WOODRUFF** - I am talking specifically about this report that has been prepared, the Sustainability in Prisons project report.

**Ms ARCHER** - As I said, I spoke at that conference. I know many departmental officials were also there.

**Dr WOODRUFF** - I just want to clarify that your department is investigating this particular report, not just generally.

**Ms ARCHER** - If I could just finish - please, Chair.

**CHAIR** - Dr Woodruff, order.

**Ms ARCHER** - If this is how it's going to go all day it's going to be really frustrating because I lose my train of thought and you don't get the right answer.

**Dr WOODRUFF** - I ask the questions and you answer them.

**CHAIR** - Order.

**Dr WOODRUFF** - Well, it's hard when you're trying not to be honest.



**Ms ARCHER** - Excuse me?

**CHAIR** - Dr Woodruff, order. You ask the question and then allow the minister to answer it. You do not interject.

**Ms ARCHER** - Chair, I don't know if you just heard that but Dr Woodruff just said I was trying not to be honest. I am trying to answer Dr Woodruff's question but within the parameters of not discussing individual circumstances.

What I can say and what the department has advised me is that they are taking that body of work into consideration. I spoke at that conference and spoke to a number of people. I know departmental officials were at that conference to hear the speakers and the presentations. The reason members of staff go along to those conferences is to get ideas and take those into consideration. There is consultation that has started on Breaking the Cycle because these things, as with all government plans, tend to have a finish date, and then we will be renewing that into future years and seeing what it might look like. That body of work will be taken into consideration as well as a number of other contributors to it. I am not being dishonest.

**Dr WOODRUFF** - It is devastating that you went to the conference and your staff went to the conference and you are saying you don't know about this work. It is a major study.

**CHAIR** - Order, Dr Woodruff.

**Ms ARCHER** - I am going to correct Dr Woodruff.

**Dr WOODRUFF** - So you do know about it?

**Ms ARCHER** - Of course I do. I acknowledged at the outset that I knew the person you were talking about and I knew the body of work.

**Dr WOODRUFF** - Then why haven't you taken up any of the great ideas in here?

**CHAIR** - Order, Dr Woodruff. I need to remind you that constantly interjecting is highly disorderly and if you continue to do it I will need to warn you about process and what can be achieved. We will move on now.

**Ms ARCHER** - Chair, I am going to clarify a number of things that were just said. I do recognise the person and the body of work. What I wasn't prepared to do was talk about individual circumstances without checking the nature of my response and also the letter to me, because I don't know if you are raising that with the consent of the person as well. If it is a public body of work that is a different matter. I would need to check that, but I have confirmed for the benefit of the committee that the work is being taken into consideration for the purpose of redeveloping and the further work that is going on in relation to our Breaking the Cycle strategy.

**Dr WOODRUFF** - When will that be taken into consideration?

**Ms ARCHER** - I can provide a more detailed response to Breaking the Cycle.

**Dr WOODRUFF** - There are money-saving things in here that could happen today.

**CHAIR** - Dr Woodruff, order. Ms Haddad has the call.

**Ms HADDAD** - Minister, on how many occasions over the last 12 months have the different divisions of the prison been opened in a fully operational capacity, despite being short-staffed, and can those staff allocation numbers be outlined for the committee?

**Ms ARCHER** - We have monthly averages for out-of-cell hours but specifically being open as opposed to locked down, that is a different matter.

**Ms HADDAD** - Maybe you could just confirm for the committee what those expected staff allocations are, for example, for minimum security to be open and fully operational on any given day instead.

**Ms ARCHER** - These things are variable, depending on prisoner numbers as well. I can get the Director of Prisons to attempt to explain that in more detail but there is no statistical magic formula to these things. What I will say is it has only been a short period of time, but with our new correctional officers starting with our recent intake, that is starting to have a positive impact. With the continuation of recruitment courses, we are hoping to see figures ever improving in that regard, reflected in the official figures which we don't yet have for the last few weeks.

In relation to your specific inquiry, I am not quite sure we can be that statistically accurate because prisoner numbers fluctuate.

**Ms HADDAD** - If I can ask the director, through you Attorney-General, shifts are determined on a daily basis based on prisoner numbers in each yard of each division or each division?

**Mr THOMAS** - Through you, minister. To a degree, yes. If I explain by way of an example. I will use the Mary Hutchinson Women's Prison as an example and this aligns with our roster review that we have been undertaking. They now have a roster which, if fully staffed, would operate the prison at full capacity. If it is not at full capacity, to make sure that we make best use of the resources available and are as flexible as possible, we will redeploy some of those resources to other areas of the organisation where we may be shorter-staffed on the day.

**Ms HADDAD** - But still fully operational? Okay, thank you.

**Ms ARCHER** - Mr Thomas has mentioned the roster review. It is important to note that independent review that was carried out by consultants. This has been a process and a process of change but we are hoping to see positive results in relation to that.

**Ms HADDAD** - Is that the same review you talked about yesterday? You talked about an internal strategy for addressing staff shortages that had been negotiated between the Government and relevant unions, or is that a different piece of work?

**Ms ARCHER** - The roster review was the one I referred to that was undertaken by Shiftwork Solutions, a consultancy firm specialising in providing customised rostering solutions. I clarified the consultation had been undertaken with staff and that the prison services are now continuing with the implementation process of that and finalising the preferred post and workload changes.

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What has been positive is that that is now being implemented and we are also hoping to see improvements with respect to those workload issues as well.

**Ms HADDAD** - Would that replace the document I thought you were talking about, the lockdown policy? How do you deal with staff shortages policy? Would that roster review replace that?

**Ms ARCHER** - That lockdown strategy you are referring to, that Mr Thomas was referring to, that was a short-term strategy that deals with times when lockdowns are necessary.

**Ms HADDAD** - Is it still in place?

**Ms ARCHER** - It is still in place, yes, because we need a strategy in place for when they are required. As I said yesterday, lockdowns occur for a number of different reasons. It is often given the depiction in the media in particular - and I am not blaming the media, it gets fed from a number of different sources - but it really does need to be acknowledged that they can vary in length and they don't necessarily affect the entire facility. It may only be one unit only; it may also mean that a prisoner is not confined to their cell, they are still able to move about the unit they are in freely and still have access to their TVs and other facilities.

I realise it can be, as the TPS acknowledges, inconveniencing to services. We have covered the legal representation issue this morning already and access to that and the TPS makes every endeavour to minimise those disruptions but sometimes it is required for security purposes because an assault has occurred and an area needs to go into lockdown or, on occasion, the entire facility because of a serious breach that has occurred.

If it wasn't, then there would be a real risk in terms of workplace health and safety as well for the staff. There are a number of issues that Mr Thomas has to deal with on a daily basis which I am sure you would appreciate.

**Ms HADDAD** - Minister, I want to inform you of an event that occurred on 14 January where there was a quite traumatic death in custody following a suicide attempt by an inmate. Two correctional officers attempted resuscitation for two hours before the inmate eventually passed away. I am told those correctional officers who attended that incident were covered in blood and other bodily fluids as a result of their attempts to resuscitate the inmate, and yet they continued their shift until 6 a.m., including medical round. There was a debrief at 2 p.m. at which point they asked if they could shower and change and were told that there weren't spare uniforms or a shower available.

Following that event, I would like to know a few things. One, why were those staff not sent home after witnessing a traumatic event like that? Why they were required to complete their shift? Also, whether new uniforms and clean clothing, a shower, and locker facilities are now available at the prison?

**Ms ARCHER** - I am advised that they were offered an opportunity to go home. You have a version there and I don't wish to dispute what you have been advised, but I am advised that they were given that opportunity, so I think it is important to highlight that. Routinely, in that situation, that would always be offered, particularly in a traumatic experience such as that.

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Again, when we receive inquiries of this nature, we don't normally talk about individual circumstances for privacy of the person and staff involved, but also for security reasons, as well, in some instances.

I encourage that if any correctional officers in particular have a concern about how something occurs and I will confer with Mr Thomas, but I am sure there is a proper debriefing of a situation. These matters are always sensitively handled within the TPS.

**Ms HADDAD** - I am sure that is the overarching intent. My concern was about them finishing their shift covered in blood and bodily fluid of someone and whether - I know you can't talk about individual circumstances - but whether there are routine measures in place to provide biohazard bags and fresh uniforms when a correctional officer does find themselves, through whatever means, exposed to bodily fluids of an inmate? Have those practices been improved or changed since that incident in January?

**Ms ARCHER** - My understanding is that both were given the opportunity to go home and the opportunity to change.

**Ms HADDAD** - And they didn't do that?

**Ms ARCHER** - I am not suggesting that they didn't, but they were given the opportunity, is my advice.

**Ms HADDAD** - My advice is that they were unable to change.

**Ms ARCHER** - I'm a little uncomfortable when we have different versions.

**Ms HADDAD** - I can understand that. Perhaps just that last part of my question then about whether or not, from today, fresh uniforms or spare clothes or lockers and shower facilities are now available?

**Ms ARCHER** - That's assuming that that version is correct but I am sure the Director of Prisons will certainly be hearing that. He is right next to me, and if that wasn't the case -

We will take that on notice.

**Ms HADDAD** - Is that the case now is what I am wondering?

**Ms ARCHER** - I just said my advice is that they were given that opportunity in both instances to go home and also to change.

**Ms HADDAD** - Regardless of the incident, I am curious about current conditions around lockers, showers, and clean clothes available to the correctional officers generally across the service.

**Mr THOMAS** - Staff would be given the opportunity to go because we do issue staff uniforms when they join and then annually. They would be given the opportunity, fundamentally the choice whether they wish to go home, shower and dispose of their uniform. We can assist them in disposing of that safely in such circumstances.

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Additionally, we have a store of uniforms on site that can be accessed by a manager 24/7, if necessary. There are shower facilities on site and we are in the process of installing additional lockers so that staff can store such equipment on site. To date, we have put in excess of 50 and are approaching 100 lockers into the RPC alone.

**Dr WOODRUFF** - Minister, the Churchill Fellowship report that was prepared by Mr Dean Maddock is a very substantial body of research on United States prisons. His work has resulted in 32 recommendations, many of which do not require substantial, if any, resourcing. They require a change in attitude and would produce outcomes that have been demonstrated to be good for the prison environment, better for staff, better for inmates and reduce recidivism rates. Can you tell me whether you will look at introducing things like recycling and repurposing programs, auditing the current waste management approach to understand where the money is and introducing vegetable-growing programs? I know that used to happen with the long-term intention of feeding inmates and having it recycled within the prison, which happens in a number of prisons overseas. Introducing worm farms, composting and native plant programs are the sorts of nature-based activities which have been so successful.

**Ms ARCHER** - I can confirm we offer all of those things. Of course it was a Greens corrections minister who closed Hayes prison farm which provided a vegetable processing facility. Dr Woodruff neglected to mention that it was not us that closed that facility. I can confirm that in relation to -

**Dr WOODRUFF** - This is about people in Risdon Prison being able to have access to these programs.

**CHAIR** - Order.

**Ms ARCHER** - Dr Woodruff, you are welcome to request from me a visit to the prison to see what is on offer by way of our garden and the programs that are currently available for prisoners. The northern prison site gives us an even better opportunity to have something that is purpose-built and even more suitable for the functions you have been talking about. In relation to recycling and repurposing, we already currently do that.

**Dr WOODRUFF** - How much of the prison's waste is fully recycled, then?

**Ms ARCHER** - I don't know if we have the percentage of that but we do have vegetable growing. I will let Mr Thomas explain the programs we currently already have and I have said and acknowledged that we have a view to being able to expand that. Our TasTAFE campus MOU gives us an opportunity to provide a more extensive range of courses that touch on these issues as well, not to mention the northern prison site can be purpose built for that as well. Mr Thomas can explain what we are doing with recycling and vegetable growing.

**Mr THOMAS** - We have a number of programs going at the moment. We grow thousands of kilos of vegetables a year and routinely donate those to Second Bite, a charity that provides them to the needy and disadvantaged.

**Dr WOODRUFF** - Does that mean that the surplus to what is used in the prison is donated?

**Ms ARCHER** - If we can just allow Mr Thomas to explain what is on offer and what is utilised within the prison or outside, I am sure he was getting to that.

**Mr THOMAS** - Thank you, minister. In addition to that we recycle a lot of the metal waste. We have a furniture recycling program starting up and we recycle most of the paper that is used. To date we have made in excess of 3000 paper bricks which are used for people's fires at home and they are donated through local charities to people in need. We have our sustainable prisons program operating and they are developing opportunities to look at wormeries and recycle the vegetables. We also have a vegetable preparation workshop that employs in excess of 30 prisoners in Ron Barwick and those vegetables are used within the prison to feed prisoners, are provided to the Royal Hobart Hospital and also go out to people in need within the community.

**Ms ARCHER** - The facility up north is on a site that is expected to be suitable to a prison. It will be flat as opposed to what we have at Risdon and more suitable for growing and those sorts of things, and gives us endless opportunities of expanding those programs. I can confirm, particularly as Minister for the Environment, that is firmly on our list of objectives as we expand these range of options. On the limited site we have available we have a good range of initiatives being undertaken for recycling, reuse and growing. I congratulate our director on the work he does in that regard because it is something that has developed in the last few years.

**Dr WOODRUFF** - I think that sounds like heading in the right direction but there seems to be a disconnect between the extent of what is happening at the moment and what can be happening to be truly successful in this area.

**Ms ARCHER** - Never happy.

**Dr WOODRUFF** - I guess I'm asking you to benchmark the level and access to programs of the things that already exist with the information.

**Ms ARCHER** - That is what the TasTAFE relationship will do. It increases capacity.

**Dr WOODRUFF** - I am talking about the information we have from other countries, particularly the United States, that has been so successful in this area. Whilst we might be doing some of those things, it is the extent, the quality and the accessibility of inmates to those activities that is important. One is to be a wildlife carer, which other prisons have found successful both for the wildlife and the inmates. I understand that you had a request for a proposal to work with Bonorong Wildlife Rescue Service to provide animals that could be cared for by inmates. I am not sure if that is still in train. Have you responded to that? Is it still existing?

**Ms ARCHER** - I will go back to a few of the things Dr Woodruff said. I want to confirm that we look at a number of expert reports in this area as to what we are considering doing at the prison. As you can see with Mr Thomas's arrival as well there has been a real focus on a lot of the things you were highlighting in recycling and growing and using things within the prison system. I can confirm, as part of looking at the design for the southern remand centre and the northern prison, that Mr Thomas and others have looked at other facilities, as have I. I have looked at two other facilities in relation to what they offer in-house and the types of programs. We do extensive research in relation to taking all of these things into account. The TasTAFE campus will give us broadened opportunities as well.

We look at these expert reports for improvements in operations in our infrastructure designs and therapeutic programs and programs like what we have been talking about. Animal studies will also be offered via the TasTAFE MOU I have talked about. There is a range of initiatives and ideas

being looked at, not least of all what you are relying on today, Dr Woodruff. It is a very good study but we are also looking at this from the perspective of the number of different sources, whether they are international or from other states and territories. All of the work that is done in the various areas of expertise gets looked at. In terms of Breaking the Cycle and extending the work beyond that, we look to a number of different sources, as we look to a number of different stakeholders' input in that process as well.

**Dr WOODRUFF** - Did you investigate working with Bonorong?

**Ms ARCHER** - I will take advice on that. I am not quite sure on the Bonorong matter but I know we are looking at a greyhound adoption program - the beauty of being Corrections minister as well as Racing minister - and working with Nine Lives in relation to cats. We know it is very therapeutic for prisoners when they look after a pet or an animal. We already have the assistance dogs program. In relation to Bonorong, we have had some initial talks to see if Bonorong is interested in pursuing that further. As part of that TasTAFE initiative I have announced, it is probably highly relevant that we re-engage on that point as well. Very happy to.

**Ms HADDAD** - Minister, employers at ambulance, fire and police have a crisis incident stress management program. It's a peer-to-peer support program for serious incidents to deal with the effects of those serious incidents on paramedics, firefighters and police officers. It includes group debriefs after major incidents but also allows peer-to-peer and self-referral to trained peer support program workers. Apparently, it is very well supported by staff in those industries because it is confidential and for that reason it is trusted.

Would you consider speaking to your ministerial counterparts in those portfolios to implement a similar depth of program for incident reporting and dealing with the effects of serious incidents on correctional officers?

**Ms ARCHER** - Within our Prison Service we have the mates program. I will direct that to Mr Thomas to say something about that program.

**Mr THOMAS** - Thank you, minister. The mates program is a similar program to what has been outlined. A number of correctional staff members have volunteered to be trained in supporting colleagues following incidents of trauma crisis. We sourced that training externally from an expert in this arena who has worked with other emergency services. We have around 15 staff who are trained to that level, including some who are now trained to train other staff. So, we are now self-sufficient in that space. Those staff are available by way of an on-call and pager system so that in the event of crisis, staff can access them. They can self-refer or we will refer as well.

In addition to that, their contact details are in our emergency management order so in the event of an incident, there's a prompt there for a manager to say, 'I should be bringing somebody to site to look after the staff welfare' following a serious incident.

**Ms HADDAD** - On the safety of workers issue, and following up with workers who experience traumatic events at work, yesterday in the Legislative Council committee, the minister was asked about workers compensation numbers across the prison. The figures I heard on the broadcast, and correct me if I heard them wrong, was that there were 48 claims this year - 16 were back to regular duties, 17 on modified, and 15 were fully incapacitated. Is that data correct? I am interested to know the total number of people who are currently off work on workers compensation and how many of those might be ready to return to modified duties, if not their full role?

**Ms ARCHER** - I am not sure if we can give you exact figures as of today.

**Ms HADDAD** - Yesterday's fine.

**Ms ARCHER** - As of yesterday we can confirm these figures. Mr Thomas -

**Mr THOMAS** - To clarify, the number of workers compensation claims this year by correctional officers is 101; 48 remain active. Of those 48, 15 are back on normal duties. One is on a gradual return to work, so he's working his normal duties on reduced hours. Seventeen are on modified duties as part of their return to work and 15 are fully incapacitated at this stage.

**Ms HADDAD** - The 15 fully incapacitated are not anticipated to reach a point where they will return to any duties at all across the service?

**Ms ARCHER** - That's not necessarily the case; just currently incapacitated, and not on a return-to-work program.

**Ms HADDAD** - I understand. So, 101 claims for this year. Are there claimants from previous years who are still going through the workers compensation system, who are not currently back at work in any way, or who may be on a return-to-work program from previous years' claims?

**Ms ARCHER** - We don't have the breakdown with us.

**Ms HADDAD** - But there would be some correctional officers in that circumstance?

**Ms ARCHER** - There would be, yes, but to get the accurate figure we would have to take it on notice.

**Ms HADDAD** - If I go back to the previous two or three financial years. Would that be a reasonable question to put on notice?

**Ms ARCHER** - Yes.

**Ms HADDAD** - I've been reading some Australian Institute of Health and Welfare data from May from this year showing that prisoners are more likely to be homeless, unemployed and suffer poor physical and mental health, both pre and post incarceration. That national data said the one-third of inmates were homeless in the 30 days prior to incarceration and more than 50 per cent preparing to leave prison expected to be homeless on release.

Do you know how those national figures compare to Tasmanian figures, particularly in light of the current crisis in housing around the state? Also, whether you are aware of numbers of Tasmanian prisoners who may have been found eligible for parole, but who have been refused parole solely for the reason of housing? On the other side of that, those who complete their sentence and who are released, not on parole. How many of those people are released into homelessness?

**Ms ARCHER** - It is difficult to answer a question when there are about four or five questions.

**Ms HADDAD** - There were three.



**Ms ARCHER** - I'm just saying it is really difficult. While I am focusing on the first question you ask, you move to another question. It is difficult.

If I could deal with the report. The report doesn't have any specific Tasmanian data. It is a report largely concerned with health-specific information and the Tasmanian engagement, whether it was through correctional primary health so any questions really belong with Health because it wasn't through the TPS. This is the description of the cohort in the report. In Tasmania 42 prisoners were surveyed, and you can see, we are not very different from other jurisdictions. It is a very small sample size, and whilst our previous in prison rate is 74 per cent, in this report the national average is 73 per cent. Instead, we rely on the accepted and published RoGS data on recidivism of return to prison within two years. Our figure is 46.3 per cent, and the national average is 45.6 per cent.

**Ms HADDAD** - Not relating to homelessness as a contributing factor?

**Ms ARCHER** - I don't know if there are any studies done on that particular figure, because sometimes there is no one reason as to why people recommit crimes. I would be loath to accept that it is just that one factor, and I realise you will probably go out and do media at lunchtime and say that it is all because of the housing, so called, shortage, and crisis and all the things that get labelled. The Minister for Housing, that is his area; I can tell you what we are doing by way of prisoner housing assistance.

In this dataset, the most interesting fact is the proportion of remandees, and you would expect the recidivism to be higher for remandees, as the courts are less likely to bail someone with an offending history. I will state that about it.

I urge members of this committee, not to just focus on one reason for recidivism. There is a lot of research that has been done in relation to intergenerational crime, not least of all by the late Dr Vanessa Goodwin, and other specialists. It is far more complex than just landing on there being one particular reason.

Having said that, housing is a very important issue. We do take that seriously. I hope that members are encouraged by the greater educational and training opportunities that I have announced over the last few days targeting numeracy and literacy as well. For those types of outcomes, there is greater chance of employment and employment can be a very key factor in reducing recidivism.

Also, the family attachment issue, for female prisoners I am hoping that because of the great facilities that we now have in the mother and baby unit, that that reduces the chance of recidivism for our prisoners who are mothers, and indeed have greater attachment needs to family. The northern prison is going to have that focus on being close to family and to greater education and training opportunities.

With housing we work through our Beyond The Wire program with a number of different agencies. We work with Housing Connect. These are done pre-release to help ensure that a prisoner has housing at the end of their sentence. These things need to be looked at in a holistic manner rather than just cherry picking there being one cause to it.

**Dr WOODRUFF** - Minister, can you please confirm whether or not the drug Buprenorphine is provided to or offered to inmates when they enter Risdon Prison.

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**Ms ARCHER** - It is through Health. On the Risdon Prison site we also have a health facility that is run by the Department of Health. Any drugs are managed by that facility and not TPS. Appropriately it is run by Health so I do not see that -

**Dr WOODRUFF** - Is there a medical professional who makes a prescription for that if an inmate takes that up?

**Ms ARCHER** - We cannot really comment on that aspect of a prisoner's needs. It would be assessed by a medical practitioner because it would need to be prescribed. As to the specific nature of your question that is a question for the Health portfolio because that facility at Risdon is run by Health not the prison service. It is a co-existing site and it is important to note that.

**Dr WOODRUFF** - Could you just clarify then, are prisoners, when they come into Risdon, offered the chance to attend the medical clinic so they can get access to that particular addictive opioid as a form of calmativie?

**Ms ARCHER** - I think the key -

**Dr WOODRUFF** - I have heard an assertion that this is what happens as a standard.

**Ms ARCHER** - When every prisoner arrives they are assessed fully and their needs are assessed. If there is any health requirements then they are referred to the health service. I will ask Mr Thomas to explain the initial process of a prisoner's arrival at Risdon in relation to their initial assessment.

**Mr THOMAS** - Thank you, minister. Every prisoner undertakes an assessment about their immediate needs, which includes a health assessment. That is undertaken by a health professional and would include looking at whether they are a current drug user or on a current drug program and whether that program should be maintained or not. The relevant health professional will then make a decision about what that maintenance program may look like.

**Ms ARCHER** - Exactly. We cannot comment on that because it is not Mr Thomas' area of expertise it is the health professionals.

**Dr WOODRUFF** - What happens when they leave prison? The allegation is that people come in without drug and alcohol symptoms, are prescribed this opioid and become addicted to it. It is used as a calmativie to reduce anxiety. The claim is that it is being used as a sedative but when people exit prison they are not given a prescription or any support, so they leave addicted to an opioid derivative.

**Ms ARCHER** - It is still a question for Health. I am sorry if you missed your opportunity before the Health minister. Those types of matters are dealt with by Health. A prisoner's health needs upon exiting the prison are still a matter for Health.

**Dr WOODRUFF** - So you would never sanction the use of addictive drugs as a sort of a chemical restraint?

**Ms ARCHER** - You are going to keep asking a question because you don't like the answer. I am sorry but it is a matter for Health.

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**Dr WOODRUFF** - There is no relationship at all between what happens in the health area and -

**Ms ARCHER** - The director of prisons, the prison staff are not trained on health matters. There is a health service available to prisoners both on entering, during and pre-release. It is the best I can answer.

**Ms HADDAD** - Going back to my previous question, my motivation was not to blame housing issues or recidivism. I was genuinely interested in the number of people being refused parole because of homelessness. Would you outline for the committee the program you spoke about, Beyond the Wire, the number of places on that program and how many people have accessed that program in the last 12 months?

**Ms ARCHER** - To the end of April, Beyond the Wire has assisted 21 individuals residing in non-Rapid Rehousing properties.

**Ms HADDAD** - Thank you. Is it a capped program?

**Ms ARCHER** - No, it's not capped.

**Dr WOODRUFF** - What are you doing to reduce the recidivism rates which have been going up overall during your period of government? Given the focus on building a northern prison, which is going to divert more prison resources into building infrastructure and leave less money for the conditions in the existing prisons, what are you going to be doing in existing prisons to ameliorate that?

**Ms ARCHER** - I have already answered the question extensively.

**CHAIR** - Thank you for the question. You might consider whether you need to answer it any further over the lunch break because this is not the finish of the session. We continue Corrections for another half an hour after the break. I will allow the minister to answer the question after the break.

**The committee suspended from 1.08 p.m. to 2 p.m.**

**CHAIR** - There was a question put before we had our lunch break. I will hand over to the minister.

**Ms ARCHER** - Thank you, Chair. It was in relation to what we are doing regarding the recidivism rate. I covered that fairly well in a previous answer in quite a lot of detail with respect to the new TasTAFE campus and existing treatment programs that we have through our EQUIPS addiction program, aggression program and domestic abuse program, our family violence offender intervention program and prisoner education and training generally.

On top of what is now going to be increased by way of the TasTAFE partnership, there is the Chatter Matters program which I have also detailed, Tasmania Prison Service intervention programs which include the Pathways program and a sex offenders treatment program as well, so there is a whole range of things that target prisoner reform and behaviour to reduce the likelihood of them

returning to prison and increase their chances of every success of a new life outside the prison structure.

As to jobs and employment within our prison itself, 67 per cent of our current prisoners are employed in work whilst they are within our prison system, both internally and externally. When it is external an appropriate assessment is undertaken in that regard. There is a whole range of different programs. I mentioned other new things we are introducing in relation to things that assist with rehabilitation and that is looking after greyhounds through our own greyhound adoption program, the assistance dogs and coming on-line working with Nine Lives with cats.

There are lots of different things we are doing because to reduce recidivism there is no silver bullet. With the massive infrastructure spend of our Government, that gives some opportunity to introduce new programs or extend the programs we are already offering. Comprehensively, they are some of the measures we are undertaking.

**CHAIR** - Thank you, minister. I want to inform the committee of my intention, considering we now have less than 30 minutes before the end. We will go through the rotation fairly quickly, so only a couple of questions each, and then move on, so if you wouldn't mind highlighting your highest priority because we could run out of time.

**Ms HADDAD** - Understood; thank you, Chair. Thank you for outlining some of those programs, minister. Can you confirm whether people on remand can access any of those programs?

**Ms ARCHER** - I know the short answer is yes. Not all, but some.

**Ms HADDAD** - Can I put that on notice?

**Ms ARCHER** - Sure, put something on notice if you like.

**Ms HADDAD** - I will do that. What is the average amount of time spent on remand at the moment? Is that a figure that is recorded?

**Ms ARCHER** - The average is 85 days.

**Ms HADDAD** - Of those currently held on remand, how long would the longest-serving remandee be held?

**Ms ARCHER** - We turned that up yesterday, I think. The charge was murder. The longest was 881 days.

**Dr WOODRUFF** - Minister, the Commissioner for Children and Young People provided you with a memorandum of advice on 7 May about searches of children and young people in custody across the custodial facilities in Tasmania. This was following two reports, one of a 13-year-old girl and another of an 11-year-old boy who were strip-searched in custody.

**Ms ARCHER** - Can we refer to them as personal searches? That's how we refer to it in the department. Strip-search is an unfortunate term that this parliament seem to use and it is not correct.

**Dr WOODRUFF** - I was using the term from a newspaper article; I was just referring to reports in the newspaper. I don't know if you have provided any information about those reports. I didn't

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think the department had. She provided some advice and made eight recommendations and there was a following media report saying that she had received a positive response from you. Can you please detail how you are progressing with her recommendations?

**Ms ARCHER** - I welcomed the observations and recommendations of the Commissioner for Children and Young People because a lot of what was suggested was already being looked at and reviewed at my instigation before these incidents. The reason I said to you that I referred to them as personal searches is because at no time is a search of that nature conducted totally unclothed. We recognise that that type of search can be a serious and traumatic enough experience without fully removing their clothes, so if it is a full personal search it is half and half and there is a dignity blanket. What the media articles don't explain - and I understand why, it tends to be a little bit sensational - is the exact process that is followed. Having said that, what I have welcomed, and certainly what -

**Dr WOODRUFF** - Excuse me, do you mind if I interrupt for clarification? The media article was reporting words from the Department of Justice statement, which said, 'All people who are taken into custody are strip-searched'.

**Ms ARCHER** - I am getting to that. This is the thing, if I am trying to answer a question I need to be able to be given -

**Dr WOODRUFF** - Well, it wasn't just the media, it was the DOJ.

**CHAIR** - Order, Dr Woodruff.

**Ms ARCHER** - Dr Woodruff, you have this ability to jump in when I am about to actually get to the crux of it, but because you make this elongated statement before you ask a question I have to spend time at the start of my answer setting the record straight. I have attempted to explain that at no time is a young person currently, in the current regime of full personal searches, totally unclothed. Having said that, I have instructed the department to look at more of a risk assessment model, and that is to rate low, medium and serious risk in relation to whether there is such a search undertaken, so that it is not always routinely taken.

What we have to be careful of is that these searches are carried out for the safety of the individual because there can be risk of self-harm. If there is something on the person that could be used as an instrument to self-harm, or harm others such as other detainees or prisoners or staff members, then those searches are carried out for very good reasons for the safety of the individual concerned and also other people in the prison and particular our staff.

**Dr WOODRUFF** - I am just trying to ensure that United Nations Convention on the Rights of the Child is upheld.

**Ms ARCHER** - I have welcomed the children's commissioner's input because the department is already looking at that for me, and in conjunction with my colleague, the minister for children, Mr Jaensch, we share that same view and that a holistic approach across the legislative framework needs to be looked at as well. That work is being undertaken.

**Dr WOODRUFF** - You are going to progress towards all of the eight recommendations?

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**Ms ARCHER** - I have welcomed the views of the Commissioner for Children and Young People and the department is looking at all of that with the aim of following through on my request that we move to a risk assessment model. I don't think I can be clearer.

**Mr TUCKER** - Could the Attorney-General please provide an update on the Government's recruitment of new correctional service officers and the impact that is having on staff rosters in our prisons?

**Ms ARCHER** - Thank you, Mr Tucker. On the issue of recruitment, I have briefly touched already in relation to the 107 additional officers we have employed as a government since May 2016. In relation to the recent recruitment course that graduated in May, 24 new graduates were sworn in and I was privileged enough to attend and speak at that ceremony. They are from a wide range of diverse backgrounds, as well as demographic; by that I mean age, gender, their cultural heritage. We had someone who originated from Latvia; we had someone of African origin as well. We are getting a diverse range of correctional officers and it is pleasing to see, as well as a gender range.

Each graduate underwent 13 weeks of extensive and intensive training and has now been rostered throughout the various prison facilities across the state, including five recruits located at the Launceston Reception Prison. We earlier talked about that facility. Keeping correctional officers staffing at an appropriate level maximises cost efficiency by ensuring sufficient staff are available to cover shifts and any vacancies arising from personal leave, training, long service leave and workers compensation, which we have also been discussing today.

Also, and this is one thing we are really targeting, it is reducing the demand for overtime. In conjunction with the roster review we have undertaken, the key to this is employing more correctional officers. I can confirm there will be another recruitment course that starts on 8 July and as of 31 March this year, there were 482.71 full-time equivalent staff currently working at the TPS. Of those, 353.2 are correctional officers. The staffing increase is in addition to the implementation of the recommendations in an extensive roster review, as I have just referred to.

Draft rosters have been developed for all prisons across the state that we have and the final consultation and implementation processes with staff and the unions for all southern-based prisons has commenced. The feedback from the staff and union consultation is being used to further refine the roster packages prior to their implementation. The Mary Hutchinson Women's Prison commenced operating on its new roster on 6 May this year with both Hobart Reception Prison and Ron Barwick minimum security rosters due to commence on 3 June - we have had that this week. Remaining rosters will be implemented post 1 July.

I would like to take this opportunity to thank our hardworking correctional officers. I am sure all members agree they are valuable staff members who deliver the services to rehabilitate and support our offenders, often in situations which are difficult and can be dangerous, as we have acknowledged already today. We need to handle these matters sensitively as well.

**Ms HADDAD** - I would like to return to some of the questions I asked about the Court Mandated Drug Diversion Program. I asked in the wrong output and recognise that Mr Buchanan should rest assured we are very interested in the work of Community Corrections. I asked a question about the court list in the wrong output.

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We spoke about the Court Mandated Drug Diversion Program and that you were amenable to the idea of sometime in the future expanding that program to include alcohol offences. I hope that might mean a holistic review. Some of what we are hearing is that sometimes there are really great life successes for people on the program who don't necessarily graduate.

**Ms ARCHER** - I confirmed its part of one of the stages of the phasing out of suspended sentences that we are looking at that aspect.

**Ms HADDAD** - In doing that and recognising those alternative sentencing options, which are good to hear about, I want to ask some questions about the resourcing of the program currently.

How many case managers are assigned to work with CMD clients? Also, how many alcohol and drug counsellors are there per region for CMD drug clients?

**Ms ARCHER** - When we increased the cap from 80 to 120 places on the program, we added five court diversion officer positions.

**Ms HADDAD** - Are they the case managers, by another name?

**Ms ARCHER** - Yes. They have weekly appointments with them as well as the frequent urine analysis testing that I referred to, as well as individual counselling sessions and group sessions. There is one alcohol and drug counsellor but that's different to a court diversion officer.

**Ms HADDAD** - So there is one alcohol and drug counsellor who covers the state, north, south and north-west clients?

**Ms ARCHER** - There are 14 case management officers.

**Ms HADDAD** - Including the five new ones?

**Ms ARCHER** - With three team leaders. We refer to external sources in the north and north-west because that one position is located in Hobart.

**Ms HADDAD** - The 120-place cap is statewide; there is one alcohol and drug counsellor in the south and you referred to the community sector in the north and north-west?

**Ms ARCHER** - The places available in the south are 45, north 40, north-west 35.

**Ms HADDAD** - Thank you. In terms of home detention, you spoke about that yesterday in the upper House and that the ratio of detainees to staff would be different to that ratio currently for staff dealing with people on parole - community corrections staff.

Can you confirm - understanding that is a different kind of cohort of people who community corrections staff will be working with - whether any extra training will be provided to those community corrections staff who will be dealing with home detention inmates?

**Ms ARCHER** - We did employ additional people. They are probation officers and I believe they are more experienced probation officers. We employed five additional probation officers to undertake the assessments that are required and also the case management of offenders who subsequently are sentenced to home detention.

If I can clarify for the members' benefit, the Court doesn't just immediately make a home detention order. There is a pre-assessment for suitability so not only the offender's suitability and that they qualify in terms of the conditions that need to be met. They can't be a violent offender or a sexual offender and those things which, given we are shorter on time, I did refer to all of that in the other place so you will be able to use that so that I don't become repetitive.

**Ms HADDAD** - I was interested in the training question. Thank you.

**Ms ARCHER** - Also, their house needs to be suitable and all of those other things as well, and they can't be living with unsuitable people. That is what the probation officers are for. They are provided additional training.

**Ms HADDAD** - Okay, thank you.

**Dr WOODRUFF** - Minister, you said you were progressing with the recommendations that the Commissioner for Children and Young People made in relation to strip-searching of children and young people. I accept you are looking at a number of these issues. Will you be bringing forward legislation to bring these changes into a legislative framework, as recommended?

**Ms ARCHER** - There are a number of legislative instruments that currently exist in relation to this because it crosses portfolios and crosses legislative framework. Part of the work that needs to be looked at is the consistency around the legislation. You have the Commissioner's letter there and it identifies that there needs to be consistency across the legislation.

Inevitably it will require some reform to that. Currently some of it is through the Director's Standing Orders, as we call them. There are certain things we can do in the interim to change certain practices. I don't support the routine practice of personal searching of children and young people in custody.

Well prior to that letter I asked for this review of our searching procedures. Discussions have been underway for some time between my Department of Justice and the Department of Communities Tasmania, which deals with the youth justice component of this. The department is currently reviewing its procedures and balancing the security and self-harm risks I mentioned with the dignity and wellbeing of minors.

We want to move towards a defined risk-based assessment process. Different legislative frameworks and authorities, policies and procedures will need to be looked at for consistency purposes. It is by no means a simple task, but we are undertaking that work.

**Dr WOODRUFF** - Following up on a previous comment you made about looking at good programs that occur within prisons elsewhere in Australia as well as overseas, I am aware, through the work of JusTas, a group of academics and practitioners who work in the area of justice in Tasmania, that the Maranguka Justice Reinvestment project in Bourke in New South Wales has been operating for five years. It was evaluated by KPMG and was seen to have particularly positive outcomes in a number of areas, including reducing major offences, the number of people using drugs and a whole range of other activities. Would you also look at investigating a program like that one in Bourke?



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**Ms ARCHER** - I am not aware of the program in question. I will take that on notice. I cannot commit either way, not being completely familiar with it. Nor is the department probably. All I can say is, pass the information through.

**Ms HADDAD** - I am interested in the announcement about the new TasTAFE campus you made yesterday. Will that be available for only prisoners in the minimum categorisation or can medium and maximum rated prisoners also access TAFE courses?

**Ms ARCHER** - All prisoners can apply to have access. The type of course has to be suitable. Those things are routinely assessed. There might be some type of course that might not be appropriate for a certain type of prisoner. There are lots of programs that we have that also deliver, for example, art programs and we need to be careful. Sometimes certain things might excite certain prisoners so we have to be careful of things like that. A lot of thought has to be put into the suitability of the courses but it won't be limited. Just because you are a certain classification does not mean you are on an immediate bar, it would be assessed.

**Ms HADDAD** - I wanted to touch on alcohol and drug treatment as well. I am quite familiar with the programs that are delivered through the Health portfolio, so it is not those questions. National data suggests that, on average, 80 per cent of Australian prisoners have a substance use issue. If those numbers are correct, then 530 or more people in Tasmanian prisons have a substance use issue. Those health-related programs are good, they are very well delivered, but they are very small numbers. Do you feel that more could be done in the prison to deliver alcohol and drug services to Tasmanian prisoners, particularly counselling services and rehabilitation programs, either through Health or through the Department of Justice employed people? I believe there are 26 places on the pharmacotherapy program. I am not sure how many are filled, but I imagine it is pretty sought after.

**Ms ARCHER** - The intense one, if we are referring to the Apsley Unit, which is a drug and alcohol treatment unit, is for a specified period of time where they are actually housed in a special unit. That is probably the most intense. For the financial year to 5 May, there were 36 enrolled. With alcohol and drug individual work, general counselling that is separate to the unit, 139 completed that.

**Ms HADDAD** - I know the residential program is not available to women prisoners, but is the counselling program available to women prisoners?

**Ms ARCHER** - Yes. Could I just mention also the Gondwana Program is also focused on alcohol and drug. There were 40 who completed it to 5 May, compared to nine in the previous year. We are certainly delivering more places because all of those figures are up from last year.

**Ms HADDAD** - They are definitely good numbers, but the prison population is high. If those national figures are right - 530 - would you agree that more could be done if funding allowed it?

**Ms ARCHER** - We're always looking at ways to improve prisoner outcomes. If there is drug and alcohol addiction problem, we are always looking at ways. The southern remand centre gives us an opportunity to have treatment options available within it because it is in the earlier part of a potential prisoner's stay if they are found guilty and then sentenced and then have a longer-term sentence to serve.

Across all the programs we have mentioned, we have 398 currently enrolled in our prison population. It is not all of the prisoners but that is assuming all of them would have these different related problems. We are always striving to provide services in that regard.

**Dr WOODRUFF** - I am following up on the comments made about the programs that are being undertaken in the prisons about sustainability in prisons projects. This seems to be where the best savings and best outcomes are occurring around the world. Could you please tell me whether you have undertaken a recent audit of the education programs and the participation levels within education programs, particularly with respect to literacy and whether there is any testing undertaken of inmates with respect to literacy levels when a person comes into prison?

**Ms ARCHER** - I can refer the member to the document tabled in the other place yesterday in relation to all of the areas and enrolments we have. It covers literacy and numeracy. As to an assessment on arrival and whether we ask direct questions about literacy and numeracy, some people like to not divulge that because it can be embarrassing, and that is why Chatter Matters' Just Time program is ideal because it can be discovered through that program and worked with one-on-one in that environment so it is a private affair, because people who have literacy and numeracy issues don't want divulge that.

**CHAIR** - Thank you, minister. The time allocated for Corrections has now concluded. You may wish to thank your staff before swap over.

**Ms ARCHER** - I certainly would - all the Justice team and indeed the Corrections team for the last two days. An enormous amount of work goes into the preparation for these hearings and the attendance at same. Thank you all very much, and to those who did not get to speak, you are off the hook for another year.

### **DIVISION 10**

(Department of Primary Industry, Parks, Water and Environment)

**CHAIR** - We are now entering a 2.5-hour session on the Environment. We will have a break at 4 p.m. Minister, please introduce the officers at the table and make an opening statement.

**Ms ARCHER** - Thank you, Chair. To my right is Dr John Whittington, secretary of the Department of Primary Industries, Parks, Water and Environment; Mr Wes Board, deputy secretary of DPIPWE; and Sophie Muller, Director of the Tasmanian Climate Change Office and Policy Division within DPAC, being responsible for both.

This is a wonderful opportunity today to discuss my responsibilities in the Environment portfolio, which I have said includes the outputs of the Tasmanian Climate Change Office in DPAC, the Environment Protection Authority, and part of the Natural Cultural and Heritage divisions in DPIPWE. If I don't get time at the end, I thank everyone across the two departments for the input they provide for these Estimates hearings and the ongoing advice I receive and support for these two areas.

Our Government is committed to safeguarding our natural environment and preserving what makes our state so special. We are also progressing a number of initiatives to address issues such as litter, waste and pollution, the challenges posed by climate change and the protection of our threatened plants and animals.

## UNCORRECTED PROOF ISSUE

While I am proud of the work undertaken by departmental offices across all my portfolios, I am always particularly impressed by the passion and enthusiasm that I see from staff who work at our Climate Change Office within EPA Tasmania and of course, the Threatened Species Unit at DPIPWE. Programs such as the Save the Tasmanian Devil program and the orange-bellied parrot program have seen staff spend hundreds of hours in the field monitoring, reintroducing and undertaking a range of other measures that are critical to the ongoing survival of these species and other species as well. Our Government will continue to provide additional funding to the Save the Tasmanian Devil and orange-bellied parrot programs to help with conservation efforts. I am looking forward to opening the new purpose-built orange-bellied parrot breeding facility which we have previously funded and will do so, hopefully, by the end of the month.

Our Government is also focused on ensuring we tackle issues such as litter as part of protecting our environment. We will soon roll out the new litter app to help with the reporting of litter hot spots and we will also implement the use of offenders under community corrections orders to help clean up rubbish on public land. We will release the draft Tasmanian Waste Action Plan by the end of this month, as I have already committed previously, and that is on track. I have also tabled amendments to the Litter Act 2007 to include new categories for illegal dumping of waste and increase the penalties for anyone convicted of illegally dumping rubbish.

The Budget also provides additional funding of \$1 million to Tasmania's only environmental analytical testing laboratory, Analytical Services Tasmania, or AST. That funding boosts our support for tourism and exports in the state while protecting our natural environment.

As I have said on numerous occasions, climate change is a serious and urgent challenge for our Government and I am committed to the whole-of-government activities and approach as outlined under our Climate Action 21. I will have a few things to say further about that today, no doubt.

We have also provided specific funding through Climate Action 21 to deliver on a range of initiatives and DPIPWE continues to assist in preparing our industries and businesses to address the challenges of a changing climate through initiatives such as our \$55 million fuel reduction burning program, our \$40 million Tasmanian Energy Efficiency Loans Scheme, modernising and upgrading our renewable hydroelectricity assets and investing in renewable energy projects as irrigation development.

Through my statement of expectations to the EPA board, I have requested that the board take into account the Government's policy on climate change, the objects of the Climate Change State Action Act 2008 and consider the implications of climate change on environmental protection measures proposed in permit applications from proponents. I have also asked the board to consider relative greenhouse gas emission savings as part of its assessment in decision-making on development proposals put before it.

In response, I am pleased to say the board has indicated through its statement of intent that it will continue to require applicants to address greenhouse gas emissions as part of the development assessment process. It will also consider the impacts of climate change on proposed environment protection measures and, where relevant, take into account potential greenhouse gas emission savings that may result from development applications. I am hopeful that all members will embrace that initiative.

## UNCORRECTED PROOF ISSUE

In closing, I would like to acknowledge the amazing staff. I know they are committed to harnessing the opportunities and responding to the risk that climate change presents as we continue to build climate-resilient communities across Tasmania and across our industries.

**Ms STANDEN** - Thank you for that overview. Minister, I'm sure you would have been as disappointed as I was that the Premier's budget speech made no mention at all of climate change.

In your budget-in-reply you acknowledged the:

Serious and urgent challenge that requires immediate and practical action in relation to climate change.

Since you became Environment minister, how many briefings have you had from climate scientists?

**Ms ARCHER** - Gosh. The work that we do with climate scientists and research analysts is through our Tasmanian Climate Change Office. There is a lot of work that goes on within that office, collaborating with the experts, through research, not only in formulating the Climate Action 21 but also the implementation of all of its objectives and initiatives. It is very detailed. I am sure members have had a look at that. One of the key components within Climate Action 21 is listening to the research and working with researchers. We are then going out through the Climate Change Office to provide education or assistance to industry; for example, farmers, aquaculture and areas like that.

Across those initiatives there is close collaboration with research scientists. Within all of my portfolios I meet with a lot of people and specifically, with respect to the environment and climate change areas, I meet with as many people who request meetings with me as humanly possible. My door is open. We prefer to look at the science of these things, as I am sure members would agree, and I welcome those opportunities.

I get invited to speak at various things myself about what the Government is doing in this space. I try to accept those invitations where I can humanly possibly turn up as well. Yesterday we informed the committee there have been a number of get-togethers, conferences, forums and I spoke at the one that was held at CSIRO recently and provided some input. In the waste space I have spoken at something as well. I try to get across all of those areas.

**Ms STANDEN** - You certainly do have a broad portfolio minister and I acknowledge that. Climate change is a serious and urgent challenge and young people particularly in this state and those in local government are showing more leadership to my mind than the state Government at the moment. Given that climate change is a whole-of-government challenge, I am interested to know how you are providing leadership? I am entirely comfortable with the role of the Climate Change Office and its competency. I am not questioning that.

I am looking for what role you are taking in a leadership capacity to ensure other ministers and departments are engaged in this debate. That is why I asked specifically, how many briefings you have had from climate scientists. I am interested in the names and affiliations of those climate scientists on whose advice your Government is basing its climate change policies.

**Ms ARCHER** - It is not appropriate that I start releasing the names of people that I meet with routinely.

**Ms STANDEN** - I am trying to establish the credibility of the advice.

**Ms ARCHER** - I can certainly answer what I am doing as a minister to speak to my colleagues and the cross-agency work we are doing. There is a lot of cross-agency work that is occurring with respect not only to Climate Action 21 and the reason I keep referring back to that is because that is our framework in this state.

**Ms STANDEN** - I understand that.

**Ms ARCHER** - A lot of work went into producing that and the Government hasn't been given enough credit for the work that is contained in that document. That is why I keep referring members to it.

**Ms STANDEN** - Full credit for that framework.

**Ms ARCHER** - You asked me what leadership I was providing.

**Ms STANDEN** - That is right. I think the people of Tasmania want more.

**CHAIR** - Order. Once the minister has finished or completed her answer, then Ms Standen I will give you the opportunity.

**Ms ARCHER** - Thank you Chair. I was asked what leadership I was providing and Climate Action 21 is exactly that leadership. It provides the framework for this Government to 2021. It has funding attached to that.

Much has been said throughout the Budget Estimates process. As I said in earlier outputs, it is not unusual for a budget to just attach funding to a plan that exists for a period of time. When we get to, or near to 2021, we will have started planning for the next phase and we deal with that in the normal budget process so there is leadership on this issue. I have met with young people as well but as to going through a list of specific people that I meet with I can assure members that this portfolio receives - as it has had today - equal attention to all my other portfolio areas.

Yes, I have a number of portfolios. I don't shy away from that workload and this portfolio is no different and I am very committed to delivering outcomes across not only climate change but across the Environment portfolio, which is quite a substantial portfolio in itself. There is leadership.

**Ms STANDEN** - Minister, we could debate this for a while; you've abolished your climate change council and I'm not satisfied, although again I'm entirely comfortable with the advice that you are receiving through the bureaucracy. I am trying to establish the quality of independent climate science input that you are getting for your climate change policies and you have failed to respond to that. So, I'll move onto another question that the Government -

**Ms ARCHER** - I haven't failed to respond.

**Ms STANDEN** - You won't provide advice on the names and affiliations of climate scientists.

**Ms ARCHER** - No, you asked for names of people and I have said I'm not going to disclose the names of individuals I meet with. It is highly inappropriate to bring individuals that haven't provided consent for their names or their details to be released.

**Ms STANDEN** - These are scientists.

**Ms ARCHER** - And I have assured you that the work that the Tasmanian Climate Change Office undertakes is extensive and they consult widely with researchers to inform their work.

**Ms STANDEN** - I am not engaging in your trickery. You know that the climate scientists would enjoy being named.

**CHAIR** - Ms Standen, do you have another question or I will move on.

**Ms STANDEN** - Yes, thank you, Chair. The Government claims that Tasmania has a net-zero carbon dioxide emissions on the basis of the sequestration of carbon in our forestry estate. I understand that the Government has done some modelling on the robustness of this net-zero claim under various scenarios. When will the Government release this modelling for independent expert scrutiny?

**Ms ARCHER** - Are you talking about the independent review?

**Ms STANDEN** - Yes.

**Ms ARCHER** - I just want to make sure we're talking about the right thing.

Tasmania's emissions pathway review - just making sure I've got the right review. To inform the development of our emissions reduction targets, the Government engaged Point Advisory and Indufor, to undertake Tasmania's emissions pathway review to model the potential long-term emissions trajectories across the different sectors of the economy under a business as usual policy setting. Also, to model opportunities to reduce emissions at a relatively low cost while continuing to grow the Tasmanian economy and attract future investment and to analyse options for Tasmania's emissions reduction target.

The final report of that review has been completed. That is currently being considered and there has been extensive work in relation to that. There is a process that we need to go through in Government and also consulting across government agencies. I don't know if Ms Muller can shed any further light on that process, where we're up to with that? We've certainly undergone that review process and now considering the results of that. If I have something to announce I will do so as soon as possible but as members will know, as of 2016 Tasmania reached the zero-net emissions. Our target has been 2050. We reached that early and in relation to sustaining that, this is what this review is for.

**Ms STANDEN** - Yes, I just asked when you would release the modelling.

**Ms ARCHER** - Not yet.

**CHAIR** - One last question to Ms Standen.

**Dr WOODRUFF** - She just asked that question. She's been 20 minutes -

**Ms ARCHER** - Can I just clarify, Chair? I said that we have the results of the review and need to consider them before anything is released.

**Ms STANDEN** - If the Government's net zero emissions claims are true, then Tasmania has the opportunity to make a positive difference by reducing emissions from fossil fuel so we have net negative emissions. Does the Government have a fossil fuel use reduction target, and embedded in that question is are you tracking emissions across sectors and do you have set targets for those?

**Ms ARCHER** - All of that work has been undertaken as part of the review. I think it's overly simplistic to suggest that we can move straight into negative net emissions because when we look across sectors we need to ensure we reach a point where we can sustain zero net emissions. It's too early to suggest that we can go into negatives. Ms Muller is far more of an expert on this area. I don't know if she wants to add something about that, but it's not as simple as saying if we reduce our fossil fuels we're going to move into negative net emissions straightaway; it's just not as simple as that.

**Ms MULLER** - In terms of setting targets for individual sectors there is a target that the Government established in relation to electricity generation to be renewable energy self-sufficient by 2022. The independent review of the act that was undertaken in 2016 considered the issue of targets and said it didn't recommend setting targets for individual sectors that are measured. What it recommended instead was that we take an adaptive management approach, review our emissions over time and consider the key influences on those emissions and the opportunities for us to be reducing emissions across sectors drawing on technologies that are available and cost-effective. For example, we've got a significant focus in relation to electric vehicles because of the technology that is available and will become increasingly available in the short to medium term.

**Dr WOODRUFF** - Minister, you said before that you prefer to look at the science of these things. Do you support the science of the United Nations panel in their report last year from October that says we are in a state of climate emergency worldwide? That statement has been backed up by the United Kingdom parliament, the Irish parliament, 532 local councils worldwide, and the ACT government.

**Ms ARCHER** - Chair, we have had this debate at some length in parliament already and I am clearly on the record on behalf of the Government, and I have stated in my foreword as well to Climate Action 21 that I recognise climate change is a serious and urgent issue. We have had this debate. I would have thought you would want to move to new questions and not be repetitive. I don't think it's sensible for us as members of parliament to be using the term 'emergency'. I appreciate we have a difference of opinion on that, Dr Woodruff, but I prefer not to use that language, and I made that pretty clear throughout the debate. Some people think it's okay to use that terminology. I prefer not to use that alarmist language but to recognise that it is serious and urgent and that we should act and we are acting in implementing our strategic plan in Climate Action 21.

**Dr WOODRUFF** - Nonetheless, the advice of the International Panel on Climate Change is that we have to increase our language in response to the increasing threat from climate change, so -

**Ms ARCHER** - On that aspect I suppose I disagree, don't I?

## UNCORRECTED PROOF ISSUE

**Dr WOODRUFF** - Excuse me, can I finish the question? Your Government has a plan to reduce emissions in Tasmania that runs out in two years' time. You've got a state climate change act which is well overdue for being reviewed. You've got overall net targets but the real sectoral increases in emissions are being hidden by the fact that the Greens-Labor government successfully stopped the clear-felling of forests and we've had a massive growth in carbon sequestration in this state thanks to retaining our forests and not logging them, as they were being done in the manner they were being done. We are hiding our emissions dramatically and we can and ought to be doing more. Minister, when are you going to bring to parliament the state climate change bill?

**Ms ARCHER** - You just said that the act isn't being reviewed. It is.

**Dr WOODRUFF** - But it is overdue for coming to parliament.

**CHAIR** - Order. You know the rules, Dr Woodruff.

**Ms ARCHER** - I can say it is being reviewed and will be dealt with this term.

**Dr WOODRUFF** - This term? When?

**Ms ARCHER** - I can't specify a date. I know Dr Woodruff would like it down to the last minute but -

**Dr WOODRUFF** - It is an urgent issue. Wouldn't you like to get it done?

**CHAIR** - Order, Dr Woodruff.

**Ms ARCHER** - Dr Woodruff, this is going to be a really slow and arduous process if you don't wait for me to finish. It will be this year.

**Dr WOODRUFF** - You said this term. This year is much shorter.

**Ms ARCHER** - I have just said this year. After conferring and confirming that I had it on the list for this year - you would appreciate that I have a lot of legislation; in fact I think I have 70 per cent of the legislation that goes through our House -

**Dr WOODRUFF** - None of which is as important as dealing with this globally urgent threatening issue to Tasmania.

**CHAIR** - Dr Woodruff, order.

**Ms ARCHER** - I was just confirming that it was on my list so that I wasn't misleading the committee in any way, shape or form. It will be this year. The member mentions that the plan ends. I said in my summary that the plan takes us through to 2021 and the funding attached is at that point. It is not unusual in budgets that that occurs; in fact when Ms O'Connor was in government, in the budget for 2012-13, the budget papers said the Tasmanian Framework for Action on Climate Change was superseded in 2011-12 by Tasmania's action plan to reduce emissions. It is not unusual to introduce a different plan once one expires and new funding is attached to it. To suggest that the plan ends, yes that particular plan will end but there will then be a further plan that the government will have been working on prior to the expiration of Climate Action 21 and it will be dealt with in the usual budget process.



**Dr WOODRUFF** - Minister, will the next Climate Action 21 and the state climate change bill, when they come to parliament this year, both contain sector-level targets and will there be a target to reduce liquid fuel emissions?

**Ms ARCHER** - There will be targets in the act. As I said, there will be that update tabled this year and I think members can wait until they see the bill.

**Dr WOODRUFF** - No, we can't; that is why I am asking the question now. Will they have sector-level emission targets? The minister is obviously dying to answer this question and to be honest with Tasmania about this.

**CHAIR** - Order, Dr Woodruff.

**Ms ARCHER** - Can I explain to Dr Woodruff, because she hasn't had the advantage of being in government, that there is a process to go through.

**Dr WOODRUFF** - You are so sneering.

**Ms ARCHER** - No, there is a process to go through. That wasn't meant as patronising at all. There is a process we have to go through in government that you don't breach and things like bills go through.

**Dr WOODRUFF** - That involves talking to all the stakeholders who know nothing about sector-wide targets. We have to have them order to pull down our emissions.

**CHAIR** - Order, Dr Woodruff, order, minister. Let me inform the committee that if you are not a substantive member of the committee and I name you for constantly interjecting then we have to go through the process thereafter and it can mean you may be asked to leave the committee for anything up to two hours. If members in general continually interject I will have no option but to go down that path. So please keep everything in order. Ask your questions and allow the minister to answer and we will go through this process fairly smoothly. I will move on through the questions.

**Ms ARCHER** - With respect to the Climate Change (State Action) Act and the independent review that was carried out in relation to that act and its operation every four years.

The review made five recommendations -

1. To set a new aspirational longer-term emission reduction target of zero net emissions by 2050;
2. Consolidate the objects of the act;
3. Amend the act to require Tasmanian Government agencies to consider the target, objects and principles of the act when making relevant decisions;
4. Include a set of principles to give greater effect to the target and objects of the act, and provide a set of expectations for government decision-making;  
and

5. Make a climate change action plan a statutory requirement.

The Government supports the recommendations.

**Dr WOODRUFF** - That's because they're not going to do anything.

**CHAIR** - Dr Woodruff, order. What did I say?

**Ms ARCHER** - I am attempting to tell Dr Woodruff what she can expect to see in this because that was the question I was asked. Given that additional consultation and analysis is required to determine the best approach for their implementation, that was three out of the five.

The draft amendment bill will be released for consultation before the proposed amendments come before the Tasmanian Parliament, which as I said will be this year.

**Mr TUCKER** - I have been looking forward to asking this question, Chair. Can the minister please provide an update on the Government's consideration of introducing a container refund scheme?

**Ms ARCHER** - Thank you, Mr Tucker. I thank you for your ongoing interest in this. This is an important issue and members no doubt will be interested in this as well.

Our Government is committed to safe-guarding our natural environment and preserving what makes our state so special. Through a range of initiatives, we are committed to trying to make Tasmania the tidiest state, with our target of the lowest incidence in the country and reduce our littering rate by 50 per cent by the year 2023. While the latest Keep Australia Beautiful litter index survey shows a small overall reduction in litter in Tasmania, the latest data highlights that around 41 per cent of current litter by volume is beverage containers.

In 2018 our Government funded a report to investigate a model framework for a container refund scheme, which I released in July last year. The model framework for Tasmania was developed in consultation with local government and industry to ensure the most appropriate coverage and access to a beverage container refund scheme.

The majority of all Australian states currently have container refund schemes where you can exchange containers for change at designated depots, encouraging positive incentivised recycling and reuse behaviours. These schemes have been implemented successfully with excellent results across Australia, for suppliers, consumers, communities and most importantly the environment, with significant opportunities as well. For example, the scheme started in New South Wales in 2017 has so far seen more than 1.8 billion containers returned for recycling with users of the scheme claiming the set price of 10 cents for every return. That scheme means 30 million containers are being returned each week which is resulting in a 57 per cent reduction in eligible drink container litter volume.

The recycled material is repurposed into second-life products and monies earned from sales have been used to fund much-needed charitable causes for the state. For example, \$75 000 was donated to drought-stricken farmers through the Buy A Bale program, which I know you will be interested in, and over \$10 000 for the Tathra bushfire appeal. The second-life product industry is something I see as a great business opportunity here in Tasmania.

In addition, container refund schemes have proven fruitful for not-for-profit groups, such as the scouts, where community clean-ups have netted the organisations a profit to reinvest into their programs and provided much-needed employment opportunities in remote communities who have taken on the role of an independent collection point operator.

Having now carefully considered the report, I am pleased today to announce that our Government will commit to implementing a container refund scheme as part of our broader waste strategy and draft waste action plan. We have made careful assessments of models suitable for Tasmania and will now work to commence on a detailed model and draft legislation that is necessary, noting we recognise the model design will need to deliver convenient state-wide access, complement the existing kerbside collection and be cost-efficient as well.

Once legislation is enacted, a tender will be developed and released for an organisation to run the container refund scheme. An expert reference group is proposed to be established to help the Government build a model framework implementation process.

Implementing a CRS is expected to take around two years once the necessary legislation passes, that is looking at other jurisdictions and their experiences. Our expectation is that Tasmania's container refund scheme will be operational by 2022. Specialist advice from a number of departments as well as establishing a reference group will be critical to the scheme's success. We believe, based on the experiences of other states - as I said every other state bar Victoria and Tasmania has one, they've recently introduced their own - any less time than two years would mean the planning and establishment would be rushed and industry would not have sufficient time to establish the necessary administrative and infrastructural requirements and framework that's necessary to effectively implement the scheme.

Chair, I am very pleased to make that announcement today. A lot of work has gone into today's announcement and in the draft waste action plan. Local government has been particularly pushing for this for some time so I expect this announcement will be welcomed as a huge positive for Tasmania. We are committed to working with business and industry. They are well equipped now, because of other schemes operating around Australia.

**Ms STANDEN** - I'm looking at Sustainable Living Tasmania's submission to the 2018 review of the Climate Change (State Action) Act 2008 and acknowledging that your climate policies out to 2021 will come around very quickly. I'm noting that industrial processes and agriculture per capita emissions by the Kyoto protocol set for Tasmania were above national average. I'm interested to know what the Government is doing specifically to address reduction of emissions in those sectors?

**Ms ARCHER** - I might ask Ms Muller to address this because the work that is being done in each industry is her area of expertise. A range of initiatives and work is being undertaken. As you've identified, agriculture is a key component of this, particularly as it is such an important sector of our economy and our clean and green image. Ms Muller?

**Ms MULLER** - Agriculture represents a significant component of the state's emissions profile. A number of programs and initiatives are underway to address emissions from that sector. One of the programs and initiatives we have underway under Climate Action 21 is work we are doing with Dairy Tasmania to reduce the fertiliser use of dairy farms and to improve the efficiency of fertiliser and irrigation practices. That initiative has been underway for several years. Over 50 per cent of dairy farms around Tasmania have a Fert\$mart plan in place. Through Climate Action 21 we

provided funding to work with specific farms to action their FertSmart plans. Infrastructure for example.

More broadly across the Tasmanian Government we have an initiative to support energy efficiency at the farm level. There's an energy audit initiative with farmers to address energy savings opportunities and provide funding to support infrastructure investment to reduce energy use and improve irrigation practices. There are a couple of examples of the initiatives we have underway to reduce the emissions intensity of the agriculture sector. More broadly, the Government has a role in supporting research and development and extension. That's the work that is done more broadly across DPIW in the agricultural space. Many of those initiatives have greenhouse gas reduction benefits, so anything that improves the productivity of the agricultural sector generally results in reduced emissions.

**Ms STANDEN** - Ms Muller didn't mention industry and I am wondering whether transport is part of that? It strikes me that in this area, though I am no climate scientist, whatever we have been doing perhaps has not been enough so I am anxious to understand what is being done to target these areas and how we can accelerate; maybe even a comment on whether you intend, minister, to set targets in these sectors in the future out to 2050 so that we can be satisfied that we are doing what we can. I understand Tasmania is only a part player on the national and global stage, but nonetheless I am keen to see what is being done.

**Ms ARCHER** - I think Ms Muller confirmed, and we were referring to the review, that rather than set targets for each particular confined area, it is better to have that holistic target that each contributes to so that you don't get that bounce effect and we are all working towards that same target. Please correct me if I am wrong because I am by no means an expert in this area as well. The transport component is a very important component of that because it is one of the largest contributors.

**Ms MULLER** - Transport accounts for about a quarter of the state's emissions and is a significant area focus for the Tasmanian Climate Change Office. We have a couple of strategies and programs in place. One is the Smarter Fleets Program, which is about working with fleet managers to improve the efficiency of fleets. I am doing an analysis of the fleet profile and then identifying strategies to support fleet managers reduce fleet costs and fleet emissions. That might be things like vehicle selection, vehicle utilisation and behaviour. We have delivered those programs to state government agencies, several local governments and also to heavy vehicle fleets. We currently have a heavy vehicle smarter fleets program underway and we are now also establishing a couple of smarter fleets programs looking at electric vehicles. We are really building the capacity of fleet managers to make decisions around integrating electric vehicles into their fleets. We have a program underway with 11 local governments on the Smarter Fleets and EV program and we have just commenced delivering our program to all nine Tasmanian government agencies.

We also have established the electric vehicle working group and that is a cross-sectoral group with several government agencies, GBEs, and a range of organisations such as the RACT, the university, LGAT, the tourism industry and the Tasmanian branch of the Australian Electric Vehicle Association, and that working group has been tasked with looking at the barriers and opportunities to support the uptake of electric vehicles in Tasmania. One of the key barriers to supporting EV uptake is infrastructure, so that working group has really had a strong focus on charging infrastructure.

**Ms ARCHER** - We have the grant program that we have currently announced and we will be announcing more grants in relation to that infrastructure, and working with local government is a key component of that. Some of them have been quick on the uptake and we are still discussing it with others.

**Ms STANDEN** - Minister, I don't think you were present when the Tasmanian youth climate leaders presented to a group of people here at Parliament House.

**Ms ARCHER** - I met with a delegate personally.

**Ms STANDEN** - Excellent. I have had a bit to do with one delegate from my electorate who attended Katowice COP 24. He provided a presentation, just three short recommendations to the House in March: first, to support all schools in Tasmania to make the transition to renewable energy; second, to reform the energy resource allocation to schools to allow for renewable energy savings to be kept by schools; and third, to establish a youth climate council with statewide youth representation of climate leaders. Are you able to update the committee on the Government's response to those recommendations?

**Ms ARCHER** - In relation to education in schools, that is a matter for the Minister for Education and Training to consider.

**Ms STANDEN** - I note he attended the presentation, which was excellent.

**Ms ARCHER** - I couldn't be at that particular presentation but I had already met them some weeks prior and had a personal meeting and, certainly, I was left with that and what the key priorities for our youth are in a number of different areas, of which climate change was one, of course.

In relation to the Department of Education, I am advised that it does an incentive-based energy funding model, the Energy Saving Guide, that provides improved opportunities for schools to make long-term commitments to energy savings. With funding provided by our Climate Change Office, the Department of Education uses the Tasmanian Government's energy efficiency audit program as an educational opportunity for students. The four most recent audits under the program were commissioned based on engagement between teachers and students at the Youth Climate Change Leaders Conference in March 2019.

Upcoming audits will appear at New Town High School, Deloraine High School, Don College at Devonport and Mountain Heights School in Queenstown. Students at those schools are assisting with organising the energy audit process for their schools and the audit findings will be shared with them as an educational experience.

Because of our significant infrastructure in schools, the construction of new buildings allows us to modernise capacity and technology and building in these features that are necessary for future infrastructure needs, so buildings are energy efficient. That is in relation to the Department of Education, and I will certainly give the third recommendation some consideration as well.

**Ms HADDAD** - Minister, in your election policy you committed to EPA staff collaborating with Community Corrections staff for people serving community service orders to potentially do so by working in rubbish clean-ups. Has this program commenced, or is it due to commence? That will be my first question and then I have some follow-ups after Dr Woodruff has asked her last question.

**Ms ARCHER** - This is one of those cross-portfolio ones. I am not going to fob it off but I can't say with any certainty as to how far progressed it is and how many we have operating. I know it is significantly advanced. As to whether or not our first crews have started, I can't confirm that with any certainty but if they haven't yet, I know we are near to starting. It is definitely something that is actively looked at. Apparently, we have a plan around it and that has been approved. Before we put people to work in these programs there are certain things that need to be looked at such as suitability of the site, transport to the site, supervision and suitability of the particular offender that has been sentenced to that type of order. There is that preliminary work to do, which is being done. If you would like to put anything else on notice for specifics, I can certainly follow that up.

**Ms HADDAD** - Is the EPA assessing the sites for those programs or is it a shared responsibility?

**Ms ARCHER** - I think it is done very much in conjunction.

**Mr FORD** - The EPA is working with Department of Justice around how to establish the operations for having community service orders. The Department of Justice will work with the respective land managers. Some of those land managers will be crown and National Parks, Sustainable Timbers Tasmania and some will be council. It will depend upon the area. We are facilitating dialogue between all the parties.

**Dr WOODRUFF** - Hallelujah, minister. That is all I can say. It is a great bit of news that a container deposit scheme is finally being introduced to Tasmania after decades of Greens pushing for it.

**Ms ARCHER** - Thank you, Dr Woodruff. I will take that credit.

**Dr WOODRUFF** - Decades of the three levels of Greens' governments pushing for this and all the community groups. It is appropriate to mention Planet Ark and Clean Up Australia and the Scouts and the Tasmanian Conservation Trust, Environment Tasmania and the hundreds of individuals and community group who have done beach clean-ups, and marine and coastal and conservation groups, all have been asking for this for years. I am pleased that the Government has finally listened to the overwhelming evidence of how successful it will be.

What I would like to hear is the detail about the expert reference group you mentioned. It is important that that group is not stacked with industry interests who might be trying to negotiate - as has happened in some states - a model which doesn't give the community groups, such as the Scouts, the opportunity to make money from the containers and that try to pass on the cost to the consumers or the state government. It is important to have a balance on that committee. Do you have an idea of who will be on it yet?

**Ms ARCHER** - I did highlight one of the things that was important to me personally as the minister, and that is the community benefit from this as well, particularly you have mentioned the Scouts. It could be other not-for-profit type organisations. There are opportunities for people with disabilities, if their organisation wants to get involved in such as scheme as well. It is the ideal type of work for them to perform. I look forward to the expressions of interest.

It is important to me that they have a voice. We haven't formed the reference group yet. As to who goes on that reference group, I will be in a better position to update the House when we appoint

the reference group. There are matters that need to now be looked at. The first thing we need to do is the legislative framework. Then set about the task over the following period of implementing the refund scheme and the tender process and that sort of thing. Once the model has a scheme operator those operating within that scheme will become known. The preferred model is that community groups have a role to play in that.

**Dr WOODRUFF** - To clarify, you will be establishing an expert reference group before you develop the legislative framework and the process and before it goes out to tender?

**Ms ARCHER** - It is before the legislation.

**Dr WOODRUFF** - In relation to Tasmanian devils, could you please tell me when the last Save the Tasmanian Devil Program steering committee met?

**Ms ARCHER** - You will have to put that on notice. Louise Wilson has just joined us at the table. She is General Manager of Natural and Cultural Heritage in DPIPW.

**Dr WOODRUFF** - When was the last Save the Tasmanian Devil Program Stakeholder Reference Group meeting held?

**Ms ARCHER** - For any certainty for dates we need to be putting these things on notice because we do not appear to have those dates with us.

**Dr WOODRUFF** - Has any Commonwealth money been given to the Save the Tasmanian Devil Program that has been used for any other species other than the Tasmanian devil?

**Dr WHITTINGTON** - My understanding is that all of the money that has come from the Commonwealth associated with the Tasmanian devil program has been used in the devil program work.

**Dr WOODRUFF** - So it is not correct that some of that money has been diverted into the orange-bellied parrot conservation program?

**Dr WHITTINGTON** - Not Commonwealth money, no.

**Dr WOODRUFF** - But you can provide the answer to the questions about the committee?

**Ms HADDAD** - Minister, the funding for the Save the Tasmanian Devil Program appears to expire at the end of the 2021-22 budget year. Can you confirm it will be funded in an ongoing way?

**Ms ARCHER** - That is one of those budget matters that I referred to before, whether it is a program, a plan or something with funding attached. At the appropriate time we look at the success or otherwise of the program and what funding might be needed at that point to continue the program, or not. I say 'or not' on the basis of whether or not that is a possibility. There might be a slim chance we might still have the need. We don't want it to be a situation where we have done all this work and then we completely stop. I can assure members that we look at that in the usual budget process. Whilst there is a program, there is a finite period of funding attached and then we look at it at that point.

**Ms HADDAD** - Would you anticipate that there will be a significant review of the success of the program in making that budget decision?

**Ms ARCHER** - I think we are constantly reviewing the success of the program.

**Dr WHITTINGTON** - The Save the Tasmanian Devil Program has been going for a number of years and when we first started the program it was in response to a disease we knew nothing about that had emerged in the wild. Over many years, we now understand the disease as a transmissible cancer and there are streams of work that are looking at the cancer, how it evolves and potential treatments. That is being done mostly in academic institutions including our own Menzies Centre, and right around the world.

We also understand a lot more about the devil population in the wild. The early modelling as you may recall, the university and the program put on a professor in this area of a number of years, Hamish McCallum. The modelling they were doing was predicting potential extinction of the species in the wild in the not too distant future. We did a lot of work at that time understanding that through that modelling. We have come to see that we haven't had extinction in the wild. We are not even having localised extinctions. We have localised very low populations but the devil is persisting in the wild.

Through those sorts of programs, we have learnt that the behaviours of devils have changed over time. They are breeding younger and various other things. The populations in the wild weren't doing what we initially thought. All the time we are learning. We have also developed a captive population. We now have devils in zoos, not only in Australia but around the world. We have a very high level of genetic diversity of the devil population is contained within our captive population. That is one of our performance measures: how much of that devil population is in zoos?

**Ms HADDAD** - An ambassador program?

**Dr WHITTINGTON** - We have our ambassador program overseas. We also have our wild devils that we know are disease free. Maria Island, there are 80 or so devils currently there. We also have the Tasman Peninsula where we are rebuilding the devil populations which are disease free south of Nubeena. We are also understanding how to reintroduce devils into the wild. We have learnt a lot about how to translocate devils, for example, from Maria Island and put them back into the landscape in a way where they survive and thrive.

We also have a much better understanding of the population statewide. We have found populations of devils in the south-west where we didn't think they used to exist. All of this knowledge has meant that we are in a much better place to decide the ongoing future of the devil program and what it really needs to be. The focus from the Government's perspective has changed, from understanding the disease and what it means to more about the landscape they operate within and their place in the environment. What we need to do in the future will be informed by what we know, but we are in a much different place than we were five, 10, 15 years and more ago in our knowledge of the disease.

**Ms STANDEN** - Thank you for that good news about the container refund scheme. I might have missed it but does that come in the context of your draft waste action plan, which was promised this quarter, according to your second-year agenda paper.



**Ms ARCHER** - This month.

**Ms STANDEN** - That is right. You would know there have been calls from the local government sector and others and they would say this is long overdue. They have been calling for this for at least two years. There's no money in the forward Estimates for implementing this waste action plan. Can you commit that it will be released and when and outline how the state Government will fund the initiatives in that action plan, given there is no money in the Budget?

**Ms ARCHER** - It is not a new phenomenon that when you don't have a final plan, you haven't yet attached funding. We have said all along that this month, June, we will release the draft waste action plan. It was a little disappointing that local government drew that conclusion without discussing it first. I have since spoken to them and explained that it's not unusual to not attach funding when we don't yet have a final plan. There hasn't been a delay. There has been a process to go through. I had a round table last year with interested stakeholders that included local government and industry across all organisations.

I have also had a meeting with my ministerial counterparts from other states and territories and the federal minister. With the draft waste action plan we have had to wait on the national waste policy, which wasn't released until December last year, to fully inform our work on our own draft waste action plan. Upon its release this month, we will liaise further with, in particular, local government through LGAT to talk about the waste management priorities and strategically address a them. I look forward to discussing that further work with local government because they have had significant input to date and they will have significant input following the release of that plan this month. I can confirm that it is on track to be released this month. On the container refund scheme, we have always said that that was part of, or an important component of, our waste action plan for the entire state. That is a critical component of it. The timing of that needs to be around the same time because of that synergy.

**Ms STANDEN** - Minister, it's unfortunate that there's been this delay. The advice that I have from the local government sector is that failure to move on this area has put us further out of step with mainland states and stifled investment. Nonetheless, it's welcome that you intend to release this waste action plan in June. I do think it is unfortunate that you don't have funding attached but at least there should be signals to the market. Can you elaborate on single-use plastics as part of the draft waste action plan? You would be aware of Hobart City Council's good work?

**Ms ARCHER** - I certainly would.

**Ms STANDEN** - I met with them recently. They had some interesting research indicating that 90 per cent of the stakeholders - they surveyed several thousand stakeholders - were supportive of this move, including business and hospitality.

**Ms ARCHER** - I am not quite sure if I was required to answer anything in parliament when this first came up. When Hobart City Council first announced this policy, the Government did not support it because it had not been through the consultation. It certainly had not been consulted on how it might significantly impact many of Hobart's small businesses.

The lord mayor wanted to meet with me at that point. For the clarity of the committee I said at the time, 'You're consulting on this, let's meet at that point because there is a process to go through'.

## UNCORRECTED PROOF ISSUE

It seemed to be very premature when they announced their policy because it was to be a proposed by-law. That would mean that the cost, if it does have a significant impact on small businesses, can be passed on to consumers and confer an unfair competitive advantage to businesses outside the council municipal boundaries.

When you deal with these things, just dealing one out of 29 councils, for example, can have that effect. The council had to then undertake a set process. I am sure they have embarked on this now with their proposed ban, including the preparation of a regulatory impact statement. Members will be familiar with what a RIS is if you have been on the Subordinate Legislation committee. If the director of local government is satisfied that the completed RIS meets the requirements set out under section 156(a) of the Local Government Act then the council must undertake public consultation. Through this consultation, any person or business will be able to make a submission on the proposed by-law. I would urge them to do this. That was our concern.

The Government has committed to working with all local governments, the waste industry and the community to improve waste management and resource recovery in Tasmania, which is a critical component of the waste action plan.

Rather than take this piecemeal approach, we need to look at these matters with other waste issues on a state-wide basis.

**Ms STANDEN** - Which is why I asked you if it falls within the draft waste action plan?

**Ms ARCHER** - All of these types of matters, all waste issues, are expected to be looked at in the waste action plan.

**Ms STANDEN** - In relation to your proposal to streamline Tasmania's environmental regulatory framework, I understand that you flagged that within your policy document, Safeguarding Tasmania's Unique Natural Environment. You make a number of recommendations with regard to environmental management and regulation including streamlining the EPA's regulatory framework.

Can you explain to the committee the rationale for the review and what progress has been made since the state election? On what advice did you base that policy of existing environmental regulations?

**Ms ARCHER** - I can ask Mr Ford to address that. What we are doing in relation to those regulation is his area of expertise.

**Mr FORD** - Thank you minister. Following the Government's policy position, the EPA board established an independent review of the EPA board's assessment processes under the Environmental Management and Pollution Control Act. That review provided a number of recommendations to the board.

As a consequence, the board has changed its assessment process and reduced a number of elements that were deemed to be red tape, unnecessary, seeking information that wasn't directly related to the assessment process. As a result, the EPA board has recently approved a new set of standard draft guidelines which are available on the EPA website.

**Dr WOODRUFF** - Minister, Forestry Tasmania in April published its High Conservation Values Assessment and Management Plan in a renewed attempt to get forest stewardship certification. Forestry Tasmania failed to receive that in 2015 largely due to being unable to protect old-growth forest and the swift parrot, amongst other threatened species that live there. Forestry Tasmania's plan identifies 24 000 hectares of swift parrot breeding in permanent timber production zones, and 9300 hectares of that are to be excluded from reduction and managed under a new public authority management agreement, or PAMA, between DPIPWE and Forestry Tasmania, which is yet to be finalised.

This will be a massive departure from the current process of the forest practices system. Has the PAMA been completed, and will a draft first be provided to parties interested in the conservation of the swift parrot?

**Ms ARCHER** - I might get Deidre to address that issue in terms of this portfolio because she is the deputy secretary of DPIPWE who deals with the Forest Practices Authority. You may need to repeat the final part of that question.

**Ms WILSON** - Yes, just the final part, if you wouldn't mind.

**Dr WOODRUFF** - I understand the PAMA proposes to exclude from production 9300 hectares of PTPZ land. Has the PAMA been completed and will a first draft be provided to parties interested in conservation of the swift parrot?

**Ms ARCHER** - I make the observation that it's not strictly in this portfolio, but I realise the second part of the question is relevant to threatened species so there's a little bit of an overlap and given that we have Ms Wilson present I'm quite happy for her to address that.

**Ms WILSON** - I can report that the PAMA is not yet finalised and both DPIPWE and Sustainable Timbers are in the process of providing some additional information to the Forest Practices Authority.

**Dr WOODRUFF** - Thank you. Will a first draft be provided to parties interested in the conservation of the swift parrot?

**Ms WILSON** - That's a matter to be determined.

**Dr WOODRUFF** - So there's not a commitment to doing that?

**Ms WILSON** - I have not had a discussion about what the next steps will be -

**Ms ARCHER** - Exactly, and that needs to be done in conduction with the various ministers as well.

**Dr WOODRUFF** - Okay, but you could give confidence to the communities that that would be an open process; that would be helpful.

**Ms ARCHER** - I can't give commitments to something we haven't already seen yet because we'd be missing a vital step. I appreciate you'd like us to get on the record all of these various commitments but there's a process to go through and we need to complete step one before we move to the next step.

**Dr WOODRUFF** - I suppose the commitment is to the process. That's why I'm asking you to commit to a process that involves consultation.

**Ms ARCHER** - Yes, but it does cross portfolios as well.

**Dr WOODRUFF** - I'm seeing shaking of heads, so -

**Ms ARCHER** - I've given you the indulgence of being able to provide a forestry answer in the Environment portfolio.

**Dr WOODRUFF** - Minister, will you produce maps identifying where these 9300 hectares in the PTPZ land will be and the geocoordinates of those areas?

**Ms ARCHER** - Again, this relates to the forestry aspect. I am here to answer questions on the Environment portfolio. That is a question that should have been asked of the Minister for Resources.

**Dr WOODRUFF** - With respect, minister, I'm here to ask questions about the swift parrot -

**Ms ARCHER** - And I'm telling you what I have jurisdiction over. I'm very happy to answer questions strictly on threatened species but what you're asking me about is land-related forestry, which is not my jurisdiction.

**Dr WOODRUFF** - No, I'm asking you to ask Forestry Tasmania to find out where the threatened species that you are responsible for protecting are in relation to the lands that are to be excluded.

**CHAIR** - Dr Woodruff, that is a forestry question. The minister has indicated that it's not in her brief to answer that question, so if you'd like to rephrase -

**Dr WOODRUFF** - Chair, nothing about the protection of threatened species is in the minister's brief because she has essentially been doing nothing for the whole time she has been in the role.

**CHAIR** - Order.

**Ms ARCHER** - Excuse me, I have had carriage of the Threatened Species Amendment Bill increasing penalties for those who kill or maim our threatened species in relation to awful eagle deaths that we've had. There is a lot of work being done. I can address issues in relation to the Maugean skate, our swift parrot conservation, our orange-bellied parrots and the Save the Tassie Devil program. There is a lot being done in the threatened species space, but I refuse to be drawn on forestry matters because it's not relevant to my portfolio in terms of the questions that are being asked.

**Dr WOODRUFF** - It absolutely is relevant. You should make a commitment to consult. Why don't you want to look at where these trees are?

**CHAIR** - Order. Dr Woodruff, you are acting in a highly disorderly manner.

**Dr WOODRUFF** - It is pretty outrageous that you're not interested.

**Ms ARCHER** - It is outrageous if you don't understand these outputs, Dr Woodruff.

**CHAIR** - Dr Woodruff, you don't want me to close this session down, I'm sure.

**Ms ARCHER** - Chair, I know you said that we could have a break at 4 p.m., but I was wondering if I could have a comfort stop early given we've just finished that line of questioning.

**Dr WOODRUFF** - We haven't. I have more questions to ask in this area.

**CHAIR** - We can come back to that.

**Ms ARCHER** - I am asking if I could have a comfort stop.

**Dr WOODRUFF** - Whatever you need to escape the heat, minister.

**CHAIR** - Order. In fairness to the minister, I do have a note here -

**Ms ARCHER** - That I passed over 15 minutes ago asking if I could have a toilet break.

**CHAIR** - It's not taking any time off the committee to have a five-minute break now and then have the rest of the Environment scrutiny after we come back.

**The committee suspended from 3.46 p.m. to 3.53 p.m.**

**Ms STANDEN** - Minister, as I said, the container refund scheme is welcome but the community is already paying the price for inaction on recycling and plastics. In nearly all other jurisdictions, the state governments are providing significant funding support to councils and businesses for action in this area. I have been advised that there is a real risk that without that, recycling will become unaffordable, particularly in the local government sector.

What support will the Government commit to providing under this container refund scheme and the broader waste action plan to businesses and councils in this regard?

**Ms ARCHER** - How our final CRS will look is dependent on the further work that now needs to be undertaken in relation to the legislative framework. Whatever government funding might be required to undertake that work and to set it up will be looked at within the usual budget process.

It is a model that is self-sustaining. It is not a government-run scheme; nor should it be. We want to see it run as something that can benefit community, has the best outcome possible for our community and for our environment. It is not going to be a government business or government operated scheme. As to the set-up costs and anything that is required, that will be part of the usual budget process.

I am hoping members can appreciate now that is impossible to attach funding to something where further work still needs to be done. There is a commitment for a container refund scheme in this state, as I have announced today, and we will look at that funding in the usual course of events. I can say at the outset it is not a massive commitment required by government because in other

states the way it has been set up, it is a self-sustaining model and we now have the advantage of looking to other states as to how they have set up their models and what the best models are. Our consultant who looked at that, which was the \$100 000 commitment that got us to this point of looking at different frameworks and models that were available to adopt and what might best suit Tasmania.

It looks like a not-for-profit type scheme would be the best model. We are committed to looking at the models across Australia to inform the framework that is required in terms of the legislation.

**Ms STANDEN** - I am hearing that there are some elements that are unclear or yet to be finalised within the context of the waste action plan which you have committed today to release by the end of June. Is it a draft plan or a final plan? What flexibility is there for further consultation and refinement of that plan?

**Ms ARCHER** - As I said, it is a draft plan for consultation. What has brought us to this point is a lot of consultation already, but the finer points of what has now been produced as a draft of what we are proposing as the waste action plan for Tasmania. It is the final consult if you like so that LGAT and other stakeholders are happy with that being a reflection of the input they have provided to date as well.

**Ms STANDEN** - Are you able to commit today to a time frame for finalisation of the waste action plan. You have said the budget for 2019-20 doesn't contain provisions for funding of the action plan and its implementation. Can you commit today to when a final action plan will be completed and whether you envisage that to be funded within the context of next year's budget?

**Ms ARCHER** - We are hoping that the draft now will become a final plan by the end of the year. We will then look at it in the context of the next available budget.

**Ms STANDEN** - In the broader context of a recycling crisis that has been emerging, not just here but globally, and I note that last year's Estimates explored aspects of the China situation and closure of avenues for recycling into other overseas markets. What initiatives are in place to build the Tasmanian recycling industry? Here I am talking about not just a container refund scheme but recycling of industrial waste. What initiatives are in place to build the Tasmanian recycling industry and prevent recyclables being shipped and stockpiled interstate? In this current climate would a waste levy be the best mechanism for investment in the local recycling and resource recovery industry for Tasmania?

**Ms ARCHER** - This is the work that is being done at meetings of environment ministers. I referred to in one of my previous answers, the ministers from around the states and territories and federal minister, signed-off on a national waste policy. It is vital that we have that consistency because, as you mentioned, we have the Chinese policy, which was banning imports of recycling to that country, which brought on the need for recyclers and councils around Australia to get together at that ministerial meeting. I might add, that the head of LGAT, the national organisation sits in on that meeting as well and provides input.

It is important to note the input from industry and, by that, I mean the big parts of industry and their commitments. I will probably need Mr Ford's help in relation to targets that have been set by industry for recyclables. If you could fill in on that because I know you will have that in your head.

**Mr FORD** - The Australia Packaging Covenant Organisation is the entity that is nationally established to work with the packaging sector. They have been working with the federal government to set national targets around ensuring that more of our packaging material is recyclable, compostable, made of recycled material. By 2025, they have laid out the national waste policy for which there will be a national implementation plan. Those targets align with targets that have been set in Europe and elsewhere around the world. It is trying to get to the 100 per cent recycled.

**Ms ARCHER** - What was the target for 100 per cent recyclable, was it 2030?

**Mr FORD** - I will pull up the targets.

**Ms ARCHER** - We will find out those targets but there is a national target so rather than each state having inconsistent targets and policies, we are trying to work together by using that nationalised policy as a guide.

You asked what funding sources and things like that are available. I know the Commonwealth has assisted. For example, I have visited Enviroinex, up north near George Town, and a very impressive operation and you can see the expansion there. The current expansion, I understand, was a Commonwealth grant, so there are a lot of opportunities for business as well. That's where I see Tasmania has some opportunities across our state and in regional areas in particular to recycle and reuse products. We will be looking at existing or other types of grants that can be utilised by business. That will necessitate discussions at some stage too with State Growth.

**Dr WOODRUFF** - Minister, the PAMA is a statutory agreement under the Threatened Species Act 1995. That act is administered by you. Section 31 gives the secretary the power to sign-off on a PAMA, and the PAMA will be between DPIPW and Sustainable Timbers Tasmania. This is firmly under your jurisdiction. Will you please table the maps that identify where the 9300 hectares that are being considered in the PTPZ land are located with the geo coordinates?

**Ms ARCHER** - We were going to come back and acknowledge that because it is important to see this as a step process as to when I have that involvement because the Forest Practices Authority is not in my purview but Ms Wilson can explain that to the committee.

**Ms WILSON** - Through you minister, the member is correct. A PAMA is made under section 31 of the Threatened Species Protection Act. It is an agreement between the secretary and a public authority, or the secretary's delegate, in this case. A public authority can be Sustainable Timbers, but we have also had PAMAs which have been highly successful, for example, with Hydro Tasmania where we have provided certainty in day-to-day operations around the yininga and Great Lake area. They have proven to be a very effective way to manage threatened species. The agreement can specify its purposes and aims and its functions.

As you have indicated, Sustainable Timber Tasmania is a public authority -

**Dr WOODRUFF** - Does that mean that the other 14 700 hectares in the permanent timber production zone of swift parrot identified habitat will be logged, since that is not to be excluded?

**Ms ARCHER** - Ms Wilson has explained the process, and her authority that she has provided as the secretary's designate to approve or not those plans. They are currently in draft. We are not in a position to advance that further.

**Dr WOODRUFF** - I'm not talking about the PAMA. I am talking about the rest of the land that the PAMA will not relate to.

**Ms WILSON** - I am not an expert in production forests, our interest is in threatened species, and its appropriate management. If an area was available under the appropriate legislation for forest production, there would still be a requirement for a forest practices plan. I am not sure if that answers your question?

**Dr WOODRUFF** - So the other 14 700 hectares of swift parrot habitat will be available for logging?

**Ms ARCHER** - Ms Wilson was attempting to explain where we were at. We can't advance this any further than what we have just explained

**Dr WOODRUFF** - Can't or don't want to can't. Choose not to.

**Ms STANDEN** - Minister, you'd be aware that Prime Minister Morrison has recently created an Assistant Minister for Waste Reduction and Environmental Management - a first as I understand it - in his outer Cabinet, Queensland MP Trevor Evans. Given there is potentially a range of things in that purview - single use plastics, investing in recycling initiatives, reducing packaging, product stewardship for tyres, batteries, solar panels, e waste - how do you, as a Tasmanian minister, plan to work with your federal counterpart to action some of those issues?

**Ms ARCHER** - As I was saying with the national waste policy, I expect the assistant minister will attend our ministerial meetings, along with the minister for environment. That is quite often the case. The federal assistant minister used to always attend with the federal minister. I expect, having a large component of the agenda when our ministers for environment across states and territories meet, he will have a large input and may even have carriage of those matters.

I am yet to meet with the new minister and assistant minister, but it is certainly on my agenda. We will have the ministerial meeting later this year. Do we know what month? October we think it is scheduled for. I have already touched base by letter, and we'll meet with those various counterparts. It demonstrates, in relation to the federal government, the size and importance of the waste issue. It is critical that we work nationally on the issue of waste given the China Sword policy and the targets that have been agreed upon by all states and territories and the Commonwealth.

I have the targets here. I was wrong. It wasn't 2030. It was 2025, which is even more ambitious in relation to the three additional targets of APCO that we referred to. What does that stand for again?

**Mr FORD** - Australian Packaging Covenant Organisation.

**Ms ARCHER** - They are providing significant leadership in this area.

The four targets to be achieved by 2025 are -

1. One hundred per cent of packaging to be reusable, recyclable or compostable. That includes our supermarkets. Most have started to phase out things such as trays;



2. Seventy per cent of plastic packaging recycled or composted;
3. Thirty per cent average recycled content across all packaging; and
4. Phasing out problematic and unnecessary single-use plastic packaging through redesign, innovation or alternative delivery methods.

Each target will cover all packaging made, used or sold in Australia, including business and imported packaging.

That type of leadership from industry is important. We were talking about single-use plastics and Hobart City Council. When they start to go these things alone, it can cause issues when our preference would be for us all to work together. It is critical that we get that consistency.

**Ms HADDAD** - I have another question that relates to working with local government. Glyphosate is used by many councils around Tasmania as a weed-killer and for other purposes. As you would be aware, there have been multiple cases overseas of people who have been exposed to glyphosate in their work, sometimes decades earlier, who have had increased respiratory issues, liver and other organ failure and ultimately a significant increase in cancers.

Last year the World Health Organisation issued a statement that their view is that glyphosate should be reclassified as a probable carcinogen. It is a local government issue in terms of what they choose to use and I am aware individual councils are reviewing the use of it, but do you have any appetite as Environment minister to intervene at a state Government level to outlaw the use of that or to restrict its use from a state Government perspective?

**Ms ARCHER** - This has become topical in the Work Place Standards portfolio which is in Building and Construction under Ms Courtney. It is not strictly an environment issue. That is not to say that we don't communicate about these issues, because the historical use issue that has recently arisen is identified with Local Government.

I will throw to Dr Whittington to add to that particular topic. It is not strictly environmental although I do have that concern as Environment minister.

**Dr WHITTINGTON** - The use of herbicides and pesticides is regulated by the Australian Government, the Australian Pesticides and Veterinary Medicines Authority (APVMA). In Tasmania we adopt the national system in the use of chemicals. We are following the national system under the APVMA and that is the way we do it down here.

**Ms STANDEN** - I have some questions about stormwater. I am not sure whether this falls within your portfolio?

**Ms ARCHER** - I expect it is local government.

**Ms STANDEN** - Okay. I understand that there are state stormwater management guidelines and that they are contained within the interim planning scheme. I am seeking confirmation in case that is within your portfolio. I have some concerns about stormwater quality of which I am sure you are aware since I wrote to you a short while ago about Blackmans Bay.

**Ms ARCHER** - Stormwater is a local government issue that was a retained issue for them when the rest of their functions in terms of water and sewerage were transferred to what is now TasWater.

On that issue of which you wrote to me, I have received a number of representations from concerned residents as well and I understand their concern. It is an issue where although there is no direct involvement because it is local government and TasWater, there has been discussion and assistance in terms of the EPA involved in that process, which again I wrote to you about. Stormwater is a matter for local government. Having said that, it is an issue which, because it is sewage, can be a public health issue as well so that crosses into the Health portfolio as well. There is a range of input that is required. From the EPA's perspective, Mr Ford, did you want to add anything in relation that process and the EPAs further involvement? I have met with the mayor and other mayors who have concerns around this.

**Mr FORD** - Thank you, minister. I will make two points. First, the EPA gets involved with stormwater where there is something like a breakage and where TasWater's infrastructure ends up infiltrating stormwater through breakage or damage. We have done a number of those investigations. Second, in relation to the Derwent Estuary, as part of the working with the Derwent Estuary Program over the coming summer the EPA is going to undertake some sampling of its own using Analytical Services Tasmania to see if we can identify some other markers that can determine where the effluent is coming from in terms of the enterococci, using some non-DNA scientific testing that can be done at AST, and I have advised the councils of that and will continue to work with them.

**Ms STANDEN** - Thank you. This issue has been running since April 2017 and I acknowledge the complexity of the issue. I am not trying to insinuate that people aren't engaging in this issue with the best of intentions but it seems to me that DEP, TasWater, EPA and councils are trying to work together but I have been advised by council that EPA would be well positioned if it were able to apply additional resources to the task at hand but also more broadly in terms of stepping up to a statewide regular role in water quality issues. I am wondering what capacity there is for the EPA to up the ante, I suppose. There has been a clear failure of someone somewhere and no-one in particular, perhaps, in this regard.

**Ms ARCHER** - I do not accept there has been a clear failure because there have been so many tests carried out and they are inconclusive as to one cause of the problems being experienced.

**Ms STANDEN** - I am not pointing the finger, minister, but the beach is still closed.

**Ms ARCHER** - I know you said you weren't but you just made that statement and that is a bit concerning, because everyone has been doing their best in their various areas of jurisdiction to test things, to the point where I know Kingborough Council has also been counting seagulls to see whether the waste produced from seagulls is contributing to the issue. Everything is being considered in that context and nobody has been able to arrive at a conclusion. The EPA has had an involvement to date. I appreciate what Ms Standen suggested as an overarching type of role but EPA is already involved in the process. That would mean taking away another function of local government and TasWater and that type of reform I don't think will necessarily mean that we end up finding the cause to this.

**Dr WOODRUFF** - Minister, can you explain why your department has decided to cut out some swift parrot habitat from the permanent timber production zones and put them under a PAMA

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for protection but leave others languishing under the Forest Practices Authority approvals process? I can only assume there is some belief that there's a difference in the value of protection between the two different systems being proposed.

**Ms ARCHER** - I'll get Dr Whittington to address this because Ms Wilson has had to go to another committee due to clashes we have with committees and secretaries and deputy secretaries.

**Dr WHITTINGTON** - If I understand your question you're asking why some parts of the production forest would be under a PAMA and others wouldn't be. Is that your question?

**Dr WOODRUFF** - That's right.

**Dr WHITTINGTON** - As Ms Wilson said, the PAMA is still draft, but my understanding is the intention of the PAMA is to cover all the potential habitat for swift parrot.

**Dr WOODRUFF** - I beg your pardon?

**Dr WHITTINGTON** - My understanding is that the PAMA is to cover all of the potential habitat for swift parrot, or southern forests, I should say, for the swift parrot.

**Dr WOODRUFF** - Okay. I understood that the high-conservation value assessment and management plan from April 2019 identified 24 000 hectares of swift parrot breeding habitat across the PTPZ and the PAMA would only cover 9300 hectares.

**Dr WHITTINGTON** - It's a draft PAMA at the moment and we'll have to see where it lands.

**Dr WOODRUFF** - If only a subset of the total amount is to be put into a PAMA, my question remains: why is the department considering protecting some swift parrot habitat differently to other swift parrot habitat?

**Ms ARCHER** - It's hypothetical, isn't it, because he said it's a draft plan.

**Dr WOODRUFF** - But this is a reality we're dealing with.

**Ms ARCHER** - You're talking as though we've drafted the plan.

**Dr WOODRUFF** - You are responsible for signing off on the plan. Will a plan that is signed off for the protection of swift parrot habitat cover all identified swift parrot habitat?

**Dr WHITTINGTON** - The development of the PAMA is something that STT is currently doing. It's in draft form. When it becomes finalised I won't be signing off on it, it will be done under delegation by Ms Wilson. Once we have a plan to consider I will be able to answer the question.

**Dr WOODRUFF** - Is there any evidence that you have reached the conclusion that threatened species, in particular swift parrot habitat, should be managed differently for their protection, because that's what this would be establishing, a different form of protection, one under a PAMA and one under the FPA.

**Ms ARCHER** - The same answer stands.

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**Dr WHITTINGTON** - Just to be clear, the Forest Practices Authority would still be required to issue a forest practices plan over any coupe, whether there's a PAMA in place or not.

**Dr WOODRUFF** - Then why go ahead with this process of establishing a PAMA? If that's already happening, then why are we having -

**Ms ARCHER** - It's STT's PAMA, isn't it?

**Dr WHITTINGTON** - I can speak generally about PAMAs. PAMAs provide a framework within which a public authority can have confidence about how it's going to go about its business. It can be a strategic planning document, which is the reason Hydro Tasmania has one for the management of the Great Lakes and water levels. It is an agreement between the secretary, or the delegate, and the public authority. In the case of forestry activities, the regulator of forestry in the context of land clearing is the Forest Practices Authority, so whilst the PAMA is an agreement between the secretary and the public authority, there is still a requirement to work with the Forest Practices Authority to get approval for any particular coupe. What the PAMA can do is demonstrate a strategic landscape-scale conservation plan for a species which can then be used to help provide context for any application for a forest practices plan.

**Dr WOODRUFF** - This is all good news. My question remains, why would anything other than the best practice be used to protect swift parrot habitat that is under potential logging by Sustainable Timbers Tasmania? What you're talking about is a dual system, one which has a strategic landscape-wide protection, which is what I would have thought the minister protecting the species would be looking at, and another one which is not offering that protection in other areas that have swift parrot habitat within forestry Tasmania's logging PTPZ lands. Why don't you put the whole lot under a PAMA?

**Mr WHITTINGTON** - It's a matter for STT, the public authority, to determine the amount of land they want to put forward and propose through a PAMA, so it is their decision about what they put forward. Just coming back to the dual system, it is not a dual system because the Forest Practices Authority can use the PAMA in their decision-making. It is a way of pulling together a whole raft of information into a decision-making process.

**Dr WOODRUFF** - Can you initiate a PAMA, minister?

**Mr WHITTINGTON** - My understanding is that it needs to be a public authority that provides one to the secretary for their consideration.

**Dr WOODRUFF** - But you're not obliged to sign off on it just because you've been given it.

**Mr WHITTINGTON** - Absolutely not, it is a statutory decision of the secretary or their delegate, which in this case will be Ms Wilson, about whether she determines if the PAMA meets the objectives of the act.

**Dr WOODRUFF** - So you are empowered to require that the rest of the lands that have swift parrots in them under the jurisdiction of Sustainable Timbers Tasmania are not given a second-rate protection and be missed out on a PAMA.

**Ms ARCHER** - Depending on what the requirements are, rather than your wording.

**CHAIR** - We have been down this track; I will move on to Ms Standen.

**Ms STANDEN** - Regarding the EPA's budget, the 2016-17 annual operating budget according to the annual report was \$12.261 million and for 2017-18, if I have read it correctly, \$13.114 million, so a 7 per cent increase. I am just wondering in the context of the overall state Budget whether you can advise what you expect the operating budget for the EPA will be moving forward?

**Ms ARCHER** - I will throw that one to Mr Ford.

**Ms STANDEN** - I am wondering, in the context of the state Budget, what the funding from the state will be for the EPA for next year and the forward Estimates?

**Mr FORD** - In the EPA annual report is the allocation that is made to the EPA by the Government to do its work. Within the Budget at the output budget level, the corporate overheads of the agency are put into all the budget outputs, so the difference between the two is the corporate overhead plus there is also the Nyrstar grant. I would expect the allocation that is referred to in the EPA annual budget would be consistent over the forward Estimates, with the vagaries of indexation to be applied based on salaries.

**Ms STANDEN** - So in the context of the overall state Budget, minister, can you advise or guarantee that the EPA will be immune from any budget cuts?

**Ms ARCHER** - We have been over this in numerous committees already in relation to Treasury working with heads of agencies in relation to the efficiency dividend, which is 75 cents in every \$100 or 0.75 per cent, which is modest. Particularly in comparison to other states, it is not unusual for budgets and it is not unusual for heads of agency to work with Treasury in that regard. That is consistent across agencies.

**Ms STANDEN** - That is your answer?

**Ms ARCHER** - That is my answer and it is very consistent with all of my colleagues, I am sure.

**Ms STANDEN** - Yes, very careful. I am not trying to catch you out here but in the context of the Beach Watch program and the ongoing issues, not just at Blackmans Bay but at 10 of 18 beaches receiving a fail under the DEP's Beach Watch program in its final assessment, I have met with them and I understand why they confine their testing to the summer period. Nonetheless I think there is a broader public interest here and I am interested to hear from you. I know you wrote back to me saying that you disagreed and that you were satisfied with the EPA's involvement in the matter and that it has been sufficient and appropriate. I am sure that within the resources the EPA has currently that is the case.

I am interested in what contingencies there are and what capacity there is in the event that this becomes an ongoing issue. What more can be done to address this issue, not just at Blackmans Bay South that has been an ongoing issue for two years, but at Nutgrove Beach within your own electorate that has been an ongoing issue for many years? I was very surprised when I came into the parliament to hear that Little Howrah Beach, just along the way from where I live, has had ongoing issues too. As a well-informed member of the public, I had no idea about that.

**Ms ARCHER** - It's a long-standing issue for local government, hence the Derwent Estuary Program and the valuable work they do and the continual testing they provide. The state Government provides funding to that program as well the councils that have those beaches that surround the Derwent. What I will say also in relation to testing, if we are talking in terms of scrutiny of this Budget, is the extra \$1 million for Analytical Services Tasmania which I referred to in my overview, which is really important because of the nature of the testing that now occurs within that Tasmanian facility. The \$1 million is to provide the funding that is needed because of their workload and the types of testing they now conduct. In terms of what we are doing with EPA resources, that is a resource that EPA heavily relies on, for obvious reasons. It is all part of what the EPA does, so there is that additional \$1 million while we also undertake a review of the future needs of that service.

**Ms STANDEN** - I say again that the DEP, EPA, TasWater and councils have done the best they can within their existing resources but yet we have this ongoing issue. I am wondering what capacity there is to extend, for instance, water quality monitoring and for the EPA to be resourced and tasked to take on a statewide regulatory role in relation to that to improve the public confidence in not just the Derwent Estuary. There are other places where Tasmanians recreate and swim - even those mad people in their wetsuits this time of year, as we approach Dark Mofo - all year round.

**Ms ARCHER** - Or not.

**CHAIR** - Birthday suits, they are called.

**Ms STANDEN** - Thank you, Chair, for that clarification.

**Ms ARCHER** - I am a little bit uncomfortable with this line of questioning because it is a local government area and under the Public Health Act, local councils have responsibility for this. I know that a few councils have concerns in this area but neither have they suggested that they give up areas of their responsibility, which seems to be what you are suggesting.

**Ms STANDEN** - I think Kingborough Council would be glad.

**Ms ARCHER** - But there are 29 councils. Okay, not all have beaches but a significant number around Tasmania do.

**Ms STANDEN** - It is the classic cross-portfolio issue, I know that.

**Ms ARCHER** - I'm not even talking cross-portfolio; I am uncomfortable on the basis that what you are proposing is something that has not been consulted on with local government, let alone considered by the Government. It is certainly not something that has been put up as a proposal by LGAT or anything to take that type of thing any further. It is certainly not the intention of the Government to be going down that path.

**Ms STANDEN** - So in your view, that would be the next step, for LGAT to look into it?

**Ms ARCHER** - No, I am saying that it is not the Government's intention to go down that path.

**Dr WOODRUFF** - In April, which is two months ago, Forestry Tasmania - or so-called Sustainable Timbers Tasmania - had on their HCV assessment and management plan the statement

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the PAMA is in the final stages of the approval process. That was two months ago. They have identified 24 000 hectares of swift parrot habitat in the PTPZ land and they have identified further that 9300 hectares of habitat across the southern forest, which is what the secretary referred to before, has been strategically identified and which is now, in their words 'excluded from production'.

Can you please provide the map that has the area of those 9300 hectares?

**Ms ARCHER** - Chair, I am going to call a point of order on the member. She is asking the same question that was asked probably an hour ago.

**CHAIR** - I will accept the point of order. I make the point though that the member can ask the same question all day.

**Ms ARCHER** - I repeat my previous answer is what the answer is.

**CHAIR** - I don't have the ability to either change her question or your answer. The thing I would relate to is the fact that you did mention that it is a Forestry Tasmania or a Sustainable Timber Tasmania plan.

**Ms ARCHER** - We have explained to the member exactly at what process there is an involvement at this department, that there is an involvement of the forestry portfolio and we have done our best to explain to Dr Woodruff that it is in draft. We can't release maps. It is a draft document produced by Sustainable Timber Tasmania. She has asked the exact same question so I am repeating the same answer.

**Dr WOODRUFF** - No I haven't. I have asked it about the southern forest which is what has been revealed.

**CHAIR** - From the chair, I can't tell people what they should ask or shouldn't ask, but what I can do when the line of questioning has been gone through, I can reallocate the questioning.

**Dr WOODRUFF** - That is extremely unreasonable. I added a new bit of information in there about southern forests. I would not want to be shut down from a totally reasonable question about the information that Dr Whittington provided in his last answer.

**CHAIR** - The minister gave her response, therefore we are moving on.

**Dr WOODRUFF** - Chair, excuse me. Will you ever provide the maps?

**Ms ARCHER** - You have asked me that question too, Dr Woodruff.

**CHAIR** - Order. I need the table to quieten down enough so that you can ask the question.

**Ms HADDAD** - I wanted to follow up on my glyphosate question. It is a bit of a cross-portfolio question but with the secretary of DPIPWE here, I hope you will allow a little bit of leeway to know whether it is used by any DPIPWE field staff for any purpose and whether that might be reconsidered?

**Dr WHITTINGTON** - I will have to take that on notice.

**Ms HADDAD** - I am happy to do that, thank you minister.

**Ms STANDEN** - Last year in Estimates - and I wasn't there so I don't have the deep inside insight into this - but you were commenting on natural disasters and extreme weather events, floods, fires, et cetera. We are off the back of an extreme event with the bushfire season of 2019. I note in *Hansard* you made reference to a \$250 000 research project to examine the impact of climate change and how to better respond to fire events in the TWWHA. With the benefit of hindsight, are you able to provide any further advice to the committee about that research? Has the research concluded and are there further recommendations to be examined in light of the bushfire season recently passed?

**Ms ARCHER** - That was the research project where there were 18 recommendations and the Government supported 13 in full and five in part, with some already implemented and others continuing to be progressed due to their longer-term nature.

The committee, comprising representatives from DPIPWE, Tasmania Fire Service and DPAC, meets quarterly to monitor implementation of the recommendations. One of the key outputs of the work currently being conducted is a comprehensive TWWHA fire management plan that will contain clear objectives for fire management in the TWWHA, provide clarity regarding circumstances in which priority will be given to protecting the outstanding universal value of the TWWHA over built assets; clear objectives for management burning in the TWWHA, including indigenous burning practices and a framework for monitoring impacts of bushfires and planned burns in the TWWHA.

The Parks & Wildlife Service is also reviewing its immediate, medium and long-term fire suppression capabilities; reviewing the research program on fire and natural and cultural heritage values; enhancing its risk assessment tools including the bushfire risk assessment model and bushfire operational hazard model; revision mapping alpine vegetation communities and other fire sensitive vegetation communities in the TWWHA and conducting rehabilitation trials in areas of the TWWHA that were impacted by those 2016 fires.

In response to the research project, the Tasmanian Government allocated additional funding of \$4 million over four years of the 2017-18 budget for bushfire management in the TWWHA. In addition, the Government has committed \$55 million to a dedicated fuel reduction program which is still ongoing. This program has already resulted in a number of planned fuel reduction burns that have increased our ability to protect life and our assets and our natural and cultural values and wilderness areas.

There is no doubt that our fuel reduction program which has burnt the equivalent of 40 000 football fields in over 500 burns, it is just easier to visualise it that way, I think, around the state so far - dare I mention football - help to reduce fuel loads ahead of this year's summer bushfires. There is no doubt that had we not conducted fuel reduction burns the consequences those recent fires may have been worse. We know that it is centuries old practice and that it works and that is why we are committed to that fuel reduction burn program. I am not sure if Ms Muller wants to add anything further to that?

**Ms STANDEN** - Minister, it has been said to me that this is the first generation to feel the impacts of climate change and the last with the opportunity to act and that this decade is really quite critical. Within your climate change responsibilities, I am wondering if you have any insights to



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share about where the Government has planned to respond to other mitigation risks, mitigation strategies and risks, for instance around coastal erosion to name one, but there might be others?

**Ms ARCHER** - All of that is being looked at in the work that we are doing in relation to climate change. I might ask Ms Muller as there are a number of different issues that we could go into here.

**Ms MULLER** - In relation to coastal issues, as part of the climate change action plan we have an action to look at coastal hazards and climate change for existing settlements and values. That project commenced last year with a series of consultation workshops around the state, particularly with local government as land owners and managers, and also across state government agencies.

That work really is the start in exploring some of those issues in terms of managing those coastal hazards for existing settlements. We are just concluding the report for that project which summarises the issues that emerge from those stakeholders as well as a bit of an inter-jurisdictional analysis to look at what other jurisdictions are doing for existing settlements and some options for future management of coastal areas. That builds on the work that the state Government has done in relation to planning and the introduction of coastal inundation and coastal erosion codes which incorporates sea level rise planning allowances.

**Ms ARCHER** - I think that is very much working closely with local government for their obvious interest in the matter.

**Ms STANDEN** - Taking that further in the area of climate change, I am aware for instance that most Tasmanians for a range of reasons are slow to get on to electric vehicles. I congratulate the Government on its investment in infrastructure as one way of starting to progress that. What more could we be doing? For instance, are you advising consumers of the possibility of stranded assets, whether that be domestic vehicles or transport fleets, or diesel infrastructure on farms? What more can we do to prepare Tasmanians for a reduced fossil fuel future?

**Ms ARCHER** - Part of the work in Climate Action 21 deals with a cross sector, the community, local government, industry and targeting, particularly, small- to medium-size businesses and creating energy efficiencies for them. I have gone through these matters in the House in quite some detail. Ms Muller has referred to the ChargeSmart program and the Smarter Fleets Program, climate resilient councils.

**Ms STANDEN** - Can I look forward to having an electric vehicle as my next fleet car?

**Ms ARCHER** - Yes, exactly. PowerSmart is working with business to create efficiencies as well. It is targeting many sectors, but we know that it often starts in the home. That is why energy efficiency in the home and a lot of the audit programs for that can go a long way to educating our community. You touched on one earlier in relation to what we are doing in our schools with energy efficiency, renewable energy sources and building better schools for the future that are energy efficient. I don't know if Ms Muller wants to mention anything that I may have forgotten but it targets a number of different areas, industry being a key component.

**Ms STANDEN** - What about bunker fuels for visiting cruise ships?

**Ms ARCHER** - That is the subject of an international target in relation to what will be happening in a few years' time. I will turn up the right information for you, so I don't get the projection incorrect. That relates to air quality. Sulphur dioxide emissions from cruise ships will

be significantly reduced after an international regulation requiring all ships and vessels to use fuel oil with sulphur content not exceeding 0.5 per cent. This will be introduced worldwide on 1 January 2020.

**Ms STANDEN** - Good.

**Dr WOODRUFF** - Minister, the Norwegian oil company, Equinor, has proposed to drill for oil in the Great Australian Bight. An environmental management plan was leaked and then subsequently released by the company that showed there is a risk a spill could impact on large stretches of the Tasmanian coastline, including entirely surrounding King Island. The Tasmanian Abalone Council has grave concerns about it would mean for their fishery. I imagine lobster and wild fishery industries would feel the same. There would be an impact on coastline vegetation and coastal breeding shorebirds. What engagement have you had with the processes and plans that have been proposed? What approvals will be required? What has your involvement been?

**Ms ARCHER** - I will throw this to Mr Ford because, as members know, that is a statutory function not a ministerial function. I will refer to Mr Ford.

**Mr FORD** - Through the minister, Dr Woodruff, the requirement to do this planning is a new requirement from the National Offshore Petroleum Safety and Environmental Management Authority, NOPSEMA. These oil and gas operations have been in existence in the Bight and in Gippsland and in the Otway Basin for 20, 30, 40 years now. We have existing platforms that could cause similar problems already operating in the Otway Basin. This is based on trajectory modelling of potential oil spills. There have been a number of oil wells around the world that have failed, and oil has travelled hundreds and hundreds of kilometres. The federal government has required this work to be done. It is a piece of work that says this is what could happen in a worst-case scenario.

**Dr WOODRUFF** - Through you, minister, what are the approvals that are required?

**Mr FORD** - Through the minister, the approvals are dealt with by the federal government through NOPSEMA. We are talking about oil and gas exploration more than 12 nautical miles offshore in international waters controlled by the economic zone of Australia and regulated by the Australian Government.

**Dr WOODRUFF** - Minister, how many golf courses have licences to cull native animals and what record is kept of each cull?

**Ms ARCHER** - It is a question for Dr Whittington.

**Dr WHITTINGTON** - Browsing animal control is managed under Mr Barnett's portfolio of Primary Industries and Water through the game management services group.

**Dr WOODRUFF** - Even when it is on golf courses?

**Dr WHITTINGTON** - Yes.

**CHAIR** - Last question.

**Dr WOODRUFF** - Have you put in a submission in your role to the draft federal swift parrot recovery plan?

**Ms ARCHER** - The Government is going to be doing that.

**Dr WOODRUFF** - When is that due?

**Ms ARCHER** - I am not sure when it is due but we are progressing it.

**Dr WOODRUFF** - Could I put that question on notice for the deadline?

**Ms ARCHER** - I am not sure if there is a deadline but if there is we can take that on notice. We may be able to turn it up before then.

**Ms STANDEN** - Turning now to the Copping C-cell. I understand there was a proposal to establish the state's category c-cell waste disposal site some years ago and there was considerable concern from the community at the time about the safety of that initiative. Now that I am in the shadow portfolio of Climate Change I am interested to know what detail the minister can provide about the c-cell waste site. Are ongoing concerns that the public should know about? What are the climate change implications of the c-cell?

**Ms ARCHER** - You're right, it's not something that's as high profile as it was a few years back. The Copping waste depot commenced receiving waste in 2018 following a rigorous commissioning process, I understand. Hazardous waste previously in storage around the state or transported and disposed of interstate can now be safely disposed at Tasmania's first operational category c-cell. By the end of January this year a total of 671 tonnes had been delivered and disposed of to the c-cell. Careful assessment and consideration is given to each application for waste disposal to the c-cell and EPA Tasmania continues to closely monitor compliance with environmental regulations applying to the c-cell.

**Ms STANDEN** - It is industrial waste as I understand it. Are you able to advise the nature of the bodies that are using it and the types of waste?

**Mr FORD** - Generally the types of waste that are going into it are contaminated soils, contaminated building materials, asbestos. One of the biggest users of it at the moment will be Nyrstar. They have a lot of historic contaminated material that needs to be disposed of. The Antarctic Division is currently also looking at as part of the process of refurbishing Macquarie Island because there is contaminated area down there.

**Ms STANDEN** - On the aspect of climate change, I am aware that this is a major deposit for hazardous waste. Will that make any difference or expected to make any difference in terms of the overall profile of emissions in this sector?

**Mr FORD** - It is worth me making a comment in relation to the operation of both the B-cell and C-cell at Copping. They have extensive gas collection systems for collecting landfill gas, and they have now established a generating system. So, they are cogenerating out of the gas and feeding electricity into the grid. Burning the gas to generate electricity is better than just to burn the gas and run it into the air.

**Mr TUCKER** - Can the minister please outline the Government's commitment in relation to reducing emissions from transport and supporting the uptake of electric vehicles?

**Ms STANDEN** - I think I've asked those questions, Chair.

**Ms ARCHER** - Electric vehicles, yes.

**Ms STANDEN** - Those things have been well covered.

**Ms ARCHER** - Our transport sector has the highest greenhouse gas emissions of all the sub-sectors, which Ms Muller confirmed earlier, to the state's economy. Vehicle fleet costs are a significant expense for the Tasmanian government, for local government, the private sector, and of course our community as well.

And Climate Action 21 sets our Government's agenda for action on climate change through to 2021, as I've stated. A key priority is to reduce Tasmania's transport emissions and costs by supporting the uptake of electric vehicles and improving fleet efficiency through the Smarter Fleets Program, which commenced in 2015 to support organisations in Tasmania to improve the efficiency of their vehicles. The program is currently working with the Tasmanian government and local government to prepare to integrate electric vehicles into their fleets. This will support these fleets to be electric vehicle ready, as new models are introduced into the Australian market in the coming years and uptake increases.

The program includes analysis of the existing fleet to calculate the environmental benefits and costs reductions that electric vehicles can offer. The government's Smarter Fleets Program provides tailored information, guidance and support to fleet managers to reduce their fleet costs and emissions, including consideration of electric vehicles. The Tasmanian Government has also extended the program to support heavy vehicle fleets in Tasmania to improve efficiency and reduce costs.

Tasmania is ideally suited to benefit from a growing electric vehicle market. They're less expensive to run than petrol or diesel vehicles, and when powered by our locally-produced renewable energy they have the potential to reduce transport emissions and costs and improve our energy security as well. As a government, we're committed to working with key partners through the Electric Vehicle Working Group to develop a coordinated approach to support the uptake of electric vehicles in the state. One of the key concerns for current and prospective electric vehicle owners is the distance the vehicles can drive before needing to recharge. To address this concern, we've committed half a million dollars to support the rollout of an electric vehicle statewide charging network for local users and visitors through the ChargeSmart Grants Program, which I referred to earlier.

A total of 11 organisations will receive grants to install publicly available electric vehicle charging stations as part of our Electric Vehicles ChargeSmart Grants Destination Charging Program. The program will also see stations set up in the north, south, north-east, north-west and east coast locations, including public car parks at councils, businesses and visitor destinations. Successful applicants so far have been Launceston, Brighton and Clarence councils, Branxholm's Tin Dragon Trail Cottages, St Michael's Collegiate in Hobart, Door of Hope Christian Church in South Launceston, Waratah's Bischoff Hotel, Friendly Beaches Rise Accommodation, Derby's Tin Mountain Accommodation, and Launceston's Drive Park Fly at the airport, finally.

The ChargeSmart Grants Fast Charging Program closed on Friday, 24 May. I can advise that 28 applications were received and are now also being assessed. That program provides for grants of up to \$50 000 to eligible organisations to purchase and install fast-charging stations. We hope

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to see many more around the state so that people can have more access to those charging stations. It's not confined to local government; it's other businesses, as you've seen, that actually apply for those grants.

**Ms HADDAD** - Minister, are you aware that a boil water alert has been issued for the Port Arthur Historic Site? If so, what action can the Government can take to deal with the needs of that region?

**Ms ARCHER** - It is the first we have heard of that.

**Ms HADDAD** - Are you happy for me to put that question on notice?

**Ms ARCHER** - If you would like to but I am not sure it is completely within my portfolio. Those matters are usually Public Health.

**CHAIR** - Wrong area, basically.

**Dr WOODRUFF** - Minister, there has been a terrible loss of penguins from colonies at different places around the state, particularly in the north. Can you tell me what you are doing this year to increase your support for councils to protect colonies?

**Ms ARCHER** - Penguins are under minister Barnett.

**Dr WOODRUFF** - So you don't have any responsibility under your portfolio?

**Ms ARCHER** - I don't, because the component of my output under 3.5 is threatened species. Minister Barnett has issued a media release today in relation to protecting Tasmania's iconic little penguins so all I can do is refer you to that. That is his portfolio. I can read it out for the committee but I am loath to use up valuable time on something that is not the subject of this output.

**CHAIR** - I do need to inform the committee that the time for examination of the Environment has now concluded. The last hour will be made up in two parts, one half-hour for the Arts and the other for Racing.

**Ms STANDEN** - Chair, I take this opportunity to thank the minister and officers for their assistance in this part.

**CHAIR** - And from the Chair, I thank everybody involved. The minister did that at the start.

**The committee suspended from 5.07 p.m. to 5.11 p.m.**

### **DIVISION 11**

(Department of State Growth)

**Ms ARCHER** - With me is Ms Jacqui Allen, deputy secretary within State Growth who deals with this and a few other areas but particularly now cultural and creative industries and specifically the arts. We only have a very short time so I just wanted to highlight the fact that there is a continued strong support for the arts in this state with a total expenditure across the Arts portfolio of

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\$27.9 million. That is \$15 million for the Arts, almost \$10 million for TMAG and also more than \$2 million for the screen sector. In addition to that we have \$4 million for grants and loans through Arts Tasmania, there is \$5.6 million to Ten Days on the Island, Theatre Royal, QVMAG and the Tasmanian Symphony Orchestra, and we also have an additional \$1 million for the interactive, permanent and new children's exhibition. All of this is on top of those initiatives.

I can go into further detail in relation to the advances that have been occurring within our booming screen industry. I want to highlight that it is quite a significant investment in this portfolio that often does not get totalled up. There are benefits to our arts industries across our cultural and creative industries through events funding as well which, although it doesn't come within my Arts portfolio, there is a significant benefit to our arts sector.

**Ms WHITE** - Minister, Tasmania has only one major film festival at the present time, which is BOFA, based in Launceston. Another festival, the internationally acclaimed Stranger with My Face is currently on hiatus due to a lack of funding support and Dark Mofo is not running any significant feature film programs as part of its line-up this year. As you have already outlined, film festivals are a crucial part of the film industry ecology and provide essential opportunities for film makers to exhibit and sell their work and make vital connections. Given that Screen Tasmania no longer provides funding to this part of the sector, how does the Government intend to support screen culture going forward so that Tasmanian film-makers are not disadvantaged?

**Ms ARCHER** - If we are going to deal with some screen stuff I might invite Alex Sangston from Screen Tasmania to the table in case there is something else I want him to add in relation to screen industry development. In relation to the development of our screen industry, as part of the 2019-20 financial year, the development will receive \$2.147 million. That includes the second tranche of the Screen Innovation Fund. That output's core funding is unchanged across the forward Estimates, which is approximately \$1.6 million per annum. There is a particular focus on the Tasmanian sector in relation to the attachments and the traineeship programs that exist within our local screen industry, and we certainly have the ratio which we referred to in the other place on the committee yesterday. For that particular Tasmanian focus I will get Ms Allen to explain.

**Ms ALLEN** - The festival component would be supported through Events Tasmania. BOFA has received funding through Events Tasmania.

**Ms WHITE** - What funding support is there for screen culture and events? My understanding is that Screen Tasmania no longer provides funding to this part of the sector. How are you intending to continue to support those sorts of activities like Stranger with My Face that doesn't have support at the moment?

**Ms ARCHER** - Again, it is more through events because that is the nature of what Events Tasmania deals with. Screen Tasmania deals more with the development and production of screen rather than the events side of it.

**Ms ALLEN** - The priority for Screen is production development. There is an industry development funding line that is an option through Screen but the new strategic plan does prioritise production development.

**Ms WHITE** - Can I then follow that up with a question around that \$2 million Screen fund that you have as part of the budget? Are projects like *The Gloaming*, accessing that fund? How much of a chunk of the money have they received compared to other smaller projects?

**Ms ARCHER** - The Screen Innovation Fund is a fund that is set up to benefit the whole of sector and yes, major productions such as *The Gloaming* and *Aussie Lobster Men* have benefited from that particular fund. What we also look at is the return benefit to the state. For every dollar spent, what the return is on that. For example, it is usually 1:4 ratio in that regard; also the spend, whilst the production is in the state as well.

It is by no means confined to large, medium or small. It is based on an assessment process which I can get Mr Sangston to explain in greater detail what is looked at for the purposes of that Screen Innovation Fund. It is a fund established for a range of projects to benefit from it.

**Ms WHITE** - The question is, how is the money being utilised to develop new innovative Tasmanian projects?

**Ms ARCHER** - I want Mr Sangston or Ms Allen to address that aspect of it.

**Ms ALLEN** - There has been a provision of \$1 million towards *The Gloaming* and in addition the funding partnership with SBS has funded three short-form documentaries and factual projects. That has received approximately \$80 000 worth of funding through -

**Ms WHITE** - How much went to *The Gloaming*?

**Ms ALLEN** - \$1 million.

**Ms WHITE** - Of the \$2 million, \$1 million went to *The Gloaming*?

**Ms ALLEN** - There is also a new proof of concept production program which has recently been launched which is funded by the Screen Innovation Fund. That program will fund production of a small amount of a project in development and allow practitioners to develop an idea and take it to market and seek production support.

**Ms ARCHER** - That was specifically at my request as a result of our election commitment that there be a proof of concept component of the Screen Innovation Fund so that those smaller projects can benefit.

**Ms WHITE** - How much is left of that fund now?

**Mr SANGSTON** - Through you minister, the \$2 million fund, we received \$1 million in the current financial year and there is \$500 000 in each of the subsequent years. *The Gloaming* and *Aussie Lobster Men*, the way we have cash-flowed them, that has spent that \$1 dollars and the \$80 000 was cash-flowed through other means. The remaining amount there is \$300 000 in next financial year and the proof of concept component will be funded from that remaining money.

**Ms WHITE** - Thank you very much.

**Dr WOODRUFF** - Minister, the Tasmanian filmmaker, Ted Wilson, wrote to you last October seeking completion funding through Screen Tasmania for his film *Under the Cover of Cloud*. Ted is Tasmanian. His film was filmed in Tasmania and it is a story about returning to the state, yet your response to him said that Screen Tasmania funding is to attract expatriate filmmakers back to Tasmania to promote the state. Mr Wilson returned to Tasmania from Melbourne to film, and his

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cast was Tasmanian and it showcased only Tasmanian locations including the *Spirit of Tasmania*. Isn't that Tasmanian enough for you?

**Ms ARCHER** - I will get Mr Sangston to address that because these matters I refer through, whether it is an Arts Tasmania or a Screen Tasmania assessment. We do have peer assessment for these matters and there are guidelines around that.

**Mr SANGTON** - Dr Woodruff, the issue with Mr Wilson's film is that it wasn't eligible to apply. The frank issue is our money is very much to provide content to audiences and we are very keen on attracting additional funding into the marketplace and across the project.

The issue with that was Mr Wilson was not able to secure distribution so he did not meet the terms of the guidelines. I have spoken with him a number of times about the project. I have seen the film myself a couple of times and I think it is great but it did not fit within the way our program is set up which is very much about attracting additional marketplace support on top of what is already provided. As the minister alluded to before, we have a 4:1 spend ratio required on our projects. That must be additional funding. In order for us to provide finishing funds to Mr Wilson, he would have had to have spent four times that on the remaining work.

**Dr WOODRUFF** - Thank you. A follow-up question on that. Mr Wilson asked you for funding of approximately \$20 000 to \$30 000 to finish his film to make it cinema quality because it had been selected for the Melbourne International Film Festival. It was the only Tasmanian film of 18 Australian films produced last year in Australia. It received acclaim at the Melbourne International Film Festival, the Brisbane International Film Festival, overseas and at Tasmania's Breath of Fresh Air Film Festival. It was caught in a catch 22 situation because Mr Wilson had to take out a personal loan to complete the project that you wouldn't provide funding for because he didn't have a distributor but he could not get the distributor without being able to finish the film for funding. Can't you see this is a situation where there is a real gap here? This is an excellent film about Tasmania by a Tasmanian, by an ex-patriate Tasmanian that nearly didn't get up except for the fact that he had to seek out a personal loan for a relatively small amount of money for such an excellent outcome.

**Ms ARCHER** - I acknowledge our program isn't a one size fits all. As Mr Sangston explained, there was that component where it didn't fit within the guidelines, although it was a very good film. I am not quite sure what else you want me to say, other than we can't have a one size fits all type of program. If we had an endless bucket of money we would probably be able to have a whole range of other types of grants as well that tick absolutely every box and everyone would receive funding. Unfortunately, it is not the case.

**Dr WOODRUFF** - No, except it is about the priorities where you give \$1 million to the largest screen production ever to come to Tasmania, *The Gloaming*, but something which is so internationally and Australia-acclaimed by a Tasmanian, about a Tasmanian, nearly didn't get off the ground for a relatively paltry sum of money, \$20 000.

**Ms ARCHER** - I support the peer assessment process that we have across Arts Tasmania and Screen Tasmania, in the form of STEAG. They do valuable work. I trust that they look at all of these issues and matters and the 4:1 ratio, the return to the state as well, so that there is a benefit to Tasmanians with the way the taxpayers' funds are being spent as well so it benefits four-fold. There are guidelines and I can't add anything further than that.



**Mr TUCKER** - To help dispel the myths about cuts in art funding, can the minister please provide an update on this Government's support for artists and our art organisations?

**Ms ARCHER** - We have \$2.8 million in competitive grants for artists and arts organisations which is facilitated by Arts Tasmania. Despite reports in the media that might suggest that our Government has cut this funding, I am happy to set the record straight that this base level of \$2.8 million in competitive arts funding has been maintained. Furthermore, we are committed to growing the pool of funds and opportunities when we could, which we have done.

It is an important question and despite members' huffing and puffing it is important for us to get on the record that funding available for distribution through the competitive arts programs has increased since 2015. In 2017-18, in addition to the \$2.8 million, we committed to providing \$360 000 per annum for youth arts in Tasmania, something we are very proud of. This funding supports arts organisations working with young people, artists working in formal education settings and the Tasmanian Aboriginal Arts Mentoring Scheme, which has had wonderful success.

In 2018-19 we have provided also an additional \$380 000 per annum across three competitive funding programs, namely \$100 000 per annum for the northern Tasmanian arts organisation fund, which is based purely in the north of the state dealing with the northern municipalities to support arts organisations to deliver quality arts experiences, \$80 000 to showcase Tasmanian artists interstate through the Art Fair Industry Development Initiative and \$200 000 per annum to the Tasmanian Theatre Fund to support the professional theatre sector of Tasmania.

That was when in the usual round of arts grants for organisations no theatre was successful in receiving funding. Additional funds were provided for the Tasmanian Theatre Fund, which is a new initiative by our Government. This equates to \$740 000 in the 2018-19 and 2019-20 budgets and increased competitive funding for the arts based on previous funding levels.

Additionally, we have provided a further \$100 000 per annum to support and develop philanthropy in TMAG and QVMAG which is matching funds raised by each of their foundations. Each of them is on target or has reached that target already. There has not been a drop in arts grants, indeed there has been an increase.

**Ms WHITE** - Minister, can you confirm which organisations were funded from the Government's exporting Tasmanian galleries and artists policy.

**Ms ARCHER** - Three Tasmanian galleries have been successful in applying to Sydney Contemporary: Bett Gallery, Michael Bugelli Gallery and Despard Gallery.

**Ms WHITE** - Can you detail how much each were provided in funding?

**Ms ARCHER** - It was \$20 000 per gallery.

**Ms WHITE** - Did your office receive advice that this funding was to be dispersed to these galleries prior to it being dispersed?

**Ms ARCHER** - Yes. The galleries apply to Sydney Contemporary. It was based on their selection to being eligible to exhibit at Sydney Contemporary. Had they not been successful in being able to exhibit there they would not have been eligible to access that.

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**Ms WHITE** - So it was completely outside the capacity for the department or your office to provide advice regarding those galleries. They had to meet that criteria for the Sydney program.

**Ms ARCHER** - They were the only three.

**Ms WHITE** - Minister, I want to ask about TMAG visitation. In the performance information in the Budget it talks about a decline for the target in 2018-19 of visitors per year. Can you explain why that is the case?

**Ms ARCHER** - We had that question yesterday. I might invite Ms Allen explain.

**Ms ALLEN** - TMAG set an annual attendance target of 375 000 people per year and then seek to do better than that if they can. There is a variation based on the range of exhibitions and programs. It is a base visitation level that they work against each year. There is not an idea that the visitation can necessarily grow year on year because it is contingent on the program and the kinds of activities.

**Ms WHITE** - Their revenue would be based on the level of visitation expected each year. They have exceeded that in the last two years by quite a significant amount. Are they under-resourced to cater for that level of visitation?

**Ms ALLEN** - The revenue is not based on visitation, if that is the question.

**Ms WHITE** - No, I am talking about the Budget funding for them. It would be based on a particular level of visitation, which is much less than what they actually achieve.

**Ms ALLEN** - Expenses for them do not rise depending on the number of people who walk through the door. They are open for a period of time and they seek to achieve as much visitation as they can. The costs associated with being open during their published hours are the same, if that makes sense.

**Ms WHITE** - Okay, so there is no impact on them in that respect. Minister, I want to also ask about MONA. That was a big issue through the federal election campaign. Were you briefed by your federal counterparts on the campaign they were going to run against MONA in the north of the state? Did you support it?

**Ms ARCHER** - Federal and state election campaigns are quite different. I didn't have a role to play in the federal election of any of the candidates.

**Ms WHITE** - Obviously it created quite a lot of division. MONA is an iconic institution that has done an enormous amount to grow the reputation of Tasmania's cultural industries. The Treasurer wrote to MONA and encouraged it to apply for funding, which it did. Then the Liberal Party campaigned against it. Have you had any conversations with David Walsh about his proposal for that development? He has now said it might not go ahead as a consequence.

**Ms ARCHER** - MONA doesn't come within my portfolio of responsibility as Arts minister. Having said that, I am a great supporter of the arts and I attend MONA regularly for exhibitions and other events that they hold there. They receive significant funding for their various festivals and events through Events Tasmania, which is separate to Arts Tasmania, as we established at the start of this.

These questions have been asked of the Premier and the Treasurer. It is not something in my portfolio. Of course I support MONA. It is in my electorate and I regularly attend there. I am not sure what it is you are asking of me.

**Ms WHITE** - I am asking if you spoke to David Walsh about what his development now looks like?

**Ms ARCHER** - I am saying in my capacity as Arts minister I haven't needed to because MONA does not come within my area of responsibility

**Ms O'BYRNE** - Did you counsel your colleagues against undermining MONA in the way you did?

**CHAIR** - Order, Ms O'Byrne.

**Ms ARCHER** - I will continue to visit MONA and participate in events. I am actually opening Dark Mofu tomorrow night.

**Dr WOODRUFF** - On page 285 of the budget paper No 2 vol 1, can you please explain why the targets for the contribution of the arts to the gross state product for arts industries have been set to no growth for 2018-19 and 2019-20?

**Ms ARCHER** - Do you mean because those figures are the same for those two years?

**Dr WOODRUFF** - Yes. What is the reason behind those figures?

**Ms ALLEN** - These figures are based on ABS data which is collected on a three-yearly basis. It is forecast over a three-year period.

When we are looking at performance information in the arts portfolio, we are looking at other mechanisms to collect that data in a more real-time way because we are bound by the three-year horizon that the ABS data runs. We receive that retrospectively.

**Dr WOODRUFF** - With respect to the questions I was asking before about the allocation of funding towards large \$1 million projects like *The Gloaming* and small \$20 000 funding commitments for Tasmanian product.

I'm thinking what your plan is over the next forward Estimates period to stimulate the growth of smaller Tasmanian products, in particular, in the screen area. This is something that is going to become increasingly difficult for people to fund themselves.

**Ms ARCHER** - As I explained, we have the proof of concept funding and, as Mr Sangston clarified, the \$300 000 that is remaining in that fund will be specifically for proof of concept productions and that is specifically for those entering into the screen industry production. That is what Screen Tasmania is there for and it is a particular area that I identified through my consultation with stakeholders that we did not currently have any funding for entry into screen. That is specifically what that will cater for.

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I noted previously that we can't have a size fits all model unfortunately. Sometimes people don't always qualify to one component of a funding grant available. But I think the proof of concept component of the screen innovation fund is an initiative which was needed and we have responded with that being included in the available funds in the Screen Innovation Fund.

**Dr WOODRUFF** - It's the proof of concept, but then you go to proof of distribution. I suppose it's getting it to the next step that makes it so hard.

Mr Ted Wilson now has to work to cover the personal loan he took, so it is this gap. It would be great if you could get your peer review committee to look at this gap, where there is a catch 22 situation for people who are struggling to get it from that stage into distribution.

**Ms ARCHER** - I am always willing to take these sorts of matters on notice and take it into consideration should additional funding become available. That is exactly what we did with the Screen Innovation Fund, and that is exactly what I did with proof of concept, and you have just identified another hole.

**CHAIR** - Minister, I need to inform you that half an hour has now disappeared on us and that we need to move into Racing.

### **DIVISION 10**

(Department of Primary Industries, Parks, Water and Environment)

**CHAIR** - Minister, we are away.

**Ms ARCHER** - We are and I acknowledge at the table Mr John King who Director of Racing and General Manager of Office of Racing Integrity. If you hear me referring to ORI that is what I am referring to, and Dr John Whittington, Secretary of Department of Primary Industries, Parks, Water and Environment. Racing falls within DPIPWE, as members know.

**CHAIR** - Opening statement?

**Ms ARCHER** - Ms O'Connor, you will be pleased to know I was very brief with the Arts and I will be as brief as possible with Racing as well.

This year's Budget invests more than \$36 million into our Tasmanian racing industry, including for the Office of Racing Integrity, which will ensure sustainable growth can be delivered in accordance with our plan.

This funding means that investment in the state's racing industry has increased by more than \$2 million since we came to Government and it is allowing the industry to grow while also providing enhanced integrity services with an increased focus on animal welfare and major improvements to racing infrastructure.

It is worthy of noting that the racing industry injects around \$103 million a year into our Tasmanian economy and supports many jobs in rural and regional areas with more than 5000 Tasmanians either employed or participating in the industry. We are committed to ensuring that momentum in the industry continues. This Budget funds \$350 000 per year across the forward Estimates to support thoroughbred and harness breeding programs, creating jobs in the breeding industry and increasing Tasmania's racing presence on the national stage.

We have a great cadet steward program now as an initiative of last year's budget and continuing we also have stability in ORI in particular. The Director of Racing, Mr King, has been in the role since April last year and his appointment for a term of five years has provided certainty and stability in the state's racing industry. Also, as I said, there are two steward cadetship positions within ORI, as per our election commitment, and that is also strengthening ORI's integrity functions while providing more opportunities for young people in steward positions.

**Mr BACON** - Minister, can you detail the lease arrangement at the Devonport Showgrounds for harness and greyhound racing?

**Ms ARCHER** - That is a Tasracing matter. As members will know, we have Government Business Enterprise hearing matters at the end of the year so all of those matters that relate to Tasracing are the subject of GBE hearings.

**Ms O'CONNOR** - What is the point of this hearing then?

**Ms ARCHER** - I have the Office of Racing Integrity and all matters to do with animal welfare and regulations and that component of the racing industry, but in relation to the functions and legal responsibilities of Tasracing that lease arrangement falls within their purview.

**Mr BACON** - How long do you expect harness and greyhound racing to operate at the Devonport showgrounds?

**Ms ARCHER** - Again, it is a matter for Tasracing. In relation to the Devonport showgrounds I know that they have obtained their own legal advice in relation to that lease.

**Mr BACON** - So is this the racing club do you mean or do you mean Tasracing have?

**Ms ARCHER** - Tasracing in relation to their lease arrangements. So, because both parties are in discussion in that regard I am also a little bit loath to intervene in that because as minister it is not my role to do that. It is Tasracing's lease, not mine.

**Mr BACON** - Where would you expect these meetings to be held once they are no longer held at the Devonport showgrounds?

**Ms ARCHER** - That is assuming that that issue cannot be resolved.

**Mr BACON** - You have not given us any sense that it is going to be held there in the long term.

**Ms ARCHER** - I am not deliberately avoiding answering. I cannot answer when it is the subject of something that is in the purview of Tasracing which is a GBE and currently within -

**Mr BACON** - Have you received advice on the long-term situation with harness racing and greyhound racing in Devonport?

**Ms ARCHER** - I know that what Tasracing will do is, if for any reason those lease arrangements did not work out, they would be looking at what the arrangements for the harness

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industry would need to be in the long term. I cannot even give you advice on that because it is a matter for Tasracing.

**Mr BACON** - As the Minister for Racing this is a very important issue for two codes that fall under your purview. You would think you would take an active interest in it.

**Ms ARCHER** - I did take an active interest.

**Mr BACON** - This is an opportunity to give the people that operate out of that track at the showgrounds some sense that there is a long-term future.

**Ms ARCHER** - Yes, and I believe Tasracing issued a very strong statement at the time, saying they were pursuing their lease arrangements. They believe they have a long-term lease. I am taking an active involvement. Tasracing provides me with various updates, but I certainly don't interfere in that process because it is a GBE and that is a matter for the Tasracing board.

**Mr BACON** - But you are, as Minister for Racing, taking an active interest. You obviously support racing at the showground facility.

**Ms ARCHER** - I support the three codes and the continuation of facilities. Tasracing is doing a lot of work on its facilities around the state so that it can provide not only upgrades at various times, but ensure that they support each of the three codes. Harness racing, greyhounds and thoroughbreds are all part of their remit, and their ongoing work in relation to the facilities available state-wide for each of the three codes.

**Ms O'CONNOR** - Minister, I wanted to ask you about an alleged incident at the Brighton Training Centre last Friday night, and ask if the Office of Racing Integrity is aware of the death of a horse on Friday night.

**Ms ARCHER** - I will ask Mr King to answer that.

**Mr KING** - Yes, we're aware of that.

**Ms O'CONNOR** - Thank you. Is Mr King able to provide more details about whether a vet inspected the horse's body, whether a cause of death has been determined, and can Mr King tell us what happened to the horse's body?

**Mr KING** - Two of our investigators have been looking at that matter, yesterday and today. We have spoken to the trainers and there was no inspection of the horse. The horse's carcass had been disposed of before Racing Integrity was notified of the death.

**Ms O'CONNOR** - And can you confirm, Mr King, that the horse's body was taken to Zoodoo to feed the lions?

**Mr KING** - No. I don't have that information. I can't confirm that at all

**Ms O'CONNOR** - Do you have any information about what happened to the horse's body?

**Mr KING** - The information that I was told is that the carcass was buried. Can I just add this is still an ongoing investigation and has not finalised?

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**Ms O'CONNOR** - Can I get some clarification as to what the process is, and why there wouldn't have been a vet inspection or notification to the Office of Racing Integrity before the horse died? Our information is that the horse died and was taken away without a vet inspection. No cause of death was determined. It was taken to Zoodoo and fed to the lions.

**Mr KING** - I'm sorry, could you ask the question again?

**Ms O'CONNOR** - Can we have some explanation of the processes as to how a horse would die, that there would be no notification of the Office of Racing Integrity at the time. No vet inspection. No determination of the cause of death of the horse before the horse's body was disposed of, and our information is that the horse was taken to Zoodoo and fed to the lions.

**Mr KING** - The requirements are outlined the national racing rules. Where a horse dies within 14 days of racing or trialling, there is a requirement under the national rules for the trainer to contact the controlling body, which is the Office of Racing Integrity, within 24 hours of the death of an animal. We don't get notified when a racing animal is ill beforehand, but the rules do require them to notify us. In this instance, and like I said this is ongoing, but we were not notified. Our office didn't become aware of the incident until two days later.

**Ms O'CONNOR** - To finalise this line of questioning, have you received information, Mr King, that the horse's body was disposed of at Zoodoo.

**Mr KING** - No.

**Mr TUCKER** - Minister, can you provide an update on how the racing steward cadetships are helping to attract and retain new people in steward positions?

**Ms O'CONNOR** - There really should not be Dorothy Dixers in half-hour Estimates. It's an abuse of time.

**Ms ARCHER** - I will be really quick but it is good news and I would like to inform the committee of the important role that the Office of Racing Integrity (ORI) does play in, not only the regulation for the racing industry, but also in providing new opportunities. We have established two new steward cadetship position in the Office of Racing Integrity.

We committed \$550 000 over four years in last year's budget for ORI to create the new positions, with the first two cadets, both being young women, starting in December last year.

Since that time they have been developing skills and experience in the various roles associated with both race day activities and non-raceway activities under the direction of highly qualified and experienced stewards and the director of racing.

This is work to further strengthen the integrity functions of ORI while also encouraging cadets to consider stewarding as a long-term career with clear future pathways in the industry. I might add here the observation course has two females in the roles. It's good to see that there is that interest by these two women.

Of particular note, I'm pleased to advise the committee that one of the cadets, Miss Heather Edgecombe, has used her training to successfully obtain a full-time stewarding position with the

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Office of Racing Integrity in the last few weeks. She is 32 and has lived in Launceston for about four years and came into the role with no stewarding experience, but a significant interest in the industry. The cadetship has allowed her to gain the skills and experience needed to obtain that full-time work. I think that's a really good success story. Because of this, there is now a cadet vacancy, so we will be advertising that vacancy position. That will employ another young Tasmanian.

**Mr BACON** - Minister, the Government has provided for \$50 000 a year to provide an incentive to increase the breeding of horses in the harness code commencing in this current year, and to continue this level of support for a further four years. The statistics show that in the last nine years, the breeding industry in the Tasmanian harness code has been reduced to where it is almost non-existent. Can the minister advise whether the \$50 000 promised in the 2018 election was actually provided for this purpose in the current year?

**Ms O'CONNOR** - Chop, chop, we haven't got much time.

**Ms ARCHER** - I'm just clarifying that the money is provided to Tasracing, so it's another Tasracing question.

**Mr BACON** - That has been provided for the current financial year, or the one we about to go into?

**Ms ARCHER** - It's an ongoing commitment.

**Mr BACON** - It's \$50 000 a year. When does it start?

**Ms ARCHER** - I am just getting confirmation that it has been paid this year.

**Mr BACON** - What would that money be used for?

**Ms ARCHER** - It was for a breeding program. I don't know if Mr King can shed any light on the intention of it.

**Mr KING** - No.

**Ms ARCHER** - No, exactly, because it is a Tasracing thing, it's one of those -

**Mr BACON** - I will ask another question, there might be some more information from behind. Given that it's an election commitment, what is your understanding about how that money will be spent to support the harness racing industry?

**Ms ARCHER** - It is for thoroughbreds and harness racing. That is to ensure that we have a future for Tasmanian-bred horses in those particular codes. That is for sustainability purposes. It was identified that breeding program would assist. That is certainly an election commitment that identified that, and that they could utilise those funds accordingly to encourage a breeding program in Tasmania.

**Mr BACON** - Who can utilise those funds?

**Ms ARCHER** - It would be really good if these questions were saved for GBE hearings because it's a Tasracing matter. I can seek further information, but I don't think I'm going to be able



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to shed any light on that because the funding is provided to Tasracing. As we know, GBEs operate with a board and a lot of the specifics of things are determined by the board.

**Mr BACON** - Was there any direction given to Tasracing when this money was provided, given that it was an election commitment to provide these funds about what they be actually used for?

**Ms ARCHER** - I'd have to take that on notice.

**Mr BACON** - We can put that on notice, that's fine. Are you aware that Tasracing signed a contract with Racing Clubs Tasmania in January to conduct a review of the breeding of horses for harness racing and recommend how to provide incentives to increase the numbers in the future?

**Ms ARCHER** - Again, this is a question on Tasracing.

**Mr BACON** - My question is, are you aware that this happened?

**Ms O'CONNOR** - Excess breeding of beautiful animals is an animal welfare issue.

**Ms ARCHER** - Well, in general terms -

**Mr BACON** - But are you aware of this, minister, I suppose is the question.

**Ms ARCHER** - Can you just repeat the question because all of your line of questioning is related to something that we could deal with at GBE hearings at the end of the year.

**Mr BACON** - You talked about \$36 million provided to the industry. Where does the bulk of that money go, minister?

**Ms ARCHER** - Are we on the previous question, or is that a new question allocation?

**Mr BACON** - No. In your opening statement you said that \$36 million was provided by the Government to the racing industry every year. Where does the bulk of that money go?

**Ms ARCHER** - Mr Bacon, as I said that was in relation to the racing industry as a whole. We can give you a breakdown and interpret the budget in the -

**Mr BACON** - But the bulk of the money goes to Tasracing is the point, minister. It's fair enough for you to talk about the \$36 million in your opening statement, but the questions also relate to the \$36 million. The \$50 000 that I'm talking about every year is part of that \$36 million; that's in the budget.

**Ms ARCHER** - Yes, but -

**Mr BACON** - All I'm asking you, minister -

**Ms ARCHER** - But you're playing semantics here. And what I'm actually -

**Mr BACON** - No. I think it's you that's playing semantics. All I want to know is, are you aware of this issue?

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**Ms ARCHER** - I can't answer questions on behalf of Tasracing that are appropriately the subject of GBE hearings. And you know that. You've been a minister. You know the parameters round GBEs and that it is more appropriately dealt with at GBE hearings.

**Mr BACON** - Are you aware that Tasracing -

**Ms ARCHER** - You're just going to try to claim, then, that I'm being deliberately evasive when I'm not.

**Mr BACON** - Well, you are -

**Ms ARCHER** - It'd be really good if -

**Mr BACON** - I would say that you are.

**Ms ARCHER** - you asked me a question relevant to this Output.

**Mr BACON** - I would say that are you; you talked about the \$36 million -

**Ms ARCHER** - Why not?

**Mr BACON** - It wasn't me that raised that, minister, and the bulk of that money goes to Tasracing. Are you aware that Tasracing signed a contract with Racing Clubs Tasmania in January to conduct a review of the breeding of horses for harness racing?

**Ms ARCHER** - Again, it's a question that relates to Tasracing.

**Mr BACON** - But, are you aware of it, minister?

**Ms ARCHER** - I'll take that on notice and see if I've received a brief on that matter, but -

**Mr BACON** - I'm not trying to be difficult, but you are allowed to say no.

**Ms ARCHER** - No, no; I know you wouldn't deliberately try to be difficult, Mr Bacon, but what I am saying to you is that that is the subject of Tasracing, which I happen to have a meeting tomorrow on. So, I can certainly raise some of these matters at that point because I have regular meetings and updates with them. You know that GBE hearings are for those types of questions that we direct at Tasracing.

**Mr BACON** - It is flagged as noted. But, to be fair page 228 of the budget papers does talk about this initiative, if we're here to ask questions about the budget.

**Ms ARCHER** - The breeding program that you've referred to is clearly outlined at page 228. Because that money has been provided I can't shed any more light on it than that because I don't have Tasracing with me.

**Mr BACON** - So, are you aware of that contract?

**Ms O'CONNOR** - Chair, this is question number 22 to my three.

**Ms ARCHER** - Exactly. And it's a question, as I've said, relating to Tasracing and a contract that Tasracing has.

**CHAIR** - Now, Ms O'Connor. And you've had six.

**Ms O'CONNOR** - Thank you. Minister, are you prepared to commit to doing two things in relation to the matter that I raised before, which is the mysterious death of a horse at the Brighton Training Ground. I understand there's an investigation underway. Will you commit to updating the House on the status of that investigation and confirmation of whether or not that dead horse was fed to the lions? Can I confirm that the Office of Racing Integrity will be making inquiries with Zoodoo?

**Ms ARCHER** - As you've acknowledged, it is part of an investigation. I'm not going to predetermine the outcome of an investigation, as you would appreciate. I am sure that investigation will explore all possible avenues to determine what the outcome was in relation to that. I am sure Mr King has heard what you have been advised as to what may have happened to the deceased horse. I am sure the relevant investigations will be made.

**Ms O'CONNOR** - So you are not prepared to commit to updating the House, which was the question? That is not the second question.

**Ms ARCHER** - When I said I can't predetermine the outcome of an investigation I am not quite sure at what point in time we will have that investigation completed or if we will be able to have a determined outcome. I can't pre-empt what the determination might be in relation to the investigation.

**Ms O'CONNOR** - Thank you, minister. I want to move on now to the cruelty of the greyhound racing industry. As at 29 May 2019, 168 dogs were scratched due to injury and 42 due to illness but there is no explanation given. Why aren't the reasons provided in the steward's report? If, as you say - and you have said this repeatedly - you want greater transparency in this industry and have nothing to hide, are you able to provide the committee, and I am happy to put this on notice, the causes of the injuries and illnesses that caused these dogs to be scratched?

**Ms ARCHER** - I will get Mr King to address that particular question.

**Mr KING** - Scratchings for that particular code can only occur for two reasons, injury or illness. Once you nominate for a race you can't pull out of the race for no reason. With the default settings we have, we only allow people to withdraw from a race for injury or illness. The trainer who does elect to withdraw from a race for one of those two reasons is provided an appropriate penalty of a stand down period. That can vary.

**Mr BACON** - For the dog or for the trainer?

**Mr KING** - For the dog. They can't race that dog for a period of time as a result. It is a quasi-penalty for withdrawing. These can happen for a range of reasons and Racing Integrity does not verify the claim from the trainer for each of the scratching events. There are far too many of them and it can range from a bit of skin off a knee or leg, right through to a cold or something like that. We do receive various reasons. They are elite racing animals and the trainers care for them and

they often withdraw them from races because they don't think they are at their best. We do not follow-up and check on each one.

**Ms O'CONNOR** - Minister, given that there is a far greater proportion of greyhound injuries and deaths at the Launceston track than the other two main racing tracks, and given that the Devonport track has an uncertain future, what is being done urgently to make all the tracks safer and to move towards the recommendation of Parliamentary Joint Committee towards a straight track if we are not going to do the right thing and prohibit greyhound racing? What progress is made towards a straight track, which would substantially reduce the number of injuries?

**Ms ARCHER** - In relation to tracks, again that is within the purview of Tasracing but I know that these matters are all part of them looking at their facilities around the state. If there was an uncertain future for Devonport that might be an opportune time for Tasracing to look at that particular recommendation. In relation to the 2015 review recommendations, they are complete and ORI is now focusing on finalising the recommendations made by the 2016 joint select committee.

**Ms O'CONNOR** - Three years ago.

**Ms ARCHER** - Yes, but a lot has been done in the animal welfare space, particularly for greyhounds, not least of all the Greyhound Adoption Program through Tasracing and of course Brightside and this budget delivers further funding for Brightside in particular.

Again, with the straight track, it is something which all of the facilities come within Tasracing. I know that they are looking around the state in relation to their ongoing review of all their facilities and that is something that is an ongoing consideration. I am not quite sure if Mr King has got any direct involvement in that space himself.

**Mr KING** - I can add a bit more information in relation to the injuries. We do keep track of all the injuries, when they occur and at what track. There are quite a lot of variables in relation to the track injuries. The variables are the age of the dog, the sex of the dog, the camber of the track, the track density, the makeup of the track, the moisture levels. There is a lot of data there that we are attempting to analyse. I will admit we do need a little bit of help with it because there are so many variables.

In relation to the tracks though, it is inconsistent as to whether injuries are occurring at one track or another. I have looked at these numbers over a number of years and one year might highlight Launceston, the next might highlight Devonport. I do not think it is as clear-cut that there are more injuries at Devonport, consistently. In relation to what is being done, I have worked with Tasracing and I have received some information with my liaison with Tasracing. They have had some track experts from New South Wales come down and they have been particularly helpful with the makeup of the tracks, in particular the correct moisture levels for racing.

**Ms O'CONNOR** - Minister, in the interests of having a reasonably robust dataset on the public record, are you, or is Mr King able to detail how many dogs have been reported as being killed in this financial year to date? You might call it euthanasia, but it is not. Euthanasia is a mercy killing and these animals are killed because they are not fast enough or they are past their use-by date.

**Ms ARCHER** - Mr King has the figures.

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**Mr KING** - This question does come from two sorts of angles. I have received this question before in relation to track injuries so I can answer that this financial year there have been 17 injuries that have been deemed as catastrophic.

**Ms O'CONNOR** - So 17 catastrophic injuries, that is the track injuries. Then there is the other category of killings, which is the dogs that the trainers or owners kill.

**CHAIR** - Minister, I regret to inform you that the time for this deliberation has now concluded.

**Ms O'CONNOR** - Disgraceful, if we hadn't wasted three minutes getting a Dorothy Dixier done we would have an answer on the public record that is of concern to a lot of animal lovers in Tasmania.

**Ms ARCHER** - Write to me Ms O'Connor and I will respond.

**CHAIR** - As the chair I can only do what the parliament has passed.

**Ms ARCHER** - It's alright, Ms O'Connor can write to me.

**CHAIR** - Thank you very much committee. Minister, you might want to thank the officers at the table.

**Ms ARCHER** - Thank you, I do. I do need prompting because I forget. Thank you, Dr Whittington, thank you, Mr King; and thank you to all of the officers who joined me today that I may have forgotten to thank. I tend to do it at the start because I forget to do it at the end.

Thank you to all the members. You have all finished.

**The committee adjourned at 6.09 p.m.**